

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th February 2022

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.

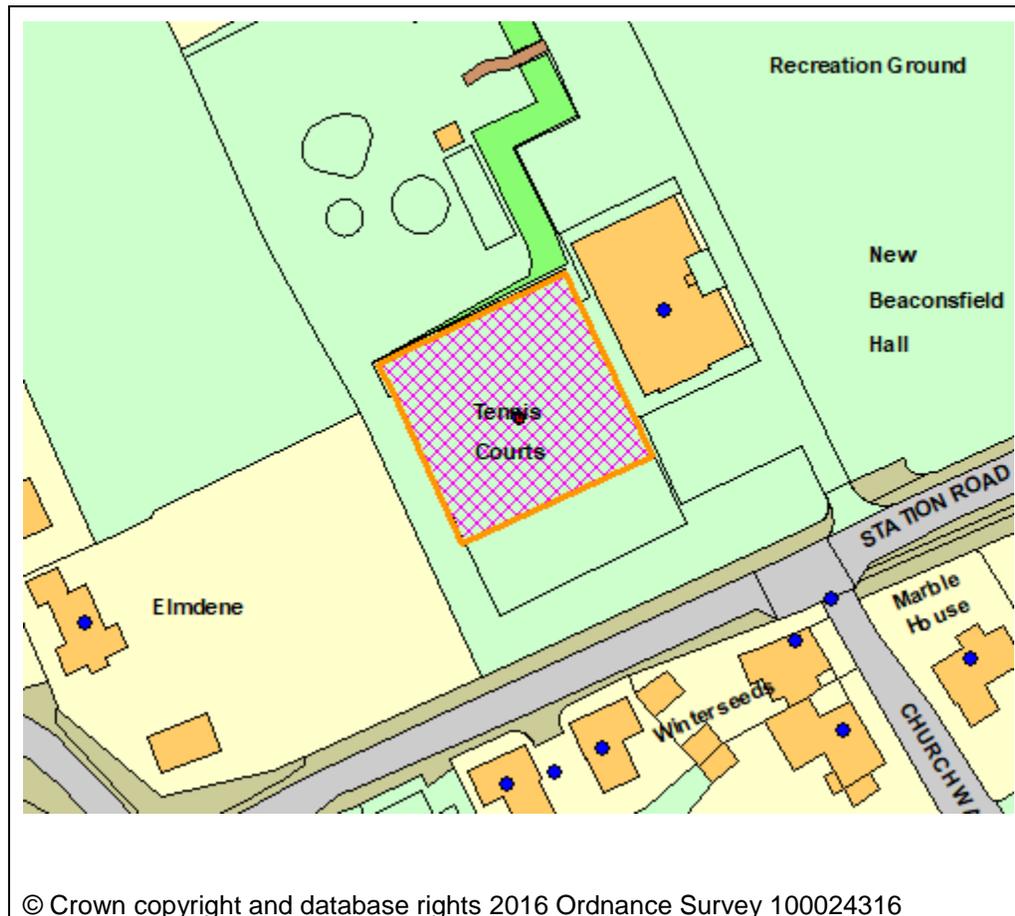
Please note that:

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

Page	Application Number	Address	Officer
11 – 28	21/03836/FUL	Tennis Courts, Beaconsfield Hall, Shipton Under Wychwood	Sarah Hegerty
29 – 34	21/03859/FUL	Vicarage Field, Church Road, Chipping Norton	James Nelson
35 - 40	21/03893/FUL	Building Referred To As 'Asgard', South East Of Valhalla, Church Street, Stonesfield	Kelly Murray
41 - 44	21/04066/HHD	2 Church Street, Fifield, Chipping Norton	Briony Farmer

Application Number	21/03836/FUL
Site Address	Tennis Courts Beaconsfield Hall Station Road Shipton Under Wychwood Oxfordshire
Date	26th January 2022
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427804 E 218146 N
Committee Date	7th February 2022

Location Map



Application Details:

Erection of 9 lighting columns to provide floodlighting for tennis courts 1 and 2.

Applicant Details:

Wychwoods Lawn Tennis Club
Tennis Courts
Beaconsfield Hall
Station Road
Shipton -under-Wychwood
Oxon OX7 6BQ

I. CONSULTATIONS

Parish Council

Shipton Parish Council objects on the following basis.

The site lies within the Shipton under Wychwood Conservation Area and in the Cotswold AONB. The lighting that is proposed will be visible from a wide area across the AONB and interfere with dark skies, contrary to the policies of the AONB.

The proposal also contravenes policies EH1, EH2, EH3, EH8, EH10, CE5, OS2, OS4. EH1 Enhancing natural beauty and wildlife. EH2 To avoid light and noise pollution and maintain existing level of tranquility and dark sky quality.

EH3 Parish Council notes that there is little difference between the current proposals and previous applications that were refused. Similar biodiversity reason for objection therefore still stands. EH8 Lighting should be unobtrusive and not excessive. Harmful to amenity of near residents. EH10 Not be detrimental to views within or into the area. CE5 Regard to dark skies. OS2 Landscape scenic beauty - protect and enhance. OS4 Respect historic landscape character and conserve habitat of biodiversity value

WODC Env Health - Uplands

My comments relate purely to the potential for Statutory Nuisance from light due to this proposal and not to any effect on wildlife.

Having reviewed the report supplied by Signify Commercial UK Limited, and other information submitted as part of the application, I am of the opinion that if the lighting is built to the design specified with the light at the angles described in the report, then there will be minimal risk of Statutory Nuisance from the proposed lighting. Neighbours may well be aware that the lighting is switched on but the light overspill will be such that there will be no light shining directly towards neighbouring residential properties to cause a Statutory Nuisance.

I can therefore find no reason to object to this proposal on the grounds of potential Statutory Nuisance from the proposed lighting.

Cotswolds Conservation Board

For the reasons outlined below, the Board considers that the proposed development is contrary to policies EH1, EH2 and EH8 of the West Oxfordshire Local Plan (WOLP) 2031 and CE5 of the Cotswolds AONB Management Plan 2018-2023 and therefore objects to this application.

In reaching its planning decision, the local planning authority (LPA) has

a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.

2 The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 ([link](#));
- Cotswolds AONB Landscape Character Assessment ([link](#)) particularly, in this instance, with
- regards to Landscape Character Type (LCT) 17 (Pastoral Lowland Vale), which the site is located within, and LCT 16 (Broad Floodplain Valley), which the site is adjacent to;
- Cotswolds AONB Landscape Strategy and Guidelines ([link](#)) particularly, in this instance, with regards to LCT 17 ([link](#)), including Section 17.8 and LCT 16 ([link](#)), including Section 16.5;
- Cotswolds AONB Local Distinctiveness and Landscape Change ([link](#));
- Cotswolds Conservation Board Position Statements ([link](#)) particularly, in this instance, with regards to Dark Skies and Artificial Light Position Statement ([link](#)) and its appendices ([link 1](#), [link 2](#), and [link 3](#)).

The Board is aware that previous applications for floodlighting on this site have been refused. These include the application refused earlier this year (application reference 21/00261/FUL), the Council's first reason for refusal stating that the "proposed floodlighting at this prominent site, within the Shipton Under Wychwood Conservation Area and the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development, which would fail to preserve or enhance the character and appearance of the Conservation Area or the Cotswolds Area of Outstanding Natural Beauty, and when lit would be visually obtrusive to surrounding residential and local amenity. As such the proposal is considered contrary to policies OS2, OS4, EH1, EH8 and EH10 of The West Oxfordshire Local Plan (2031), Policy CE5 'Dark Skies' of the Cotswolds Conservation Boards Management Plan and Section 15 of the NPPF". WOLP 2031 policy EH1 states that when determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB. Further, paragraph 176 of the NPPF 2021 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. Policy EH1 further states the Board's AONB Management Plan and guidance documents are material considerations in decisions relevant to the AONB. Policy

CE5 'Dark Skies' of the AONB Management Plan states that proposals that are likely to impact on the dark skies of the Cotswolds National Landscape should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution. Measures should be taken to increase the area of dark skies in the Cotswolds AONB by (i) removing and (ii) reducing existing sources of light pollution.

