

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 19th August 2024**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

***List of Background Papers***

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

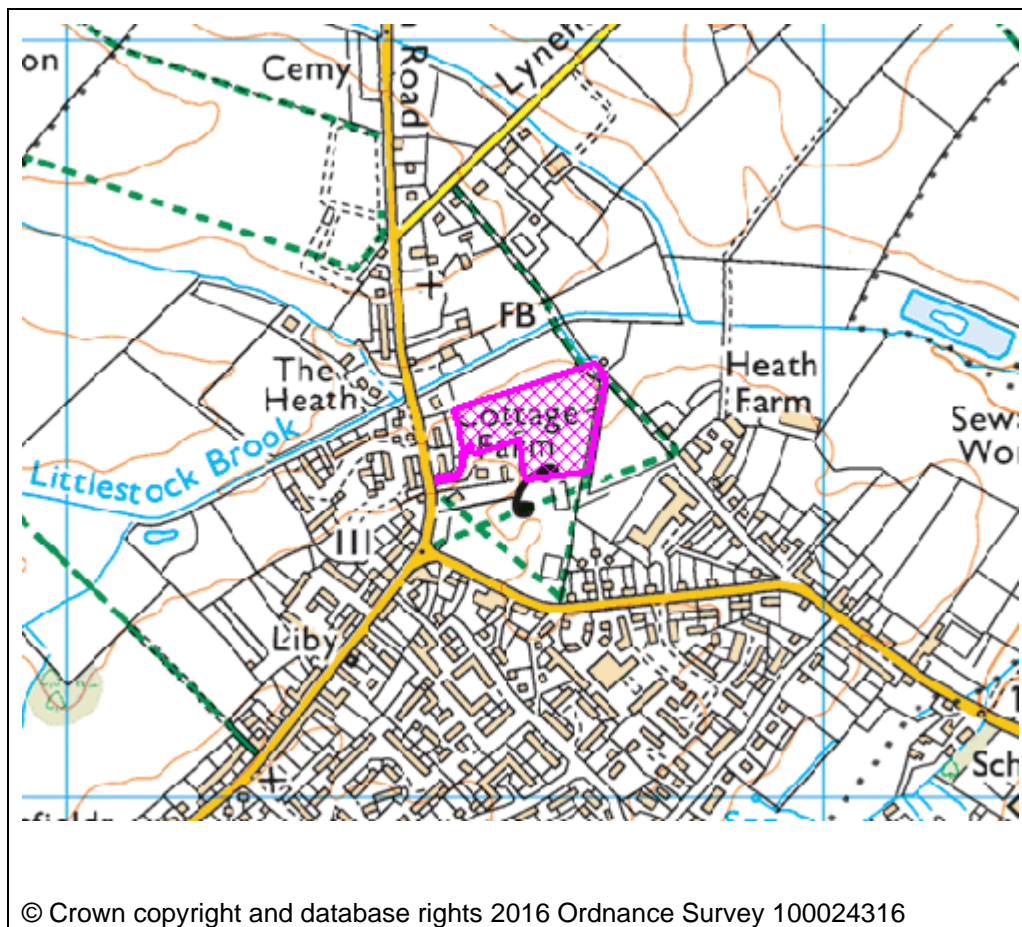
Please note that:

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>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
1	24/01272/OUT	<a href="#"><u>Land (E) 426217 (N) 218672 Church Road. MUW</u></a>	Stephanie Eldridge
2	24/01566/FUL	<a href="#"><u>Land Adjacent To 10 Coombes Close, SUW</u></a>	Sarah Hegerty
3	24/01618/HHD	<a href="#"><u>The Lodge Pytts Lane</u></a>	Nathan Harris
4	24/01619/LBC	<a href="#"><u>The Lodge Pytts Lane</u></a>	Nathan Harris

Application Number	24/01272/OUT
Site Address	Land (E) 426217 (N) 218672 Church Road Milton Under Wychwood Oxfordshire
Date	7th August 2024
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426640 E 218501 N
Committee Date	19th August 2024

### Location Map



### Application Details:

Outline application for erection of 16 no. dwelling houses (8 no. affordable and 8 no. self-build dwellings) with associated works including access, provision of landscaping, public open space and new footpath links.

## Applicant Details:

C/O Agent

## I CONSULTATIONS

Parish Council

The PC strongly object to this outline planning application under the following reasons:-

When 20/00070/FUL for 5 houses was approved, WODC assured the PC that that was the limit of houses which would be permitted on that land.

Application Number 23/02745/FUL for 8 dwellings was objected by the PC and subsequently refused by WODC on 11.12.2023. WODC refusal reasons 1,2 and 4 actually apply to this latest application.

The proposed development would severely over dominate the existing bungalows in Church Road and create a risk of flooding to them. The sewage treatments in Shipton-under-Wychwood are one of the worst performing in the District, with regular overflows of raw sewage into the Evenlode river every time there is a heavy downpour of rain. The PC insist that there should be no further development permitted until improvement works have satisfactorily been carried out at Shipton-under-Wychwood.

Milton-under-Wychwood lies within the Cotswolds National Landscape and paragraphs 176 and 177 of the NPPF state that great weight should be given to conserving and enhancing landscape and scenic beauty and it should have the highest status of protection and development should be limited. Permission should be refused for major development, considered to be 10 units or more, other than in exceptional circumstances and where it can be demonstrated that that the development is in the public interest. Clearly it has been shown by the number of objections from members of the public that there is not a need for this development and that there will be a considerable detrimental effect on the landscape and the environment.

The Milton-under-Wychwood Neighbourhood Plan was made on 26th June 2023 and its policies should be applied to all planning applications, one of which covers the effect of further development.

Policy CH1 covers the village character and environmentally sensitive design and states that all development proposals should conserve and enhance local character. Policy CH2 covers key views and states that these should be protected and enhanced. Policy E1

covers green corridors and states that these should be conserved and enhanced for biodiversity and wildlife movement.

The current application does not accord to paragraphs 176 and 177 of the NPPF and Local Plan policies OS2, OS4, EH1, EH2, EH7 and BCI and Milton-under-Wychwood Neighbourhood Plan Policies CHI, CH2 and EI.

The affordable housing element is not clear on the planning application.

The local traffic impact has not been addressed in detail. The traffic congestion at the school and the co-op is already unacceptable at peak times.

The rail transport is referred to but not recognised that local rail service is very infrequent and restricted service ' 5 trains a day ' 2 southbound and 3 northbound.

Buses are referred to but no mention of reduced frequency and restricted routes.

Local power and water outages are on the increase, this development will increase the frequency. There is no mention of assessment in the planning application.

The land has not been assessed for contamination, any removal/disturbance would be risk to local water course and streams and rivers.

Major Planning Applications  
Team

Transport:

Objection. The development has failed to demonstrate safe and suitable access for all users contrary to policy T2 of the Local Plan 2031 and paragraphs 114 and 116 of the NPPF.

The street hierarchy in combination with the Highfields development creates an environment that is not legible for road users leading to potential for conflicts.

Access through Highfields and particularly the junction with Church Road has not been demonstrated to be safe and suitable for all users.

Lead Local Flood Authority:

SuDS are included in the FRA and appear to meet the LLFA's requirements.

Archaeology:

Milton under Wychwood has seen relatively little archaeological investigation carried out, however, a scheme of evaluation on the southwestern edge of the village recorded a ditch with Late Iron Age/early Roman pottery, as well as an undated ditch and posthole. An archaeological excavation 670m to the southeast of the site, south of Milton Road, recorded Neolithic pits, an Iron Age settlement which increased in status over time, and Anglo Saxon sunken featured buildings. A map from 1797 and LiDAR data show that the development area has not seen any obvious disturbances, and so it is possible that further prehistoric remains survive.

We would, therefore, 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.

Waste Management:

No objection, subject to S106 contribution (£1630).

Education:

No objection, subject to S106 contributions towards Secondary School provision (£103,968).

Thames Water

Waste Comments:

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

"The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan." REASON: Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works

identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning). Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal.

MILTON-UNDER-WYCHWOOD STW is currently being upgraded to accommodate this and other development in the catchment. The upgrade works are due to be completed by April 2025 and as such Thames Water feel it would be prudent for the following condition to be attached to any planning approval:

The development here by approved shall not be occupied until either:- 1. The sewage treatment works upgrades, at MILTON-UNDER-WYCHWOOD STW, to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan."

