

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 23rd August 2021**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

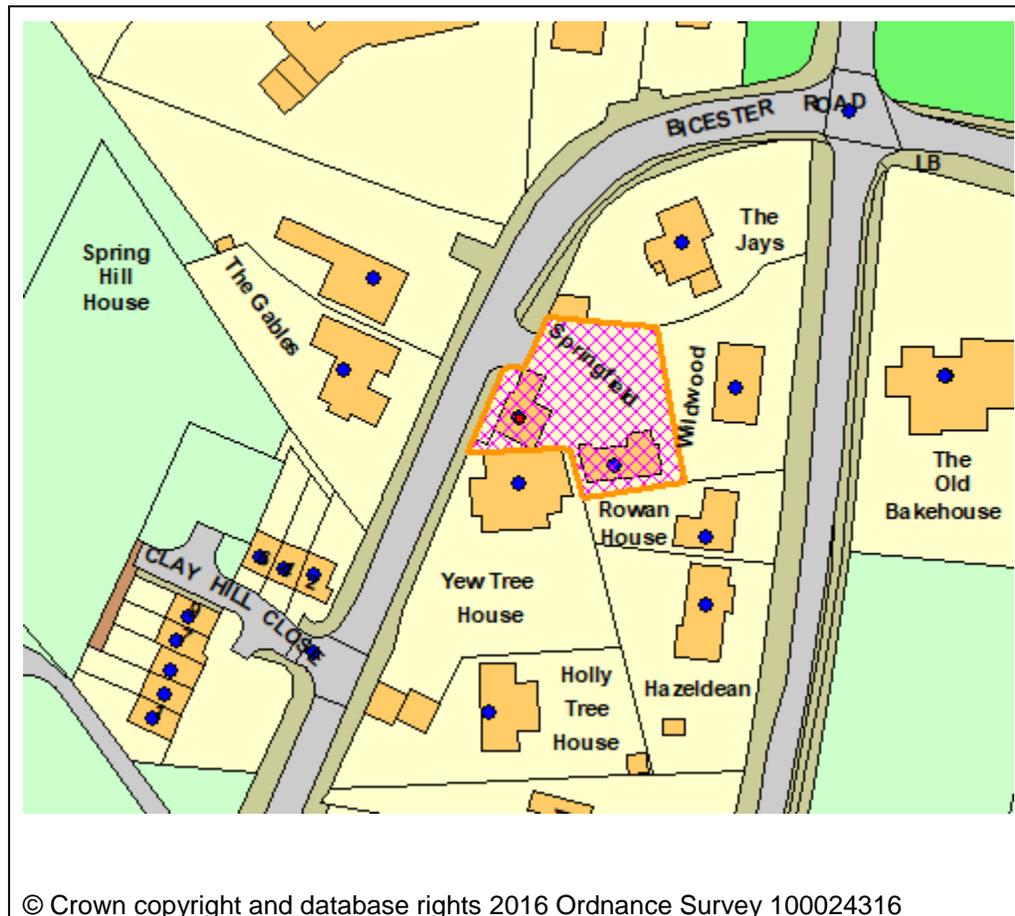
Please note that:

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

<b>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
11	21/00871/FUL	Springfield Bicester Road, Enstone	James Nelson
18	21/00898/FUL	Barley Hill Farm Chipping Norton Road, Chadlington	Stuart McIver
24	21/01229/FUL	Lansdowne Bruern Road, Milton Under Wychwood	Stuart McIver
37	21/01476/FUL	Shabbanoneuk Park Close, Bladon	Joan Desmond

Application Number	21/00871/FUL
Site Address	Springfield Bicester Road Enstone Chipping Norton Oxfordshire OX7 4NH
Date	11th August 2021
Officer	James Nelson
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	437586 E 224781 N
Committee Date	23rd August 2021

### Location Map



### Application Details:

Separation of annexe from dwelling to form a separate self-contained dwelling and associated landscaping alterations (amended plans).

**Applicant Details:**

Mr Hawes

C/o Agent

**I CONSULTATIONS**

OCC Highways	No objection subject to condition.
WODC Drainage Engineers	No Objection subject to conditions
WODC Env Health - Uplands	Mr ERS Pollution Consultation No Objection in principle.
Parish Council	Enstone PC objects to this application for the following reasons:-  1. There is limited space for four vehicles and the site is very congested.  2. When the house was originally built it was stipulated by the planners that it be an annexe.  3. Work appears to have already started with two french windows being installed prior to planning being approved.

**2 REPRESENTATIONS**

2.1 Third party objection comments have been received in relation to this application on the grounds of the following:

- Overdevelopment of the site;
- Increased flood risk; and
- Increase in traffic leading to amenity and safety concerns

**3 APPLICANT'S CASE**

3.1 A planning statement has been submitted with the application and is available on the Council's website.

3.2 The proposed changes will separate Springfield and The Old Garage to form two separate dwellings with their own parking and amenity space.

3.3 The proposed development is in accordance with Policy H6 as the subdivision of Springfield and its ancillary accommodation, The Old Garage, and the proposed alterations and landscaping are respectful of the character of the area and will not have an unacceptable effect on the environment of people living in the area. The design ensures there is no overlooking to protect privacy and the proposed landscaping will screen the two dwellings.

- 3.4 The proposed development is in accordance with Policy OS2 as the separation into two dwellings respects the character of the village as there are minimal external changes to the existing properties that could cause harm to the setting. Additionally, as the use continues to be of a residential nature, it would be compatible with the adjoining residential uses whose existing amenity and potential for overlooking is not expected to be affected. The development further seeks to minimise nonrenewable dependencies in compliance with policy OS3.
- 3.5 The reason for the condition sought to be removed related to the lack of amenities for occupation as an existing dwelling. As demonstrated by the submitted site and floor plans, works to the Old Garage have introduced these amenities and the annexe is now capable of occupation as a separate dwelling.
- 3.6 In conclusion, the proposed development is in accordance with the Development Plan and documents identified as relevant material planning considerations.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T4NEW Parking provision

EH7 Flood risk

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

#### **5. PLANNING ASSESSMENT**

- 5.1 This application seeks consent for a subdivision to separate an existing annexe from the host dwelling to form a self-contained residential unit and associated landscaping at Springfield, Bicester Road, Enstone. The application site lies in the built up area of Enstone and is not within any areas of specially designated significance. The application has been amended to alter the proposed delineation between the two buildings and remove a proposed carport.
- 5.2 The revised proposal contains few physical alterations to the former annexe. An existing dormer will be removed and a rooflight installed in its place. Internal alterations to provide the necessary facilities for independent living accommodation have also been carried out and the former garage doors have been replaced with glazing.

