

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 7th March 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.

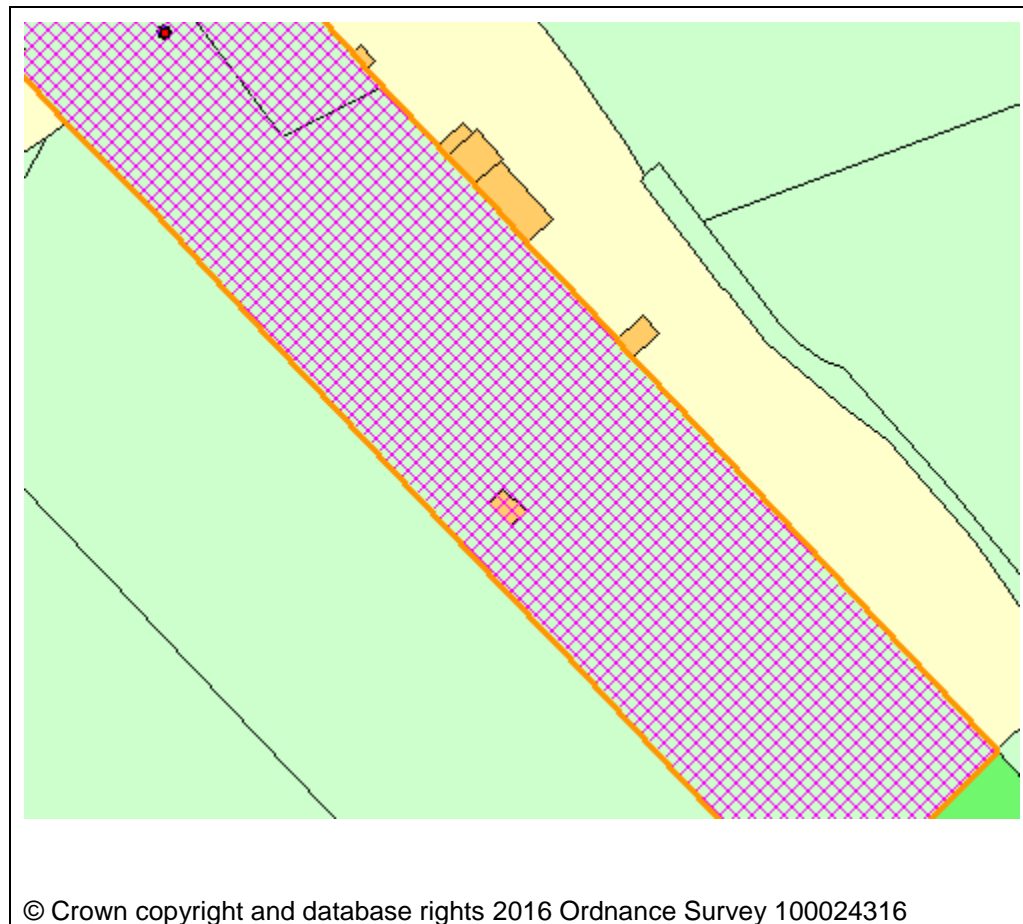
Please note that:

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](http://www.westoxon.gov.uk/meetings)

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27 - 30	21/03603/LBC	Jasmine House The Green	Kirk Denton
31 - 34	21/03649/LBC	Ground Floor 112 High Street	Naresh Kajoo
35 - 41	21/03794/FUL	Lower Court Farm Green End	James Nelson
42 - 52	21/03948/FUL	Burford Comprehensive School Cheltenham Road	James Nelson

Application Number	21/02570/FUL
Site Address	Land West Of Greenacres Churchill Road Kingham Oxfordshire
Date	23rd February 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426302 E 224248 N
Committee Date	7th March 2022

### Location Map



### Application Details:

Construction of dwelling together with associated outbuildings and landscaping. Close existing and formation of new vehicular access in revised position (amended plans).

**Applicant Details:**

Mr And Mrs A Bratt

C/o Agent

**I CONSULTATIONS**

Thames Water	No Comment Received.
WODC Drainage Engineers	<p>Clarification of the proposed surface water drainage strategy servicing the dwelling and outbuildings is sought to ensure its suitability, as well as the total impermeable area.</p> <p>Soakaways may/may not be viable on site, given the geology for the postcode. However, this must first be proven by infiltration tests undertaken in the location of the proposed soakaway and in accordance with BRE365.</p>
Conservation Officer	No objection to amended plans.
OCC Highways	No objection subject to conditions.
WODC Env Health - Uplands	Mr ERS Pollution Consultation No objection
Ecologist	Requested further information- Preliminary Ecological Appraisal
Parish Council	Objection (see website for details).
Parish Council	<p>Kingham Parish Council has discussed the amended plans and still opposes them.</p> <p>The modifications are not to size of the development, but to make it a little less enclosed and to reduce the overall height of the main building. Both of these are welcome but do not address our main concerns. The impact of the main house is reduced when viewed from the road by reduction in height but also by moving the main house so it lies further from the road. This means it lies even further outside the building line determined by the two houses on either side (Greenacres and East Lodge). It is germane that in the original proposal in 2017 to develop this site, it was proposed to build four houses, which would have meant building beyond this building line (though not by as much as currently proposed). This was opposed by both the Parish Council and the Planning Department at WODC. The plans were then modified and 3 houses proposed lying within the above building line</p>

and formed the basis for the planning permission granted (17/03570/FUL)

Our previous objections remain, namely that this a very large house on the relatively confined site, which inevitably extends into open countryside within the Cotswold AONB and it lies on the edge of the Kingham Conservation Area and well outside the buiding line determined by its immediate neighbours. The proposed swimming pool complex extends even further into open countryside and is an entirely inappropriate building in that context.

It is thus contrary to the following policies

1. NPPF 2018. Paragraph 170. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

2. WODC Local Plan 2031. Adopted 2018

Policy OS2

General principles

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;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development;
- POLICY EH1:

Cotswolds Area of Outstanding Natural Beauty

In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the 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.

- POLICY EH10: Conservation areas

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 interest, character, appearance and setting, specifically provided that:

- the location, form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic or architectural interest, character and appearance of the Conservation Area;
- the development conserves or enhances the setting of the conservation Area and is not detrimental to views within, into or out of the Area;
- the proposals are sympathetic to the original curtilage and

pattern of development and to important green spaces, such as paddocks, greens and gardens, and other gaps or spaces between buildings and the historic street pattern which make a positive contribution to the character in the Conservation Area;

- the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the Conservation Area; and - there would be no loss of, or harm to, any feature that makes a positive contribution to the special interest, character, or appearance of the Conservation Area, unless the development would make an equal or greater contribution.

We would therefore recommend refusal of this application.

## **2 REPRESENTATIONS**

2.1 Three occupiers of adjoining properties have written in opposition to the scheme, two objectors have provided further comments in light of the submission of revised plans. The points covered are summarised as follows:

- The proposed development would not be sited in line with the adjacent properties and would not be consistent with the linear pattern of development in this part of the village;
- It would not be contained within the existing settlement envelope and would consequently read as an encroachment into the open countryside;.
- The proposal is excessive in terms of scale;
- Harmful impact upon views from Village Green and approach to the Village resulting in harm to CA and AONB;
- Inconsistent with precedent set by previous applications;
- Increased light pollution in AONB; and
- Inconsistency over historic use and management of the site.

## **3 APPLICANTS'S CASE**

3.1 The applicant has submitted a Design and Access Statement to support the application. The main points of which are summarised below. The full document is available to view on the Council's website.

3.2. The proposal consists of a house in a sympathetic traditional design with master bedroom and five children's bedrooms. Additional accommodation includes a garage yard, garden store and a pool/gym building.

3.3 There will be a small formal garden and the plan is to maintain the existing rural nature of the remaining ownership. It is envisaged that local materials and trades will be engaged to build the house.

3.4 The objective has been to respond to the parameters imposed by the site and the character of the village.

3.5 The main element is set back from the road within its private domain. Outbuildings are used to link the main house to the village street and create a build-up in scale from the edges of the plot.

3.6 The footprint of the main house relates to other properties within the village by keeping the overall span relatively narrow (6m side elements and 6.5m central element) to echo the vernacular language of the Cotswolds. The form of the house is fragmented and domestic in scale and has been designed to give the appearance of a traditional house which has evolved over time; an example being the outbuilding along the front boundary which has been designed to appear as if though it has always formed part of the street scene.

3.7 The proportions and siting of the house have been carefully considered to preserve the semi-rural character of the entrance into the village from Churchill Road. The main house of the development is respectfully set back from the main road behind a largely soft frontage consisting of both existing mature trees and additional vegetation.

3.8 Following a productive dialogue with the conservation officer, Bryan Martin, the proposals have been revised further; principally to reduce the overall height of the house. Though reduced in height, the general proportions of the house were maintained. The diminutive end result produces something more recognisable as a 'farmhouse' and less 'grand manor' in style.

