

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 17th October 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.

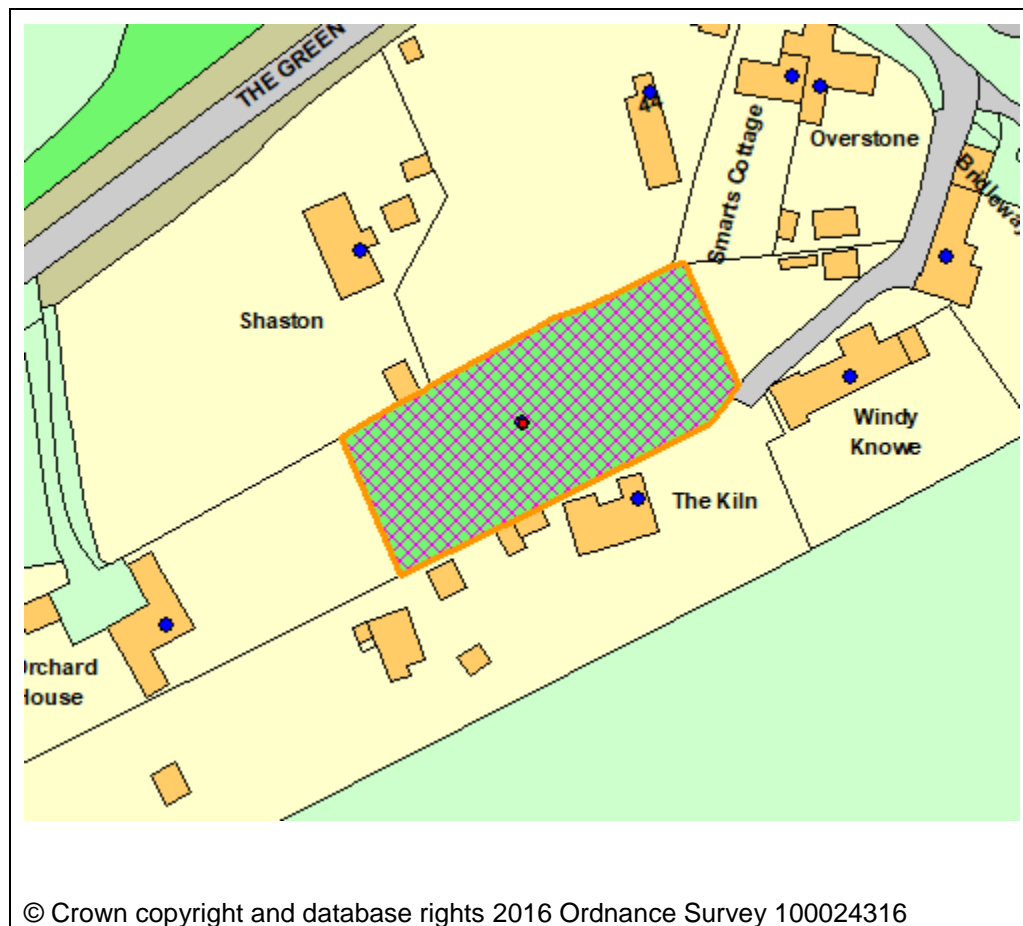
Please note that:

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)

<b>Page no.</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
13-28	21/00961/FUL	Land South Of Shaston The Green	Sarah Hegerty
29-43	21/03837/FUL	Green Bank Dyers Hill	James Nelson
44-49	22/01879/FUL	Snowhill House The Green	James Nelson
50-56	22/01915/FUL	Land And Building (E) 439518 (N) 226211 Enstone Airfield North	Stephanie Eldridge

Application Number	21/00961/FUL
Site Address	Land South Of Shaston The Green Freeland Oxfordshire
Date	5th October 2022
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	441621 E 212122 N
Committee Date	17th October 2022

### Location Map



### Application Details:

New build chalet bungalow with detached double garage

**Applicant Details:**

Mr & Mrs Neil and Catherine Tregear  
Frognal  
Blackgang Road  
Niton  
Ventnor  
Isle Of Wight  
PO38 2BN

**I CONSULTATIONS**

WODC Env Consultation Sites I have looked at the application in relation to contaminated land and potential risk to human health.

Review of the records we hold suggest that the proposed development site has remained undeveloped over time. A brick works and kiln were previously located to the south of the site, as a precaution please consider adding the following condition to any grant of permission.

WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

District Ecologist Latest Comments

In previous comments by the Assistant Biodiversity Officer, the woodland was referred to as "scrubby woodland" and the ecological response below refers to trees being identifiable at the time of the survey. However, the ground flora of the woodland habitat is unknown (hence the recommendation for a survey in April-May) and it must be assumed that there is none. Clarification about the "woodland" is required to ensure that priority habitat is not being lost. Perhaps the applicant has photos of the woodland area during the spring/summer months that can be checked or does the woodland area comprise regularly mown grass rather than semi-natural woodland ground vegetation?

The revised metric appears to be sufficient, but accompanying plans of the site need to be submitted, particularly to show the proposed habitats following development. If a woodland is being created along the northern site boundary, this must be shown on a site drawing. The management of the woodland also needs to be clarified.

Landscaping details will also be required, but these could be submitted for approval as a condition of consent.

I welcome the retention of the existing orchard trees.

#### Other issues

A reptile mitigation strategy is still required and must be submitted as part of the application in order to provide sufficient information on protected and priority species in accordance with Local Plan policy EH3 and Circular 06/2005.