The developer can request information to support the discharge of this condition by visiting the Thames Water website at Development Planning Department (telephone 0203 577 9998) prior to the planning application approval. Should the Local Planning Authority consider the above recommendation inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Planning Department (e-mail: [devcon.team@thameswater.co.uk](mailto:devcon.team@thameswater.co.uk)) prior to the planning application approval.

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. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the

proposal, which would require an amendment to the application at which point we would need to review our position.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like an informative attached to the planning permission.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Water Comments:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/building water](http://thameswater.co.uk/building-water).

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends an informative be attached to this planning permission.

District Ecologist

No Comment Received.

Env Health Contamination

Review of the historical maps we hold suggest the land has been used for agriculture over time. There appears to have been some structures present on the site and a potential stockpile of material. Given the proposed residential use please consider adding the standard condition to any grant of permission.

Conservation And Design Officer

No Comment Received.

Cotswolds Conservation Board

Having reviewed the application, the Board objects to this application. For the reasons outlined within Annex 1 below we consider that the proposal would not conserve and enhance the natural beauty of the



National Landscape and accordingly the proposal as submitted does not accord with policies OS2, EHI and BCI of the West Oxfordshire Local Plan 2031, policies CH1 and CH2 of the Milton-under-Wychwood Neighbourhood Plan and Policies CE1 and CE10 of the Cotswolds National Landscape Management Plan 2023-2025. We consider that the proposal would not be in keeping with the prevailing settlement form and would comprise backland development extending into open countryside which would give rise to significant adverse visual effects, both at year 1 and year 15, from multiple viewpoints within the CNL.

Climate No Comment Received.

WODC Planning Policy Manager No Comment Received.

Natural England NO OBJECTION.

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

## 2 REPRESENTATIONS

2.1 44 letters of objection have been received. These are available to view in full on the Council's website. The key points raised relate to:

- Lack of infrastructure to support more houses in the village;
- More houses will add to existing sewage problems;
- Local traffic is already an issue in the village;
- Existing houses in the village lose power and water pressure already;
- Loss of biodiversity;
- Overdevelopment of the area;
- Negative impact on the village green;
- Landscape impact;
- Flood risk
- Contrary to the neighbourhood plan.

2.2 25 letters of support have been received and they are summarised as follows:

- The village desperately needs affordable housing;
- The application has addressed the sewage issues and Thames Water have agreed it can be dealt with via condition;
- New open space for the village is a positive;
- New public link between Church Lane and Green Lane;
- The land is in private use so this would open it up to community.

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

#### **3.1 The Planning Statement is concluded as follows:**

It is concluded that any adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the tilted balance lead to the conclusion that the application should be approved, not in accordance with the development plan, as material considerations indicate a decision otherwise is appropriate.

### **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

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH8 Environmental protection

BC1NEW Burford-Charlbury sub-area

T3NEW Public transport, walking and cycling

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2023

MILTNP Milton Under Wychwood Neighbourhood Plan

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

### **5 PLANNING ASSESSMENT**

5.1 The application seeks outline consent for the erection of 16 no. dwelling houses (8 no. affordable and 8 no. self-build dwellings) with associated works including access, provision of landscaping, public open space and new footpath links at land east of Church Road, Milton under Wychwood. All other matters are reserved.

5.2 The site lies within the Cotswolds National Landscape ('CNL') and for a large part in Flood Risk Zone 1, with a small encroachment into Flood Zone 2 in the north west corner of the site.

5.3 The site is bounded to the west by residential development along Church Road, the northern and eastern site boundaries are shared with undeveloped, open fields/land. The southern boundary is shared predominantly with the village's recreation ground. 'Spring Cottage', which lies adjacent to the north eastern corner of the site reads as an outlier, separate from the built up area, further adding

weight to your officer's conclusion that the site should be considered to adjoin (rather than sit within) the built up area of the village.

5.4 The site falls within the Milton under Wychwood Neighbourhood Plan area.

5.5 Five dwellings along with associated access and landscaping works were approved under reference 20/00070/FUL (and varied by 23/01543/S73) at High Fields along Church Road directly west of this application site. The approved development is in the process of being built out.

5.6 Planning application 23/02745/FUL for the erection of 8 new dwellings on the site the subject of this application was refused for the following reasons:

*1. The proposed windfall residential development would be sited on land that comprises principally undeveloped land which adjoins the built up area of Milton-under-Wychwood. No evidence has been provided to demonstrate that the development is necessary to meet a specific local housing need as required by West Oxfordshire Local Plan Policy H2. The proposal is therefore in conflict with the housing locational strategy as set out in West Oxfordshire Local Plan Policies OS2, H1, H2 and BC1.*

*2. The site lies within the Cotswolds National Landscape 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 Milton-under-Wychwood. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the village or the existing rural and open setting. It would result in the loss of an important area of open space that makes a positive contribution to the character of the area and would be prominent and visible in a number of public views within the locality. The proposed development would therefore fail to respect the character and appearance of the area nor conserve or enhance landscape and scenic beauty in the CNL. As such, the proposed development would conflict with Policies OS2, OS4, EH1 and BC1 of the adopted West Oxfordshire Local Plan 2031, Milton-under-Wychwood Neighbourhood Plan Policies CH1 and CH2, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the NPPF.*

*3. The applicant has not entered into an agreement with the Local Planning Authority to make a financial contribution towards off-site affordable housing as required by West Oxfordshire Local Plan Policy H3.*

*4. Insufficient information has been submitted to demonstrate that the proposal will adequately manage groundwater and surface water during the construction phase and post construction to minimise flood risk to third parties, specifically the occupiers of 'Spring Cottage', as required by West Oxfordshire Local Plan Policy EH7 and advice in the NPPF.*

5.7 The application is before Members of the sub-committee for consideration due to the contentious nature of the proposals within the community. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- Principle of Development
- Housing Mix
- Siting, impact on the setting of the village and the Cotswold National Landscape
- Highway Impact and Pedestrian Accessibility
- Residential Amenity
- Flood Risk
- Biodiversity

- Archaeology
- Other infrastructure

## **Principle of development**

### *National Policy/Guidance*

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

5.9 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- I. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### *The Council's housing land supply position and the implications of the NPPF*

5.10 Following a recent appeal decision (PINs ref: APP/D3125/W/23/3332089), the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. As part of this appeal the Inspector concludes there to be a supply of 2,473 homes (4.34 years supply).

5.11 The 'tilted balance' as directed by paragraph 11(d) of the NPPF would therefore be engaged. This does not undermine the pre-eminence of the local development plan in decision-making and assessment against relevant policies in the WOLP may therefore be weighted in the planning balance.

### *Development Plan*

5.12 The starting point in the assessment of the principle of development is WOLP Policy OS2 which sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. It takes a hierarchical approach as set out in table 4b, which characterises Milton under Wychwood as a village.

5.13 OS2 goes on to state: 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities... Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan'.

5.14 Policy H2 outlines 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 out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.15 Sub-area policy BCI states that Burford and Charlbury are relatively constrained by their AONB location and are suitable for a modest level of development in accordance with Policy OS2. Development in these rural service centres will therefore be of an appropriate scale and type that would help to reinforce the existing service centre role. Development elsewhere, such as in Milton under Wychwood, will be limited to meeting local housing, community and business needs and will be steered towards the larger villages.

5.16 As the site falls within the Cotswold National Landscape, the LPA must also have regard to paragraph 183 of the NPPF which states:

*'When considering applications for development within Areas of Outstanding Natural Beauty (now known as the CNL), 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.'*

5.17 This is also reflected in Policy EH1 which states that major development will not be permitted within the AONB other than in exceptional circumstances, as required by national policy and guidance.

5.18 In light of this, whether the principle of development is acceptable will depend on the below assessment, and any identified harms associated with the proposals being balanced against the wider planning benefits of the scheme in the conclusion of this report in accordance with paragraphs 11(d) and 183 of the NPPF.

### **Housing Mix**

5.19 Policy H3 of the WOLP sets out that across the District as a whole, housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000m<sup>2</sup> will be required to provide affordable housing on-site as a proportion of the market homes proposed as follows:

- High value zone (50%)
- Medium value zone (40%)
- Low value zone (35%)

5.20 The proposed development proposes 8 affordable dwellings so meets this requirement.

5.21 Policy H5 of the Local Plan states that proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan including Policies OS2, H2 and E3.