## **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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

BC1NEW Burford-Charlbury sub-area

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## **5 PLANNING ASSESSMENT**

### **Introduction**

5.1 This application seeks consent for the construction of dwelling together with associated outbuildings and landscaping and formation of new vehicular access at Land West of Greenacres, Churchill Road,

Kingham. The application site is currently undeveloped land and a small section of the site lies within the Kingham Conservation Area, the entire site is considered to be within the setting of the Conservation Area. The proposed dwelling would also be located within the Cotswolds AONB.

5.2 Taking into account planning policy, other material considerations and the representations of interested parties, your officers consider that the key considerations for the application are principle, siting, design and form, visual/heritage impact, neighbourly amenity, highways impacts, ecology and drainage impacts.

### **Planning History**

5.3 The planning history on the site is summarised as follows:

- 17/03570/FUL- Erection of three dwellings with associated parking and new access (amended description). Approved.

### **Principle**

5.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.5 The application site sits within Kingham, which is identified as a village under West Oxfordshire Local Plan Policy OS2. In the villages, 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 states that new dwellings will be permitted in certain circumstances including on undeveloped 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 set out in Policy OS2.

5.6 The general principles of OS2 that have particular relevance to this application are 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;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty



5.7 The provisions of Policy BCI are also relevant to this application. The Burford-Charlbury Sub-Area Strategy outlines that despite the relative constraints placed on development by the Cotswolds AONB designation, delivery of homes should reach 774 by the end of the plan period in accordance with H1. Whilst Burford and Charlbury (as rural service centres) will be the focus for modest levels of new development, elsewhere development should be steered to the larger villages in the sub-area, such as Kingham.

5.8 As such, the principle of provision of a new dwelling in this location is acceptable subject to consideration of the resultant visual, neighbourly amenity, highways, drainage and ecology impacts being assessed against the adopted Local Plan.

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

5.9 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).

5.10 The proposed dwelling would be sited centrally in the plot and well set back from the road. It would be oriented to align with the shape of the plot and therefore set at a slight angle to the highway. The building itself would take a neo-vernacular form comprised of a main block reaching 9.8 metres in height with two storey wings on either side and front and rear projecting gables ranging in depth. The plans also include a pool building and outbuildings along the eastern side of the plot. The application has been amended to reduce the floor levels, thereby dropping the ridge height by over 1 metre, lowering the proposed eaves height and reducing the height of outriding limbs. The dwelling would be constructed of natural Cotswold stone and stone slates with timber framed casement and sash windows. The visual impact of the proposed development is considered in the following section.

### **Visual and Heritage Impact**

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

5.12 The existing site is largely screened by mature planting along the northern boundary restricting its prominence in the street scene. The rural character of the site itself provides some contribution to the setting of the village and Conservation Area by creating a semi-agricultural soft edge to the village as the land falls to the east/south east. However, given the site is largely screened from public view, its contribution to the setting of the village and Conservation Area is limited and not considered so significant as to preclude any residential development on the site.

5.13 The proposed dwelling takes a neo-vernacular form and would be constructed in locally characteristic materials. Whilst a significant amount of built form is proposed, the set down heights of side and rear elements and use of hipped forms will reduce the visual prominence of the building, thereby avoiding harm to and preserving the setting of the village and conservation area. The proposed

outbuildings take simple, low-lying forms that will appear in keeping with both the host dwelling and the established character of the village.

5.14 The siting of the house approximately 30 metres back from the road is considered appropriate in this context as due to the falling levels on site, by positioning the dwelling further south in the plot, its perceived height will be reduced. This means that it would not appear overly prominent in the street scene or views in to the Conservation Area from the east and south east, including from Churchill Road. Concerns have been raised by neighbours and the Parish Council that the build footprint extends too far to the south, resulting in an illogical pattern of development. Officers consider that whilst the main block of the house is set further south than neighbouring dwellings on either side, the vicinity does exhibit a loose knit character meaning that this slight variation would not appear incongruous or illogical. Further, the proposed pool building would result in little visual impact due to its height and would be sited adjacent to an existing building to the east.

5.15 Turning to the wider visual impact of the dwelling in the landscape, officers recognise that the proposed dwelling will be partially visible in approached in the village from the east. Its impact will be somewhat screened by the existing 'Greenacres' to the east and given the site will be viewed in a residential context within the built up area of Kingham. Further, the proposed large glazed elements face inwards within the site and so are unlikely to result in significant light pollution to the AONB. Therefore, no material harm to the Cotswolds AONB is identified in light of the amended plans.

5.16 The application is therefore considered by officers to accord with Local Plan Policies OS2, OS4, EH1, EH2, EH9 and EH10 and is considered acceptable in visual impact terms.

### **Neighbourly Amenity**

5.17 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.

5.18 With regard to the impact on neighbouring amenity, your officers consider that due to the siting of the dwelling in relation to its neighbours no significant impact will result upon neighbouring occupiers by way of overlooking, overbearing or loss of light. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity. The building will provide acceptable levels of amenity for future occupiers.

### **Highways Impacts**

5.19 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The Local Highways Authority have been consulted on the application and stated that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network subject to the suggested conditions (see Section 6). Therefore, officers consider that the scheme would be acceptable in this regard.

### **Ecology Impacts**

5.20 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Following consultation with the Council's

ecologist, a Preliminary Ecological Appraisal (PEA) has been submitted. The report details that the site is of low ecological interest as it mainly comprises poor semi-improved grassland. It concludes that no further surveys are necessary subject to implementation of the report's recommendations. The proposed development is therefore considered acceptable in ecological terms subject to the suggestion conditions in Section 6 of the report.

## **Drainage Impacts**

5.21 Following consultation with the Council's drainage engineers, the applicant has provided updated information relating to the proposed drainage arrangement. The Council's drainage engineers are currently reviewing the additional information submitted. Officers consider that these technical details are likely to be overcome and therefore request delegated authority to resolve these matters subject to Members discretion.

## **Conclusion**

5.22 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, H1, H2, H4, T1, T3, T4, EH1, EH2, EH3, EH7, EH8, EH9, EH10 and BC1, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended to Members for conditional approval subject to the proposed drainage matters being resolved by officers on a delegated basis.

## **6 CONDITIONS**

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

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

2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 14.01.2022.

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

3. The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.

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

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. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that

architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

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

6. 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.

7. 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 development permitted under Schedule 2, Part 1, Classes A, B and C shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to ensure the established character of the locality is protected.

8. 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.

9. 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.

10. 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.

11. On commencement of the development the proposed access shown on the approved plans shall be formed and the existing access closed by the erection of a post and rail fence or native hedgerow planting.

REASON: To ensure a safe and adequate access.

12. The dwelling shall not be occupied until space has been laid out within the curtilage of the dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

13. The development shall be completed in accordance with the recommendations in Section 4 of the Preliminary Ecological Appraisal report dated 29.09.2021 prepared by Cotswold Wildlife Surveys. 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 protected and priority species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the NPPF, Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Before the erection of any external walls, details of the provision of integrated bat boxes (e.g. bat tubes/bricks on south or southeast-facing elevations), integrated bird boxes (e.g. house sparrow terrace, starling box or swift brick on the north or east-facing elevations) within the walls of the new buildings and hedgehog gaps/holes through any new fencing or walls shall be submitted to the local planning authority for approval. The details shall include a technical drawing 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 hereby approved is first occupied and thereafter permanently retained and maintained.

REASON: To provide biodiversity enhancements in accordance with Local Plan Policy EH3, paragraphs 174, 179 and 180 of the NPPF and for the council to meet its statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006.

15. Prior to any development above slab level, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

#### INFORMATIVES :-

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

With regard to the condition for bird and bat boxes, it is recommended that integrated boxes are used as permanent features of the new buildings that require no maintenance (i.e. built into walls). A house sparrow terrace contains 3 nesting compartments and several swift bricks (at least 3) should be incorporated as both of these species nest in colonies. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> Generally, bat boxes should be installed into south-facing walls and bird boxes into northern elevations away from doors and windows (to avoid accumulations of droppings).