Section 17.8 of the Cotswolds AONB Landscape Strategy and Guidelines for LCT 17 referred to above identifies the introduction of lit elements into characteristically dark landscapes as a potential adverse landscape implication. As such, the introduction of 9 x 6.2m high floodlights into what is a characteristically dark landscape would not be consistent with the Landscape Strategy and Guidelines and, by extension, the policies of the Cotswolds AONB Management Plan 2018-2023. The proposal would also not be consistent with policy EH2 of the West Oxfordshire Local Plan 2031 which states that "proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquility and dark-sky quality, reversing existing pollution where possible" and policy EH8 which will only allow external lighting proposals where "the proposal would not have a detrimental effect on intrinsically dark landscapes". The applicant states that the revised proposals have been amended to overcome the concerns raised previously and conform to the ILP 'Guidance notes for the reduction of obtrusive light for an EI zone (Intrinsically dark areas including Areas of Outstanding Natural Beauty) whilst mitigating the effect lighting will have on wildlife. We would defer to the assessment of the Council's specialist Environmental Health and Biodiversity Officers in consideration of these matters.

However, even if the proposal does comply with this guidance, there would still be the issue of introducing lit elements into the intrinsically dark, night-time landscape. The Board considers that the proposed development and associated light spillage and glow will comprise a new source of light pollution within the immediate and wider surrounding area, failing to avoid and/or reduce existing levels of light within the AONB and potentially adversely impacting on the dark skies of the Cotswolds National Landscape, which are one of the area's 'special qualities'. Whilst the Board recognises its duty to seek to foster the economic and social well-being of people living in the Cotswolds National Landscape, including their recreation, this is only in so far as is consistent with the great weight that must be given to the conservation and enhancement of the landscape and natural scenic beauty of the National Landscape.

WODC - Sports

From a sport and leisure perspective we support this application.

In the UK we are fortunate to experience long daytime hours during

the summer months for the pursuit of sport and leisure. Although during the winter months this can be limited to as little as 7 hours a day. The provision of sports lighting on tennis courts enables use throughout the year and is identified by the National Governing Body of tennis; the Lawn Tennis Association (LTA), as a key priority for growing participation nationally. The LTA also reports that the addition of sports lighting allows for a 35% increase in available court time on an annual basis.

At present in West Oxfordshire, only 14 of the 74 tennis courts in the district are serviced by sports lighting, representing just 19% of the provision and that this lack of sports lighting on courts is limiting recreational and causal demands.

Furthermore, the COVID -19 pandemic has had an impact on people's exercise habits, with many still choosing to exercise outdoors, due to concerns and fears about using indoor facilities. This making high quality, accessible outdoor facilities fundamental for our communities, as they play an important role in increasing participation and encouraging a healthy lifestyle.

Conservation Officer

The applicant has taken on-board our previous comments - providing a Landscape Assessment with photographic survey of the site and surrounds. This includes an assessment of the conservation area, its setting and views. In general, they have considered mitigation measures including usage times, no lighting above the horizontal, and no upward spill, columns painted dark green. And in regard to the Conservation Area they have referred to lights levels no more than 400 lux, single court lighting and motion sensors which automatically switch off when not being used, dimmers allow lux to be reduced to 300 lux for coaching and compact light fittings and slim line light columns.

I am satisfied that the applicant has explored the options to support their application ensuring that the conservation area, its setting and views are preserved as much as possible, therefore, I raise no objection.

Ecologist

Biodiversity recommendation: objection in line with responses to the previous planning applications for floodlighting at this location. The proposal does not comply with Local Plan policy EH3 In summary, the following information has been submitted with the planning application.

Ecological Impact Assessment - EclA report dated 13/10/2021 (an update of a previous report dated 2nd March 2020) by Midland Ecology.

The Executive Summary section of the report (page 4) states, "The scheme for these has been designed to comply with protocols in ILP

Guidance Note 08/18 - Bats and Artificial Lighting in the UK produced jointly by the Institute of Lighting Professionals and the Bat Conservation Trust" - but there is limited evidence of how this has been considered.

Table 3 (page 18) concludes that the western hedgerow "...falls outside of the works area however, and the proposed lighting design is highly unlikely to result in the increased illumination of it to a significant extent. Due to these considerations, the potential for impacts on foraging/commuting bats is classed as negligible."

The adjacent building (Beaconsfield Hall) is identified as having moderate potential for roosting bats, but Table 3 concludes that the potential roost features are limited to the eastern side of the building and therefore that the lighting will not result in the illumination of these. Impacts on roosting bats are therefore classed as negligible. However, no detailed bat surveys have been carried out.

There is an existing record of badgers from the residential garden to the west (dated 2021) and the survey referred to in Table 3 on page 19 is unlikely to have been a thorough assessment of the garden (where latrines are present).

There are also existing records of great crested newts from the residential garden to the west (dated 2021) within the pond identified as being "below average" for this species in Table 3 (page 20) of the Report. I have seen a photograph taken by the resident and I can confirm that it is of a great crested newt.

Apart from the confirmed presence of great crested newts from the adjacent residential property, the proposal has similar impacts to the previous planning applications despite some minor changes to the Proposal in terms of the type of lighting and number of columns. Biodiversity mitigation strategy October 2021 Midland Ecology.

The strategy identifies the key mitigation measures (section 1.1) as being:

- Retention of existing vegetation on site
- Lighting to comply with ILP Guidance Note 08/18 - Bats and artificial lighting in the UK
- Hours of use Monday to Friday inc will be 09.00hrs to 21.00hrs. Saturday and Sunday use will be from 09.00hrs to 19.00hrs
- Use of the lights to be restricted to between 1st October and 15th May
-

Key aspects of this design (section 2.1.1) are:

1. LED targeted direction lighting - to restrict the spillage of light into surrounding areas.

2. Specific selected light fittings - to further restrict the area of illumination including no light emitted above the horizontal (see report by Signify), producing warm white light, 3000k.

3. A master control switch - which will control the daily permitted times of illumination (Monday to Friday inc will be 09.00hrs to 21.00hrs. Saturday and Sunday use will be from 09.00hrs to 19.00hrs).
4. Independent individual court controls - which will ensure that light emitted is restricted to the occupied court only.
5. Automatic non activity sensors - will switch court lights off if a court is vacated early.
6. A reduction in the light facility - which will enable certain tennis activities e.g. physical tennis exercises, coaching and non-competitive play to be carried out at a reduced lighting level.

It also states "These design measures aim to minimise lighting to that purely necessary for the tennis courts to be used, and to avoid light spill on to adjacent habitats. The lighting modelling shows that even in the absence of the western boundary hedgerow (as its presence could not be modelled), the spill would result in 0 Lux onto the adjacent property (including the pond situated there)."

Issues

The Planning Statement states that the proposed development would have no adverse effect on ecology and summarises the mitigation measures included as listed below, however, in accordance with the

ILP

Guidance Note 08/18, the requirement is for warm white light of less than 2,700K with regard to limiting the impact on bats. It would not be possible to use floodlights of 2,700K to light the tennis courts.

- Lights off at maximum 9pm weekdays and 7pm weekends
- The lights will only be used between 1 October and 15 May
- The proposed lighting would be maximum of 400 Lux
- Using warm white rather than cool white lights to negate any effect on wildlife
- Integral louvres significantly reduce lux spillage and source intensity

The Signify technical report about the proposed floodlighting does not refer to the ILP Guidance Note 08/18 with regard to the impact on bats and it is therefore uncertain whether the recommendations from this have been properly considered as part of the design. Although it is understood that the aim is "to ensure spill is kept to an absolute minimum", this may not be appropriate for the potential use of the hedgerow by bats.

ILP Guidance Note 08/18 recommends lighting should be less than 2,700 Kelvin and the current proposal is for floodlights at 3000K, which is the lowest possible level that could be used in order to maintain the lighting properties needed for tennis.

The submission concludes that the control of light spillage is sufficient, however, the Iso Contour grid calculation on page 37 of the 'Wychwood Tennis Club LED Floodlighting inc PDF Import' report dated 13-07-2021 shows that spillage would occur on the western

hedgerow at approx. 5 to 10 Lux. These are different values to the graphical table shown on page 36 where lux levels in the hedgerow would be between 1 and 19 Lux. The front page of the report notes that the nominal values shown in the report are based on precise calculations, but that "In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and electrical supply".

Control of spillage from the floodlights is not the only issue - there has been no consideration of the reflection of light from the surface of the tennis courts (the vertical plane) and the impact this might have on species using the western hedgerow, particularly bats and great crested newts. The reflection of light from the ground cannot be modelled and the Technical Summary report states "values may vary in practice due to reflection properties".