Conservation Officer

No Comment Received.

OCC Highways

The application red line area does not include access to the highway. The lane used for access is narrow, poorly surfaces and lacks adequate forward visibility. There is insufficient width for opposing vehicles to pass or a vehicle to easily pass a pedestrian/cyclist. However, given the low traffic flows and speeds I cannot demonstrate that the proposal, if permitted, would cause such harm as to warrant the refusal of the application for reasons of safety and convenience.

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

#### Recommendation:

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

Parish Council

Freeland Parish Council Objection Response, 23 June 2021

At the Parish Council meeting held on 21 June 2021, it was resolved to object to the above application on the following grounds:

#### I. SITE ACCESS

The site access is along a very narrow, stone track with unclear ownership. This lane is unsuited to larger vehicles. During construction use of the lane would result in severe disturbance to neighbours, particularly those dwellings fronting onto, or being accessed from, this track, i.e. Windy Knowe (Grade II Listed), Bridleway End and Shaston.

In the long term, the additional use of this narrow unsurfaced track, which crosses the frontage of Windy Knowe, at one point less than a meter from the structure, could cause physical damage to the dwelling. Increased traffic movements will also cause disturbance to all

residents.

In this respect, the proposed development would have a harmful impact on the amenity of existing occupants, albeit short term, contrary to the general principles of Policy OS2, OS4 and the West Oxfordshire Design Guide.

## 2. INTRUSION ON NEIGHBOURING PROPERTIES

Although the site is considered land within the "village envelope", the existing pattern of development is sparse, and the new dwelling would be relatively close to both the Kiln and Windy Knowe.

The proposed development site is a former garden area, now comprising largely regenerating native trees and shrubs. It is well screened by these during summer months. However during the winter, the predominantly deciduous vegetation will provide greatly reduced screening. Additionally a good deal of existing shrub vegetation will be removed to make way for the dwelling, particularly to the eastern and southern boundaries, but also to a section of the northern boundary to make way for the garage.

As a result, the proposed development will be intrusive to neighbouring properties, with significant and unacceptable adverse visual and landscape impacts. The proposed development would adversely impact upon the setting of the Grade II Listed Building, Windy Knowe, contrary to Policies EH2 and EH9.

## 3. WILDLIFE VALUE OF THE SITE

The proposed development site is currently a rich and varied habitat after remaining largely undisturbed for many years. Mr Brady, one of the neighbours, has had use of the land for some time, and has noted the wildlife he has observed on the site in a separate response submitted to the Council. He has observed a wide range of reptiles, mammals and birds, including grass snakes, great crested newts, badgers, hedgehogs, voles, weasels, owls and finches, amongst others.

The Parish Council therefore considers development of this site to be wholly inappropriate and echoes the comments of the Biodiversity Officer, particularly in relation to the need for a full Ecological Assessment Impact carried out in spring or summer months, rather than in January, as is the case with the current report.

We also consider this loss of habitat to be unacceptable and contrary to the principles of Local Plan Policy EH3.

#### 4.DESIGN

The proposed chalet bungalow, although reducing its potential visual impact with a lower height than a full two storey dwelling, does not reflect the architectural character of the Limestone Wolds, as set out in the West Oxfordshire Design Guide, or the traditional stone houses which give The Green its distinctive character. The typical building form is described in the Guide as having long frontages, narrow gables and steeply pitched roofs.

The Parish Council considers that any new development in this historic section of the village, which is a potential Conservation Area, should take account of this guidance.

## 2 REPRESENTATIONS

### 2.1 Three Objection comments received:

#### 1 - The Kiln Bungalow The Green Freeland, Witney OX29 8AP:

The proposed entrance way onto the property is on land currently owned by myself and I have not been approached with regards to access.

#### 2 -Overstone The Green Freeland OX29 8AP2:

I would like to object to this application on the following grounds:

- 1) The ecology report was carried out in January - winter this year. Thus I find the assessment inaccurate and a poor representation of the wildlife in the area.
- 2) Highways: The site will need excavating to enable the build to go ahead. Site access is along a quiet, unclaimed and unpaved single track which runs along my boundary and driveway. I therefore envisage heavy machinery - diggers, excavators, dumper trucks etc accessing this road on a regular basis. As a father of two very small children I am concerned for their safety during the build.
- 3) Highways: the unpaved track currently needs regular maintenance to withstand light vehicle access, I can't see how it and the bordering properties will cope with the aforementioned heavy machinery.
- 4) Noise pollution during the build. My partner works from home so this is also of concern to us. I do appreciate that I myself have carried out some small extension works recently so I'm very aware of the inconvenience this causes my immediate neighbours. It is something I've tried to limit as much as possible but unfortunately it is inevitable. An application such as this, however, will not only impact several of the residents but it will also have a significant ecological one too.

So for the reasons I've stated above I would like to politely object to this application in its current form.

### 3 - The Overstone (Full Objection available against the application):

This document [Biodiversity Mitigation & Enhancement Strategy] appears to be a rushed, copy and paste exercise produced with the intention of appearing as a serious ecological survey. Going through the figures and vocabulary I would suggest this is anything but that. I urge the planning committee to reject this document on the grounds of false and misleading data and to therefore reject the planning application in its entirety based on the severe impact to the biodiversity of the site. I would also urge the committee to give other such literature produced by the applicants' equal scrutiny.