5.22 Following appeal decision (PINs ref: 3274197), the LPA accepts that it is unable to demonstrate that it has met its statutory duty with regard to provision of custom and self-build plots. The Self-build and Custom Housebuilding Act 2015 introduced a duty on local authorities to keep a register of individuals, and associations of individuals, who wished to acquire serviced plots of land to bring forward for self-build/custom build projects. Councils are required to have regard to those registers when carrying out planning functions. The Housing and Planning Act 2016 provided a duty that Councils must give 'suitable' planning permissions to meet the demand for SBCH. The Planning Practice Guidance ("the PPG") states registers are likely to be material considerations in decisions involving proposals for application involving self-build/custom build housing.

5.23 The provision of 8 self-build dwellings would make a modest contribution towards the identified shortfall.

5.24 Policy H4 requires all residential developments to provide or contribute towards the provision of a good, balanced mix of property types and sizes. In this case, a mix of 2, 3, 4 and 5 bed properties would be provided - two 4 bed and one 5 bed, the majority of the development focuses on 2 and 3 bed dwellings. Your officers consider that this is an appropriate mix.

### **Siting, impact on the setting of the village and the Cotswold National Landscape**

5.25 Policy OS2 requires development to form a logical complement to the existing scale and pattern of development and/or character of the area and as far as is reasonably possible, protect or enhance the local landscape and setting of settlements. It goes on to state that development should not involve the loss of an area of open space that makes an important contribution to the character or appearance of the area.

5.26 Similar to the previously refused application, the proposed dwellings would be set behind existing residential development along Church Road, where the settlement pattern is characterised by relatively sparse, low-lying development along its eastern side, set tight to the road with limited development set back from the building line. By contrast, the proposed development, the subject of this application, would extend beyond the village envelope to the east, with residential development occupying the majority of the site and an area of open space to the east.

5.27 Your officers are of the opinion that the proposal would result in a transformative impact upon the settlement pattern of the village, where existing development has tended to hug Church Road, leading to an open and decidedly rural setting to the northern part of the village. Given size and location of the site and that it is comprised of, and bound for the most part by, undeveloped land, your officers consider that the proposal would result in the loss of an area of open space that makes an important contribution to the character or appearance of the area and would fail to form a logical complement to the existing scale and pattern of development in the area.

5.28 Policy OS2 goes on to state that in the AONB, great weight should be given to conserving landscape and scenic beauty and development should comply with national policy concerning major development.

5.29 In terms of housing development in the Cotswolds National Landscape, supporting text paragraph 5.39 of the WOLP states that:

*'Within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site'.*

5.30 Paragraph 176 of the NPPF states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'.*

5.31 Policy CE1 of the Cotswolds AONB Management Plan 2023-2025, which is a material consideration in this assessment as referenced in WOLP Policy EH1, states that "proposals that are likely to impact on, or create change in, the landscape of the Cotswolds National Landscape, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines. There should be a presumption against the loss of key characteristics identified in the landscape character assessment."

5.32 With regards to potential impacts on landscape character, the proposed development is located in the 'Pastoral Lowland Vale' Landscape Character Type, LCT 17b in the Cotswolds Conservation Board's Landscape Character Assessment ('LCA'). The key characteristics of the LCA include being a 'generally human scale intimate landscape, but with intermittent open expansive character and expansive views in some areas with views possible across flat landscape bordering river channels'. The landscape is described as 'productive and verdant' with 'lush improved and semi improved pastures'. Settlement patterns are 'sparse' which 'emphasises the landscapes rural, agricultural character'.

5.33 In terms of the landscape sensitivity of the Pastoral Lowland Vale, the assessment notes:

- *'Limited woodland cover, a strong rural character, sparse settlement pattern and the proximity to elevated viewpoint opportunities on the neighbouring Farmed Slopes increases the sensitivity of the Pastoral Lowland Vale landscape to large scale built development.*
- *-Existing vale settlements may have the capacity to accommodate some development where this does not interfere with or detract from their landscape setting.'*

5.34 The Cotswolds AONB (CNL) Landscape Strategies and Guidelines are relevant in assessing the suitability of residential expansions to existing settlements. They indicate that new development should inter alia, 'maintain the open, sparsely settled character of the Pastoral Lowland Vale by limiting new development to existing settlements, avoid development that will intrude negatively into the landscape and cannot be successfully mitigated, for example, extensions to settlements in areas of open landscape, ensure that new development does not adversely affect the wider rural landscape and views to and from the AONB and ensure that new development does not adversely affect settlement character and form'.

- 5.35 The West Oxfordshire Landscape Assessment 1998 ('WOLA') is listed in the supporting text to WOLP Policy EH2 and forms a material consideration in this assessment. In terms of the existing landscape character of the area, the application site lies within the 'Upper Evenlode Valley' Character Area as identified in the WOLA and at a finer grain, within the 'Semi-enclosed Clay Wolds' (large scale) Landscape Type.
- 5.36 Officers consider that the weight to be given to the advice in the WOLA is increased by the references in the NPPF to the importance of having such guidance available in attempting to achieve high quality design outcomes as well as its clear role as a supporting document to WOLP Policy EH2.
- 5.37 The WOLA describes the key landscape and visual features of the Upper Evenlode Valley as having 'a strong landscape structure of thick hedgerows and frequent hedgerow trees', and is 'typically a low-lying farmed landscape with a patchwork of large fields under arable and smaller-scale floodplain pastures along the river valley, bounded by strong hedgerows and occasional locks and belts of woodland'. The landscape type at a finer grain is described as 'large-scale, softly rolling farmland' with 'some visual containment provided by blocks and belt of woodland' and 'moderate' intervisibility.
- 5.38 The LVIA submitted in support of this application has been updated following the refusal of application 23/02745/FUL to include an up to date review of relevant policies, and further consideration to the likely landscape impacts of development within the Blue/Green Corridor (BG3) and the likely visual effects within the Key View KOV 11 (Lancut Lane/Green Lane) identified in the Milton under Wychwood Neighbourhood plan (appendix 8 - Key Views). In conclusion, the submitted LVIA recognises the high value of the receiving landscape, particularly with regard to the landscape setting of the village, identifying moderate landscape harm on a site level and in terms of impact upon settlement character. This harm would be sought to be mitigated over the medium to long term by mitigation planting which would not fully obscure views of the proposed development, but would gradually integrate it within the settlement edge context.
- 5.39 In visual impact terms, officers acknowledge that the wider perception of the site in the landscape is relatively limited but note the proximity of the site to Public Rights of Way ('PRoW') (Nos.301/10/10, 301/10/20 and No.301/6/30) and the village green, from where the proposed dwellings would be visible. As such, any adverse visual impacts would arise predominantly to highly sensitive visual receptors (such as walkers).
- 5.40 PRoW No.301/10/10 passes adjacent to the site and Spring Cottage. Officers note that this viewpoint (viewpoint 6 in the submitted LVIA) is taken from the ancient 'Lancut footpath', identified within Key View 11 of the MuW NP as providing 'unspoilt views of paddocks and wooded footpath' (MuW NP Appendix 8). Medium-high adverse visual impacts are identified from viewpoint 6 in the submitted LVIA and officers recognise the fundamental change in character and appearance that would result from the proposed development from this viewpoint. Similar impacts are also identified from viewpoints 7-11 in the submitted LVIA, all from the footpaths identified above as well as from the village green.
- 5.41 Overall, your officers are of the opinion that the proposal would fail to conserve or enhance landscape and scenic beauty within the CNL as required by Section 15 of the NPPF, Policy EH1 of the WOLP and the relevant material considerations outlined, as well as harming the rural setting and settlement pattern of the village as well as key views identified in the MuW NP and from adjacent PRoWs and the village green.



5.42 These harms identified will be balanced against the wider planning benefits of the scheme in the conclusion of this report in accordance with paragraphs 11(d) and 183 of the NPPF.

### **Public Open Space**

5.43 The development comprises an area of public open space on the eastern part of the site which includes a network of pedestrian footpaths connecting to the existing public rights of way around the site.

5.44 Policy OS4 requires proposals to enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate. Policy T3 states that all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport.