#### **Relevant Planning History**

**W2001/1541**- Demolition of existing workshop & garage, erection of new double garage with store/workroom over & attached, self-contained, living accommodation- **Approved subject to conditions**

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

- Principle;
- Visual Impact;
- Neighbourly Amenity; and
- Highways Impacts

## **Principle**

5.4 The application site sits within Enstone, which is identified as a village under West Oxfordshire Local Plan Policy OS2 where new dwellings can be permitted where they are of a proportionate and appropriate scale to their context, having regard to the potential cumulative impact of development in the locality, and form a logical complement to the existing scale and pattern of development and/or the character of the area. Policy H2 of the Local Plan states that new dwellings will be permitted within villages on previously developed land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. Policy H6 states that sub-division of existing dwellings should respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area. On this basis, the principle of the subdivision of the plot to create two dwellings is considered acceptable provided the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan. The detail of the proposal as assessed against the general principles of Policy OS2, as outlined above, are considered in more detail in the relevant sections below.

## **Visual Amenity**

5.5 The existing annexe building is one and a half storeys in height and is comparable in size to the host dwelling. It is set back from the highway so as not to appear overly prominent in the street scene. Given the minor nature of the physical alterations to the annexe, these are considered acceptable in visual terms.

5.6 The proposal will alter the pattern of development in the locality but officers consider that given the scale of the plot and simplified subdivision, the scheme would form a logical complement to the existing scale and pattern of development, which is characterised by varied detached dwellings set in non-uniform plots. In light of this assessment, your officers consider that the scheme is acceptable in visual terms.

## **Neighbourly Amenity**

5.7 In regards to the impact on neighbouring amenity, your officers consider that due to the minor physical alterations to the building, adjoining neighbours would not be materially impacted by the subdivision when compared to the current use and no loss of light or overbearing impacts will result from the proposed development. Further, both properties will also be served by adequate amounts amenity space. Therefore, the key consideration is the relationship between the proposed new dwelling and 'Springfield', particularly in terms of overlooking.

5.8 The removal of an existing dormer will ensure that the private amenity space of Springfield retains sufficient privacy subject to condition relating to the position of the window. The central first floor window will serve a bathroom and will therefore be obscured, minimising overlooking. The proposed boundary treatment and the orientation of the properties would also help minimise the overlooking impact. Officers therefore consider that no direct overlooking between private

amenity space or habitable rooms would result from the scheme. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity.

## **Highways Impacts**

5.9 In response to the initial proposal, the Local Highways Authority have concluded that, subject to condition, the proposed site would be served by safe and adequate access and parking facilities and was therefore considered acceptable by officers on these grounds. The revised plan provides the same amount of parking spaces and similar a turning area to the original plan so officers consider that the scheme will likely be acceptable on highways grounds but a verbal update will be provided once this is confirmed by OCC Highways.

## **Response to Objection Comments**

5.10 Outstanding issues raised by neighbours and the Parish Council include flood risk impact and objection on the grounds that the building was conditioned to be an annexe under application ref: W2001/1541. Officers have consulted WODC's drainage engineers who have raised no objection subject to the submission of a surface water drainage strategy as a condition of any consent. In light of this, officers consider that there is no reason to refuse the application on these grounds. In terms of the ancillary condition on the original consent, this was imposed for the reason that the annexe did not have sufficient facilities to serve an independent dwelling. Your officers consider that this issue has been addressed in the current submission as the building is served by ample services to facilitate independent use.

## **Conclusion**

5.11 In light of this assessment, your officers consider that the proposed scheme accords with West Oxfordshire Local Plan Policies OS2, OS4, H2, H6, T4 and EH7, the NPPF 2021 and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

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

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

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

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

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

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

4. The 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.

5. Before first occupation of the building/extension hereby permitted the window(s) serving the first floor bathroom shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

6. Notwithstanding any indication given on the plans hereby permitted, the rooflight in the Northern facing elevation(s) shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.

REASON: To safeguard privacy in the adjacent property.

7. 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. If there are to be any communal SuDs then the details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. 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 scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works.

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

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

## INFORMATIVES :-

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

(Follow link

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/floodi ng/FloodStrategyActionPlan.pdf>

- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

## **Notes to applicant**

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

(Follow link

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/floodi ng/FloodStrategyActionPlan.pdf>

- CIRIA C753 SuDS Manual 2015
- The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

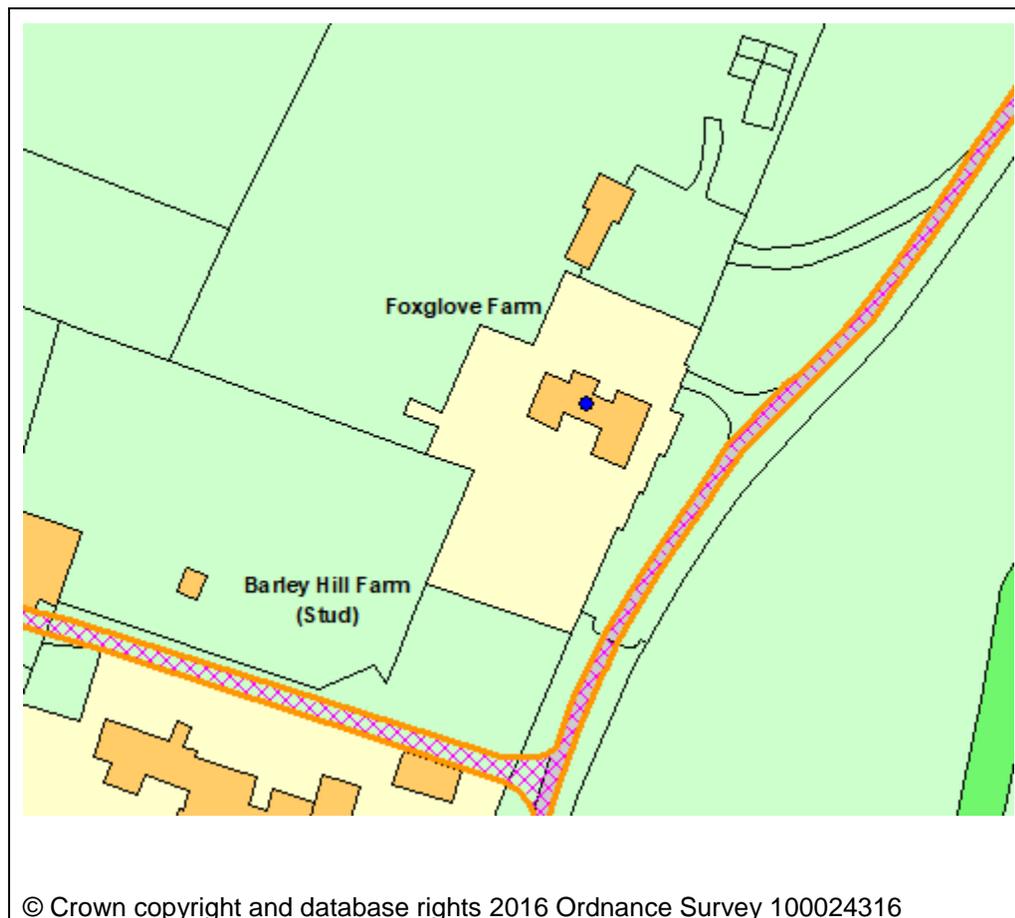
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 11th August 2021

Application Number	21/00898/FUL
Site Address	Barley Hill Farm Chipping Norton Road Chadlington Chipping Norton Oxfordshire OX7 3NT
Date	11th August 2021
Officer	Stuart McIver
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432318 E 222849 N
Committee Date	23rd August 2021

### Location Map



### Application Details:

Demolition of agricultural buildings to allow for the conversion and extension of the traditional barn to form one dwelling with associated garaging and access and landscape works.