## **2.2 Four general comments received:**

### 1. 44 The Green Freeland:

My wife and I have owned and lived in 44 The Green since 1976. It has always been our understanding that this piece of land would be built on in due course. I have no objection in principle. However there are a number of basic neighbourliness points which just feel wrong. I heard of this application today for the first time from Councillor Al-Yousuf. There has been no consultation of any sort. No discussion with neighbours, mailshot or yellow notices. The site runs along the entire length of our south West boundary. This boundary like many is ill defined. I made it clear several years ago to the owner of the site that the chain-link fence does not define the boundary which I believe is the hedge. The hedge was replanted when the latest fence was erected in 2009. The positioning of the new hedging plants, now severely overgrown, followed exactly the old hedge under the close supervision of Mr S Brady acting on behalf of the then owner of the site. The old hedge was not grubbed out and its line can be clearly seen from my side had the surveyor asked. While the proposed house is well clear of the boundary the garage is shown to be pretty much hard up against it. It is therefore of great importance that the position of the boundary is formally agreed before planning is granted. I am happy to discuss this with the owner or their suitably qualified representative. To make it clear at this stage I believe the boundary to be the hedge not the fence.

### 2.No Address:

The proposed plans show a number of windows overlooking my property. One large window in the kitchen/diner, one smaller window in the study/playroom and one high level window on the stairwell as well as four roof lights. See proposed side elevation (4). At present there is an overgrown hedge dividing the two properties. This would go some way towards blocking sight lines and maintaining a degree of privacy in our garden, in particular our eating out area situated on the south end of the house. I note that the Ecological Officer Esther Frizell-Armitage recommends that boundary hedges be retained, and that the Tree Survey conducted by Indigo recognises that there is along our common boundary a neglected hedge.

I ask the planning officers to require that the high screening provided by the existing hedge be retained, or to restrict the windows on this side of the house

### 3. Smart's Cottage, The Green, Freeland The Green Witney OX29 8AP:

Having had use of the plot for several years, we have become familiar with the sights and habits of much of the fauna living and traversing this small wilderness, in all seasons. Notable reptilian and amphibian



residents include a large grass snake (phot 6 July 2019) - 3 x juvenile snakes, egg cases, frogs, toads and great crested newts. Mammals include foraging badgers, hedgehogs, voles and field-mice, rabbits, foxes (ate our chickens), muntjac deer, weasels and stoats. Birds include a family of red legged partridges which rear young there every year, green and spotted woodpeckers, a jay, the occasional barn owl, tawny owls, a wren nesting in the shed, goldfinches and bullfinches, chaffinches, and tree creepers. It would need entomological expertise to catalogue the insect life with many butterflies. Bug 'hotels' have been made with old logs and piles of twigs. Further biodiversity/ecological study would be appreciated.

#### 4. The Windy Knowe:

I have been a resident of Windy Knowe, The Green, Freeland since 1937. Since that time the land mentioned in the planning application has always freedom of access because of its right of way along the lane which crosses the property of Windy Knowe.

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

3.1 Following is taken from the PLANNING AND HERITAGE STATEMENT:

"2.3 In November 2019, pre-application advice was provided regarding the erection of a detached family dwelling with separate double garage (19/03138/PREAPP, Appendix A).

2.4 The advice contained within the pre-application outlined that new residential development is considered acceptable in principle provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. It was also advised that any proposal for this location must be proportionate and appropriate in regard to its scale and must be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants."

It goes on to say:

"6.3 The proposed dwelling has been sympathetically designed to ensure that it would respect the existing character of the area and would preserve the amenity of its neighbours. The scale and massing of the building are modest, being a 1.5 storey building, with restricted head height. The first-floor accommodation will also be served with roof lights to avoid any overlooking and due to the design, siting and intervening vegetation, the proposed development would also preserve the setting of nearby Listed Buildings."

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H1NEW Amount and distribution of housing

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## 5 PLANNING ASSESSMENT

- 5.1 The application seeks permission for the erections of a new build chalet bungalow with detached double garage.
- 5.2 The application site relates to a parcel of land located to the south of 'Shaston', The Green, Freeland. The site is not within the Conservation Area or the Cotswolds Area of Outstanding Natural Beauty but is located within 20m of a Listed Building (List UID: 1198698) and falls within the red impact area for great crested newts.
- 5.3 Procedural points - The red line area of the application was amended to include access to the Highway. The Ownership section of the application form was subsequently amended to note the ownership of the land is unknown. An advert was placed in the local paper to satisfy the regulations in terms of attempting to contact the owner of the access to the site.
- 5.4 The yellow site notice advertising the application was on a post on the centre of the green area. Whilst not directly outside the site it was within public view in the vicinity and visible when officers completed the site visit on the 03.06.21. Officers are therefore satisfied that the application was sufficiently advertised and the local residents were aware and made comments if they wish.
- 5.5 The application is before members of the Planning Sub-Committee for consideration as the Parish objected to the scheme.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Heritage Impacts
  - Siting, Design and Form
  - Neighbouring Amenity
  - Highways
  - Ecology

### Principle

5.7 In regards to the principle of the development, Freeland is classified as a 'Village' under the settlement hierarchy identified in Policy OS2 of the Local Plan. However the site sits in a small cluster of houses to the south of the core of the village itself.