For information on hedgehog gaps/holes in fences and walls, please refer to <https://www.hedgehogstreet.org/help/hedgehogs/link-your-garden/>

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

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>  
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

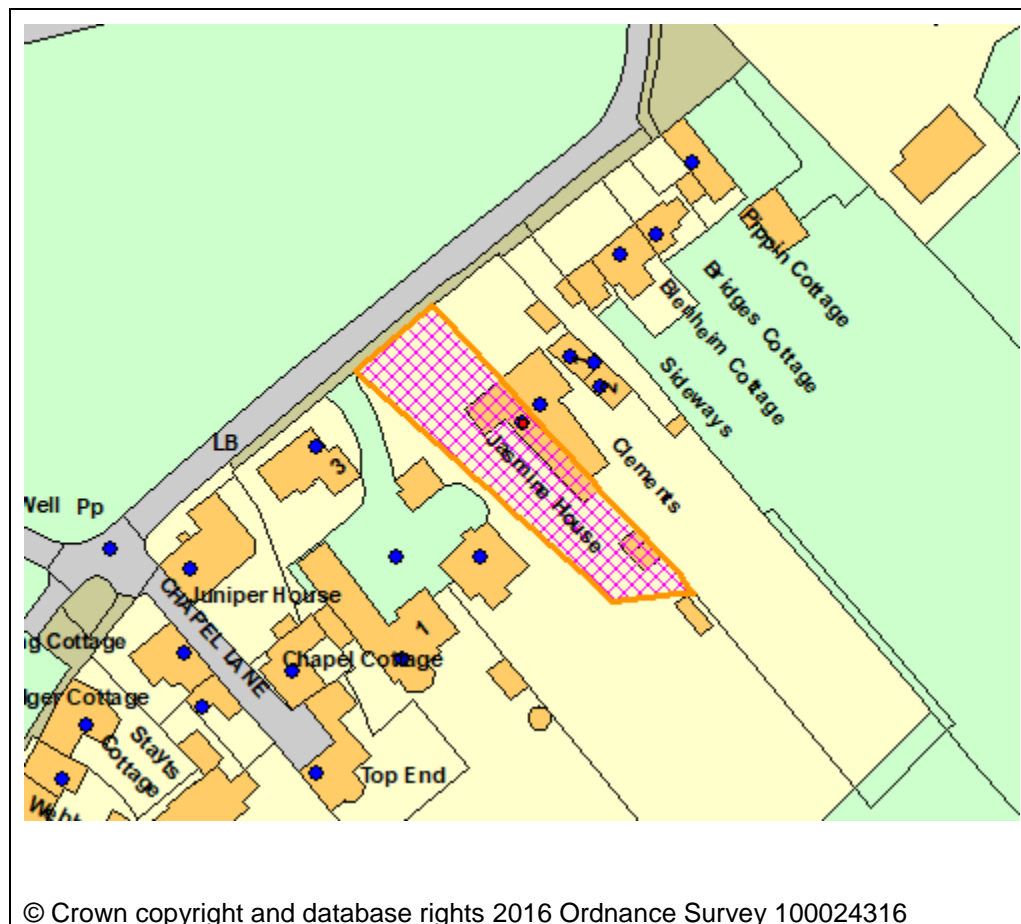
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 23rd February 2022

Application Number	21/03602/HHD
Site Address	Jasmine House The Green Kingham Chipping Norton Oxfordshire OX7 6YD
Date	23rd February 2022
Officer	Kirk Denton
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426188 E 224157 N
Committee Date	7th March 2022

### Location Map



### Application Details:

Alteration to external rear elevation and alterations to ground floor internals.

**Applicant Details:**

Mr Ben Shearer  
Jasmine House  
The Green  
Kingham  
Chipping Norton  
Oxfordshire  
OX7 6YD

**I. CONSULTATIONS**

Parish Council

No Comment Received.

**2. REPRESENTATIONS**

2.1 One neighbour objection received on following grounds:

1. 'Installation of one new roof light' would give rise to an unacceptable loss of residential amenity. It will cause a loss of privacy in terms of sound (main bedroom and living space) and being overlooked onto our patio space
2. 'New casement window to rear' - will give rise to an unacceptable loss of residential amenity due to overlooking.
3. ' Modern gypsum render hacked off and existing Cotswold stone rubble wall and repointed'. The removal of plaster will reduce the resistance to the passage of sound on the party wall.

2.2 The same neighbour commented on the amended plans as follows:

The applicant has provided a revised drawing, noting the roof light position at 1700mm from floor level, however this revision fails to recognise the close proximity to their neighbouring property. I wish to reiterate my objection to this roof light as it has a detrimental impact on our residential amenity in terms of loss of privacy.

The proximity of this window (2.5 metres) from the neighbouring property's main bedroom window & downstairs living space creates a total lack of privacy from a sound perspective. The distance of 2.5 metres is not an adequate privacy distance from the neighbouring property's main habitable rooms and patio. This area is our primary amenity area, an open window 2.5 metres from our property will result in an unacceptable increase in noise, disturbance and loss of privacy. We have a right to quiet and private enjoyment, in the summer months when windows are open, this proposal will unreasonably and substantially interfere with our residential amenity. The west (and south) elevation already has a roof light and provides a viable alternative which would not infringe on the privacy of neighbours. My further objections, as set out in my previous objection, remain extant.

**3. APPLICANT'S CASE**

3.1 The application is accompanied by a heritage, design and access statement which is available to view online.

**4. PLANNING POLICIES**

OS2NEW Locating development in the right places  
OS4NEW High quality design



H6NEW Existing housing  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH1 Cotswolds AONB  
NPPF 2021

DESGUI West Oxfordshire Design Guide

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

## **5. PLANNING ASSESSMENT**

### **Background Information**

5.1 This planning application seeks consent for works to Jasmine House.

5.2 The following alterations are proposed:

- Alteration to the back of the house to increase the size of the first floor window from approximately 0.9 metres tall to 1.2 metres tall and installing a wider door/window at ground level. This involves removing a single window and French door and replacing it with new doors with a total width of approximately 2.9 metres.
- Installation of one new conservation roof light on the north east roof slope, same size as existing roof lights (approximately 0.6m x 0.6m).
- Replacement of an existing Velux conservation roof light replaced with a new conservation roof light of the same size.
- Minor internal alterations to the internal modern building fabric.
- Replacement of modern internal staircase.
- Removal of modern gypsum plaster in part of the existing ground floor internal walls and repoint with traditional 3:1 lime mortar to allow walls to breath.

5.3 Jasmine House is a Grade II Listed building situated within the Kingham Conservation Area. This application is before committee as the Parish Council objected to the accompanying Listed Building Consent.

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:

### **Heritage impacts**

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

5.6 As the property is a listed building, Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic

interest which it possesses. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.7 Proposed alterations to the rear of the building alter modern or altered fabric, the proposals are of a consistent form and are viewed to be acceptable. The proposed 'like for like' roof light raises no planning concerns. The removal of the modern gypsum plaster and the application of traditional lime plaster also raises no concerns and would result in the betterment of the heritage asset. The Council's Conservation Officer has no objection to the proposed development.

5.8 Due to the position and design of the proposal, it is considered that the proposal respects the listed building and its historic curtilage, the proposal is sympathetic to the Listed Building and its setting. The proposal would not harm the significance of the listed building and is considered to be acceptable.

### **Residential amenity**

5.9 Concerns have been raised by the adjacent residents in terms of harm to amenity from the proposed development. Three points of objections have been raised these relate to loss of privacy and increase in noise due to the new roof light. Overlooking from the new ground floor window and an increase in noise as a result of the removal of plaster from internal walls. These concerns have been considered as part of the application.

5.10 Further details were requested from the applicant, they confirmed the new roof light would be 1.7 metres above floor level. The height of the roof light and the position of the roof light on the building would ensure that there would be no overlooking issues as a result of the development. In terms of noise, the proposal would not alter the existing residential use on site and is adjacent to existing openings on the building, the proposed new roof light would therefore not result in harm to adjacent residential amenity.

5.11 The casement window alterations at the first floor rear elevation is a minor extension on the existing window. It would not result in new views from the rear of the property or exasperate any existing potential overlooking.

5.12 In terms of the minor plaster alterations, it is proposed to remove the modern gypsum plaster and repoint with traditional 3:1 lime mortar to allow the walls to breath. These internal works would not require planning permission but listed building consent, nevertheless, it is considered these minor works would not cause harm to adjacent residential amenity in terms of noise or nuisance issues.

5.13 The proposed development due to its siting and scale, is not considered to be harmful to the character and appearance of the locality, or the character and appearance of the conservation area. It is not considered to have a negative impact on the visual appearance of the street scene or wider public views.

### **Conclusion**

5.14 In light of above, the proposed development is not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

Taking into account the above matters, the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with Policies OS2, OS4 and H6, EH1,

EH9, EH10 and EH11 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF 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. The development shall be constructed with the materials specified in the application.

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

3. 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.