The mitigation does not include the supplementary planting of additional shrubs within the hedgerow along western boundary to provide an additional screen to the adjacent pond. Although this was included in the previous application, it has been removed from the current proposals. It is assumed that this is because the parish council own and manage the hedgerow and there is no permission from them for the planting to take place. The aim of the planting was to provide a screen to the existing hedgerow using evergreen species or species that hold their leaves all year round, however, in the end it was felt that this was unlikely to be successful as part of the previous application due to the height restriction of the vegetation and the lack of landowner permission.

No bat activity survey - there is evidence in the objections submitted that there are foraging bats using the western hedgerow and this also makes reference to bat roosts being present in the surrounding residential area.

No great crested newt survey and presence of great crested newts in adjacent residential garden pond (3 derogation tests unlikely to be met due to other reasons for refusal)

Insufficient survey for badgers - and evidence of presence from neighboring resident.

Hedgerow connectivity - although the western hedgerow does not connect up with other hedgerows to the north, it is a link to the residential development to the north (Meadow Close), which has trees and hedgerows within it and a boundary hedgerow along its southern edge. This then connects to other hedgerows and trees along Meadow Lane to the east and the substantial hedgerows around Reynolds Close. These in turn are then clearly linked to the Littlestock Brook and the River Evenlode to the east, which provide ideal bat foraging and commuting habitat.

Proposal is contrary to Local Plan Policy EH3 I therefore conclude that there is little difference between the current proposals and previous applications that were refused. Similar biodiversity reason for refusal therefore still stands.

Additional Comments

In addition to the comments provided below, the presence of great crested newts in the pond to the west of the tennis courts would further decrease the seasonal use of the floodlights, as newts can be active from late Feb/early March (depending on weather conditions and temperature); so the use of the floodlights would have to be limited to the period from October to February, which only allows for 4 months of the year. Tennis playing in the evenings during the period March to May and in September would therefore be restricted further - in comparison to the mitigation strategy proposal for the lights to be turned off from 15th May to 1st October each calendar year.

Sport England South East

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

For clarity Sport England sought a legal opinion on the meaning of the 'whole of the site' in respect of the Development Management Procedure Order and it was held that any outdoor sports facilities which in physical and functional terms formed part of the playing field fell under the definition of the 'whole of the site'. Therefore, the tennis courts form part of the playing field site.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field

or

- land which has been used as a playing field and remains undeveloped

or

- land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

The proposal is for the erection of 9 lighting columns to provide sports lighting for tennis courts 1 and 2. This is a resubmission of 21/00261/FUL which was refused on the 6th April 2021. It was refused on 2 grounds: firstly on Conservation and AONB reasons and insufficient ecological survey information.

I would draw your attention to a recent successful planning application for sports lighting in the Chiltern Hills Area of Outstanding Natural Beauty at Memorial Hall Playing Field in South Oxfordshire District Council, P20/S4912/FUL. Condition 4 attached to the decision notice (attached) was included to protect the AONB: The Correlated Colour Temperature for the MUGA lighting shall not exceed 3000 Kelvin (warm white) and the Correlated Colour Temperature for the wayfaring lighting shall not exceed 2700 Kelvin (very warm white) as set out in the Lighting Assessment Addendum 1716-DFL-ELGXX-RP-EO-13001 P03 August 2021. The luminaires for the MUGA and the wayfaring lighting and the columns upon which that are mounted shall accord with specification for the luminaires and columns as set out in the Lighting Impact Assessment 1716-DFL-LS-001 Rev E June 2021.

Reason: To protect the appearance of the area and wider AONB landscape, the environment and wildlife, and local residents from light pollution in accordance with Policies ENV1 and ENV12 of the South Oxfordshire Local Plan 2035.

It occurs to me that this condition could be applied to the application as the OptiVision LED gen 3.5 luminaire which has been specified and is part of the planning application, has a 3000k warm white operating temperature.

Having read through the ecological information, whilst I am not an expert, it does seem more robust than the previous submission, than in the previous planning application.

A pragmatic solution would be to limit the use of the lights which is suggested in the planning statement, together with the condition suggested about.

Tennis is one of the sports which has grown and continues to grow during the recent pandemic and a number of tennis clubs have now waiting lists. Physical activity is key for an active lifestyle and is proven to aid to mental wellbeing.

The applicants are correct in their design and access statement that lighting technology has come a long way since their previous application in 2004. Not only are the luminaires more energy efficient, via LEDs but the light spillage has been dramatically reduced. The use of timers reduce the chances of the sports lighting being left on accidentally.

Sports lightning plays a critical role in the allowing sport to be played longer and safely in this country due to fluctuating daylight.

Conclusion

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

2. REPRESENTATIONS

2.1 111 Objection Comments have been received and are summarised as follows:

- Light/noise pollution
- traffic impacts
- Prominence location in the valley
- Biodiversity Impacts
- AONB Impacts
- Conservation Area Impacts
- Alternative provision in the local area

2.2 184 support comments have been received and are summarised as follows:

- Health and Wellbeing
- Community Asset
- New proposal address previous concerns (Ecological/AONB/Heritage)

2.3 Local Ward Member - Councillor Jake Acock has made the following comments:

Let me begin by stating how disappointed I am to see this application, without any material changes, being discussed once more in the space of a few years. This is unfair on the residents of the Wychwoods who have had to deal with at least three consecutive applications. I hope for the residents and the tennis club that this is the last application, and the matter can finally be resolved once and for all.

The key ground that this application should be refused is that it goes against the Local Plan, voted for by West Oxfordshire District Council in 2018. This plan stands until 2031. There are a number of policies that this application breaches:

- Policy EH8: this states that any applications in a conservation area should ENHANCE and, most importantly, CONSERVE the area. This application does not do that. Having 9 poles that are 6 metres high cannot be said to enhance or conserve. Similarly, the light spill in the evenings will be visible from many other places, including Chipping Norton and other villages surrounding the valley.

- Policy EH1: any application must conserve the landscape character. This application will cause light pollution and disturb natural wildlife because of the poles being erected and the light pollution.
- Policy EH6: this policy states that external lights should be unobtrusive. It also states that lights should not result in excessive levels. This application does not meet this criterion because there would be obtrusive external light causing light pollution.

For these reasons alone the application should be refused, as it does not meet the policies set out in West Oxfordshire's Local Plan.

3. APPLICANT'S CASE

3.1 Our latest application contains a significantly improved lighting design compared with our previous application and we have also included a range of limitations on light levels, hours, and seasonality.

3.2 According to the LTA no other three court club without lighting club can equal our membership numbers. The club offers many different opportunities to play tennis for all standards of players together with a strong coaching programme.

3.3 No other local club offers the same opportunities to such a large number to play tennis and the Club was voted Oxfordshire Tennis Club of the Year in 2011 and 2017 and has one of the only 70 accredited Level 5 Master Club Coaches in the UK.

3.4 Participation in tennis at the club during April to September is very high and the court's booking system shows a high usage rate during these months, but this inevitably reduces substantially during the winter months through lack of light.

3.5 The club fully appreciates there is inevitably some harm caused by having lights, but the latest technical lighting system proposed allows much reduced lighting levels, no upward spill, zero light beyond the court edge, dimmers, motion sensors and single court lighting - ensuring very modest impact in the AONB and Conservation Area. The scheme has also been independently assessed for ecology and has no negative impact on biodiversity and ecology.

3.6 The modest harm is far outweighed in our view by the benefits.

3.7 There are a significant and diverse range of social, health, community, sport, and related benefits that accrue not only to the large numbers of younger players and families in the village and other villages within easy reach, with open access to the public as well as members of the club.

3.8 Key Benefits Include:

- Provision to support a year-round tennis coaching programme from age 3 onwards
- Increased participation in tennis during the winter months
- Access to courts for longer in the winter months
- Local sports facility without necessity to travel
- Community access to tennis for the public through online smart gate access - Pay and play
- Extra sports provision for the local community and school

- Extra sporting facility on an existing site located within the existing sports and recreation area without any need for public or external funding
- Facility will be accessed by a wider audience particularly those that work throughout the week and juniors after school during the winter months
- Significant improvement in community physical and mental health when outdoor activity is enabled
- Improved access in diversity and inclusion for marginalized groups through provision of a year-round access Programme
- The sports and recreation area where the club is located, will become a richer sports and health hub for the local village and nearby communities

4. PLANNING POLICIES

NPPF 2021

E5NEW Local services and community facilities

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

E5NEW Local services and community facilities

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

5. PLANNING ASSESSMENT

Background Information

5.1 The proposal is for the erection of 9 lighting columns to provide floodlighting for tennis courts 1 and 2.

5.2 The application relates to tennis courts associated with Wychwoods Tennis Club. The tennis courts are located adjacent to Beaconsfield Hall, which is in a prominent location along Station Road on the outskirts of the built up area of Shipton Under Wychwood with open countryside extending out from north East side of the site. The application site is slightly elevated above Station Road and is identified by its semi-rural character including open green space and loose vegetation. There are various public rights of way within the immediate vicinity of the site but also within the wider landscape which rises up as you travel northwards along station road. The application site is within the Shipton Under Wychwood Conservation Area, the Cotswolds Area of Outstanding Natural Beauty (AONB) and a Nature Improvement area as noted on Pg111 Map 8C of the WOLP.