5.45 Your officers are of the opinion that this proposal would comply with these policies and provide a comparatively large area of open space which will provide improved pedestrian connections into the village. While this is a benefit of the scheme, and is something that would serve any future occupants of the development well, your officers recognise that existing local residents already benefit from the large village green directly south of the site, which includes a sports pitch, tennis courts and a recreation park, so the weight given to the provision of this open space as a wider benefit serving the existing community is limited.

### **Highway Impact and Pedestrian Accessibility**

5.46 The Local Highway Authority has raised an objection to the application on the grounds that the proposal fails to demonstrate safe and suitable access for all users contrary to policy T2 of the Local Plan 2031 and paragraphs 114 and 116 of the NPPF. A full version of the LHA's response is available on the Council's website but the key points raised relate to the fact that the street hierarchy in combination with the Highfields development along Church Street creates an environment that is not legible for road users leading to potential for conflicts, and that the access through the Highfields development and particularly the junction with Church Road has not been demonstrated to be safe and suitable for all users.

5.47 The proposal does include new public footpath links. The County Council has states that if the application were to be approved, despite their objection, then an obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including surfacing upgrades to the right of way network.

### **Residential Amenity**

5.48 Your officers consider that it is possible that 16 units could be accommodated on the site and there is no reason to believe that suitable interface distances and relationships as to regards adequate light could not be provided in respect of the application site itself, given the indicative layout provided. These matters would be fully assessed and taken account of at reserved matters stage if the overriding refusal reasons did not apply. There is also no reason to believe that existing properties to the south and east would be materially affected in terms of overlooking or loss of light as a result of the siting of the proposed dwellings.

## **Flood Risk**

5.49 The Local Lead Flood Authority has raised no objections to the application based on the Flood Risk Assessment and SuDS submitted to support the application.

## **Biodiversity**

5.50 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. From 12th Feb 2024, it is also mandatory for all development (other than some exemptions) to deliver 10% biodiversity net gain under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

5.51 The Council's Ecologist has objected to the application on the grounds that insufficient information has been provided to demonstrate that the biodiversity net gain objective can be met. Further, insufficient information has been submitted, in particular, ecological survey information, assessment and/or mitigation to enable the LPA to fully assess the extent to which species and habitats, including great crested newts and reptiles, which are protected.

5.52 As such, the LPA are unable to carry out their statutory duty in this regard. If the overriding refusal reasons did not apply, then your officers would have sought to address this with the applicants.

## **Archaeology**

5.32 The County Archaeologist has raised no objections to the application, subject to the imposition of a pre-commencement condition which would have been imposed on the consent had the overriding refusal reasons not applied.

## **Other Infrastructure**

5.53 Should the application be approved, the County Council has requested financial contributions towards the following infrastructure:

*Waste Management - £1630*

*Secondary School provision: £103,968*

5.54 The School Place Planning Lead officer has stated:

*'Milton-under-Wychwood is in the designated area of Burford School for secondary education. Burford School has recently increased its admission number from 210 to 240 in response to the rising demand for places at the school. As of January 2024 there were 1,461 pupils on roll. The Department for Education has recently conducted a full review of the school's current accommodation capacity, and has identified this as being sufficient for 1,459 pupils. The school is therefore already operating at above its physical capacity, and this pressure is expected to be sustained. To address this shortfall, the Academy Trust are going through a process of reviewing the school estate, and have identified the need to invest significantly in its accommodation. The county council seeks developer contributions towards the necessary capital investment to ensure the school has sufficient accommodation to meet the rising demand for secondary school places.'*

5.55 If the overriding refusal reasons did not apply then your officers would have sought to secure these contributions via a S106 agreement.

## **Conclusion and Planning Balance**

5.56 As the LPA cannot demonstrate a 5YHLS, the tilted balance as set out in paragraph 11d of the NPPF applies. At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- I. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

5.57 The site is located within the Cotswolds National Landscape. Paragraph 182 of the NPPF sets out that:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

5.58 Paragraph 183 of the NPPF goes on to state:

*When considering applications for development within National Parks, the Broads and 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.*

5.59 The NPPF seeks to significantly boost the supply of homes and the proposal would make a modest contribution to housing supply and would provide both affordable and custom/self-build housing. The development would also provide short term and long term economic benefits through employment during the build process and increased expenditure in the local area. However, given the limited scale of the development minor weight is attached to these benefits.

5.60 Further, as set out in the report above, the provision of the public open space and connections to the existing footpath network are also considered to be modest benefits which would serve the

future occupants of the development but with limited wider benefit to the existing community, so little weight is given to these in the wider planning balance.

- 5.61 Moving to the adverse impacts. For the reasons outlined in the report above, your officers are of the opinion that the proposal would result in a transformative impact upon the settlement pattern of the village which currently benefits from an open and decidedly rural setting to the northern part of the village. Your officers also consider that the proposal would result in the loss of an area of open space that makes an important contribution to the character or appearance of the area and would fail to form a logical complement to the existing scale and pattern of development in the area.
- 5.62 Further, the development would fail to conserve or enhance landscape and scenic beauty within the CNL as required by Section 15 of the NPPF, Policy EHI of the WOLP and the relevant material considerations outlined, as well as harming the rural setting and settlement pattern of the village as well as key views identified in the MuV NP and from adjacent PRoWs and the village green.
- 5.63 The Local Highway Authority has also identified that the proposal fails to demonstrate safe and suitable access for all users contrary to Policy T2 of the West Oxfordshire Local Plan 2031 and paragraphs 114 and 116 of the National Planning Policy Framework.
- 5.64 Finally, the application fails to satisfactorily demonstrate that it can deliver the required biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021), and insufficient information has been submitted in particular, ecological survey information, assessment and/or mitigation to enable the LPA to fully assess the extent to which species and habitats.
- 5.65 Considering the test set out in paragraph 183 of the NPPF, your officers do not consider that it has been satisfactorily demonstrated that there are exceptional circumstances which mean this major development should be allowed in the CNL, nor has it been demonstrated that the development is in the public interest, given that only limited weight is afforded to the provision of 16 dwellings towards the housing land supply shortfall, including the very modest benefits of providing 8 affordable and 8 self-build dwellings towards the respective need for each identified. Further, the highways safety harm identified is not in the public interest.
- 5.66 Turning to the wider planning balance as directed by paragraph 11 of the NPPF. Taking all of the above into consideration, it is officer opinion that the adverse impacts of granting planning permission with regard to the impact on the protected landscape, setting and character of the village, ecological impacts and highways safety would significantly and demonstrably outweigh the benefits and as such, planning permission should be refused.

## **6 REASONS FOR REFUSAL**

1. The proposed development, by reason of its location, would result in a transformative impact upon the settlement pattern of the village which currently benefits from an open and decidedly rural setting to the northern part of the village. The proposal would result in the loss of an area of open space that makes an important contribution to the character or appearance of the area and would fail to form a logical complement to the existing scale and pattern of development in the area. The proposal is contrary to policies OS2, OS4 and H2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the Milton under Wychwood NP and the relevant provisions of the NPPF.

2. The development, by reason of its siting and extent, would fail to conserve or enhance landscape and scenic beauty within the Cotswold National Landscape, as well as harming the rural setting and settlement pattern of the village and key views identified in the MuW NP, from adjacent PRoWs and the village green. It has not been satisfactorily demonstrated that there are exceptional circumstances to allow major development in the CNL, nor has it been demonstrated that the development is in the public interest. The development is contrary to policies OS2, OS4, H2, EH1, and EH2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the Milton under Wychwood NP and the relevant provisions of the NPPF, in particular paragraphs 182 and 183.
3. The proposed development fails to demonstrate safe and suitable access for all users contrary to Policy T2 of the West Oxfordshire Local Plan 2031 and paragraphs 114 and 116 of the National Planning Policy Framework.
4. Insufficient information has been submitted to demonstrate the biodiversity gain objective can be met and the biodiversity gain condition can be discharged successfully in accordance with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
5. Insufficient information has been submitted, in particular, ecological survey information, assessment and/or mitigation to enable the LPA to fully assess the extent to which species and habitats, including great crested newts and reptiles, which are protected under the WCA 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) or listed as Species of Principal Importance for biodiversity conservation under Section 41 of the Natural Environment and Rural Communities Act 2006 (as amended) may be affected by the proposed development. The LPA is therefore unable to fully assess the development in respect of the requirements of the NPPF (in particular Chapter 15), the Planning Practice Guidance; West Oxfordshire District Council's Local Plan Policy EH3; and ODPM Circular 06/2005. The LPA is also unable to fully assess the proposals in the light of the 3 derogation tests, as described in ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended).
6. The benefits associated with the provision of 16 dwellings (8 affordable and 8 self-build), the potential for biodiversity net gain, and provision of public open space and footpath upgrades, are afforded little weight given the modest scale of the development and the limited contribution that these houses would make to the overall housing land supply shortfall. Turning to the wider planning balance as directed by paragraph 11d of the NPPF, the adverse impacts of granting planning permission with regard to the impact on the protected landscape (the CNL), setting and character of the village, and highways safety would significantly and demonstrably outweigh the benefits. The development is contrary to policies OS2, OS4, H2, EH1, EH2 and T2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the Milton under Wychwood Neighbourhood Plan, and the provisions of the NPPF, in particular paragraphs 11d and 183.