### INFORMATIVES :-

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

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

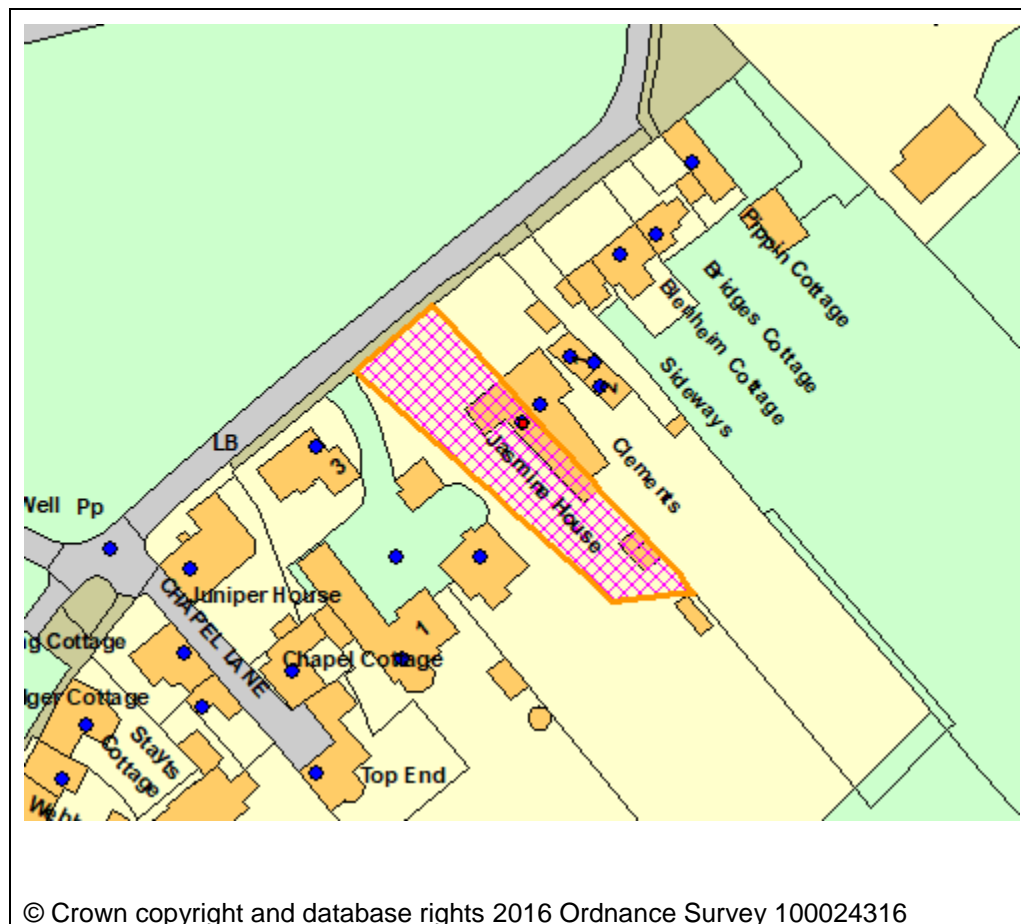
All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact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

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

**Contact Officer:** Kirk Denton  
**Telephone Number:**  
**Date:** 23rd February 2022

Application Number	21/03603/LBC
Site Address	Jasmine House The Green Kingham Chipping Norton Oxfordshire OX7 6YD
Date	23rd February 2022
Officer	Kirk Denton
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426188 E 224157 N
Committee Date	7th March 2022

### Location Map



### Application Details:

Alteration to external rear elevation and alterations to ground floor internals.

**Applicant Details:**

Mr Ben Shearer  
Jasmine House  
The Green  
Kingham  
Chipping Norton  
Oxfordshire  
OX7 6YD

**I CONSULTATIONS**

Conservation Officer

- The alterations to the rear elevation affect modern or altered fabric, have consistent forms, and are acceptable from our point of view.
- Replacement and new rooflights are unproblematic from our point of view.
- The internal alterations affect modern or altered fabric, and are acceptable from our point of view.
- The stair is indeed modern, and replacement is unproblematic from our point of view.
- Removal of modern gypsum plaster and application of traditional lime plaster is to be welcomed.

Parish Council

Kingham PC

We wish to object to aspects of this proposal:

1. It is proposed to install a new rooflight near the garden end of the house. We understand that this would overlook the patio of the adjacent house (Clements), so causing loss of amenity for the occupants of this house. We would support their objection.
2. Their neighbours (in Clements) also have concerns as to the potential loss of sound insulation resulting from some of the works proposed. We would support these concerns being addressed.

**2 REPRESENTATIONS**

2.1 No representations received on the Listed Building Consent application

**3 APPLICANT'S CASE**

3.1 A design and Access Statement has been submitted in support of the application and can be viewed on line.

**4 PLANNING POLICIES**

EH11 Listed Buildings

NPPF 2021

EH9 Historic environment

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 This Listed Building consent application seeks approval for works to Jasmine House.

5.2 The following alterations are proposed:

- Alteration to the back of the house to increase the size of the first floor window from approximately 0.9 metres tall to 1.2 metres tall and installing a wider door/window at ground level. This involves removing a single window and French door and replacing it with new doors with a total width of approximately 2.9 metres.
- Installation of one new conservation roof light on the north east roof slope, same size as existing roof lights (approximately 0.6m x 0.6m).
- Replacement of an existing Velux conservation roof light replaced with a new conservation roof light of the same size.
- Minor internal alterations to the internal modern building fabric.
- Replacement of modern internal staircase.
- Removal of modern gypsum plaster in part of the existing ground floor internal walls and repoint with traditional 3:1 lime mortar to allow walls to breath.

5.3 Jasmine House is a Grade II Listed building situated within the Kingham Conservation Area. The application is before committee as the Parish Council have objected to the proposals.

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:

### **Historic significance**

5.5 As the property is a listed building, Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.6 Proposed alterations to the rear of the building alter modern or altered fabric, the proposals are of a consistent form and are viewed to be acceptable. The proposed 'like for like' roof light raises no planning concerns. The removal of the modern gypsum plaster and the application of traditional lime plaster also raises no concerns and would result in the betterment of the heritage asset. The Council's Conservation Officer has no objection to the proposed development.

5.7 Due to the position and design of the proposal, it is considered that the proposal respects the listed building and its historic curtilage, the proposal is sympathetic to the Listed Building and its setting. The proposal would not harm the significance of the listed building and is considered to be acceptable.

5.8 The proposed development due to its siting and scale, is not considered to be harmful to the character and appearance of the locality, or the character and appearance of the host building. It is not considered to have a negative impact on the visual appearance of the street scene or wider public views.

## **Conclusion**

5.9 Taking into account the above matters, the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with Policies OS2, OS4 and H6 and EH10 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

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

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

REASON: To preserve internal features of the Listed Building.

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

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

**Contact Officer:** Kirk Denton

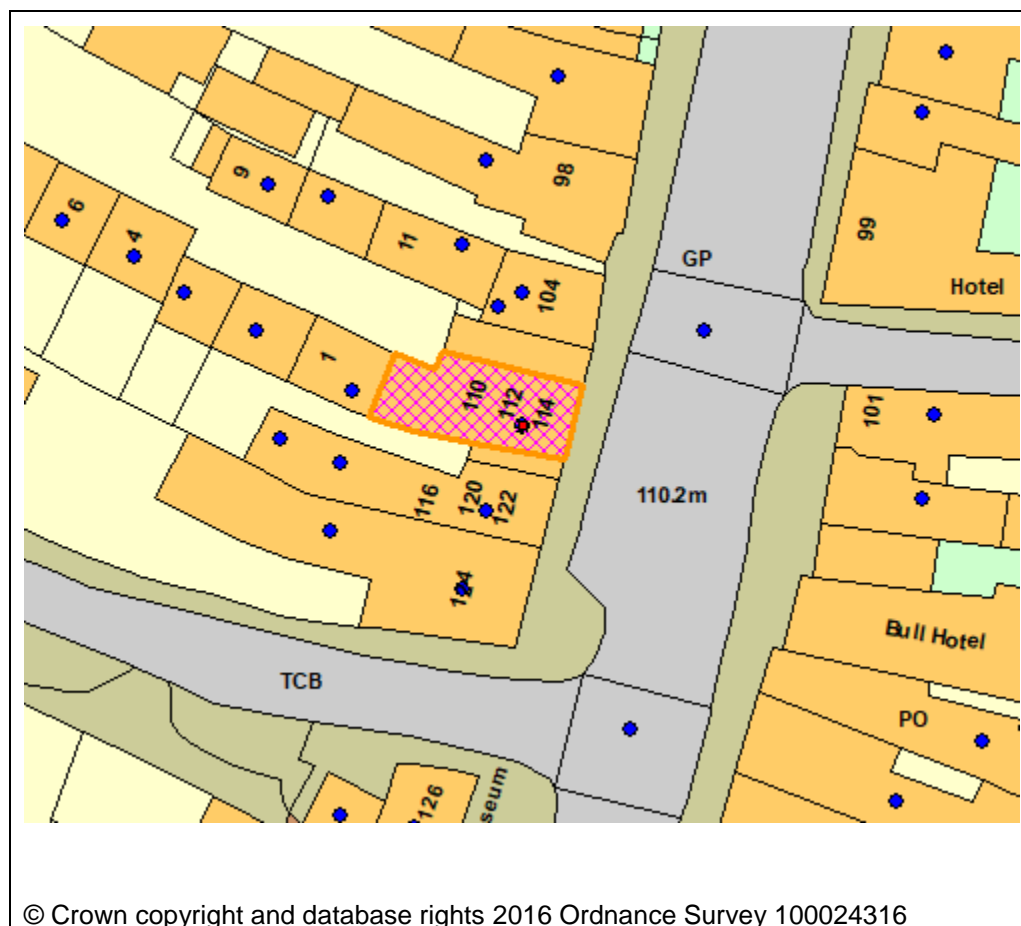
**Telephone Number:**

**Date:** 23rd February 2022



Application Number	21/03649/LBC
Site Address	Ground Floor 112 High Street Burford Oxfordshire OX18 4QJ
Date	23rd February 2022
Officer	Naresh Kajoo
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425129 E 212167 N
Committee Date	7th March 2022

### Location Map



### Application Details:

Installation of non-illuminated hanging sign. (Retrospective).