Relevant planning history

19/02459/FUL - Installation of floodlights to provide lighting for two tennis courts - Withdrawn

W2002/1192 - Erection of nine 6,7m high floodlights - Refused (appeal dismissed)

21/00261/FUL - Erection of 9 lighting columns to provide floodlighting for tennis courts 1 and 2. -

Refused on following grounds:

The proposed floodlighting at this prominent site, within the Shipton Under Wychwood Conservation Area and the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development, which would fail to preserve or enhance the character and appearance of the Conservation Area or the Cotswolds Area of Outstanding Natural Beauty, and when lit would be

visually obtrusive to surrounding residential and local amenity. As such the proposal is considered contrary to policies OS2, OS4, EH1, EH8 and EH10 of the West Oxfordshire Local Plan (2031), Policy CE5 'Dark Skies' of the Cotswolds conservation Boards Management plan and Section 15 of the NPPF.

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

5.3 The application is before planning sub-committee in line with the scheme of delegation due to the height of the floodlights being greater than 6m.

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 of development
- Visual Amenity
- Conservation Area
- Wider AONB Landscape setting
- Biodiversity
- Residential Amenity

Principle

5.5 With regard to the principle of development, first OS2 states that the Villages "are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities." along with compliance with the general principles of development

5.6 Policy E5 of the West Oxfordshire Local Plan (2031) (WOLP) seeks to support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. Further, section 8 of the NPPF (Promoting healthy and safe communities) encourages social interaction and the enabling and support of healthy lifestyles.

Conservation Area

5.7 Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further, the paragraphs of section 16 'Conserving and enhancing

the historic environment' of the NPPF are relevant to consideration of the application. Policy EH10 states proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interests, character, appearance and setting.

5.8 The Conservation officer was consulted and has raised no objection to the proposal stating: "The applicant has taken on-board our previous comments - providing a Landscape Assessment with photographic survey of the site and surrounds. This includes an assessment of the conservation area, its setting and views. In general, they have considered mitigation measures including usage times, no lighting above the horizontal, and no upward spill, columns painted dark green. And in regard to the Conservation Area they have referred to lights levels no more than 400 lux, single court lighting and motion sensors which automatically switch off when not being used, dimmers allow lux to be reduced to 300 lux for coaching and compact light fittings and slimline light columns. I am satisfied that the applicant has explored the options to support their application ensuring that the conservation area, its setting and views are preserved as much as possible."

5.9 Based on the consultation response from the Conservation Officer, Officers are satisfied that the character of the Conservation Area would be preserved as much as possible and would result in 'less than substantial harm' to the character and appearance of the Conservation Area. Paragraph 202 of the NPPF provides that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' In this case, Officers consider that the public benefits, including social, health and well-being benefits would outweigh the less than substantial harm.

Wider AONB & Landscape setting

5.10 The site is located within the Cotswolds AONB wherein great weight should be given to conserving landscape and scenic beauty.

Policy EH1 states that when determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB. Further, Paragraph 172 of the NPPF 2018 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. Policy EH1 further states the Cotswolds Conservation Board's management plan and guidance documents are material considerations in decisions relevant to the AONB. Policy CE5 'Dark Skies' of the Cotswolds Conservation Board's Management plan states that proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution. Measures should be taken to increase the area of dark skies in the Cotswolds AONB by (i) removing and (ii) reducing existing sources of light pollution.

5.11 The Cotswold Conservation Board has objected to the application stating that the proposal will introduce "lit elements into the intrinsically dark, night-time landscape. The Board considers that the proposed development and associated light spillage and glow will comprise a new source of light pollution within the immediate and wider surrounding area, failing to avoid and/or reduce existing levels of light within the AONB and potentially adversely impacting on the dark skies of the Cotswolds National Landscape, which are one of the area's 'special qualities'".

5.12 Whilst this revised application has sought to try and mitigate the impacts of the proposed floodlights, Officers still consider that the proposed development and associated light spillage/glow will contribute toward additional light pollution within the wider landscape (AONB) and negatively impact the dark skies and tranquil nature of the AONB. Therefore the proposed development is considered contrary to policy CE5 of the Cotswolds Conservation Board's Management Plan and would fail to either conserve or enhance the setting of the Cotswolds AONB which is contrary to EH1 and EH2 of the WOLP.

Biodiversity

5.13 With regard to ecology, concerns have been raised regarding the impact the proposed lighting will have on the biodiversity of the surrounding area. The Council's Biodiversity Officer was consulted as part of the planning process (summarised below) and has considered the information submitted within the proposal to be insufficient to recommend a positive determination of the application. The key points are summarised below:

- The Planning Statement states that the proposed development would have no adverse effect on ecology and summarises the mitigation measures included as listed below, however, in accordance with the ILP Guidance Note 08/18, the requirement is for warm white light of less than 2,700K with regard to limiting the impact on bats. It would not be possible to use floodlights of 2,700K to light the tennis courts. The Signify technical report about the proposed floodlighting does not refer to the ILP Guidance Note 08/18 with regard to the impact on bats and it is therefore uncertain whether the recommendations from this have been properly considered as part of the design. Although it is understood that the aim is "to ensure spill is kept to an absolute minimum", this may not be appropriate for the potential use of the hedgerow by bats. The submission concludes that the control of light spillage is sufficient, however, the Iso Contour grid calculation on page 37 of the 'Wychwood Tennis Club LED Floodlighting inc PDF Import' report dated 13-07-2021 shows that spillage would occur on the western hedgerow at approx. 5 to 10 Lux. These are different values to the graphical table shown on page 36 where lux levels in the hedgerow would be between 1 and 19 Lux. The front page of the report notes that the nominal values shown in the report are based on precise calculations, but that "In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and electrical supply".
- Control of spillage from the floodlights is not the only issue, there has been no consideration of the reflection of light from the surface of the tennis courts (the vertical plane) and the impact this might have on species using the western hedgerow, particularly bats and great crested newts. The reflection of light from the ground cannot be modelled and the Technical Summary report states "values may vary in practice due to reflection properties".
- The mitigation does not include the supplementary planting of additional shrubs within the hedgerow along western boundary to provide an additional screen to the adjacent pond.
- No bat activity survey - there is evidence in the objections submitted that there are foraging bats using the western hedgerow and this also makes reference to bat roosts being present in the surrounding residential area.
- No great crested newt survey and presence of great crested newts in adjacent residential garden pond (3 derogation tests unlikely to be met due to other reasons for refusal)
- Insufficient survey for badgers - and evidence of presence from neighbouring resident.
- Hedgerow connectivity - although the western hedgerow does not connect up with other hedgerows to the north, it is a link to the residential development to the north (Meadow Close), which has trees and hedgerows within it and a boundary hedgerow along its southern edge. This then connects to other hedgerows and trees along Meadow Lane to the east and the

substantial hedgerows around Reynolds Close. These in turn are then clearly linked to the Littlestock Brook and the River Evenlode to the east, which provide ideal bat foraging and commuting habitat.

5.14 Notwithstanding the above, the Biodiversity officer also commented that:
"the presence of great crested newts in the pond to the west of the tennis courts would further decrease the seasonal use of the floodlights, as newts can be active from late Feb/early March (depending on weather conditions and temperature); so the use of the floodlights would have to be limited to the period from October to February, which only allows for 4 months of the year."

5.15 This further restriction on the operational months of the lights may render the floodlights to be an unviable proposal.

5.16 Paragraph 8.16 of the WOLP states "Networks of natural habitats provide a particularly valuable resource and need protection and, where possible, reinforcement, integration and expansion, creating links between fragmented habitats to create greater coherence and resilience, not least because this will increase the opportunity for species and habitats to adapt to climate change and other pressures." These networks have been depicted on PG111; Figure 8c: Conservation Target Area and Nature Improvement Areas of the WOLP which identifies the sites location as part of the Nature Improvement Area (NIA). This proposal whilst small in scale is considered to negatively impact and fragment a biodiversity corridor along the boundary of the site.