5.8 Officers consulted Planning Policy regarding the sites location. They stated that:

"The definition of what is within and what is adjoining a settlement can be difficult to define and is open to interpretation. However, in my opinion, the site lies within a rural outlier to the south of the main nucleated part of the village, being separated by a large green gap/tongue of countryside. I agree that part of the character of the village includes pockets of open space but the land separating this outlier with the main village is far more extensive than what I would consider to be a pocket. I would therefore conclude that this site is not situated within the main part of the

village and should be considered against the 'small villages, hamlets and open countryside' section of Policy OS2 and should meet the listed criteria (re-use of existing buildings, where it supports an existing business/ tourism or forms part of a farm diversification project) as well as the relevant section covering 'small villages, hamlets and open countryside' in Policy H2."

5.9 Also, a recent application (21/02627/OUT) which sits approx. 150-200m further north of the application site was refused at Planning Sub-Committee as it did not meet the criteria for development adjoining the built up area. Whilst each application is taken on its own merits and the recently refused scheme was different in terms of its scale and proposed development, Officers cannot argue that this site is within or adjoining the built up area given its location further south than a recent decision made by the Authority.

5.10 Given this assessment the criteria outlined in H2 for development in small villages and the open countryside state that:-

New dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the following circumstances:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design;
- new accommodation proposed in accordance with policies specifically for travelling communities;
- accommodation which will remain ancillary to existing dwellings\*;
- replacement dwellings on a one for one basis;
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met; And;
- on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.

5.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF goes on to say that where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

- 5.12 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.
- 5.13 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date (Identified in footnote 8).
- 5.14 In a recent appeal decision (Land East of Barns Lane, Burford), the Inspector found that the Council cannot, currently demonstrate a 5-year supply of housing land. As such, the provisions of paragraph 11 of the NPPF is engaged.
- 5.15 The assessment below will take the 'tilted balance' into consideration.

### **Heritage Impacts**

- 5.16 The Council must have regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal which affects a listed building or its setting. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.17 The site itself sits to the west of the Listed Building (Windy Knowe) with the proposed built form approx. 20m from the nearest corner of the Listed Building. Officers consider that given the positioning of the dwelling and the garage and the separation distances between to two, the setting of the Listed Building is not negatively impacted and therefore preserved.
- 5.18 Officers note the Parish comments regarding the sites location in a historic part of the village however given the distance from the closest Conservation Area (Church Hanborough) which lies approx. 0.6km to the east, officers cannot consider the proposal as part of or within the setting of the Conservation Area.

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

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

- 5.20 The proposed dwelling is set comfortably within the plot with the garage along the northern boundary towards the corner of the site. There is a large rear amenity space and off street driveway and parking area to the front of the site serving the new dwelling. The positioning and amenity space is consistent with the surrounding properties which also benefit from large amenity spaces and off street parking areas.
- 5.21 In terms of design, considering first the dwelling. The one and half storey chalet bungalow with simple cross wing design is considered to be appropriate given the scale of the surrounding dwellings and the size of the plot itself. The siting is consistent with the surrounding properties is considered to form a logical compliment to the pattern, scale and character of the area. The materials proposed are a mix of timber cladding and stone under a tile roof which reflects the varied palette of materials used within the area and is consistent with the identified local character for the Thames Vale within Chapter 4 of the West Oxfordshire Design Guide. Officers note that the proposed window and door material is unclear however this element has been secured by condition.
- 5.22 Secondly, the separate double garage element proposed is to be single storey dual pitch and constructed of timber cladding under a tile roof. Officers consider the proposed supportable given the traditional design and materials proposed which ensures it is read as ancillary to the main dwelling on site.
- 5.23 Officers consider the proposed dwelling and garage compliant with local plan policies OS2, OS4 and West Oxfordshire Design Guide.

## **Highways**

- 5.24 A new red line site plan was submitted to encompass the access from the highway to the site. The access to the site is a narrow lane which also serves 4 other dwellings. Given the proposed size of the dwelling (3 bedroom) officers consider that the residential movements associated with a dwelling of this size would be limited and would not negatively impact on the residents of the surrounding properties. Officers note the Parish comments regarding construction traffic however this is not a planning matter as these impacts are covered by separate legislation.
- 5.25 County Highways were consulted as part of the application process and have raised no objection to the proposal.

## **Residential Amenities**

- 5.26 As noted above the proposed one and half storey design is set well within the plot away from the boundaries on all sides. The closest dwelling (The Kiln) to the south is approx. 11m away from the side gable of the proposed dwelling. Other dwellings include Shaston at approx 38 m, No 44 at approx 30m and Windy Knowe approx 20m. The south (side) elevation of the property has only roof lights and no other openings within the roof. Therefore given the nature of rooflights coupled with the separation distances and mature boundary between the surrounding properties officers consider that the proposed would not give rise to any significant amenity impacts by way of Overlooking, Loss of Privacy, Overbearing or Loss of Light as a result of the development.

## **Ecology**

- 5.27 Officers have considered this very carefully given the representations made by neighbours and the consultation response from the Parish Council.
- 5.28 Following extensive consultation with the Biodiversity officer additional information was requested to address the concerns over the loss of habitat across the site for various species including Great Crested Newts which are a protected species.
- 5.29 The additional information submitted (including certification to the District License Scheme for Great Crested Newts) includes additional shrub and tree planting across the site, the installation of Bat and Bird Boxes, the creation of a pond to the west of the site and additional hedgerow planning in various locations. Therefore whilst the built form on the site increases there is still a Biodiversity net gain across the site for better quality habitats.