### Applicant Details:

Mr Ian Danne  
Ground Floor  
112 High Street  
Burford  
Oxon OX18 4QJ

## **I CONSULTATIONS**

Conservation Officer	<p>The designs aren't particularly out of character, but plastic isn't appropriate here in the heart of this sensitive CA - it needs traditional timber, with traditional signwriting.</p> <p>The bracket to the hanging sign, with its apologetic scroll which does nothing to brace the cantilever, needs to be re-designed.</p>
Parish Council	Burford Town Council - no objection
Historic England	On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser

## **2 REPRESENTATIONS**

2.1 No third party representations have been received.

## **3 APPLICANT'S CASE**

- 3.1 This application has been accompanied by a Design and Access Statement submitted the content of which is summarised as follows:
- The Hanging Sign must be in keeping with similar signs on Burford High Street and of a non-illuminating nature.
  - The sign must be made of a durable material.
  - The bracket to hold the sign must also be of a durable material and include a swing limiter for safety reasons.
  - The footprint of the bracket must be no larger than the existing bracket footprint (which is to be removed due to signs of corrosion) and be bolted to the wall.
  - The Hanging Sign must be supplied and fitted by a reputable and experienced company.
- 3.2 The applicant would like the planning committee to consider the design of a painted wooden frame around the edge of the current hanging sign, so it can be in keeping with similar signs on Burford High Street and comply with the West Oxfordshire Design Guide.

## **4 PLANNING POLICIES**

EH9 Historic environment  
EH11 Listed Buildings  
OS4NEW High quality design  
DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 This application seeks retrospective Listed Building Consent for the installation of a non-illuminated hanging sign to the front elevation of Cotswold Glass and Crafts, 112 High Street in Burford.

5.2 The property is a Grade II\* Listed Building, therefore is a particularly important building of more than special interest.

5.3 Burford falls within the Upper Windrush Valley Landscape character area which has been described as an area that is highly attractive, remarkably unspoilt, and with a rural character. It falls within Burford Conservation Area and the Area of Outstanding Natural Beauty (AONB).

5.4 Since the Parish Council has made comments in support of the application which are contrary to your Officers recommendation, the application is brought before the Uplands Planning Sub-Committee for consideration.

5.5 Given that the application is for Listed Building Consent only the key considerations are considered to be as follows:

- Principle;
- Impact on the listed building.

### **Principle**

5.6 This application for Listed Building Consent seeks retrospective permission for the installation of a non-illuminated hanging sign to the front elevation of Cotswold Glass and Crafts, 112 High Street in Burford. The principle of a hanging sign on the front elevation of the commercial premises is acceptable subject to the design and materials of the both the sign and the bracket being acceptable given the Grade II\* listed status of the building.

### **Impact on the Listed Building**

5.7 The building is a Grade II\* Listed Building, and is located in a prominent location within the Conservation Area, on the Burford High Street.

5.8 Given its listed status Officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in Policy EH11 of the Local Plan which refers to listed buildings.

5.9 In respect of hanging signs the 'West Oxfordshire Design Guide' paragraph 17.7 recommends as follows:

*Traditional hanging signs should be sign-painted with a free-swinging board suspended below a wrought iron bracket. The size and proportions of the sign board should relate well to other aspects of the shop front, and be neither overly large, nor so small as to render the sign unintelligible.'*

*Where an original bracket remains in place, this should be reused if possible. Otherwise, while a more elaborate wrought iron bracket may be appropriate in some traditional contexts, in most cases a simple bracket will be appropriate.*

5.10 Bearing in mind the above, whilst the size of the existing hanging sign and its location are not considered harmful, the use of modern plastic material is considered unacceptable as an addition to the front facade of the historic listed building, failing to conserve or enhance the historic interest of the building. A more sympathetic material which would respect the historic character and appearance of the listed building would be a traditional timber painted board with traditional signwriting. In addition your Conservation Architect has commented that the bracket to the hanging sign with its apologetic scroll, which does nothing to brace the cantilever, is also unacceptable. Therefore by reason of its modern plastic materials and the design of the bracket to which it is attached the retrospective hanging sign fails to conserve or enhance the special architectural character and appearance of the Grade II\* listed building.

5.11 The adverse impact of the sign on the significance of the listed building as a designated heritage asset must be given great weight under paragraph 199 of the NPPF. There are no obvious public benefits that can be weighed against the harm that could not be achieved through a more appropriately designed hanging sign and bracket.

## **Conclusion**

5.12 In light of the above assessment, the hanging sign is considered by your Officers to be contrary to policies EH11 and OS4 of the West Oxfordshire Local Plan 2031, relevant sections of the West Oxfordshire Design Guide and relevant paragraphs of the NPPF.

## **6 REASONS FOR REFUSAL**

1. By reason of the modern plastic acrylic material of the sign and the detailed design of the bracket to which it is attached, the retrospective hanging sign fails to conserve or enhance the historic interest and special architectural character and appearance of the Grade II\* Listed Building. As such it is considered contrary to policies EH11 and OS4 of the West Oxfordshire Local Plan 2031, The West Oxfordshire Design Guide and relevant paragraphs of the NPPF.

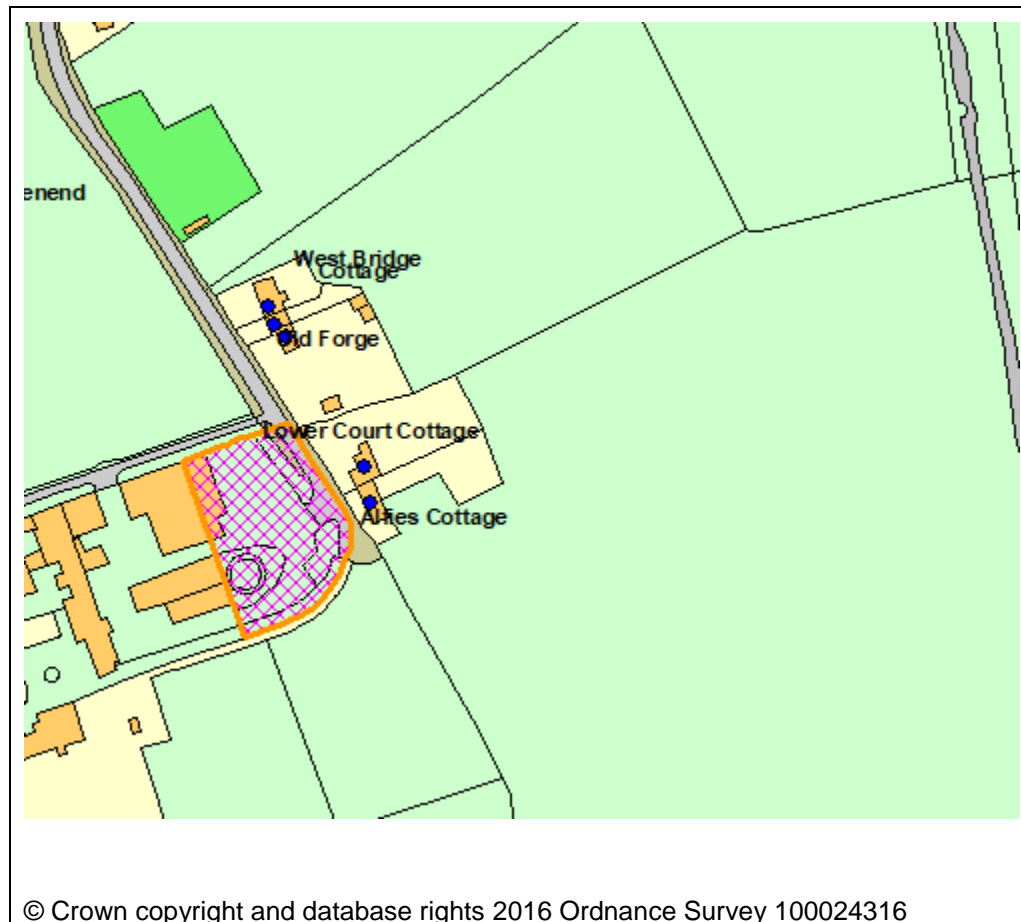
**Contact Officer:** Naresh Kajoo

**Telephone Number:**

**Date:** 23rd February 2022

Application Number	21/03794/FUL
Site Address	Lower Court Farm Green End Chadlington Chipping Norton Oxfordshire OX7 3NQ
Date	23rd February 2022
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432367 E 221158 N
Committee Date	7th March 2022

### Location Map



### Application Details:

Change of use of land from agricultural to domestic along with the formation of a tennis court, erection of a green house and associated landscaping.