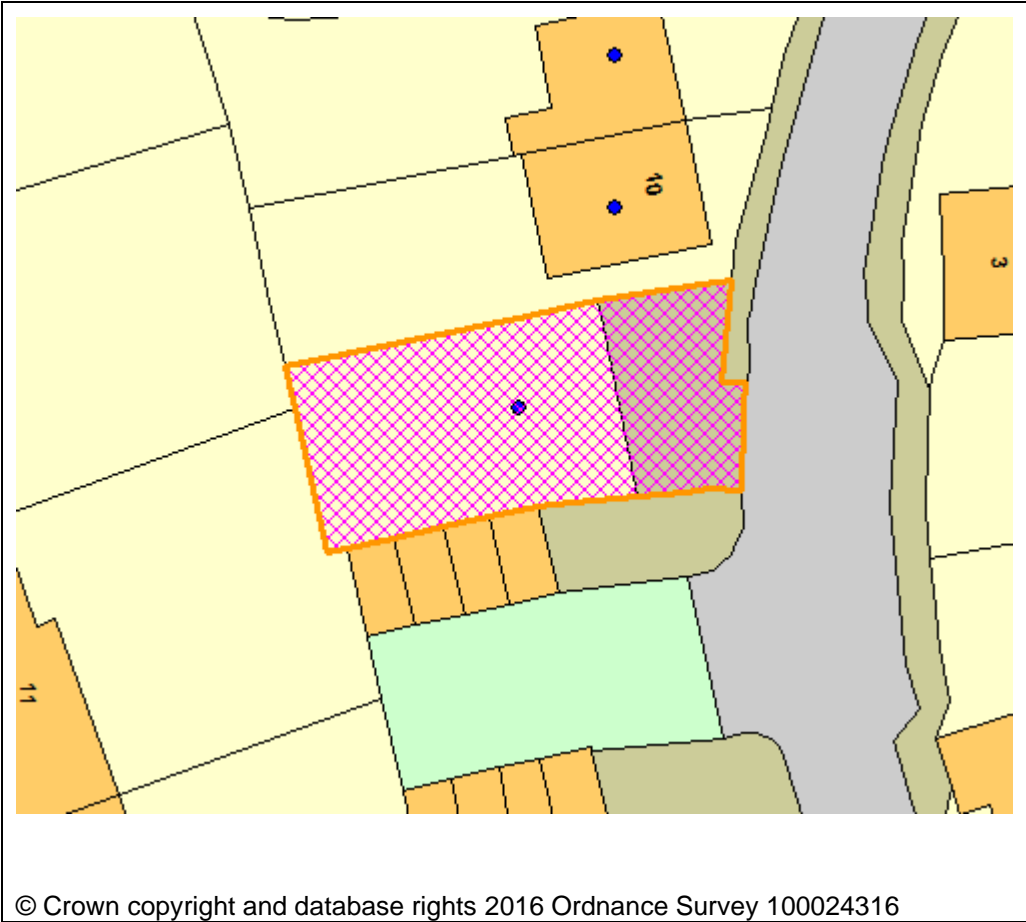
**Contact Officer:** Stephanie Eldridge

**Telephone Number:**

**Date:** 7th August 2024

Application Number	24/01566/FUL
Site Address	Land Adjacent To 10 Coombes Close Shipton Under Wychwood Oxfordshire
Date	7th August 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427606 E 217993 N
Committee Date	19th August 2024

**Location Map**



**Application Details:**

Erection of a detached dwelling with off street parking and associated works.

## Applicant Details:

Mr Dean Gilbert  
C/O Delta House Limited  
Phoenix Business Centre  
Rosslyn Crescent  
Harrow  
Middlesex  
HA1 2SP

## I CONSULTATIONS

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, subject to condition
WODC Drainage	No Objection Subject to condition
District Ecologist	No Comment Received.
Env Health Noise And Amenity	Mr ERS Pollution Consultation I raise no objections.
Conservation And Design Officer	No Comment Received.
Parish Council	<p>Parish Council wishes to object to this application for the following reasons.</p> <p>1. Flood risk - We believe that, when Coombes Close was first developed, the land adjacent to No 10 was included as amenity land, for uses including drainage of runoff from the woodland behind. Our objection to the previous application due to flood risks has not been addressed; drainage on any dwelling at this address needs consideration. We would encourage that specialist advice be sought.</p> <p>2. Neighbourliness and design/layout - Additionally, the property proposed by this application has a footprint too large for the plot size.</p> <p>This creates a cramped and contrived design, and a loss of privacy</p>

## 2 REPRESENTATIONS

2.1 I objection comment received:

22/00041/OUT approved the principle of development at the proposed sites with all details of the layout, scale, appearance, access and landscaping reserved.

22/03291/FUL, which proposed the erection of a detached 3 bed dwelling with off street parking for two cars, new vehicle crossover and associated works was refused on 15th February 2023 for reasons that included:

'By reason of its scale, siting and design the proposed development would appear cramped and contrived in this location. The application is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS2 and OS4, relevant paragraphs of the NPPF 2021, and the West Oxfordshire Design Guide 2016.'

The Design and Access Statement submitted with 24/01566/FUL states that:

'The design and access principles established with the approved outline application remain. Matters of Design and Access remain as previously approved, with the following minor adjustments' However, these are the reserved matters for which the application (24/01566/FUL) is seeking approval. The scale, siting and design proposed in 24/01566/FUL is broadly similar to that proposed in 22/03291/FUL. There does not appear to be any attempt to address the reasons for refusal of the previous application, or significantly alter the scale, siting or design of the proposed development. The current application should be refused for the same reason as the previous application. The application form included with 24/01566/FUL states that it is unknown how foul sewage will be disposed of, and that it is unknown whether a connection will be made to the existing drainage system. Given that there is an existing mains sewer on the street and that there would seem to be little space available for the provision of a septic tank and soak away, it seems likely that the proposed property would connect to the existing foul sewer.

It is widely recognised that Milton under Wychwood Sewage Treatment Works is already operating at input levels well in excess of its design capacity. In 2023, 2142 hours of spills of untreated sewage from the works were recorded across 126 days (Thames Water EDM Annual Returns 2023). Permitting this development would only increase the pressure on the sewage treatment works. The proposed development would result in a loss of open space as defined in Annex 2 of the National Planning Policy Framework.

At the time we purchased our property in 2011 we were advised that the land adjacent to 10 Coombes Close was designated as amenity land/ public open space and, as such, was not available for development. Although it is unlikely that the plot of land has any significant ecological importance, it does serve an important purpose in acting as a 'breathing space' for the development, reducing the temperature during increasingly frequent heat waves during the summer and acts as a porous area that increases drainage and reduces run off during intense rainfall. Indeed, the National Planning Policy Framework (paragraph 124) recognises that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production.

The West Oxfordshire Local Plan 2031 contains a policy (Policy OS4 - High Quality Design) that requires new developments to:

demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures; and enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate. If the land next to 10 Coombes Close was considered to fulfil such a requirement at the time of development of Coombes Close, it should still be required to fulfil that function now. The density of housing on Coombes Close already appears high in comparison to other areas of the village and the proposed development would increase that and reduce the open aspect of the neighbourhood.