## **Conclusion/Tilted Balance**

- 5.30 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan.
- 5.31 As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.
- 5.32 Where policies for the supply of housing are out of date, para.11d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the economic, social and environmental planning roles.
- 5.33 With regards to the economic and social dimensions of sustainability, the proposal would provide an extra dwelling and would have some economic benefit through the provision of construction jobs and local investment during construction. I consider that limited weight should be afforded to these benefits.
- 5.34 In terms of the environmental dimension, the development given its somewhat remote location, is likely to result in future residents being reliant on the private car as the main mode of transport, but is unlikely to have a significant harmful landscape impact and would form a logical compliment to the pattern, scale and character of the area. In addition, the setting of the nearby Listed Building would not be negatively impacted upon.
- 5.35 Overall, it is your officer's opinion that there are no adverse impacts which, either individually or together, are of sufficient weight to indicate that the development should be restricted. Placing all of the relevant material considerations in the balance, it is considered that the adverse impacts, resulting from this development, would not significantly and demonstrably outweigh its limited benefits, as identified above.
- 5.36 When considered against the development plan as a whole, the proposal would represent a sustainable form of development.

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

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

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

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

6. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-ORI12) and with the proposals detailed on plan 'Land South of Shaston, The Green: Impact Plan for great crested newt district licensing (Version 1)' dated 11th November 2021.

REASON: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-ORI12.

7. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-ORI12), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence.

The Delivery Partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

REASON: In order to adequately compensate for negative impacts to great crested newts.

8. No development hereby permitted shall take place except in accordance with Part I of the GCN Mitigation Principles, as set out in the District Licence WML-OR112:
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
  - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

REASON: In order to adequately mitigate impacts on great crested newts.

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

REASON: To safeguard privacy in the adjacent property.

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

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

11. Notwithstanding the information submitted, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall 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 safeguard the character and landscape of the area.



12. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

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

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

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

14. 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.

#### INFORMATIVES :-

1. 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/>

2. It is recommended that the Nature Space Best Practice Principles are taken into account and implemented where possible and appropriate.  
It is recommended that the Nature Space certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-OR112) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow. It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

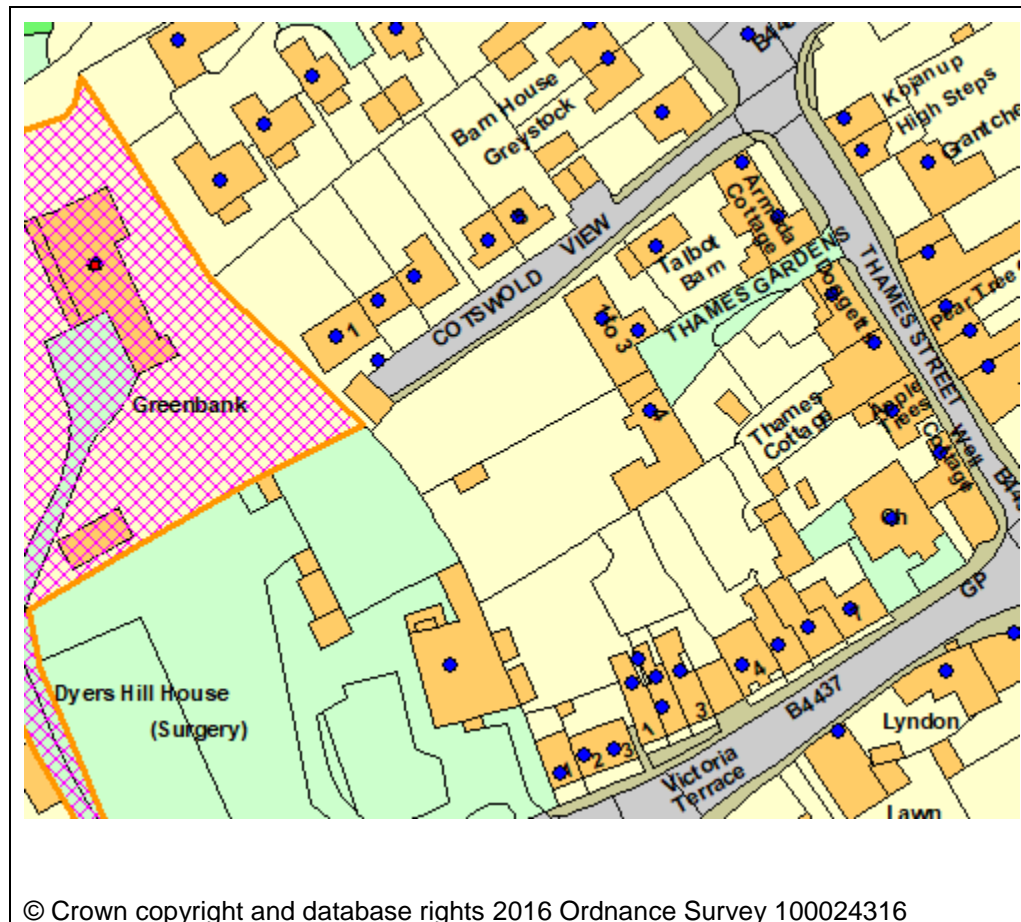
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 5th October 2022

Application Number	21/03837/FUL
Site Address	Green Bank Dyers Hill Charlbury Chipping Norton Oxfordshire OX7 3QG
Date	5th October 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	435452 E 219678 N
Committee Date	17th October 2022

### Location Map



### Application Details:

Demolition of existing dwelling and erection of a replacement dwelling with associated car parking and landscaping (amended plans).