**Applicant Details:**

Luke Taylor  
Lower Court Farm  
Green End  
Chadlington  
Chipping Norton  
Oxfordshire  
OX7 3NQ

**1 CONSULTATIONS**

Parish Council	Chadlington PC - No objection.
Conservation Officer	No Comment Received.
ERS Env. Consultation Sites	No Comment Received.

**2 REPRESENTATIONS**

2.1 No third party representations have been received.

**3 Applicant's Case**

3.1 The applicant has submitted a Planning Statement to support the application. The main points of which are summarised below. The full document is available to view on the Council's website.

3.2. The land the subject of this application is a disused area of farm yard that has previously housed a horse walker and been used for overspill parking and storage. The yard was formerly adjacent to a series of modern farm buildings, which detracted from the setting of the other traditional vernacular buildings and the broader setting of Lower Court Farm.

3.3 The design has been carefully conceived and attention to detail has been given in respect of the siting and how this best sits with the house, having regard to the heritage assets significance, and its landscape.

3.4 The surrounds of the tennis court will be sensitively and discretely landscaped with nonintrusive paving, grassed areas, Cotswold stone walling and planting of mixed fruit trees and native hedging. The immediate surrounds of the court adjacent to the lane will be enclosed/screened by mixed fruiting trees and existing hedgerows.

3.5 A large part of the premise behind the proposals, aside from the landscaping enhancements to the grounds associated with what is a large house in otherwise modest grounds, is to enhance the enjoyment of the dwelling for the owners and to provide a facility for those visiting the site and using the recently permitted holiday let.

3.6 It is considered that the proposed location would ensure a good relationship with the rest of the site and buildings whilst not influencing the heritage assets of importance. The site area is well defined and is

physically defined by the lane that leads to the property, which will be heavily landscaped as part of the proposals; having a twofold benefit of screening the use to preserve the occupants' privacy but also softening the appearance of the modern buildings on the approach to the site.

3.7 The design approach taken is to construct a facility which is sympathetic to the local landscape character, and one which responds appropriately to the existing architecture within the locality (particularly the design and materials of the existing house), using natural stone for means of enclosure and base of the green house and planting native trees and hedgerows.

3.8 We trust Officers will support these proposals.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

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**

### **Introduction**

5.1 This application seeks consent for a material change in the use of land from agricultural to domestic along with the formation of a tennis court, erection of a greenhouse and associated landscaping at Lower Court Farm, Green End, Chadlington. The site sits in the south-western edge of the village of Chadlington and is located within the Cotswolds AONB. Lower Court Farmhouse (to which the application relates) is Grade II\* Listed.

5.2 Your officers consider that the key planning considerations for this application are the principle of development, siting design and scale, impact upon the setting of the Grade II\* Listed farmhouse, impact upon the Cotswolds AONB, neighbourly amenity and highways matters.

### **Relevant Planning History**

20/02509/FUL- 'Alterations and extensions to Lower Court Farmhouse. Conversion of attached and detached farm buildings to provide principal and ancillary residential accommodation. Demolition of modern farm buildings. Erection of new garaging, estate office and service yard and associated landscaping (amended plans)'. WITHDRAWN.

20/02510/LBC- 'Alterations and extensions to Lower Court Farmhouse. Change of use of attached and detached farm buildings to provide principal and ancillary residential accommodation. Demolition of modern farm buildings (amended plans)'. WITHDRAWN.

21/00963/FUL & 21/00964/LBC-' Alterations and extensions together with conversion of attached farm buildings to enlarge existing farmhouse.' APPROVED.

21/00967/FUL- 'Conversion of traditional farm buildings to form one holiday lets. Formation of swimming pool and associated landscaping.' APPROVED.

21/00968/LBC- 'Demolition of modern farm buildings. Internal and external alterations to convert traditional farm buildings to form one holiday let together with associated works.' APPROVED.

21/00998/FUL- 'Erection of two new replacement agricultural buildings with repairs and alterations to existing barn.' APPROVED.

21/00999/LBC- 'Demolition of existing portal frame agricultural buildings and erection of two new agricultural buildings together with repairs and alterations to existing barn.' APPROVED.

## Principle

5.3 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. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.4 The West Oxfordshire Local Plan 2031 has no specific policy relating to the change of use of agricultural land to domestic uses. Therefore, Local Plan Policy OS2 provides the starting point for assessment of the principle of development.

5.5 Chadlington is defined as a village within the settlement hierarchy (Policy OS2) where limited development which "*respects the village character and local distinctiveness and would help to maintain the vitality of these communities*" may be suitable. This is subject to the general principles of OS2, those with particular relevance to this scheme are 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;
- 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;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty.

5.6 In addition to the general principles listed, officers consider that policies OS4 (high quality design), EH1 (Cotswolds AONB), EH9 (historic environment), EH11 (listed buildings) and EH13 (Historic



landscape character) are particularly relevant to this application given the proximity of the site to the Grade II\* listed farmhouse and location within the AONB.

5.7 The principle of the proposed material change in the use of the land and associated work is therefore considered acceptable in principle subject to the scheme demonstrating compliance with the general principles as well as the development plan when read as a whole.

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

5.8 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).

5.9 In terms of siting, the proposed tennis court is sited adjacent to the site access and around 60 metres north east of the main house. The effect of the proposed siting is that the proposed tennis court would be prominent in views from Green End running to the east of the site, which forms a public right of way and serves as access to neighbouring properties. Officers therefore consider that the proposed development exhibits the potential to impact upon the setting of the heritage asset when viewed from the east. This matter will be considered fully in the following section of the report.

5.10 The proposed tennis court would be hard surfaced with a green finish and chain link fencing reaching a height of 2.6m at each service end. The site would be bounded by stone walling to the west side with hedging and planting proposed in the eastern half of the site. A dual pitched greenhouse of traditional form and design is also proposed within the existing garden area (officers note that this lies outside of the submitted red-line site plan). The visual impact of the proposed development is considered in the following sections.

### **Heritage Impact**

5.11 The site sits immediately north east of the Grade II\* listed Lower Court Farmhouse 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.

5.12 The site is set on the edge of the village and faces open countryside with the Evenlode Valley stretching to the south. The existing site when viewed from Green End running to the east, exhibits a distinctly rural and agricultural character. The listed farmhouse has been used in connection with farming since the first half of the 19th century and is set amongst a group of vernacular and modern farm buildings, which partially obscure the main house when viewed from the east. The former farm buildings are currently in the process of being re-developed under the application references listed in section 5.2 of this report but will retain their agricultural character due to the sensitive approach taken in previous proposals to retain their existing character. Therefore, due to the present appearance of the wider Lower Court Farm site, when viewed from Green End, the farmhouse sits in a distinctly rural and agricultural setting characteristic of its historic association with farming.

5.13 The proposed siting of the court and associated hard landscaping works facilitate the material change of use would extend the formal garden of the main house adjacent to Green End and beyond the range of buildings associated with the house. This encroachment would relate poorly to the existing garden area and built development on site and result in a formal domestic appearance and setting to the listed farmhouse when viewed from Green End. This would undermine the established rural and agricultural surroundings of the heritage asset which officers consider forms a positive contribution to its setting. The erosion of the established character caused by the siting and design of the proposed tennis court and associated works would visually dominate the open space directly fronting Green End and therefore fundamentally affect its present rural and agricultural character to the detriment of the setting of the main house and the established character of the street scene. 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 asset.

5.14 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. The harm arising from the proposal is considered to be 'less than substantial'. This is not to minimise the effect of the development upon the setting of the heritage asset but merely recognises that the harm would not materially impact upon the fabric of the building itself. Officers consider that the benefits accrued from the proposed development would be largely private in nature and small scale public benefits associated with the construction process would result in little appreciable public benefit. 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 Lower Court Farmhouse 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.

### **Impact upon the Cotswolds AONB**

5.15 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty in accordance with the provisions of paragraph 176 of the NPPF. This duty is reflected in Policy EH1 of the Local Plan.

5.16 Officers consider that whilst the proposed development would result in a negative transformation of the character of the street scene as viewed from Green Lane (resulting in harm to the setting of the Grade II\* main house), the change would be screened in wider views and therefore only perceived in its immediate context. Therefore, the wider landscape impact of the change would be negligible and no material harm to landscape and scenic beauty in the AONB is identified.

### **Residential Amenity**

5.17 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.