**Applicant Details:**

Barley Hill Farm  
C/o Agent

**I CONSULTATIONS**

Biodiversity Officer	Details need to be clarified before a positive determination of the application.
ERS Env. Consultation Sites	<p>Thank you for consulting our team. I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>Given the former agricultural use of the land and the proposed residential use please consider adding the following condition to any grant of permission.</p> <p>I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.</p> <p>It is noted that radon levels in the area are high and appropriate measures will need to be adopted as part of the development.</p>
WODC Drainage Engineers	No objection subject to condition.
WODC Landscape And Forestry Officer	No Comment Received.
Parish Council	<p>Barley Hill Farm, Chipping Norton Road, Chadlington Demolition of agricultural buildings to allow for the conversion and extension of the traditional barn to form one dwelling with associated garaging and access and landscape works.</p> <p>Chadlington Parish Council has no objection to this application and</p>

considers the new proposals to be more in keeping than those previously submitted.

## **2 REPRESENTATIONS**

One support comment has been received. This comment can be viewed in full through the Council's website but for the purposes of this report has been summarised below:

- The proposed extension will enhance the appearance of the existing stone barn.
- The large approved modern extension is out of keeping with the local area.

## **3 APPLICANT'S CASE**

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

3.2 This submission follows the approval of application 20/01871/S73 which effectively secured the discharge of all pre-commencement conditions. The planning history at the site demonstrates that the principle of providing a dwelling through the conversion and extension of the traditional barn is acceptable.

3.3 Replacing the existing barn with a comparatively smaller built form of a more appropriate design style will have a reduced landscape impact in comparison to the existing built form.

3.4 The new dwelling and its domestic curtilage should avoid encroachment into the countryside and should therefore be contained within the built up area of the complex.

3.5 Given that its context is remote from neighbouring development, a new dwelling in this location is likely to be acceptable in terms of residential amenity.

3.6 The removal of the barn, protection against land contamination and the provision of landscaping, drainage strategy and architectural details can be secured via condition.

3.7 The proposal complies with provisions of the development plan and the NPPF and therefore accords with the presumption in favour of sustainable development. As such, it is respectfully requested that the application be considered favourably.

## **4 PLANNING POLICIES**

DESGUI West Oxfordshire Design Guide

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH12 Traditional Buildings

EH16 Non designated heritage assets

NATDES National Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 The proposal seeks consent for demolition of agricultural buildings to allow for the conversion and extension of the traditional barn to form one dwelling with associated garaging and access and landscape works.
- 5.2 The application relates to Barley Hill Farm, a farm complex consisting of a detached dwelling and a number of modern and traditional agricultural buildings. The application site sits in an elevated hillside location in open countryside to the north west of the settlement of Chadlington. There are four dwellings in this location, which are of substantial scale and benefit from large plots. The land around these plots is agricultural.
- 5.3 The site is accessed from an existing driveway to the north of Barley Hill Farm which passes through the existing buildings. The application site is within the Cotswolds Area of Outstanding Natural Beauty.
- 5.4 Relevant planning history:
- 20/01871/S73 - Variation of conditions 4, 7, 8, 9, 11, 13 and 15 of planning permission 19/02567/FUL to enable technical amendments to the approved dwelling - Approved.
  - 19/02567/FUL - Demolition of an agricultural building to allow for the conversion and subterranean extension of agricultural buildings to form one dwelling - Approved subject to legal agreement.
  - 17/00569/FUL - Demolition of agricultural building to allow for the conversion and subterranean extension of agricultural buildings to form one dwelling - Approved subject to legal agreement.
  - 15/00156/FUL - Erection of new dwelling and conversion of existing outbuilding to provide ancillary accommodation to the new dwelling, together with associated landscaping and parking - Refused (appeal dismissed).

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

- Principle
- Siting, Scale and Design
- Visual Amenity and Cotswolds AONB
- Residential Amenity
- Ecology

### **Principle**

- 5.5 Planning permission 19/02567/FUL for demolition of an agricultural building to allow for the conversion and subterranean extension of agricultural buildings to form one dwelling remains extant. Further, application 20/01871/S73 for technical amendments to 19/02567/FUL has also been approved. As such, the principle of residential development at this location has been established as being acceptable.

## Siting, Scale and Design

- 5.6 The existing traditional barn is modest in scale in comparison to the more modern agricultural buildings at the application site. It consists of traditional materials including stone and sits in a prominent position within the immediate vicinity. By virtue of its materials and vernacular form, your officers deem it to be of significant heritage merit, whereby it could reasonably be considered a non-designated heritage asset. The adjacent modern agricultural building is substantial in scale, but of a more temporary nature.
- 5.7 The previous approved application (19/02567/FUL) involved the demolition of the modern agricultural building to allow for the conversion and subterranean extension of agricultural buildings to form one dwelling. This proposal was considered acceptable as the low-lying nature of the subterranean extension preserved the traditional character and appearance of the adjacent barn and was a key factor in justifying the acceptability of the conversion.
- 5.8 As per the previous scheme, the current proposal retains the original fabric of the traditional barn, and whilst the footprint of the proposed extension is less than that of the existing adjacent agricultural building, its height is comparable, resulting in substantial and imposing built form at this location.
- 5.9 Whilst your officers note that the proposed extension would have a smaller footprint than the approved subterranean extension, its two storey height is noticeably higher, negating the benefits of the previous approved scheme. Furthermore, the height and massing of the proposed extension would dominate and visibly alter the form and character of the traditional barn, rendering it a secondary structure within this setting. Your officers consider that the two storey extension would be unduly transformative and imposing on the modest form of the existing vernacular agricultural building.
- 5.10 The design of the proposed extension is representative of a two storey residential dwelling, consisting of residential features including window and door openings, chimneys and gabled elements. These forms are considered overly domestic considering the agricultural nature of the immediate vicinity, and as such are deemed to detract from the agricultural character of the adjacent traditional barn.
- 5.11 Under the general principles of policy OS2 of the adopted West Oxfordshire Local Plan 2031 (WOLP), all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality, and form a logical complement to the existing scale and pattern of development and/or the character of the area. Further, policy EH12 states that when determining applications that involve the conversion, extension or alteration of traditional buildings, proposals will not normally be permitted where this would include extensions or alterations which would obscure or compromise the form or character of the original building. Given the design, height, massing and siting of the proposed extension, it is not considered to complement the existing scale and pattern of development or character of the immediate area, and would compromise the character of the existing vernacular agricultural building. As such, the proposed development is considered contrary to the provisions of policies OS2 and EH12.