**Applicant Details:**

Mr And Mrs Shah  
Green Bank  
Dyers Hill  
Charlbury  
Oxon  
OX7 3QG

**I CONSULTATIONS**

Parish Council

July 28th Response

The town council notes the submission of amended plans for this application but still objects to the application as amended and asks that the application be considered by the Uplands Area Planning Sub-committee.

Whilst we acknowledge and welcome aspects of the revised design which seek to address many of our earlier detailed objections, we are particularly concerned that the new design will involve excavation to a significantly lower level taking the dwelling down close to the river level. This will invalidate assumptions made within the drainage response reported with the original application and, in the absence of a detailed SuDS drainage report reflecting the revised design, we are not satisfied that the application is compliant with Local Plan policy EH7 or Charlbury Neighbourhood Plan policy NE8.

More generally, considering the significant changes to the proposed design, insufficient explanation and supporting information has been provided. In particular, as a minimum, we expect to see a revised Design and Access statement explaining and reflecting the proposed changes to the plans. Without such information, the town council is unable to support the application.

Further, we wish to underline and add to our earlier comments on access to the site via Mill Lane which is owned by the Town Council. We are particularly concerned about access during the construction phase and we believe the amended design will accentuate these issues considerably due to the need for substantial additional excavation. Access to the site during construction will be extremely problematic given the restricted width of the lane together with longstanding traffic and parking issues on the adjacent Dyers Hill. Mill Lane provides the only access to the site, the entry to Greenbank is narrow and we cannot see access for heavy plant required for the excavation can be accommodated. We reaffirm that any approval of an application on this site **MUST** be conditioned on the provision **AND COMPLIANCE WITH**, a robust traffic management plan (TMP) for the period of construction. Furthermore, the Town Council should be consulted on the TMP prior to its approval by WODC

given the Town Council's ownership of Mill Lane and its responsibility to ensure unfettered access to other properties and to Mill Field where access is required at all times for emergency vehicles as well as for service vehicles involved in grass-cutting, bin-emptying, control of the sluice gate and other essential activities.

As previously stated, the TMP must address the following amongst other matters:

1. Specification of maximum vehicle sizes (length, width and weight)
2. ALL contractor and delivery vehicles to be accommodated on-site (parking on Mill Lane or Dyers Hill is unacceptable)
3. Pre-notification of delivery and other vehicle movement schedules to the Town Council and neighbours
4. Mandatory access routes for construction traffic avoiding the weight-limited town centre area
5. Mandatory deployment of banksmen for all movements of delivery and construction vehicles into and out of the site, along the length of Mill Lane and safely out into Dyers Hill
6. Mill Lane to be kept accessible at all times for residents, walkers and for service and contractor access to Mill Field
7. Any damage to Mill Lane to be repaired as soon as possible to the satisfaction of the Town Council at the applicant's expense.

Finally, we ask that usage of the existing studio should remain ancillary to the main dwelling in line with previous conditions applied to its construction.

#### September 29th Response

The TC continues to object to this application. The revised Design and Access statement and drawings are noted but they do not address any of the concerns raised previously and the TC's previous objection still stands.

A traffic management plan for consideration has still not yet been put forward to the TC as landowners of Mill Lane.

WODC Landscape And  
Forestry Officer

No Comment Received.

OCC Highways

No objection.

District Ecologist

No Comment Received.

WODC Drainage Engineers

No objection subject to condition.

Conservation Officer	No objection to revised plans subject to walling material sample condition.
Parish Council	See above
WODC Drainage Engineers	See above
Environment Agency	No Comment Received.

## 2 APPLICANT'S CASE

- 2.1 The application has been furnished with a revised design and access statement to accompany the amended plans, the main points of which are summarised below. The full document, including sketch views of the proposed development, is available to view on the Council's website.
- 2.2 *"Following detailed consultation with neighbours and local authority consultants during 2022 the presented scheme achieves more considered and nestled topographic modelling approach to the site.*
- 2.3 *Outward views to the landscape from Dairy Court are maintained and the proposed buildings visibility from the key westerly approach to Charlbury is reduced.*
- 2.4 *As before, this application seeks full planning permission for the replacement of an existing C3 dwelling house on Mill Lane, known as Greenbank.*
- 2.5 *The proposal is compliant with the NPPF, the West Oxfordshire Local Plan and the Charlbury Neighbourhood Development Plan. Below are the principal descriptors displayed in the scheme:*
- *Minimise the view of the dwelling from the western town approach by keeping the building low and in line with existing housing in Dairy Court.*
  - *Maintain existing landscaping on the site to avoid the appearance of a hard urban edge.*
  - *Respect local character by referencing appropriate design elements: materials, massing, and construction methods.*
  - *Follow a 'fabric first' approach to energy saving and green/ sustainability assurance over the life of the structure.*
- 2.6 *The design aspires to contribute positively to the area and site and therefore seeks the approval of the application."*

## 3 THIRD PARTY REPRESENTATIONS

- 3.1 The proposed scheme has undergone significant revision from the originally proposed two storey dwelling to one of lower height than the existing dwelling, recessed into the sloping site. As a result, a public re-consultation process has been carried out and many of the issues raised at the initial consultation stage are considered to have been overcome. These are:

- Increased overlooking to public space to the west of the site;
- Substantial increase in height and massing;
- Overlooking to neighbouring properties; and
- Loss of light and overbearing impacts to neighbouring properties

### **3.2 Objection Comments**

3.2.1 In total, objection comments have been received from local residents but notably six of these were submitted prior to re-consultation. Initial objection comments largely referenced the perceived neighbourly amenity impacts that would result from the original proposal for a significantly taller dwelling with its two storey main block set closer to neighbouring dwellings to the north east compared to the existing dwelling. As stated above and confirmed by the fact that no such issues were raised in comments received during the second consultation period, officers consider that these issues have been overcome.