5.18 The proposed tennis court would be sited approximately 30m from two residential properties that lie east of the site. Officers consider that this separation distance is sufficient to ensure that the

proposed use would not give rise to any unacceptable levels of noise and disturbance impact. Given the nature of the proposed, no further neighbourly amenity impacts by way of overlooking, overbearing or loss of light would result from the proposed. The application is therefore acceptable in this regard.

### **Highways Impact**

5.19 Local Plan Policy OS2 states that new development should be provided with safe vehicular access, Policies T1 and T4 are also relevant to the application. Officers consider that the proposed development would result in no material impact upon the adjacent highway network as access and parking space will be retained and there is no logical reason to conclude that the proposed use would give rise to a discernible increase in traffic movements. As a result, the application is acceptable in this regard.

### **Other Matters**

5.20 Following discussions with the applicant's agent, the possibility of a hard surfaced court being installed within the existing residential planning unit to the south of the main house has been discussed. The applicant believes that such works could be carried out as permitted development and should therefore be regarded as a material consideration. Given the significant possibility of this work being carried out in the event of a refusal, officers agree that that this alternative can be considered a material consideration in this assessment.

5.21 In officer's assessment, locating the court within the established planning unit would likely result in a lesser visual impact than the proposed scheme, especially when considering that fencing would not be able to be erected under PD rights. Therefore, this consideration is not deemed sufficient to warrant departure from the Local Plan policies as listed in the report.

### **Conclusion**

5.22 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 and design of the proposed development would result in an incursion of formal domestic garden which would fundamentally affect the site's present rural and agricultural character. This would result in significant but 'less than substantial' harm to the setting of adjacent Grade II\* listed Lower Court Farmhouse 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.

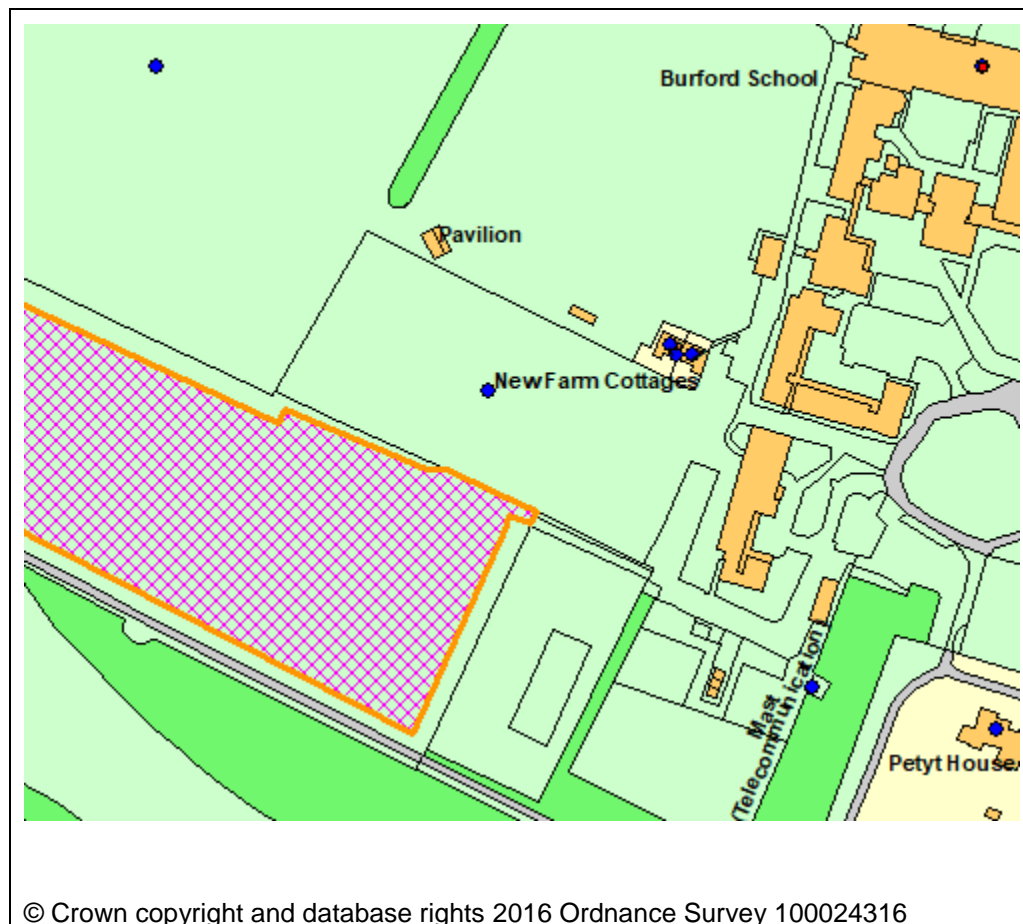
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 23rd February 2022

Application Number	21/03948/FUL
Site Address	Burford Comprehensive School Cheltenham Road Burford Oxfordshire OX18 4PL
Date	23rd February 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	424806 E 211721 N
Committee Date	7th March 2022

### Location Map



### Application Details:

Creation of an All-Weather sports pitch within a fenced enclosure and an outdoor activity zone. Works to include the installation of floodlights and landscaping works.

**Applicant Details:**

Mr Trevor Ashley  
Burford School  
Cheltenham Road  
Burford  
OX18 4PL

**I CONSULTATIONS**

Parish Council	Strongly in favour (full comments available on the Council's website).
WODC Landscape And Forestry Officer	No comments have been received
WODC Drainage Engineers	<p>It is acknowledged that a soakaway has been proposed and sized to the 1 in 30 year event with flows over that to be stored within the AWP field itself. In the event that the 0.5m retaining system fails we need to see a plan showing where to exceedance flow routes will be to ensure that there is no increased flood risk to third party land or development.</p> <p>We would welcome consideration of alternative uses of the water for the school instead of it draining to ground. Areas to explore could be natural SUDS such as wildlife ponds, rainwater gardens ect to promote biodiversity.</p> <p>General Comments:</p> <p>The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.</p> <p>It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.</p> <p>We highly recommend the use of permeable or granular construction on access routes and hardstandings.</p>
OCC Highways	<p>Recommendation:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission</p>

WODC Env Health - Uplands      No objection.

WODC - Sports                      No Comment Received.

Sport England South East      Sport England offers its support to this application.

## **2 Representations**

2.1 No third party representations have been received.

## **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. The full document is available to view on the Council's website.

3.2. In a sporting context, this proposal seeks to:

- Provide opportunities for students and local community groups to participate in sport and physical activity for health improvement, enjoyment, and development of their skills, particularly amongst low participant groups;
- Operate in line with the national agenda for sport considering nationally adopted strategies;
- Generate positive attitudes in sport and physical activity by children and young adults to help reduce the dropout rate in sports participation with age;
- Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;
- Use the facility to encourage the range, quality, and number of sports club links and to stimulate competition that is inclusive of young people and adults;
- Provide affordable access to the facilities and to be self-financing in terms of community access;
- Contribute to strategic objectives for grassroots sports development.

3.3 In an environmental context, this proposal seeks to:

- Ensure that maintenance of the proposed sports facilities is managed by the site management grounds team on a daily and weekly routine with contractors used as necessary to perform specialist maintenance on a periodic basis;
- Collect a sinking fund using revenue from community access lettings / hire to replace the sports facilities at the end of their functional life, along with further necessary refurbishment works;
- Apply a variety of efficiencies to mitigate environmental impact and benefit the carbon footprint of the development with significant reductions in the use of energy and reduced waste experienced during the construction and operational phase of the development.

- Apply a variety of efficiencies to construction stage that mitigate environmental impacts and reduced the carbon footprint of this development.

3.3 Significant reduction in the use of energy and/or water, and reduce waste in the construction and operation of the facility will be achieved by:

- Excavations limited to the removal of turf and topsoil only.
- Imported granular sub-base aggregates to form the pitch foundations shall be locally sourced from local quarries or suppliers to reduce transportation;
- Control gears for the proposed floodlights include photocell units and time clocks, to ensure artificial lighting does not illuminate before dusk and lighting does not exceed the permitted curfew hours.
- LED floodlights require less electrical power than traditional sports-area lighting alternatives (say, HID floodlights), resulting in improved energy efficiency.
- This sand dressed hockey turf surface does not require watering and does not require SBR infill.
- For the hockey turf, the hockey turf surface, modern textile manufacturing methods and technology continues to advance. As such, it is common place for artificial turf surfaces to be recycled at the end of their life cycle and be re-made into new similar surfaces or other products. It can be expected that technological innovations will continue, to enable this environmental sustainability form of recycling to affect this proposal when refurbishment is due after an initial life cycle.

3.4 In conclusion, the proposed development would replace an amenity grassland field within the South Western part of the school grounds known as 'Farmers Field' with:

- Better quality provision.
- In a suitable location.
- Supported by effective and appropriate management arrangements.
- Implemented with best practice construction techniques to minimise waste and pollution.