5.17 Therefore Officers consider the development to be contrary to policy OS2; in that it fails to have regard to the cumulative impact of the development on the Biodiversity of the area and the Nature Improvement Area, and EH3 as the information submitted is inadequate to fully assess the impacts of the proposal on the biodiversity of the area. Additionally the proposal fails to promote the conservation, restoration and recreation of priority habitats, ecological networks and the protection and recovery of priority species populations within the NIA.

Residential Amenities

5.18 In terms of residential amenity, Policy OS2 states that all development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Policy OS4 states development should not harm the use or enjoyment of land and buildings nearby, including living conditions in residential properties.

5.19 This revised application has sought to address the concern relating to visual harm to surrounding residential and local amenity. Given the changes to the proposed flood lighting the Council's Environmental Health Officer has concluded there is no grounds to object to this proposal as the lighting would not amount to a Statutory Nuisance. Based on this specialist advice, it is Officers view that the development would not be so significantly harmful as to warrant refusal on residential amenity grounds.

Visual Amenity

5.20 Policy EH8 states that the installation of external lighting will only be permitted where the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light, and the proposal would not have a detrimental impact on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation. It is considered that due to their

height, siting and elevated position of the courts themselves, the proposed floodlighting will be visible from numerous directions and public rights of way and given the semi-rural, edge of settlement context of the site would have a detrimental impact on the character of Shipton Under Wychwood and the intrinsically dark landscape of the AONB.

Other Matters

5.21 The proposal has attracted a lot of responses, both for and against from residents of the village and others who live outside the village. It has been stated in many of the representations received that there is alternative provision in the area for floodlit tennis courts ie Chipping Norton, Charlbury, Witney and Kingham. Whilst Officers appreciate that these locations would be accessed primarily by car, it appears that many of the support comments on the application are from those who do not live in the village of Shipton in the first instance which suggests that many users of the existing tennis court and club travel to Shipton by car. Therefore Officers question the need for the floodlit courts in this location when alternative provision is already provided within reasonable distance of Shipton.

5.22 Whilst officers appreciate that the provision of more floodlit tennis courts in the area could be beneficial in terms of health and well-being, no evidence has been provided that the other courts in the local area are oversubscribed and therefore the need remains a question. The pandemic and the effects that it has had on many residents health and wellbeing has been vast however, this is not a planning reason and cannot be used as an argument for development in inappropriate locations.

Conclusion

5.23 Whilst the potential health and well-being benefits of this development are recognised, in light of the above, the application is considered to be unacceptable and fails to comply with policies OS2, OS4, EH1, EH3 and EH8 of the adopted West Oxfordshire Local Plan 2031, and the relevant paragraphs of the NPPF 2021.

6. REASONS FOR REFUSAL

1. The proposed floodlighting at this prominent site, within the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development which does not preserve or enhance the special qualities and character of the Cotswolds Area of Outstanding Natural Beauty, and when lit would be visually obtrusive within the wider landscape. As such the proposal is considered contrary to policies OS2, OS4, EH1 and EH8 of the West Oxfordshire Local Plan (2031), Policy CE5 'Dark Skies' of the Cotswolds conservation Boards Management plan and relevant sections of the NPPF.

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

the Local Planning Authority may be unable to meets its statutory duty under the Natural Environment and Rural Communities Act 2006 to "have regard, ..., to the purpose of conserving biodiversity".

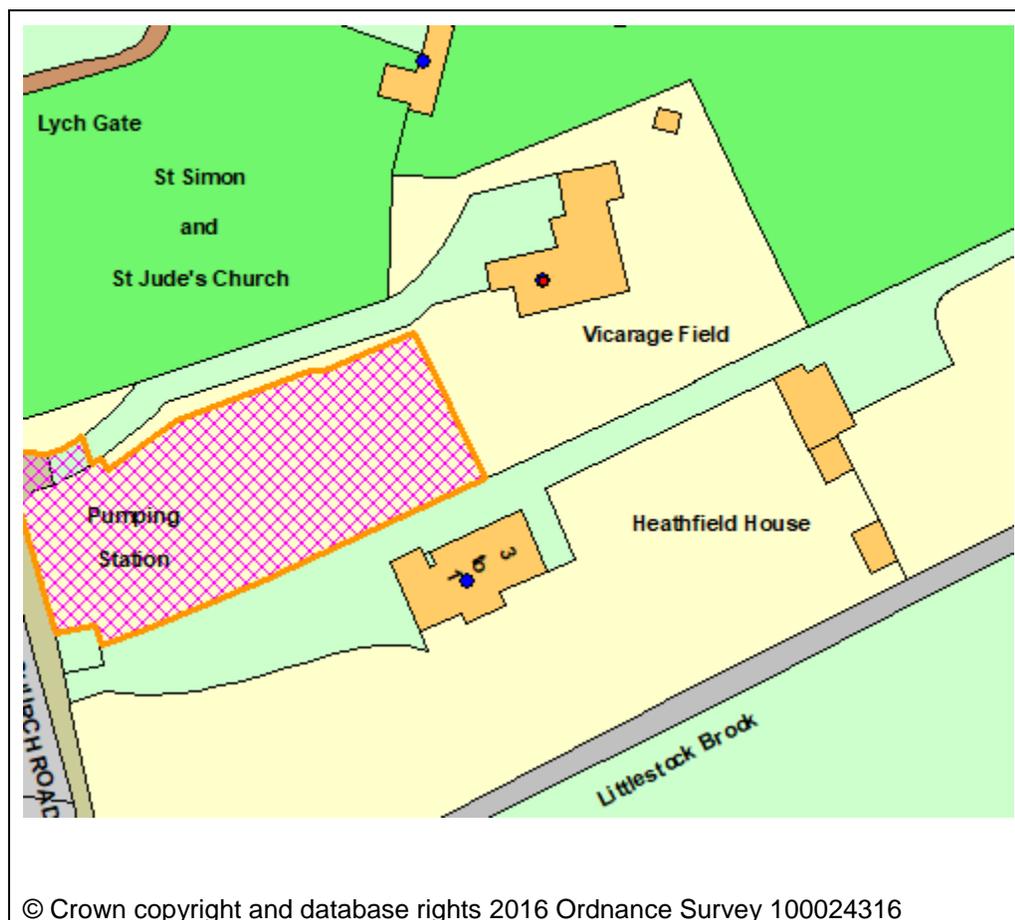
Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 26th January 2022

Application Number	21/03859/FUL
Site Address	Vicarage Field Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LQ
Date	26th January 2022
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426521 E 218623 N
Committee Date	7th February 2022

Location Map



Application Details:

Erection of a detached dwelling and associated works.

Applicant Details:

Mr And Mrs Holmes
Vicarage Field
Church Road
Milton Under Wychwood
Oxfordshire
OX7 6LQ

I. CONSULTATIONS

Parish Council	Milton u Wychwood PC -No objection.
WODC Drainage Engineers	No Comment Received.
OCC Highways	No objection subject to condition.
Conservation Officer	No Comment Received.
WODC Env Health - Uplands	No objection.

2. Third Party Representations

2.1 No third party representations have been received in relation to this application.

3. Applicant's Case

3.1 The applicant has submitted a Design and Access Statement to support the applicaiton. The main points of which are summarised below. A Planning Statement has also been provided, both documents are available to view on the Council website.

Design & Access Statement Summary

3.2 The proposal will represent an enhancement to the appearance of the area by designing a new dwelling using sympathetic materials to the existing single-storey dwelling. The new dwelling will harmonise with the character of the existing dwelling to the rear of the proposed location and the locality.

3.3 The site has already recently been given planning approval for two new dwellings on site, however, the clients have decided to retain the existing single storey dwelling to the rear of the proposed new dwelling and make alterations to this to meet the needs of our clients as it is more sustainable.

3.4 The proposed scheme has been developed as such to not have any impact on Vicarage Field and its setting. The proposed new dwelling would be set back from the main road and partially hidden from view through mature hedging and sunken into the ground as the current land slopes away to ensure the building is subservient to its surroundings.

3.5 The existing access provision is deemed acceptable, providing 3.7m width driveway and the new driveway to also be 3.7m width driveway to meet highway standards.