3.2.2 Outstanding matters raised are that the scheme would result in:

- Encroachment of built form towards the river bank;
- Harm to local ecology and removal of trees;
- Construction related disturbance;
- Impact on views into the town and conservation area from the west; and Existing dwelling worthy of retention

3.2.3 All matters are addressed in Section 5 of this report.

### **3.3 Support Comments**

3.3.1 A total of two third parties have expressed support for the proposal.

### **3.4 Charlbury Conservation Area Advisory Committee (CCAAC) Comments**

3.4.1 The CCAAC have provided an updated response in light of the submission of revised plans. The Committee's comments are summarised below.

*2.4.2 Members welcomed the decision to re-design the proposed new house omitting the two-storey element and keeping all parts of the building (apart from the garage studio and the small chimney) below the ridge level of the existing bungalow. Steeping the lower levels down the hillside would bring them slightly closer to Mill Lane public footpath but were intended to reduce the building's visibility in views from the west.*

*2.4.3 Members regretted that the application was not accompanied by visualisations illustrating the impact of the proposed development on views from key points in the town, particularly Dairy Court, and within the setting of the town to the west of the river. From personal observation, both the development and the lower part of the view beyond, would be largely obscured during the summer from the bottom of Dairy Court by existing trees within the site. Both would be more visible in winter. The view from the top of Dairy Court would not be affected.*

*2.4.4 In key views of the town from the west, the impact of the proposed new building was likely to be limited in summer to glimpses of the main building between trees - mainly outside the site - provided that*

*these remained. Where they could be seen, the new stone walls rising almost to the height of the existing ridge would have greater impact than the recessive brown roof and timber veranda of the present bungalow. In winter, the new house would be significantly more visible.*

*2.4.5 Members recognised that the amended designs, with their various levels and terraces, would produce a house of considerable extent and bulk compared with the existing building and in materials that would make it more prominent. While stone and timber lintels reflected elements of the local Charlbury vernacular, the sheer scale of the house and its flat roofed, terraced design would represent a significant departure from the general character of the historic town as described in the Charlbury Character Assessment and the Charlbury Design Guide in Appendix C of the Charlbury Neighbourhood Plan.*

*2.4.6 The Committee had not opposed the principle of a replacement house of sensitive high-quality modern design on the Green Bank site. They considered that the revised design was an improvement on the earlier one in terms of its impact on important views to and from the Conservation Area although they noted that the impact would be greater in the winter than in summer. However, while some members saw the proposed building as an enhancement of the Conservation Area in comparison with the present bungalow, others had considerable reservations about its ability to sit comfortably with the existing character and appearance of this part of Charlbury given its overall extent, massing and assertive flat-roofed design. Some regarded the design and materials proposed for the 'feature' two-storey garage/studio as particularly gratuitous in this context.*

*2.4.7 Members noted that the appearance of the present bungalow was much relieved by its attractive garden with mature trees and other planting. The Committee considered that good landscaping to soften the appearance of the building and help it to fit as unobtrusively as possible into the townscape would be essential should the decision be taken to approve the application. They urged that a detailed landscape and planting plan should be provided to accompany the application. An updated Design and Access Statement to accompany the revised design was also absent and this was needed.*

*2.4.8 In view of the difficulty that the Committee had faced in reaching a consensus on this potentially controversial application, they strongly recommended that planning officers, and members of the planning committee as appropriate, should visit the site and relevant view points before reaching their decision.*

*2.4.9 Officers note that since the submission of these comments, an updated design and access statement has been provided and includes visualisations from relevant viewpoints. In addition, the flat roof has been partially lowered to minimise the building's prominence from the west and the garage roof amended to a simple duo pitch.*

## **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

H6NEW Existing housing

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH9 Historic environment

EH10 Conservation Areas



EH13 Historic landscape character

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **5.1 Introduction**

5.1.1 This application seeks consent for demolition of existing dwelling and erection of a replacement dwelling with associated car parking and landscaping at Green Bank, Dyers Hill, Charlbury. The site occupies a rising plot on the western edge of the town and is located within the Charlbury Conservation Area (CCA), Cotswolds Area of Outstanding Natural Beauty (AONB) and Charlbury Neighbourhood Plan area.

5.1.2 The application has been amended following the submission of amended plans and has been subject to re-consultation. Further minor revisions have been carried out to partially reduce the height of the flat roof, as well as amend the porch and garage design.

### **5.2 Relevant Planning History**

**06/1313/P/FP-** Alterations to existing house to include removal of side extension, erection of single storey front extension, construction of pergola, conversion of outbuilding to pottery with studio over (approved).

**07/0009/P/FP-** Alterations to existing dwelling erection of single storey front extension and construction of pergola (approved).