## 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

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH5 Sport, recreation and children's play

EH7 Flood risk

BC1NEW Burford-Charlbury sub-area

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Introduction**

5.1 This application seeks consent for the creation of an All-Weather sports pitch within a fenced enclosure and an outdoor activity zone including the installation of floodlights and landscaping works at Burford Comprehensive School, Cheltenham Road, Burford. The school is set over a substantial plot of land located on the outskirts of Burford. The application site is outside of the Burford Conservation Area and the Cotswolds Area of Outstanding Beauty and is therefore not within any designated areas of control.

5.2 The application is brought before Members of the Uplands Area Planning Sub-Committee due to the height of proposed floodlights (15m).

5.3 Taking into account planning policy, other material considerations and the representations of interested parties, your officers consider that the key considerations for the application are principle, siting, design and form, visual/landscape impact, public benefits, neighbourly amenity, highways impacts, ecology and drainage impacts.

### **Relevant Planning History**

5.4 Numerous applications for other works across the school site have established that the application site forms part of the wider school site and therefore the proposed will not impact the lawful use of the land. In 2007, permission was granted under LPA Ref: 07/0109/P/FP for:

*'Construction of new sports pavilion, two artificial sports pitches with floodlighting and associated car parking'*

### **Principle**

5.5 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. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.6 The application site sits adjacent to the built up area of Burford, which is identified as a rural service centre under West Oxfordshire Local Plan Policy OS2 where modest levels of development to reinforce Burford's role as a rural service centre may be supported.

5.7 The general principles of OS2 that have particular relevance to this application are 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;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s; and
- Conserve and enhance the natural, historic and built environment.

5.8 The provisions of Policy BC1 are also relevant to this application. The Burford-Charlbury Sub-Area Strategy outlines that despite the relative constraints placed on development by the Cotswolds AONB designation (which this site sits outside of), Burford and Charlbury (as rural service centres) will be the focus for modest levels of new development. Your officers consider that the provision of new sporting and community facilities such as that proposed may reasonably be considered modest development to reinforce the status of the town as a rural service centre.

5.9 Local Plan Policy EH5 provides broad support for built facilities to support recreation and sport which are fundamental to the quality of life and wellbeing of the District's residents. The supporting text to the policy states that:

*'Additional provision will need to be made (for sporting facilities), both through new facilities and maximising the use of existing facilities such as in schools and village halls.'*

5.10 The need for increased provision of artificial sports pitches in the area is also outlined in the consultation response of Sport England. Officers therefore consider that the addition of the facility as proposed within the existing school site is supportable in principle subject to consideration of the matters below.

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

5.11 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).

5.12 The proposed pitch and outdoor activity zone will be sited in the south-western extremity of the school site. The application site is therefore sited as far as practicably possible from the Cotswolds AONB and Burford Conservation Area boundary some 200m (approx.) to the north.

5.13 The artificial pitch will measure 102m x 68m and be surrounded by steel open mesh fencing reaching a maximum height of 4.5m and eight floodlight towers reaching 15m in height. The proposed floodlighting will use a 350 Lux LED System designed to provide sufficient lighting to the playing surface whilst minimising spillage. The application has been furnished with an assessment of the light levels generated to demonstrate the resultant light levels across the site. Submitted plans show that the light pool would be wholly contained to within the application site.

#### **Visual and Landscape Impact**

5.14 Local Plan Policy EH2 states that new development should conserve and, where possible, enhance the intrinsic character of the local landscape and avoid causing light pollution resulting in an adverse

impact upon landscape character. The general principles of OS2 reiterate the importance of protecting landscape character.

5.15 Officers consider that the proposed surface, fencing and landscaping to create the outdoor activity zone would result in minimal visual perception from of site due to the siting of the scheme. The proposed floodlights therefore exhibit the largest potential to result in harm to the landscape setting of the site. In this regard, the pitch would be sited well into the school site and surrounded by mature tree planting on three sides. Further, the proposed lighting arrangement would ensure that light spillage is restricted to a minimum and would be viewed in the context of the existing building development on the school site. Due to the siting of the pitch, topography of the landscape and screening provided by existing trees, the perception of the pitch in the wider landscape would not be significant. Officers therefore consider that the proposed development would result in a negligible impact upon the landscape character in this location. As such, the application accords with Policies OS2 and EH2 and is acceptable in this regard.

### **Public Benefits**

5.16 As outlined above, Local Plan Policy EH5 outlines the potential for new sporting and community facilities to provide substantial public benefits for local residents. NPPF paragraph 98 also reiterates the importance of access to a network of high quality opportunities for sport. The West Oxfordshire Open Space Study (2013) (which officers consider a material consideration) also found that specifically with regard to hockey, the District's facilities are relatively poor. This view is supported in the representation of Sport England to the application. It is also noted that the representation of the Burford Town Council expresses strong support for the facility based on a perceived need for such a facility in the town.

5.17 In this context, officers consider that the scheme exhibits the potential to result in significant public benefits which should be awarded weight in the planning balance. In order to ensure that the full potential public benefits of the scheme are realised, officers consider that it is necessary and reasonable to ensure that a Community Use Agreement is sought as a condition of any planning consent. This will ensure that the facility is accessible to all members of the local community and not just pupils of the school thereby maximising the public benefits of the scheme. Therefore, subject to the conditions as outlined in Section 6 of the report, officers consider that substantial public benefits will result from the scheme.

### **Residential Amenity**

5.18 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.

5.19 The application site occupies a relatively isolated position in relation to residential development. The only dwelling within relatively close proximity to the site is 'Petyt House which is some 150-160m to the east of the proposed pitch. The site is boarded to the south by Burford Golf Club and to the west by open fields. In this context, the proposed development would give rise to no impact upon the amenity of adjoining properties.

### **Highways**

5.20 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The Local Highways Authority have been consulted on the application and stated that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network. The existing school site is furnished with adequate vehicular and pedestrian access which is considered suitable to support the proposed use. Therefore, officers consider that the scheme would be acceptable in this regard.

### **Ecology**

5.21 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. The application has provided a Biodiversity Net Gain Assessment which finds that given the proposed habitat creation works, the scheme will result in a 18-19% increase in the number of habitat units on site. The application has not provided a Habitats Plan or details of the proposed louvres to limit light spillage into the adjacent hedgerow, officers (following consultation with the Council's ecologist) therefore consider that these details should be secured through planning conditions (as set out in Section 6 of the report). Subject to the conditions as set out, the application is considered to accord with Policy EH3 and is therefore acceptable from an ecological perspective.

### **Drainage**

5.22 Following consultation with the Council's drainage engineers, the applicant has provided updated information relating to the proposed drainage arrangement. The plans have been amended to incorporate a swale along the eastern site boundary in order to retain and drain water within the site. The Council's drainage engineers are currently reviewing the additional information submitted. Officers consider that these technical details are likely to be overcome and therefore request delegated authority to resolve these matters subject to Members discretion.

### **Conclusion**

5.23 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, T1, T3, T4, EH2, EH3, EH5, EH7 and BCI, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended to Members for conditional approval subject to the proposed drainage matters being resolved by officers on a delegated basis.

## **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 floodlights hereby permitted shall be switched off no later than 22:15hrs on any given day.

REASON: In order to protect local landscape character and prevent unnecessary electricity usage.

5. The development shall be completed in accordance with the recommendations for mitigation in Sections 4 and 5 of the Ecological Appraisal report (RPS, November 2021 (19/11/2021), Version 2) and the 'Description of Proposed Habitats On-Site with Biodiversity Benefits and Outline Management' section on pages 3-4 of the Biodiversity Net Gain Assessment report (RPS, 18th November 2021, ref. ECO01903) as submitted with the planning application to secure a 18.74% increase in the number of habitat units.

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

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

6. Prior to any development above ground level, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements to secure a 18.74% increase in the number of habitat units, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

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

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

- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- ix. Timeframe for reviewing the plan;
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. The submission of regular reports to the local planning authority, e.g. every 5 years, to demonstrate progress towards the biodiversity net gain target outcome; and
- xii. The submission of a 30-year audit report to the local planning authority.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The BMMP shall be implemented in full in accordance with the approved details.

**REASON:** To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Within 3 months of practical completion certificate being issued, a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, sports lighting, car park, changing and toilets and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

**REASON:** To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

9. Prior to the development hereby approved coming into use, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) to be installed to service the development shall be submitted to and approved in writing by the local planning authority. The EVCP shall then be installed in accordance with the approved details prior to the development coming into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

**REASON:** To ensure a satisfactory standard of development which meets the needs of current and future generations in accordance with Local Plan Policy OS3.

10. Prior to the development hereby approved coming into use, written and illustrative details of the number, type and location of Solar Photovoltaic Panels (SVP) to be installed to service the development shall be submitted to and approved in writing by the local planning authority. The SVP shall then be

installed in accordance with the approved details prior to the development coming into use. The SVP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

**REASON:** To ensure that the development provides adequate provision towards the generation of electricity to service the floodlighting.

**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 23rd February 2022