## **Visual Amenity and Cotswolds AONB**

5.12 Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving landscape beauty in Areas of Outstanding Natural Beauty. Your officers note that when assessing whether the removal of the modern agricultural building provided a justification for the erection of a new dwelling on the site, proposed under planning application 15/00156/FUL, the appeal inspector concluded that agricultural buildings are a feature of rural areas and that the removal of this building would not outweigh the harm resulting from the proposed development.

5.13 Notwithstanding this analysis, whilst your officers consider that the proposed development would have a detrimental impact on the character and appearance of the traditional barn, by virtue of its siting, height and massing, it would not be any more visually prominent than the existing modern agricultural buildings on site. As such, the proposed development is considered to conserve the wider landscape and scenic beauty of the Cotswolds AONB.

## **Residential Amenity**

5.14 The location of the traditional barn and modern agricultural buildings is such that they are set away from any existing residential dwellings. As such, and given the scale and location of the proposed development, your officers consider that it will not have a detrimental impact on overbearing, loss of light, overlooking or loss of privacy for surrounding residential dwellings.

## **Ecology**

5.15 The Council's Biodiversity Officer was consulted as part of the planning process and has reviewed the information submitted within the proposal. They have stated that various details forming this submission need to be clarified before a positive determination of the application can be reached.

## **Conclusion**

5.16 In light of the above assessment, the siting, scale and design of the proposed extension would fail to respect the form and appearance of the existing vernacular stone barn which would be of detriment to the character and significance of this non-designated heritage asset. As such, the proposed development is considered to be contrary to the provisions of policies OS2, OS4, EH12, and EH16 adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2019.

## **6 REASON FOR REFUSAL**

The proposed extension by reason of siting, scale and design would have a dominating and unduly transformative impact upon the form and appearance of the existing vernacular stone barn which would be of detriment to the character and significance of this non-designated heritage asset. As such, the development as proposed would be contrary to the provisions of Policies OS2, OS4, EH12, and EH16 of the adopted West Oxfordshire Local Plan 2031, and the relevant paragraphs of the NPPF 2019.

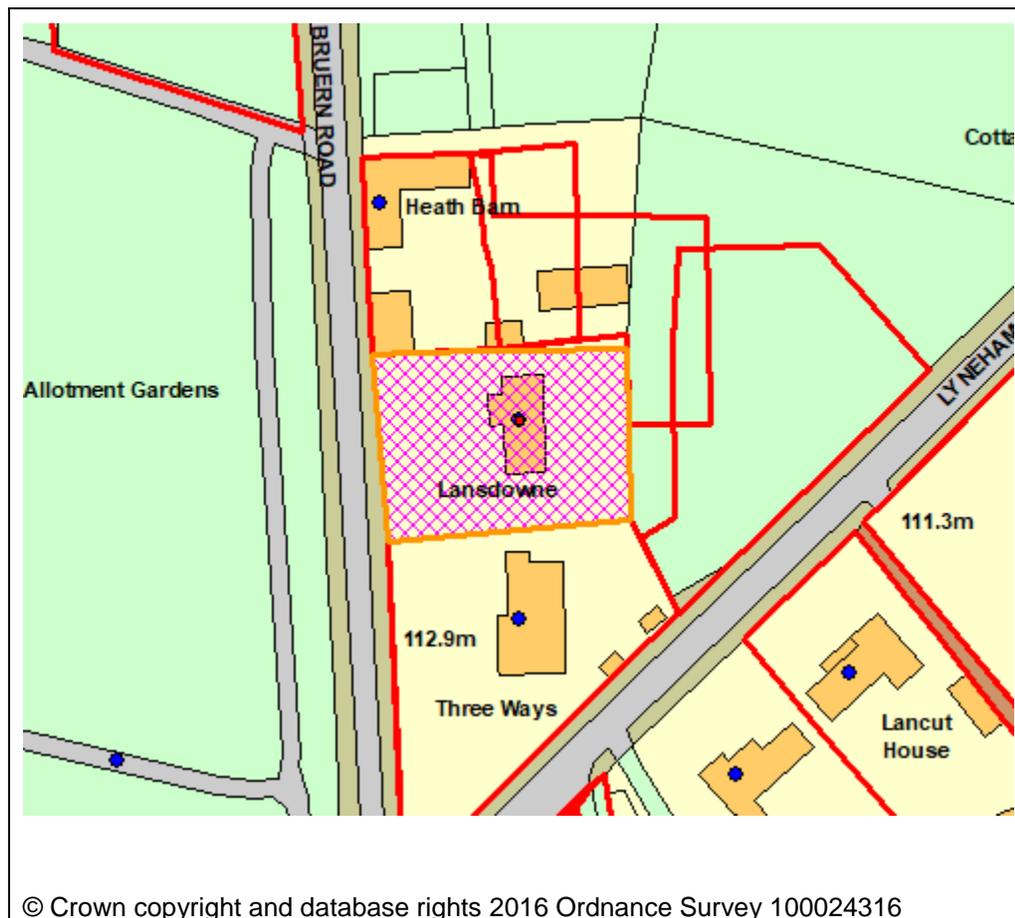
**Contact Officer:** Stuart McIver

**Telephone Number:** 01993 861663

**Date:** 11th August 2021

Application Number	21/01229/FUL
Site Address	Lansdowne Bruern Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LL
Date	11th August 2021
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426459 E 218827 N
Committee Date	23rd August 2021

### Location Map



### Application Details:

Demolition of existing bungalow and erection of two detached dwellings together with associated works.

**Applicant Details:**

Mr And Mrs J Fox  
The Heath  
Milton Under Wychwood  
Oxfordshire  
OX7 6LG

**I CONSULTATIONS**

Parish Council

The PC remain concerned that the proposed application would be an overdevelopment of the site. The PC notes that although the plans and artist impressions looked very attractive, they question that two properties on the site would detract from their credentials. Had the application been for one property, the PC would be in full support of the development.

The PC acknowledge that the current property may need extensive work and did not disagree with this, although they cannot corroborate whether the current property needs to be demolished. The proposed development is in an AONB area , and the PC would also be concerned that it would set a precedent for other bungalows along Church Road and Bruern Road .

By casting vote, the PC OBJECT

Biodiversity Officer

No objection subject to conditions.

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 the following conditions:

- G28 parking as plan
- G25 drive etc specification
- G35 SUDS sustainable surface water drainage details
- G32 turning facility

Conservation Officer

No objection subject to usual conditions for samples.

WODC Drainage Engineers

No objection subject to condition.

Newt Officer

No objection.

ERS Env. Consultation Sites

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. From review of the submitted information it appears that there is a

heating oil tank present in the garden of the current property. It is not clear if this tank will be removed as part of the development but please consider adding the following condition to any grant of permission as a precaution.