During the flooding in July 2007, 4 Coombes Close flooded as a result of surface water run off (WODC Parish Flood Report: Shipton-Under-Wychwood, May 2008). During intense rainfall water runs down the road, so it is apparent that the existing drainage is already inadequate.

Reducing the amount of porous land area can only exacerbate this issue. I am concerned that this makes it more likely that our houses could be flooded.

There is no drawing included with the application that shows the location of the proposed development in relation to the existing properties on the street in plan view. This makes it impossible to assess the amenity impact of any potential overshadowing leading to loss of sunlight, particularly given the proximity of the proposed development to the boundary with 10 Coombes Close. It is not apparent from the drawings that number 10 has a single storey rear extension and conservatory. Given that the proposed development is set further back from the street than number 10 the potential for loss of sunlight should be considered in more detail.

The Design and Access Statement submitted with the application states that:

'The 3 bed 5 person house has a gross internal floor area of 84 sq. m, with 2 parking bays at the front and secure garden to the rear. The design layouts and room dimensions and areas of the proposed development meet the minimum area requirements as noted in the national housing standards.'

However, 'Technical housing standards - nationally described space standard' indicates that the minimum gross internal floor area for a 2 storey 3 bed, 5 person house should be 93 sq m.

The proposed development would lead to a loss of parking spaces on a street where parking is already an issue as few properties have off-street parking.

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

3.1 The applicants Design and Access Statement is concluded as follows:

The design and access principles established with the approved outline application remain. Matters of Design and Access remain as previously approved, with the following minor adjustments:

**USE & AMOUNT**-Previously approved - The proposal delivers a two-storey traditional detached house. The 2bed 4 person house has a gross internal floor area of 79 sq. m, with 2 parking bays at the front and secure garden to the rear. It meets the minimum area requirements as noted in the national housing standards. As currently proposed - The proposal delivers a two-storey traditional detached house with site layout and overall building footprint as previously approved. The 3 bed 5 person house has a gross internal floor area of 84 sq. m, with 2 parking bays at the front and secure garden to the rear. The design layouts and room dimensions and areas of the proposed development meet the minimum area requirements as noted in the national housing standards.

**LAYOUT** – The internal layout of the proposed development has been adjusted to meet the requirements of the areas and room dimensions prescribed within the national space standards. The addition of a first floor gable feature above the previously proposed ground floor entrance bay provides the additional floor area required to accord with the national space standards, without the need to further increase the principal ground floor footprint area from the approved footprint. The proposal to incorporate a gabled feature into the

front facing face accords with similar contemporary properties within the area and would not introduce a feature alien to the surrounding area.

LANDSCAPING – retained as approved.

SCALE & APPEARANCE - The form and character of the property is retained largely as previously approved, though the overall storey heights, eaves roof level and roof pitch have been reduced from the previously approved heights to better sit in the context of the existing adjacent properties and wider street-scene, whilst maintaining the minimum standards to accord with current national approved space standards.

ACCESS – retained as approved.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

OS3NEW Prudent use of natural resources

H2NEW Delivery of new homes

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

NPPF 2023

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

#### **5 PLANNING ASSESSMENT**

##### **Background**

5.1 This application seeks consent for the erection of a detached dwelling with off street parking and associated works at Land Adjacent to 10 Coombes Close, Shipton-under-Wychwood. The majority of the application site is laid to grass with a small hardstanding area fronting the street. The land lies within both the Shipton-under-Wychwood Conservation Area (SUWCA) and Cotswolds National Landscape (CNL) (formally AONB).

5.2 This application is brought before Members of the Uplands Area Planning Sub-Committee due to the conflict between the officer recommendation and the view of the Shipton-under-Wychwood Parish Council, who have objected to the scheme.

##### **Relevant Planning History**

5.3 22/00041/OUT ("the 2022 consent") - Erection of a two storey detached dwelling with associated parking and works (Outline planning with all matters reserved). Approved.

5.4 22/03291/FUL - Erection of detached 3 bed dwelling with off street parking for two cars, new vehicle crossover and associated works. – Refused. Reason:

*1. The proposed dwelling, by reason of the inclusion of dormer windows to the rear elevation, would give rise to overlooking impacts to the private amenity space serving 10 Coombes Close and 11 St Michaels Close resulting in loss of privacy and perception of loss of privacy impacts causing unacceptable levels of harm to neighbouring occupiers.*

*2. By reason of its scale, siting and design the proposed development would appear cramped and contrived in this location.*

## **Planning Considerations**

5.5 Taking into account planning policy, history, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations in the assessment of this application are:

- Principle;
- Siting, Design, Scale and Form;
- Impact upon the SUWCA;
- Neighbourliness;
- Impact upon the CNL;
- Highways Impact;
- Drainage; and
- Ecology.

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

### **Principle**

5.7 The principle of development to provide a single unit of residential accommodation on this site has been established under the 2022 consent. The application site lies within the built up area of Shipton-under-Wychwood, which is classified as a village in the WOLP (Table 4b). WOLP Policy OS2 outlines that the villages are 'suitable for limited development which respects local character and local distinctiveness and would help to maintain the vitality of the community'.

5.8 The proposed development is therefore considered acceptable in principle subject to assessment against the general principles of WOLP Policy OS2 and other relevant plan policies and material considerations below.

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

5.9 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.

5.10 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 recently published 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.

- 5.11 The existing site appears underutilised and does not contribute significantly to the character and appearance of the area. The proposed dwelling would be set back behind No 10 Coombes Close following the staggered building line of properties within the Close to the north and south. The proposed siting of the dwelling is therefore considered to form a logical compliment to the existing pattern of development in the locality.
- 5.12 In terms of design, scale and form, the dwelling has been reduced in overall scale from the previous refused scheme with a 1m reduction in the height and loss of the 2nd floor accommodation. The dwelling would be set over a footprint of 8.2 m wide by 6.2m deep and take a simple two storey dual-pitched form reaching 7.5m to the ridge with an eaves height of 4.9m. There is a smaller dual pitch element which projects forward less than 1m from the main core of the dwelling with a ridge that sits well below the main ridge with an open porch forward of that.
- 5.13 The building would be finished in coursed yellow sand stone facing under a brown plain tiled roof with grey double glazed windows, matching the existing dwellings along Coombes Close. Your officers consider that the proposed design, scale and form of the dwelling would be proportionate and appropriate in this context. The application is therefore considered to accord with WOLP Polices OS2 and OS4 with regard to siting, design, scale and form.
- 5.14 In terms of the overall space provided for future occupants, the dwelling provides Lounge, Family room and Kitchen at ground floor level and 3 bedrooms and family bathroom at first floor level.
- 5.15 Officers consider the scheme forms a logical compliment to the scale and pattern of development for the area and is in keeping with the wider streetscene and is therefore compliant with policies OS2 and OS4 of the WOLP and the West Oxfordshire Design Guide and the NPPF.

### **Impact upon the SUWCA**

- 5.16 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. WOLP Policy EH10 states that 'proposals for development in a conservation area will be permitted where it can be shown to preserve or enhance its special interest, character and appearance'. Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment.
- 5.17 The National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. It continues that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 5.18 Therefore, the direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with the NPPF and WOLP Policy EH10.
- 5.19 In order to assess the impact of the proposed development upon the significance of the heritage asset (in this case the SUWCA), it is first necessary to identify the asset's significance. In this case, the existing site and its immediate context is characterised by modern housing development of no significant archaeological, architectural, artistic or historic interest. Your officers therefore consider that the existing site does not contribute to the heritage significance of the SUWCA. Therefore, the proposed additional dwelling, which shares the character and appearance of properties in the immediate locality, would not significantly impact the significance of the SUWCA and would result in a neutral impact upon the character and appearance of the designated heritage asset. The application is therefore considered to accord with WOLP EH10 and relevant guidance contained in the NPPF.