3.6 The new dwelling is in proportion to the size of the plot being designed to be sensitive in scale to the existing dwelling and the neighbouring site. The scheme proposes predominantly traditional materials with simple extruded linear building forms and roof geometry in keeping with the local surroundings, providing a clear legibility of form and architectural language.

3.7 the proposal complies with the material planning considerations. The proposal accords with the Development Plan, which supports the principle of new housing within settlements, and the details of the scheme do not conflict with other policies.

4. PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5. PLANNING ASSESSMENT

5.1 This application seeks consent for the erection of a detached dwelling and associated works at Vicarage Field, Church Road, Milton-under-Wychwood. The application site comprises undeveloped land that currently forms part of the garden of Vicarage Field and is within the village of Milton-under-Wychwood. The land is within the Cotswolds AONB and bordered to the north by the Grade II Listed St Simon and St Jude's Church and to the south by Heathfield House. In addition, to the west of the church are the Lychgate and Churchyard boundary walls, which are also Grade II Listed.

Relevant Planning History

18/02946/FUL - Demolition of the existing dwelling. The erection of three detached dwellings with parking and associated landscaping. - Refused.

19/03060/FUL - Demolition of the existing dwelling. The erection of three detached dwellings with parking and associated landscaping- Refused and appeal dismissed.

20/02939/FUL - Erection of two replacement detached dwellings with parking and associated landscaping
- Approved at Planning Sub-Committee.

21/00776/FUL- Erection of two replacement detached dwellings and associated works- Approved.

Principle

5.2 Officers consider that the principle of development has been established by the extant permissions onsite and is therefore considered acceptable subject to consideration of the visual/heritage, residential amenity, highways, drainage and ecological impacts arising from the proposed scheme against the adopted Local Plan.

Siting, Design, Scale and Visual Impact

5.3 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134). The provisions of paragraph 176 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB.

5.4 The general principles of OS2 are also relevant to this application notably that development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area
- Conserve and enhance the natural, historic and built environment; and In the AONB, give great weight to conserving landscape and scenic beauty

5.5 The site sits immediately south of the Grade II Listed St Simon and St Jude's Church (and associated listings) and therefore exhibits the potential to impact its setting. Officers are therefore required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that when considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. The direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and Local Plan Policies EH9, EH11 and EH13.

5.6 Development along the eastern side of Church Road and within in the immediate vicinity of the church is well set back from the road creating an open and spacious character and semi-rural setting to the adjacent church. The application site forms a significant part of this character by virtue of its largely undeveloped nature and close proximity to the church resulting in significant intervisibility between the listed buildings and the site. Officers therefore conclude that the site provides a positive contribution to the church and associated listed buildings.

5.7 The proposed dwelling would be sited centrally in the narrowest portion of the plot with the main two-storey block set back approximately 40 metres from the road. Whilst this distance is significant, the new dwelling would undermine the open character of the site by occupying almost the entire width of the plot at the narrowest part of the site. The proposed dwelling is sited closer to the road than the westernmost dwelling approved under ref: 21/00776/FUL as well as occupying a greater width of the site in comparison. Effort has been made to mitigate the visual prominence of the dwelling by dropping site levels by up to 1.8m however, this would require excessive hard landscaping across the western half of the site to provide vehicular access, thereby encroaching built development toward Church Road, resulting in a harmful urbanising impact upon the semi-rural and open character of the site. The erosion of the established character caused by the siting and massing of the proposed dwelling and associated hard landscaping would visually dominate the space to the detriment of the setting of the church and the established character of the street scene in this locality. The proposal therefore conflicts with Policy OS2 in that it fails to respect the existing character of the area resulting in harm to the setting of designated heritage assets associated with the church. Given the immediate residential context of the site and localised visual impact, no harm is identified to the wider AONB.

5.8 Before applying an overall planning balance, a heritage balance must be carried out under paragraph 202 of the NPPF under which the harms to the setting of the designated heritage asset in isolation should be weighed against any public benefits that would result from the proposal. Officers consider that the highly localised and small scale public benefits associated with the construction of a dwelling would result in little appreciable public benefit. The benefit of providing an additional housing unit is also afforded little weight given the LPA can demonstrate an up to date 5-year housing land supply. Therefore, officers conclude that these benefits do not outweigh the identified harm to the designated heritage asset, which must be afforded great weight in this balance under NPPF Paragraph 199. In light of this assessment, the proposed development results in deleterious impact upon the setting of the Grade II Listed Church in conflict with Local Plan Policies EH9, EH11 and EH13 and guidance contained in the NPPF. The proposal also fails to relate successfully to its context as required by the general principles of Policy OS2 and the requirements for good design in Policy OS4, the West Oxfordshire Design Guide and Section 12 of the NPPF and is therefore unacceptable in heritage and visual impact terms.

Residential Amenity Impact

5.9 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.10 The proposed dwelling would be sited in relatively close proximity to Heathfield House to the south and the existing dwelling at Vicarage Field. In terms of overbearing and loss of light, the siting of the main block of the dwelling would ensure that no significant impacts in this regard are identified. Further, the proposed dwelling would be served by adequate amenity space.

5.11 In terms of overlooking, the proposed dwelling would result in first floor windows in the east elevation serving habitable rooms directly facing the private amenity space of Vicarage Field. Given that the proposed dwelling would be sited directly adjacent to the shared boundary and oriented to face the majority of Vicarage Field's private amenity space, this relationship is considered harmful to the amenity of future and existing occupiers. No significant impact in this regard would result upon the occupiers of Heathfield House.

In sum, the proposed dwelling would create an unacceptable level of direct overlooking impact upon the occupiers of the existing dwelling at Vicarage Field. The application is therefore contrary to Policies OS2 and OS4 and local and national guidance.

Highways Impact

5.12 In terms of highways safety, the proposal is to be accessed via the existing access driveway. The Local Highway Authority has been consulted and has raised no objection to the proposal and the access, subject to condition.

Ecology

5.13 The application has been furnished with an ecology report that have been previously considered under recent applications on the site. Given that the development now relates to only part of the site put forward under previous applications, some sections of the report (i.e. relating to the existing dwelling) are superfluous. However, given the low ecology value of the current site as outlined in the report, the application is acceptable in this regard subject to the imposition of planning conditions relating to working methods and enhancement features in accordance with Local Plan Policy EH3.

Conclusion

5.14 In light of the above, the application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021. The application is therefore recommended for refusal.

6. REASONS FOR REFUSAL

1. The siting, massing and design of the proposed development would result in an adverse urbanising impact on this important open space which currently contributes positively to the semi-rural and open character and appearance of the area. This would result in significant harm to the setting of adjacent Grade II listed buildings comprising St Simon and St Jude's Church and their associated listed structures, which is not outweighed by any substantive public benefits. The application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021.

2. The proposed scheme by reason of its siting and design would have a harmful impact on the neighbouring property (Vicarage Field) resulting in a significant loss of privacy caused by overlooking of private amenity space. The proposal is therefore considered contrary to Policies OS2, OS4, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021.