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

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

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

## **2 REPRESENTATIONS**

2.1 12 objection comments have been received. Comments can be viewed in full on the Council's website, but for the purpose of this report have been summarised below:

- Design out of keeping with existing properties
- Dwellings too close to neighbouring properties
- Bungalows and single storey dwellings are needed within the village
- No need in the village for 4 bedroom homes
- Overdevelopment of the site
- Increase in traffic
- Design out of character with the surrounding area
- Houses on the St Jude's development remain unsold
- Only one half of St Jude's development built so no need for further housing
- Hard to argue that demolition and reconstruction is more carbon friendly than renovation
- Impact on the street scene and visual amenity
- Impact on neighbours with disturbance from vehicle headlights
- Current bungalow should be renovated
- Overbearing, overlooking and loss of privacy for neighbours
- Not much change from previous proposal
- Impact on highway safety
- Lack of outdoor amenity space for occupants
- Loss of hedgerow
- Impact on ecology
- Impact on drainage
- Proposed dwellings too close together
- Urbanising an open area of the village
- Impact on AONB

- Contrary to Local Plan Policy
- Impact of tree removal
- Lack of ecology information
- Both dwellings are the same design
- No planning benefits
- Lack of parking provision
- Impact on flood risk

2.2 13 support comments have been received. Comments can be viewed in full on the Council's website, but for the purpose of this report have been summarised below:

- Replacement of old carbon heavy bungalow with two modern carbon zero dwellings
- Well planned and laid out design
- One extra dwelling would not result in overdevelopment
- The proposed dwellings would cater for different buyers than the other new build dwellings within the village
- Precedents set within the village for replacing one bungalow with two storey dwellings
- Design in-keeping with surrounding area and local character
- Proposed rooflines comparable to adjacent buildings
- Surrounding area has a mix of roof heights of 1, 1.5 and 2 storey
- Materials in-keeping
- Proposed dwellings are set back from the road and in-line with adjacent dwellings
- In-keeping with the street scene
- Current proposal has taken account of concerns with previous application
- No new entrance is being proposed - no effect on the current hedgerow or other boundary planting
- Only one tree to be removed with the remaining mature trees to be preserved
- Bruern Road is already moderately busy, one additional dwelling will not have an impact on traffic or highway safety
- Site already residential within the built up area of the village
- Considerations within the proposal for ecology
- Demand within the village for 4 bedroom homes
- Site is not suitable for an elderly or disabled person
- Compliant with Local Plan Policy and national legislation
- If permission granted an outdated, poorly designed bungalow will be replaced by well designed dwellings in-keeping with the surrounding area and AONB
- Ample parking provision
- Site plot easily capable of accommodating proposed dwellings
- Good outdoor amenity space
- Proposed dwellings ideal for young families
- Proposed dwellings will improve the surrounding area
- Proposed dwellings built to modern ecological standards
- Proposed dwellings will help meet housing need
- Sustainable transport
- There are no drainage or flood concerns
- The proposed dwellings will occupy a smaller percentage of their plot than the majority of surrounding dwellings. Therefore, the proposed dwellings will not result in overdevelopment
- The proposed rooflines are lower than many of the surrounding houses
- No impact on overbearing, loss of light, overlooking or loss of privacy
- One vehicular access is an improvement to the previous proposal

- Proposal would represent windfall development, which is acceptable within the village
- Current bungalow requires significant upkeep, which would be difficult to maintain
- The proposal has many planning benefits, which significantly outweigh any harm

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

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

3.2 Application 21/00045/FUL was lodged in December 2020 but was withdrawn following various comments from the Planning Officer stating why the proposal could not be supported. This submission addresses these concerns by:

- Reducing the width of each dwelling by 500mm, therefore reducing the overall footprint
- The first floor windows are expressed as semi-dormers, resulting in a reduction in ridge of over 1 metre. The ridge height of the proposed dwellings are now less than 1 metre higher than the adjacent property Three Ways
- Both dwellings will be accessed by the existing gateway onto Bruern Road. As such, the boundary hedgerow and can planting can be maintained.

3.3 The proposed design reflects local vernacular with reduced eaves, gable dimensions and roof pitches in-keeping with the local scale. Walls will be in local Cotswold stone with sympathetic detailing of all openings.

3.4 Both dwellings will have vehicle parking and an integral single garage. There will be ample private amenity space to the rear as well as exclusive garden areas to the front to the site.

3.5 To assist local biodiversity bat and swift boxes will be integrated into the design and request type and location to be conditioned in any approval. Any new external lighting will be designed and positioned so as not to illuminate new roosting locations.

3.6 The proposed dwellings will not cause any overlooking of neighbouring properties from first floor habitable rooms or any overshadowing.

3.7 The proposal is infilling and is at a "windfall site"; it is deliverable and sustainable within the guidance of the NPPF and will assist the LPA in meeting housing needs. Policy OS2 of the Adopted West Oxfordshire Local Plan 2031 states that villages such as Milton Under Wychwood are.."suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities".

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

T4NEW Parking provision

OS3NEW Prudent use of natural resources

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 The proposal seeks consent for demolition of existing bungalow and erection of two detached dwellings together with associated works.

5.2 The application relates to Lansdowne, a single storey detached dwelling located on the outskirts of Milton Under Wychwood. The dwelling is set back from the road and situated within a substantial plot. The application site is within the Cotswolds Area of Outstanding Natural Beauty.

5.3 Relevant planning history:

21/00045/FUL - Demolition of existing bungalow and erection of two detached dwellings along with the formation of a new access and associated works - Withdrawn.

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

- Principle
- Siting, Scale and Design
- Cotswolds AONB
- Residential Amenity
- Biodiversity
- Highways

### **Principle**

5.5 Milton Under Wychwood is classed as a village under the settlement hierarchy identified in Policy OS2 of the adopted West Oxfordshire Local Plan 2031 (WOLP). Policy H2 states that new dwellings will be permitted on previously developed land within the built up area of villages provided that the proposal is in accordance with the other policies in the plan and the general principles set out in Policy OS2.

5.6 Policy OS2 states that villages such as Milton Under Wychwood are suitable for limited development, which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state that development should form a logical complement to the existing scale and pattern of development and/or character of the area, be of a proportionate and appropriate scale to its context, not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area, and conserve and enhance the natural, historic and built environment.

5.7 The application site is within the Burford-Charlbury Sub-Area where the housing strategy detailed in policies OS2 and H1 anticipates delivery of 774 new dwellings through allocated sites including a combination of homes already completed and existing commitment, and, where the focus for new housing is centred on Charlbury and Burford. No allowance is made within this sub-area for

speculative 'windfall' development, as an allowance has been made in the other sub-areas. However, this does not mean that no further housing development will be permitted. As such, your officers consider that the principle of development is acceptable subject to consideration of the matters below.

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

- 5.8 The existing bungalow sits within a substantial plot with amenity space to the front and rear and vehicular access from Bruern Road. It is considered to be of little architectural merit.
- 5.9 With regard to the proposed dwellings, plots 1 and 2 have been centrally located within the application site. Plot 2 sits slightly closer to Bruern Road. As with the existing bungalow, both plots illustrate amenity space to the front and rear.
- 5.10 One of the main concerns with the previous withdrawn application was the scale of the proposed dwellings within the application site. The applicant has addressed these concerns by reducing both the width and the height of the proposed dwellings. These alterations result in a reduction in footprint and volume, and given the substantial site plot, your officers consider that the proposed dwellings can be accommodated without resulting in an overdevelopment of the application site.
- 5.11 In order to help reduce the scale of the dwellings, the proposed design has been amended to include semi-dormers and lowering of the eaves. Your officers consider that the final form has a cottage feel that is more in-keeping than the previous withdrawn scheme. Given the proposed design and that the dwellings are set back from the street, approximately in line with the existing dwellings along the eastern side of Bruern Road, your officers consider that the proposed development would form a logical compliment to the existing pattern and character of development in the area, would not be overly prominent in the street scene and would respect the open character and appearance of the site.