### **Neighbourliness**

- 5.20 WOLP Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and the NPPF.
- 5.21 An Objection to the scheme on neighbourliness grounds has been received by the occupier of No 8 Coombes Close and the local Parish Council. It is stated that the proposed development would result in an unacceptable impact by way of increased overlooking and loss of light to the rear garden of No 8.
- 5.22 Dealing initially with the matter of overlooking, your officers consider the proposal would not unacceptably overlook habitable rooms nor private amenity spaces of neighbouring dwellings. Dwellings to the south along Coombes Close are physically separated from the application site by a shared garage area meaning that no material neighbourliness impacts would result to occupiers to the south. Further, by virtue of the proposed fenestration and orientation of proposed and existing built form, the proposed dwelling would not result in materially increased levels of overlooking to either Nos 1, 3, 8 or 10 Coombes Close. In terms of the potential overlooking impact upon Nos 10 and 11 St Michaels Close, which border the site to the west, your officers consider that the back-to-back distances that would result (approximately 28-30m) are sufficient to ensure that adequate levels of privacy would be retained. Further, given the scale and nature of the scheme, officers do not consider that planning conditions are required to manage the construction process.
- 5.23 With regard to loss of light and overbearing impact, your officers consider that No 8 Coombes Close is located such that the proposed built form would not result in a significant loss of light or overbearing impact.
- 5.24 In terms of the impact upon No 10, the proposed dwelling would not impinge on the 45 degree rule with regard to loss of light, and the staggered relationship between the dwellings has direct precedent within the Close. Therefore, your officers consider that the application accords with WOLP Policies OS2 and OS4 neighbourliness terms.

### **Impact upon the CNL**

- 5.25 The site is located in an open countryside location within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states

that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

5.26 WOLP Policy EH1 states:

*"In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the areas natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB".*

5.27 The NPPF states:

*"great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues".*

5.28 The proposed development would be viewed in a wholly residential context and would not be perceived in the wider landscape. As such, the proposal would result in a neutral impact upon landscape and scenic beauty in the AONB.

### **Highways Impact**

5.29 WOLP Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The existing site benefits from vehicular access and the dwelling would be served by two parking spaces, as well as located in close proximity to a range of services accessible by foot.

5.30 Consultation with the Local Highways Authority has been carried out and the proposed development is considered to result in an acceptable impact upon the local highways network subject to the imposition of planning conditions. These conditions seek to ensure that suitable parking spaces are retained, the access to the highway is of sufficient standard and cycle parking is incorporated into the scheme to promote active travel. The application is therefore acceptable in highways terms.

### **Drainage**

5.31 Concerns have been raised in respect of drainage and potential flooding, including that the increase in built form proposed may lead to increase risk of flooding to third parties. The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. Your officers are therefore satisfied that the scheme will be required to demonstrate how surface water will be adequately managed prior to construction of the proposed dwelling.

### **Ecology and Biodiversity Net Gain (BNG)**

5.32 The application site is laid to lawn with a small area of hardstanding which has a low baseline number. The inclusion of planting and bird boxes within the scheme has met the 10% net gain required for small sites such as this and therefore is compliant with policy and Biodiversity Net Gain

legislation. Officers are yet to have the Biodiversity Officers comments and this will be updated prior to committee.

## **Planning Balance**

5.33 This assessment has found that the proposal would fully accord with the relevant policies of the WOLP and relevant material considerations. However, the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. The NPPF states that where the LPA cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged and there is a presumption in favour of sustainable development unless:

- I. *"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

5.34 The proposed development would not, in officers view, adversely affect protected areas or assets of particular importance and therefore the 'tilted balance' as directed by paragraph 11(d) of the NPPF is engaged. Officers must consider whether the adverse impacts of an additional dwelling in this location would significantly and demonstrably outweigh the benefits.

5.35 The tilted balance does not undermine the pre-eminence of the local development plan in decision-making and assessment against relevant policies in the WOLP may therefore be weighted in the planning balance. However, given the LPA's failure to demonstrate a deliverable five year housing land supply, the provisions of the housing locational strategy (WOLP Policy H2) may only be afforded limited weight.

5.36 In terms of benefits, the proposed development would make a very small contribution to housing supply in the area. Officers acknowledge the economic and social benefits associated with the creation of a single additional unit of residential accommodation and the potential for an additional household to increase spending in the area and contribute to social cohesion. Officers consider that these benefits should be awarded very limited weight given that the scheme would provide just one additional unit of housing.

5.37 This assessment has identified no material planning harms that would result from the scheme. Given the lack of adverse impacts that would result from the proposal, officers consider that there are no adverse impacts that would significantly and demonstrably outweigh the benefits and the proposal should be approved.

## **Recommendation**

5.38 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, T1, T3, T4, EH1 and EH10, the NPPF 2021 and the West Oxfordshire Design Guide 2016 and is therefore recommended for conditional approval.

## **6 CONDITIONS**

- I. 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 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. 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.

5. 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.

6. 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.

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

REASON: To ensure a safe and adequate access.

8. Prior to first occupation of the dwelling hereby approved, details of cycle parking to serve the dwelling shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the cycle parking spaces required to serve the dwelling have been provided in accordance with the approved details. The cycle parking areas so approved shall thereafter be permanently retained and kept available for cycle parking.



REASON: In the interests of promoting sustainable transport.

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

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

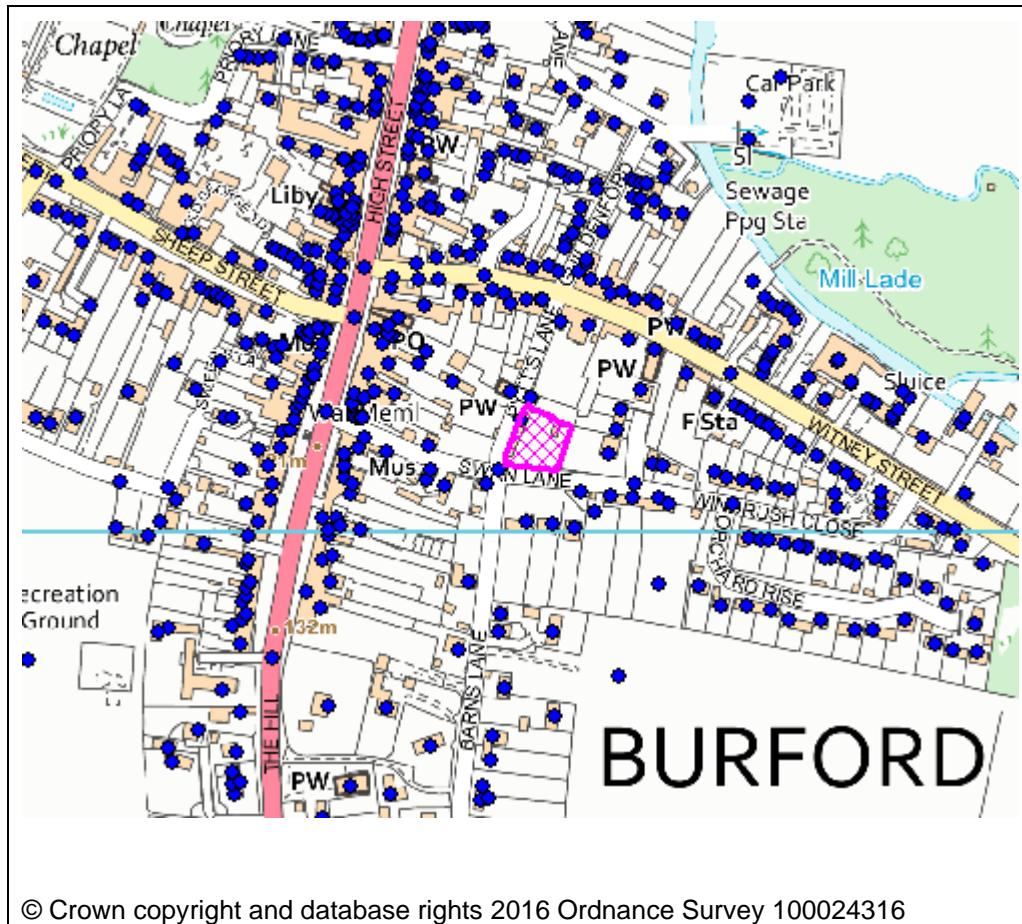
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 7th August 2024

Application Number	24/01618/HHD
Site Address	The Lodge Pytts Lane Burford Oxfordshire OX18 4SJ
Date	7th August 2024
Officer	Nathan Harris
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425248 E    212074 N
Committee Date	19th August 2024

**Location Map**



**Application Details:**

Installation of a new window to north elevation.