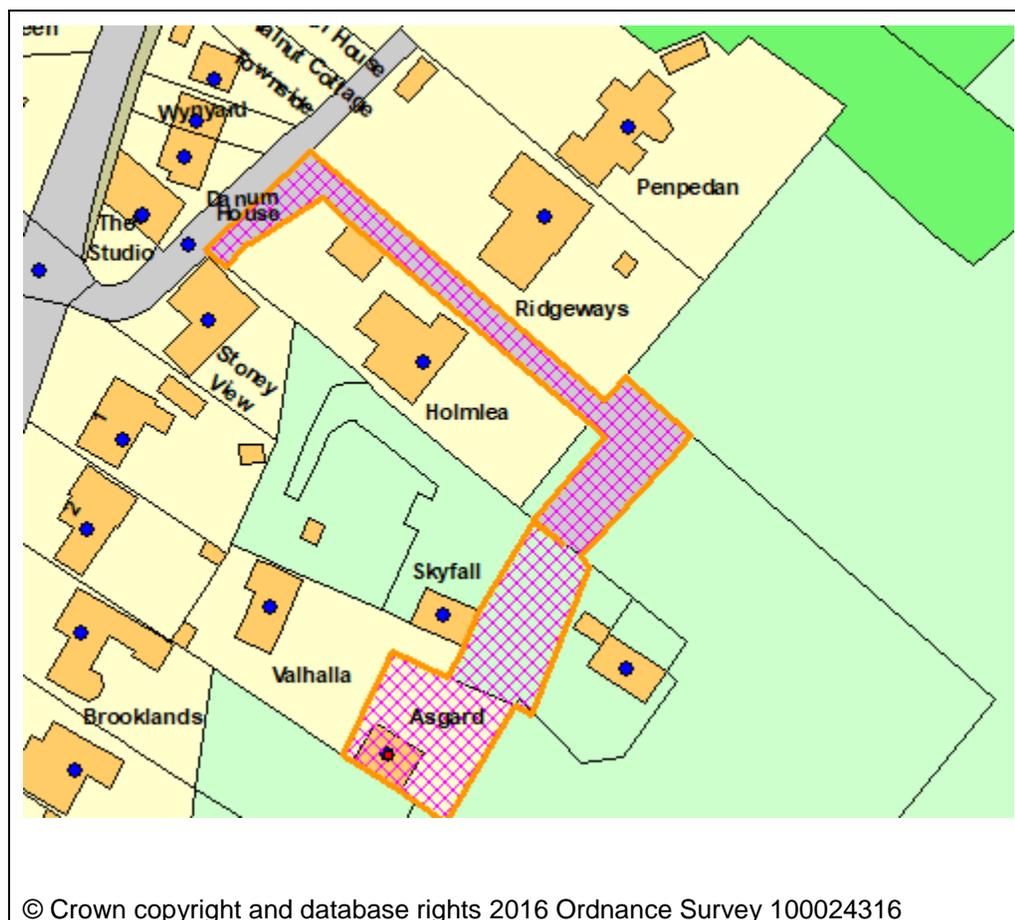
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 26th January 2022

Application Number	21/03893/FUL
Site Address	Building Referred To As Asgard South East Of Valhalla Church Street Stonesfield Oxfordshire
Date	26th January 2022
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439431 E 216860 N
Committee Date	7th February 2022

Location Map



Application Details:

Change of use of detached holiday let to a dwelling with associated parking

Applicant Details:

Mr Derek Hobbs
C/O Agent

I. CONSULTATIONS

Parish Council

Stonesfield Parish Council **OBJECTS** to this application, by making this a permanent dwelling this could set precedent for the future building line - as this will set a new building line for a permanent dwelling. In addition, this is a further attempt by this householder to expand building on the plot

2. REPRESENTATIONS

2.1 There has been one comment in support of the application which states that the building is already in existence and refers to the availability of parking and amenity space.

2.3 As at the date of this report, the period of time for third party representations had not yet expired. Officers will report at the meeting on any representations made and on how their consideration of these representations may have affected or changed the recommendations in this report, which are made on the basis of policy and the information available to Officers (including the Parish Council's objection) at the time of writing.

3. APPLICANT'S CASE

3.1 The applicant makes the following points in support of the application:-

- It has been demonstrated that the principle of the development is acceptable according to local and national planning policies. The building will maintain its countryside design and appearance and will not cause harm to the character of the immediate locality nor the special landscape value of the Cotswolds AONB.
- This application does not seek to extend the residential curtilages of Valhalla or Skyfall. The applicant simply wishes to make better use of the existing holiday let to the rear of Valhalla by converting it into an independent dwelling, both contributing to the supply of new housing in West Oxfordshire (albeit to a small degree) and allowing the 'new' dwelling to be used more flexibly, i.e. being sold in the future if desired.
- The overall scale, height, footprint, and floor space of the building will not be altered as a result of this application. Furthermore, the external appearance of the building will remain the same, maintaining its current character and style, which is appropriate to the setting.
- The proposed site plan submitted as part of this application shows separate car parking spaces for the 'new' dwelling (to be known as Asgard), as well as a proportionate private amenity space separate from Valhalla.

4. PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
EH1 Cotswolds AONB

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

5. PLANNING ASSESSMENT

5.1 Background Information

5.1.1 This is application seeking unfettered residential use of a building whose current lawful use is as a holiday let.

5.1.2 The site lies to the rear of a dwelling known as "Valhalla" and formerly served as its garage. In 2019 planning permission was granted to change the use of the garage from an ancillary building to use as a holiday let. Valhalla and its former outbuilding are located on the edge of Stonesfield, within the AONB but outside the Conservation Area. An existing gravel access drive serves the site and adjoins a private road which joins Brook Lane and Church Street to the north.

5.1.3 Condition 4 of the consent granted in 2019 provided:-

"The occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.

REASON: To protect the amenity of the adjacent dwelling and the building has no independent amenity space."

5.1.4 The application has been brought before Members of the Uplands Sub-Committee for consideration as the Parish Council have objected to the application.

5.2 Planning History

15/01198/FUL

Erection of a detached chalet bungalow
Approved 2nd June 2015

16/00328/FUL

Erection of detached garage within the curtilage of the approved chalet bungalow
Allowed on appeal 12th August 2016

18/02816/S73

No compliance with condition 2 of 15/01198/FUL, so that the amended version of the development (chalet bungalow) can be constructed
Approved 12th November 2018

19/01315/FUL

Change of use of detached garage into one-bedroom holiday let, including changes to fenestration and insertion of new roof lights
Approved 3rd July 2019

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

Principle

Impact on residential amenity
Highways

5.3 Principle

5.3.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

5.3.2 The West Oxfordshire Local Plan 2031 identifies a hierarchy of settlements for new development which seeks to steer a significant proportion of future development to the main service centres of Witney, Carterton and Chipping Norton. Stonesfield is identified as a village where limited development is considered to be suitable which respects the village character and local distinctiveness and would help to maintain the vitality of the community (Policy OS2). It has a range of services including a post office, shop and primary school and is considered to be a reasonably sustainable location for some development.

5.3.3 Policy H2 states that new dwellings will be permitted on undeveloped land (residential gardens being excluded from the definition of previously developed land within the NPPF) within the built up area provided the proposal is in accordance with other policies in the local plan, in particular the general principles in Policy OS2.

5.3.4 Paragraph 55 of the NPPF allows for housing in rural areas to be located where it will enhance or maintain the vitality and viability of rural communities.

5.3.5 Paragraph 119 of the NPPF states that "Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions", and goes on to say in paragraph 120 (d) that planning policies should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

5.3.6 In the 2016 appeal decision against the Council's refusal of planning permission for the erection of the garage, the Inspector pointed out that the permissions for the construction of Valhalla and the building now known as Skyfall had established the principle of residential development on the appeal site and the plot adjoining. The inspector also commented on the residential character and appearance of the site, for example, the close-boarded wooden fencing along two boundaries, stoned access to the rear and a driveway through the garden area and stated that this change was an inevitable consequence of the permission already given.

5.3.7 In view of the sustainability of the location and the established residential character of the site, Officers consider that the principle of residential use of a building already constructed and adapted for domestic use, is, subject to the considerations set out below, in line with policy and acceptable.

5.4 Residential Amenities

5.4.1 Policy OS2 of the WOLP provides that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. In this regard, the former garage is

adjacent to the boundary of an area of outlying land belonging to the neighbouring property and it is sited at a considerable distance from the former host dwelling, Valhalla and the other neighbouring dwellings. There are no windows located within elevations that would give rise to overlooking or loss of privacy. Given this and its location set away from other dwellings, it is not considered that the development would adversely affect the residential amenity of the neighbouring properties.

5.4.2 The application plan designates two parking spaces and an amenity area taken from land already in domestic use and which in Officers' view is commensurate with the accommodation provided by the building. The former host dwelling, Valhalla, will retain more than sufficient space as a garden and for parking at least two vehicles.

5.4.3 Were Members minded to resolve to grant consent, it is proposed that a similar condition as imposed for Valhalla and Skyfall be imposed to prevent the operation of the GPDO allowing new windows, extensions, outbuildings or further hardstanding being installed or constructed. This would enable the LPA to consider carefully any further development proposals within the curtilage of the new dwelling that might affect neighbours' privacy or otherwise have a harmful impact.

5.5 Highway

5.5.1 The existing access arrangements will be retained and parking for the property is to be provided. It is not anticipated that the proposal would increase traffic movement within the site.

5.6 Conclusion

5.6.1 The application involves no building operations and solely a change of use. Officers consider that it would be difficult to defend an application to remove the condition restricting use as a holiday let due to the provision of sufficient amenity space and parking, both of which areas are already in domestic use, and the ample distance between dwellings. There would be no adverse impact on the residential amenity of neighbouring properties by reason of overlooking, overbearingness or loss of light. As a new dwelling in a sustainable location for the provision of some new development, this application accords with Council policy. For the reasons given above, this application is recommended for conditional approval.

6. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, extensions, outbuildings or further hardstanding shall be installed or constructed unless expressly authorised in writing by the Local Planning Authority.

REASON: Control is needed to maintain the character of the building, the location, and to protect the privacy of neighbouring property.

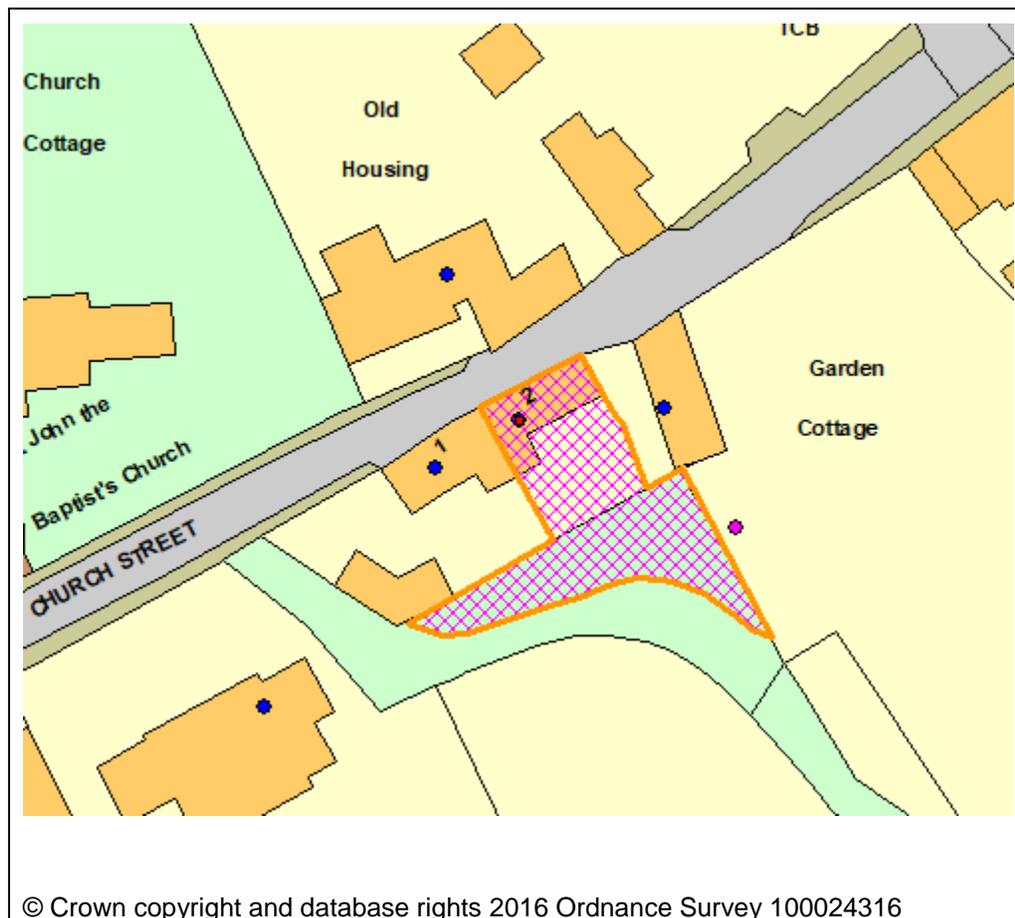
3. The landscaping scheme on plan I96315/2:2A showing planting and boundary treatments which was submitted pursuant to condition 5 of the permission granted under I6/00328/FUL shall continue to be maintained so far as it relates to the application site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the character and appearance of the site.

Contact Officer: Kelly Murray
Telephone Number: 01993 861674
Date: 26th January 2022

Application Number	21/04066/HHD
Site Address	2 Church Street Fifield Chipping Norton Oxfordshire OX7 6HF
Date	26th January 2022
Officer	Briony Farmer
Officer Recommendations	Approve
Parish	Fifield Parish Council
Grid Reference	423992 E 218748 N
Committee Date	7th February 2022

Location Map



Application Details:

Installation of combined air source heat pump and air condition unit (Retrospective)

Applicant Details:

Mrs A Morales
2 Church Street
Fifield
Chipping Norton
Oxfordshire
OX7 6HF

1. CONSULTATIONS

WODC Env Health - Uplands Mr ERS Pollution Consultation I have no objection in principle.

Parish Council No Comment Received.

2. Third Party Representations

2.1 One objection comment has been received with regards to neighbourliness, policy and principle.

2.2 Two supporting comments have been received with regards to environmental benefits and lack of impact upon neighbouring amenity.

3. Applicants Case

3.1 The applicant has submitted a Planning Statement to support the application. Main points of this are summarised as set out below. The documents submitted for this application are available to view on the West Oxfordshire District Council website.

Planning Statement Summary

3.2 The application site relates to an existing unlisted semi-detached cottage which has been subject to recent alterations and extensions.

3.3 The planning application seeks retrospective planning permission for the installation of a ASHP which is manufactured for domestic use and considered both energy and noise efficient.

3.4 The ASHP is located in the furthest location from the host dwelling and neighbouring dwelling and is considered to be discreet and set back.

3.5 The ASHP is currently located 310mm from the neighbouring residential boundary.

3.6 The ASHP is not visible from or to the nearby Grade II listed property 'Old Housing' located on the opposite side of Church Street.

4. PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H6NEW Existing housing

EH1 Cotswolds AONB

EH8 Environmental protection

NPPF 2021

NATDES National Design Guide

DESGUI West Oxfordshire Design Guide

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

Planning Assessment

5.1 The planning application seeks householder planning consent for the installation of a combined Air Source Heat Pump (ASHP) (retrospective) at Jasmine Cottage, 2 Church Street, Fifield. The application site is situated in the Cotswold AONB and relates to a semi-detached two-storey property situated in the South of the village.

Principle

5.2 The principle of the proposed development within the curtilage of the residential property is considered acceptable subject to careful consideration of the residential amenity and visual impacts weighed alongside the local development plan (West Oxfordshire Local Plan 2031).

5.3 Policy OS3, Prudent use of natural resources, of the West Oxfordshire Local Plan 2031 states that development should show consideration to minimising energy demands and energy loss through design, layout, orientation, landscaping materials and the use of technology. As part of the application, details on the ASHP unit were submitted; it is acknowledged that the ASHP will facilitate lower CO2 emissions. Therefore, the addition of an ASHP to the host dwelling gains officers support due to the awareness and contribution to sustainability.

Residential Amenity

5.4 The impact of the development on residential amenity has been carefully considered. The ASHP is located on the South elevation of a semi-detached outbuilding for Jasmine Cottage and neighbouring property, Flora's Cottage. The ASHP is located within 1m of the boundary line, henceforth requires planning permission in line with Class G of the General Permitted Development Order 2015 (as amended). If it was repositioned slightly further from the wall it would not fall within planning control as it would benefit from those permitted development rights.

5.5 The ASHP is not visible within the street scene and thus bears no impact, nor harm on the Grade II listed properties situated to the North on the opposite side of Church Street. Whilst officers acknowledge that the ASHP does generate some noise for neighbouring property Flora's Cottage, the ASHP has been located in a position that does not impact upon the amenity of the primary dwelling. Taking this into consideration, officers are of the opinion that the development does not give rise to levels of harm in terms of neighbouring amenity that would warrant the refusal of this application.

Visual Impacts

5.6 As this site is located within an AONB, Paragraph 176, Section 15 (Conserving and enhancing the natural environment) of the NPPF needs to be considered. This provides indication to the weight that should be given with regards to conserving the landscape and scenic beauty in the AONB.

5.7 As outlined above the ASHP is not visible within the street scene. The ASHP is partly sheltered by the boundary wall and is situated to the rear (South) elevation of the outbuilding. Given the siting, scale and purpose of the development, officers consider that the ASHP will not impact upon visual amenity. Officers conclude that the development will cause no material impact, nor harm to the Cotswold AONB and can therefore be considered acceptable on the grounds of visual impacts.

Conclusion

5.8 The above provides a detailed assessment of the proposed development. In conclusion, officers consider that the proposal is considered acceptable on its merits and complies with Policies OS2, OS3, OS4, H6, EH1 and EH8 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the NPPF 2019 and other relevant material considerations. Therefore, this application is recommended for approval.

6. CONDITIONS

I. 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.

Contact Officer: Briony Farmer
Telephone Number: 01993 861672
Date: 26th January 2022