### **Cotswolds AONB**

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

### **Residential Amenity**

- 5.13 Whilst the proposed dwellings are slightly closer in proximity to adjacent dwellings than the existing bungalow, by virtue of their siting, scale and design, your officers consider that the proposed dwellings would not have a significantly detrimental impact on overbearing or loss of light for adjacent dwellings or the proposed occupiers. A condition has been placed on any prospective planning permission requiring the proposed windows to the side elevations serving en-suites, bathroom and W/C to be fitted with obscure glazing in order to safeguard overlooking and loss of privacy for the adjacent dwellings.
- 5.14 In terms of amenity space, given the substantial application site, the proposed plots are considered to offer sufficient private outdoor garden space for potential occupiers.

## **Biodiversity**

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

## **Highways**

5.16 Your officers raised concerns with the previous withdrawn application and the impact the proposed second access may have on highways, biodiversity and landscaping. The applicant has addressed these concerns by retaining the existing access. Oxfordshire County Council Highways were consulted as part of the planning process and raised no objections to the proposal in terms of highway safety and convenience for the adjacent highway network subject to conditions.

## **Conclusion**

5.17 In light of the above assessment, the application is recommended for approval as your officers consider that it complies with the provisions of policies OS2, OS4 H2, EH1, EH3, EH8, T4, and OS3 of the adopted Local Plan; WODC Design Guide 2016 and the relevant paragraphs of the NPPF 2021.

## **6 CONDITIONS**

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

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

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

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

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

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

4. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

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

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

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

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

8. No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. 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.

10. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning

Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

11. Before first occupation of the building/extension hereby permitted the window(s) in the en-suites, bathroom and W/C shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

12. The development shall be completed in accordance with the following documents:

- The recommendations in Section 7 of the Preliminary Bat Survey and Walkover Survey, dated 2nd December 2020 prepared by 4 Acre Ecology Limited, as submitted with the planning application;
- The recommendations in Section 7 of the Bat Emergence Surveys, dated 22nd July 2021 prepared by 4 Acre Ecology Limited, as submitted with the planning application;
- Drawing no. 300 (dated July 2021); and
- All measures outlined within the Forest Of Dean District Council's Precautionary Working Method Statement guidance note dated 16th May 2012 available at: <https://www.fdean.gov.uk/media/wjthlruj/precautionary-method-of-working-for-reptiles.pdf>.

All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

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

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

REASON: To provide additional nesting for birds and ensure continued dispersal for hedgehogs as biodiversity enhancements in accordance with Chapter 15 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Before the erection of any external walls, a "lighting design strategy for biodiversity" [and in particular for brown long-eared bats and common pipistrelle bat species] shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts; and
  - ii. show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

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

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

15. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas or woodland bulb planting), a 5-year maintenance plan and a 10-year hedgerow management plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

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

REASON: To enhance the site for biodiversity in accordance with Chapter 15 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with Chapter 15 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

INFORMATIVES :-

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

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

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

Where the presence of roosting bats have been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site.

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

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

### Notes to applicant

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

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

Where the presence of roosting bats have been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site.

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

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

commencing works (with regard to bats).

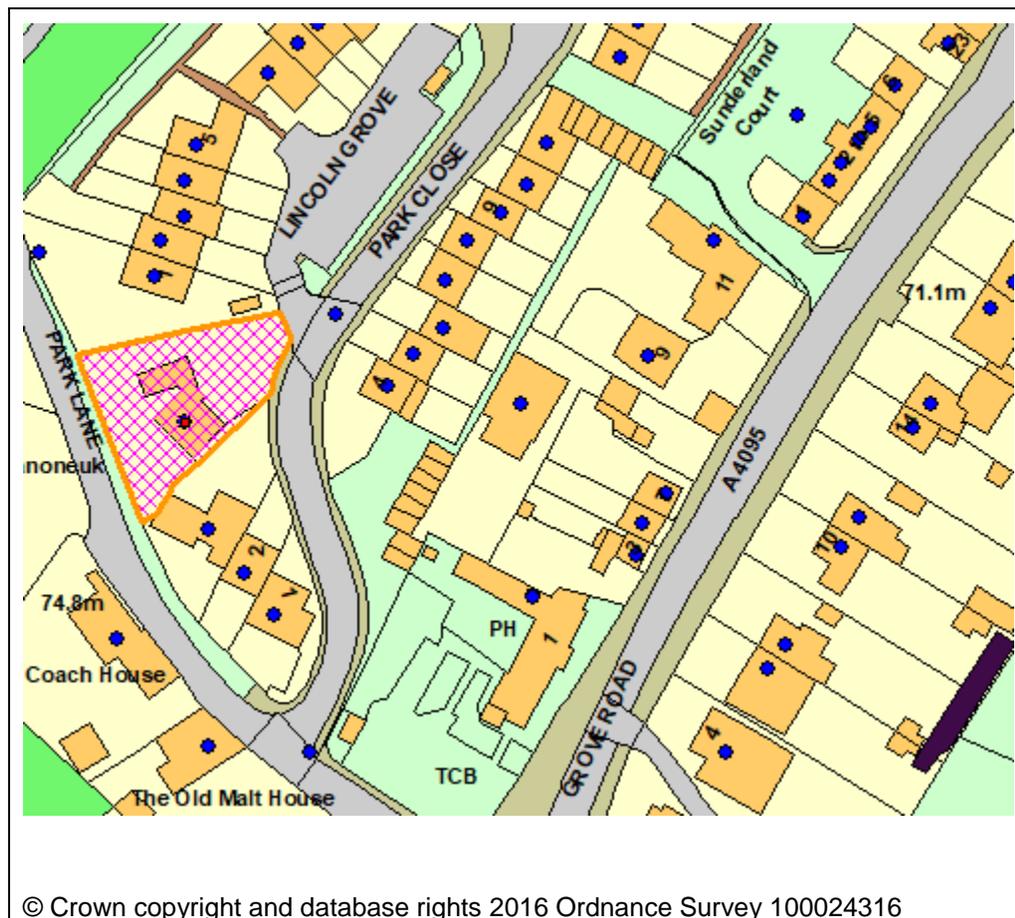
**Contact Officer:** Stuart McIver

**Telephone Number:** 01993 861663

**Date:** 11th August 2021

Application Number	21/01476/FUL
Site Address	Shabbanoneuk Park Close Bladon Woodstock Oxfordshire OX20 1RN
Date	11th August 2021
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Bladon Parish Council
Grid Reference	444786 E 215016 N
Committee Date	23rd August 2021

### Location Map



### Application Details:

Demolition of existing dwelling. Erection of three dwellings with associated works including landscaping and formation of parking