**Applicant Details:**

Mr H Ashton  
The Lodge  
Pytts Lane  
Burford  
Oxfordshire  
OX18 4SJ

**1 CONSULTATIONS**

Parish Council

No Comment Received.

**2 REPRESENTATIONS**

2.1 None received at the time of writing.

**3 APPLICANT'S CASE**

3.1 The Design and Access Statement is concluded as follows:

*The inclusion of a window in the gable end of buildings in Burford is not unusual, particularly on the northern face as the town is built on a north-facing slope and the windows provide additional light and a glimpse of the Cotswold view across the valley.*

*The window would overlook the roof of Sydney Cottage on the street-facing side which has no roof lights on that aspect. Although the window would be visible from Sydney Cottage's garden, it would not be possible to see into the garden from the window because of the thickness of the Lodge's gable wall in which the window would sit. Accordingly, Sydney Cottage garden would not be overlooked.*

**4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

NPPF 2023

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

**5 PLANNING ASSESSMENT**

5.1 This application seeks consent for the installation of a new window to the north elevation of The Lodge, Pytts Lane in Burford.

5.2 The dwelling is a grade II listed building sited within the Burford Conservation Area and Cotswold National Landscape.

- 5.3 An application for listed building consent has also been submitted for the proposed works.
- 5.4 The application is before Members of the sub-committee for consideration as the applicant is Cllr Hugo Ashton.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Design and Impact on Heritage Assets
  - Impact on the Cotswolds National Landscape
  - Residential Amenity.

### **Design and Impact on Heritage Assets**

- 5.6 As the property is a listed building, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. Paragraph 205 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 5.7 Further, as this site is located within a Conservation Area, officers are required to consider section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.8 In this case, your officers have consulted with the Council's Conservation Officers who have raised no objections to the proposals on the grounds that the window is modest in size, is of decent proportions and traditional form, and that gable end windows are characteristic in this context.
- 5.9 In light of this assessment, your officers consider that the proposals would conserve the character, appearance and architectural integrity of the listed building and the wider Conservation Area.

### **Impact on the Cotswolds National Landscape**

- 5.10 Paragraph 182 of the NPPF requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. In this case, given the nature of the proposals and the built up residential context of the site, the proposed development will not have any visual impact beyond its immediate setting and will therefore conserve the landscape and scenic beauty of the Cotswolds National Landscape.

### **Residential Amenity**

- 5.11 Given the siting of the new window and the relationship of the dwelling with surrounding properties, the introduction of the new window would not result in any direct overlooking of neighbours. Given the nature of the development, there would be no other material impacts on neighbouring properties. As such, your officers consider that the application is acceptable in this regard.

## **Conclusion**

5.12 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS4, EH9, EH10, EH11 and H6 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions 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.

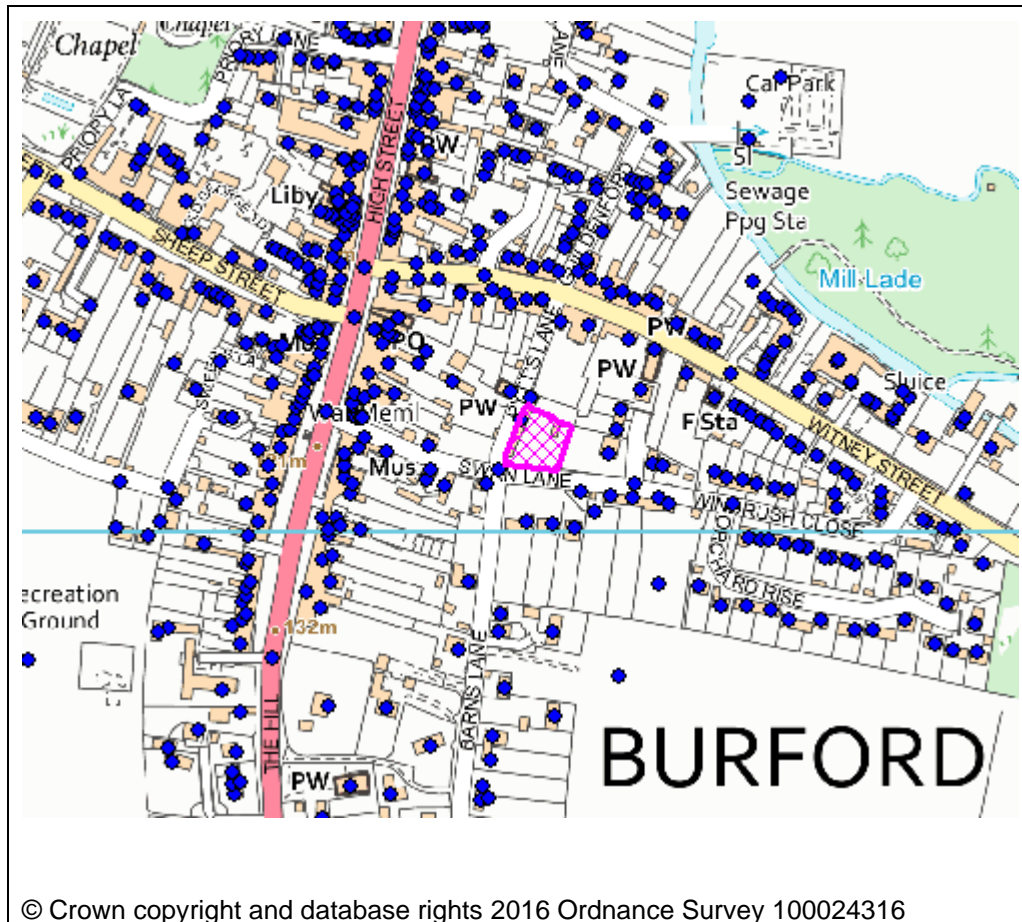
**Contact Officer:** Nathan Harris

**Telephone Number:**

**Date:** 7th August 2024

Application Number	24/01619/LBC
Site Address	The Lodge Pytts Lane Burford Oxfordshire OX18 4SJ
Date	7th August 2024
Officer	Nathan Harris
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425248 E    212074 N
Committee Date	19th August 2024

**Location Map**



**Application Details:**

Internal and external alterations to install a new window to north elevation.

**Applicant Details:**

Mr H Ashton  
The Lodge  
Pytts Lane  
Burford  
Oxfordshire  
OX18 4SJ

## **I CONSULTATIONS**

Parish Council	No Comment Received.
Conservation And Design Officer	The proposed window is of no great size, it is of decent proportions, and it is of traditional form. And such gable end windows are indeed fairly characteristic. So, providing that it doesn't compromise the flues in the gable end, no objections.

## **2 REPRESENTATIONS**

2.1 None received at the time of writing.

## **3 APPLICANT'S CASE**

3.1 The Design and Access Statement is concluded as follows:

*The inclusion of a window in the gable end of buildings in Burford is not unusual, particularly on the northern face as the town is built on a north-facing slope and the windows provide additional light and a glimpse of the Cotswold view across the valley.*

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH9 Historic environment  
EH11 Listed Buildings  
H6NEW Existing housing  
DESGUI West Oxfordshire Design Guide  
NPPF 2023

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

## **5 PLANNING ASSESSMENT**

5.1 This application seeks listed building consent for the internal and external alterations to facilitate the installation of a new window to the north elevation of The Lodge, Pytts Lane in Burford.

5.2 The dwelling is a grade II listed building sited within the Burford Conservation Area and Cotswold National Landscape.

5.3 An application for householder planning permission has also been submitted for the proposed works.

5.4 The application is before Members of the sub-committee for consideration as the applicant is Cllr Hugo Ashton.

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

- Impact on the listed building

### **Impact on the listed building**

5.6 As the property is grade II listed, the Local Planning Authority are statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

5.7 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206).

5.8 In this case, your officers have consulted with the Council's Conservation Officers who have raised no objections to the proposals on the grounds that the window is modest in size, is of decent proportions and traditional form, and that gable end windows are characteristic in this context.

5.9 In light of this assessment, your officers consider that the proposals would conserve the character, appearance and architectural integrity of the listed building.

### **Conclusion**

5.10 In light of the above, the application is considered to be acceptable and compliant with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990.

## **6 CONDITIONS**

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

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

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

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



3. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

REASON: To preserve internal features of the Listed Building.

4. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

**Contact Officer:** Nathan Harris

**Telephone Number:**

**Date:** 7th August 2024