**Applicant Details:**

J Webb  
Aelfric Court  
2 Oxford Road  
Eynsham  
OX29 4HG

**I CONSULTATIONS**

OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>Recommendation: Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:</p> <ul style="list-style-type: none"><li>- G28 parking as plan</li><li>- G11 access specification</li></ul> <p><b>INFORMATIVE</b></p> <p>Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted.</p>
WODC Drainage Engineers	No objection subject to drainage condition.
Thames Water	No Comment Received.
WODC Env Health - Uplands	Mr ERS Pollution Consultation I have No Objection in principle.
Biodiversity Officer	Recommend conditions.
Conservation Officer	No Comment Received.
Parish Council	<p>Comment: The Parish Council objects to the application, sharing the many concerns expressed by the local residents of Park Close and Lincoln Grove including as to the overbearing impact of the proposed development not only on the two immediately adjacent properties but on the area generally, which is not commensurate with the scale and character of neighbouring development.</p> <p>None of the existing properties in either road for example have car parking spaces directly outside their frontages; they all have lawns including those in Lincoln Grove where the parking bays are on the far side of the driveway.</p>

We share residents' concerns as to the impact of increased traffic in a situation which is already extremely problematic; difficulties with front-in and out access of vehicles to the three proposed houses themselves; and the exacerbation of the existing lack of parking space on the road by the advent of visitors, guests and commercial deliveries to 2 extra new houses, leading to increased difficulties and risks for pedestrians particularly children.

We further share concerns raised by residents as to the day to day practicalities of adequate bin storage and collection, bicycle access to the road for those living in the new houses, drainage, etc, as well as to the true impact on the light and privacy of neighbouring properties.

Whilst not opposed to the demolition and replacement of the existing house per se the Parish Council thus considers these proposals amount to over development of this small plot, that the proposed parking space scheme would look and be completely out of keeping with the rest of the area, and that three houses on the site would create ongoing additional traffic problems in and around the Close. We would ask that consideration be given as to whether the proposals comply with the adopted West Oxfordshire Local Plan 2031, including policies OS2 and OS4 amongst others, and with the relevant provisions of the NPPF.

Given the extent of concern amongst residents we would strongly request that the application be referred to the Uplands Committee for consideration, and would further respectfully urge all members of the Committee who are not familiar with the area to undertake a site visit prior to the relevant committee meeting.

### **3 2 REPRESENTATIONS**

- 2.1 Eleven letters of representation have been received objecting to the proposals. Full details can be viewed on the Council's website including photographs submitted by the neighbouring property. A summary of the concerns raised are as follows:
- Not necessary or suitable to cram 3 houses onto this piece of land. The area is already congested with residents cars, and access to this road can be extremely difficult at peak times. 2 houses would be more in keeping with current surroundings.
  - Our outlook would be dominated by a carpark for the new homes.
  - The development will also be overbearing for the neighbouring property to the north.
  - There is no overwhelming need for new housing
  - Overbearing and overshadowing to Toad Cottage
  - Not "commensurate with the scale and character of neighbouring development"
  - Additional cars (two for each of the three houses) would only exacerbate the congestion and parking problems and add to air and noise pollution in the area.
  - Out of character with area
  - Inadequate bin and cycle storage
  - Misleading and inaccurate information submitted

## Additional Letter from occupant of Toad Cottage –

The latest drawing submitted by Oxford Architectural Design is inaccurate and misleading. The positioning/siting/angle of Toad Cottage as depicted in relation to the neighbouring site of Shabbononeuk is completely incorrect on this drawing. Firstly, my main/front door entrance, which, yet again, is not shown either on this diagram or any others previously submitted, faces straight on to the fence (i.e. as I have a side main entrance to my home) i.e. direct and not at an angle of 24%, as the outline of my home is noted on the diagram. Furthermore, as Toad Cottage is sited at a drop of 1.5 metres lower than the neighbouring site, how can the proposed roofline of Plot 3 be only 125mm higher than that of Toad Cottage? Once again, the developers are presenting misleading and inaccurate drawings and a decision should not be made by Uplands Area Planning Committee Council Members relying on the inaccurate information presented in the various diagrams/drawings/light surveys submitted to date. I therefore, once again, urge all Uplands Committee Councillors to visit both the site in person and my garden to see for themselves the true lie of the land in relation to neighbouring properties before taking a vote on this planning application.

### 2.2 Six letters has been received in support of the application:

- Whilst there are numerous parking issues in Park Close this planning application seems to address this as there are two spaces to each house. - This is more parking allocation than many of the houses
- The appearance of the new properties look in keeping with the community feel in Bladon and will be a huge benefit to house three families in the future.
- The current empty and derelict building is an eyesore.
- The block plan actually clarifies that the three houses would be sat on substantial plot and does not appear too cramped. The first three houses on Lincoln Grove are on a similar size plot.
- this new scheme appears to have taken into account the previous concerns.
- There is a need for more smaller dwellings in the area which this will contribute towards and will support the local economy

## 3 APPLICANT'S CASE

### 3.1 The planning statement concludes as follows:

The proposed development is located within the village of Bladon and represents sustainable development, compliant with housing location policies H2 and OS2.

The scheme will meet identified housing need and will boost the delivery of windfall sites in the sub-area; which is supported by both local and national policy.

A need exists for family dwellings, evidenced both by the Council's SHMA. The application addresses Policy H4 by delivering part of the mix for the District, and should not be assessed in isolation.

Development of the site will not result in the loss of important open space or land of amenity value. Views through the site are very limited.

The proposal represents a well-planned development that accords with the linear form of buildings in the locality.

An existing access will be utilised with existing visibility acceptable in both directions. Maximum parking standards can be achieved on site.

There are no identified heritage impacts - any that are alleged to exist would be outweighed by the public benefits of the proposal.

The Supplemental Planning Statement states:

Since the refusal, the applicant has worked with the WODC planning officer to address these concerns. This has been achieved by the following:

- Closing the gap between plots 01 and 02, thereby enabling plots 2 and 3 to be moved a further 1.2m away from the site boundary/Toad Cottage. The single storey element of the building will now stand a min. 2.4m from the boundary, with the two-storey element min. 3.6m from the boundary.
- Reducing the depth of the both the single and two storey elements of Plot 03 (adjacent Toad Cottage) by 0.6m.

Please also note:

- Since the refusal of application 20/018088/FUL a 2.0m high timber fence has been erected along the boundary that separates the proposed site from Toad Cottage / Lincoln Grove. This now replaces the 3m high conifer hedge that was removed as part of the initial site tidying up.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

EH3 Biodiversity and Geodiversity

EH10 Conservation Areas

EH14 Registered historic parks and gardens

H6NEW Existing housing

NPPF 2021

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

#### **5 PLANNING ASSESSMENT**

5.1 This application seeks consent for the demolition of existing dwelling and the erection of three dwellings with associated works including landscaping and formation of parking at Park Close in Bladon. The site falls within the Bladon Conservation Area and Oxford Green Belt.

5.2 The application follows the refusal of planning permission in December 2020 for the demolition of the existing dwellinghouse and the erection of three new dwellings (1 detached and 2 semi-detached) with associated works including landscaping and formation of parking (Ref: 20/01808/FUL). This application was refused on the following grounds:

'The development, by reason of its siting and scale, would have an adverse overbearing and overshadowing impact to the detriment of the amenity of occupants of the adjacent dwelling known as Toad Cottage. The development is therefore contrary to policies OS2 and OS4 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.'

This application seeks to address the concerns raised by:

- Closing the gap between plots 01 and 02, thereby enabling plots 2 and 3 to be moved a further 1.2m away from the site boundary/Toad Cottage. The single storey element of the building will now stand a min. 2.4m from the boundary, with the two-storey element min. 3.6m from the boundary.
- Reducing the depth of the both the single and two storey elements of Plot 03 (adjacent Toad Cottage) by 0.6m.

5.3 Councillor Poskitt has requested that the application be reported to Committee and has asked that a site visit be considered as viewing the various levels of dwellings in this old quarry area from Toad Cottage next door, might help Cllrs understand why the proposal is so concerning to residents.

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

- Principle
- Siting, design and form
- Impact on the Conservation Area
- Impact on the Green Belt
- Residential Amenities
- Highways
- Other matters

### **Principle**

5.5 Bladon is categorised as a village in the settlement hierarchy within the West Oxfordshire Local Plan 2031. Policy H2 states that new dwellings will be permitted on previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan. Therefore, subject to the below assessment, the re-development of the site for additional dwellings is acceptable in principle.

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

5.6 Policy OS2 of the West Oxfordshire Local Plan states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area. The street scene in Park Close is largely uniform in character comprising of relatively standardised housing of simple form and design which are generally terraced or semi-detached with open areas to the front. There is a modern housing development to the North of the site, Lincoln Grove, which comprises a range of terraced dwellings in neo-vernacular materials.

5.7 In this case, your officers are of the opinion that by virtue of the siting, scale and design, the proposed development would form a logical complement to the existing linear pattern and character of development in the area. Your officers consider that the design and form, whilst slightly contrived, would be similar to and in-keeping with the character and appearance of the existing dwellings in Park Close. Further, your officers note that the dwellings would be relatively packed on to the site. However, given that the existing dwellings along Park Close are generally sited very close together with little space in-between, and by virtue of the siting and scale of the proposed development, your officers consider that, on balance, this is acceptable and would not represent an overdevelopment of the site. The parking area would sit at the front of the site, similar to parking arrangement serving Lincoln Grove to the North, and is considered to preserve the character of the street scene.

5.8 As such, the application is considered to be acceptable in visual amenity terms.

## **Impact on the Conservation Area**

5.9 Since the application site is within a Conservation Area, your 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this case, in light of the above assessment, by virtue of the siting, scale, design and form, the proposed development is considered to preserve the character and appearance of the Conservation Area.

## **Impact on the Green Belt**

5.10 As Bladon sits within the Green Belt, in accordance with policy OS2 which states that all development should comply with national policies for the Green Belt, your officers have considered the proposal against section 13: Protecting Green Belt Land of the National Planning Policy Framework which sets out that complete redevelopment of previously developed land should not have a greater impact on the openness of the Green Belt than the existing development. In this case, given the location and built up residential context of the site, the redevelopment of the site for additional housing is not considered to adversely impact the openness of the Green Belt.

## **Residential Amenities**

- 5.11 The site adjoins residential development with Toad Cottage located to the north of the site and a terrace of dwellings to the South. Toad Cottage, sits approximately 1.5m lower than the development site.
- 5.12 As stated above, the previous application for 3 dwellings was refused on the grounds that it would have an adverse overbearing and overshadowing impact to the detriment of the amenity of occupants of the adjacent dwelling known as Toad Cottage. This revised scheme seeks to address this concern by moving the adjoining plot 03 a further 1.2m away from the site boundary with Toad Cottage with a single storey element on the side boundary being located a minimum of 2.4m from the boundary and the two-storey element sited a minimum of 3.6m from the boundary. The depth of both the single and two storey elements of Plot 03 (adjacent Toad Cottage) has also been reduced by 0.6m. There would be a minimum distance of approximately 7.4m from the two storey element to Toad Cottage, and 6m from the single storey element, which would increase given the angled orientation of Toad Cottage from the boundary. Since the refusal a 2m high timber fence has been erected along the boundary.
- 5.13 A daylight and sunlight analysis report has also been submitted based upon the Building Research Establishment (BRE) guidelines 'Site Layout Planning for Daylight and Sunlight', which provides the criteria and methodology for calculation in connection to daylight and sunlight. The results of the assessment indicate that the neighbouring property (Toad Cottage) would not be affected by the proposed development.
- 5.14 In terms of the impact on properties to the South, given the position and orientation of these dwellings; the current two storey dwelling which sits along the boundary with no.3, and that there is a garage block which sits between the site and 3 Park Close, your officers do not consider that the development would be adversely overbearing or result in a loss of light to the detriment of the occupants of this dwelling.

- 5.15 By virtue of the siting and design of the proposed dwellings, the development is not considered to result in any adverse overlooking either between the proposed new dwellings, or of neighbouring properties.
- 5.16 The proposed new dwellings are considered to be served by sufficient outdoor amenity space and living standards.
- 5.17 In conclusion, the revised scheme is considered to be acceptable and addresses the previous concerns relating to the overbearing and overshadowing impact on the adjacent dwelling known as Toad Cottage.

## **Highways**

- 5.18 The Local Highway Authority has raised no objections to the application in terms of highways safety and convenience subject to conditions.

## **Conclusion**

- 5.19 In light of the above, the application is considered to be acceptable and compliant with policies OS2, OS3, OS4, H2, H6, EH3, EH9, EH10 and T4 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions of the NPPF 2019.

## **6 CONDITIONS**

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

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

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

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

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

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

4. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

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

5. 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.

6. 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.

7. 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 test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. 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.

8. The development shall be completed in accordance with the recommendations and measures within the following documents:
  - a. Section 6 of the Protected Species Survey Report, dated September 2020 prepared by Windrush Ecology, as submitted with the planning application; and
  - b. All measures outlined within the Forest Of Dean District Council's Precautionary Working Method Statement guidance note dated 16th May 2012 available at:  
<https://www.fdean.gov.uk/media/wjth1ruj/precautionary-method-of-working-forreptiles.pdf>;

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

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

9. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings as well as hedgehog gaps/holes within new fences/walls, shall be submitted to the local planning authority for approval.

The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

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

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

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

11. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas or woodland bulb planting) along with a 5-year maintenance plan and a 10-year hedgerow management plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development. The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

13. 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.

14. No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

#### INFORMATIVES :-

- Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council
- The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited

exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest. In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

## Notes to applicant

- 1 Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council
- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
- 3 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out. All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest. In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider

the need for a licence from Natural England prior to commencing works (with regard to bats).

**Contact Officer:** Joan Desmond

**Telephone Number:** 01993 861655

**Date:** 11th August 2021