**07/0156/P/FP-** Raise the roof height of existing house (approved).

**12/1330/P/FP-** Installation of solar panels to rear of dwelling, remove shed and erection of studio (approved).

### **5.3 Relevant Planning Considerations**

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

- The Principle of Development;
- Siting, Scale, Design and Form;
- Visual Amenity and Heritage Impact;
- Impact on the AONB;
- Residential Amenity;
- Highways;
- Ecology and Arboricultural Impacts; and
- Drainage

## 5.4 Principle of Development

5.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) 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 National Planning Policy Framework (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 development plan, which in this case is comprised of the West Oxfordshire Local Plan 2031 (WOLP) and Charlbury Neighbourhood Plan 2031 (CNP).

5.4.2 WOLP policy OS2 defines Charlbury as a rural service centre in the settlement hierarchy (table 4b). The town is described as 'relatively constrained' by its location within the AONB but suitable for a 'modest level of development' to help reinforce its existing role. Policy OS2 goes on to outline that all development should accord with the general principles set out. Those that are considered relevant 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;*
- *Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;*
- *Not be at risk of flooding or likely to increase the risk of flooding elsewhere;*
- *Conserve and enhance the natural, historic and built environment; and*
- *In the AONB, give great weight to conserving landscape and scenic beauty*

5.4.3 Policy H6 deals specifically with the provision of replacement dwellings on a one-for-one basis and is therefore of particular importance in this case. H6 states *inter alia*:

*"Proposals to replace an existing permanent dwelling which is not of historical or architectural value will be permitted on a one-for-one basis, provided the character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building."*

5.4.4 Therefore, policy H6 sets out four tests to assess whether a proposed replacement dwelling is acceptable. The primary test is whether the existing dwelling possesses historical or architectural value. In this case, officers conclude that the existing dwelling has no historical or architectural value as it is a modern bungalow using locally uncharacteristic forms and materials and therefore, its replacement is acceptable in principle subject to assessment of its impact upon the character and appearance of the surrounding area, ecology impact and scale. The proposed development is

therefore acceptable in principle subject to assessment of these matters as well as against the general principles of OS2 as well as the WOLP and CNP when read as a whole.

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

5.5.1 WOLP 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).

5.5.2 In terms of siting, the proposed dwelling would occupy a similar albeit slightly enlarged footprint to the existing and would employ a split-level design using contemporary, asymmetric forms under flat green roofs. The proposed building takes a low-lying form, seeking to adapt the rising topography of the very large plot and reflect the massing of the existing dwelling whilst avoiding undermining the living conditions of neighbours. The replacement dwelling would be constructed in local limestone with wooden windows. Cotswold stone and timber boarding would clad the garage building under a stone slate roof. In terms of scale, which is a key test of policy H6, given the relative footprint, massing and of the existing and proposed dwellings, the replacement is considered of a reasonable scale compared to the original building.

5.5.3 In officer's assessment, the use of a low-lying and an overtly contemporary flat roofed form would ensure that the dwelling is well related to the underlying topography of the site and takes advantage of the scale of the plot in a similar manner to the existing dwelling. The proposed form also breaks up the massing of the building and by cutting into the rising bank, minimises its visual prominence. The use of modern design and form and locally characteristic materials is therefore considered acceptable. The proposed is therefore considered to accord with WOLP policy OS4 and is acceptable in terms of siting, scale, design and form.

## **5.6 Visual Amenity and Heritage Impact**

5.6.1 In terms of impact upon the visual amenity of the area, WOLP policy OS2 outlines that new development should protect or enhance the local landscape and the setting of settlements and H6 makes clear that replacement dwellings should not erode the character and appearance of the surrounding area. Further, as the application site lies 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.

5.6.2 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment. Section 16 states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 194 requires the applicant to describe the significance of affected heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.6.3 The application has been furnished with a design and access statement, which has provided key views of the proposed dwelling within, into and out of the conservation area and analysis of the contribution of the existing building to the CCA as well as the impact of the proposed on its context. Given the nature of the proposal, officers consider that the assessment provided allows the LPA to fully assess the impact on the proposal in line with paragraph 194 of the NPPF.

5.6.4 Therefore, the direct effect of the proposed development upon the significance of the identified CCA must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and WOLP policies EH9, EH10 and EH13.

5.6.5 The application site occupies a prominent location within the CCA. CNP policy NE2 states that proposals for development should...

*"...respect important views of the town from its surrounding landscape, from the town to the countryside and within the town within the context provided by the West Oxfordshire Landscape Assessment (1998)".*

5.6.6 The West Oxfordshire Landscape Assessment 1998 (WOLA) identifies the strong landscape edge to Charlbury provided by the Evenlode Valley and outlines the importance of views to and from the west in forming the landscape setting of the town. The Green Bank site is very prominent in views from the western approach to the town and despite its unremarkable appearance, the existing dwelling is unobtrusive, largely due to its single storey form. Therefore, new development exhibits the potential to affect the setting of the town and the character and appearance of the CCA.

5.6.7 Your officers, including the LPA's conservation and design architect, consider that the use of low-lying form, locally appropriate materials and reduced perceived massing achieved through considered design, responds successfully to its context. The proposed roofline would sit well below the ridge height of the existing dwelling and due to the topography of the land, the lower element of the dwelling would not be visible in long views into the town. The perceived massing of the building would be further reduced through the use of lowered parapets and set back elements. The scheme is therefore considered to preserve the setting of the town and the character and appearance of the CCA. As such, the application complies with WOLP policies OS2, OS4, H6, EH9 and EH10, CNP policies NE2 and HE2 and is acceptable in visual amenity and heritage impact terms.

## **5.7 Impact on the AONB**

5.7.1 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

5.7.2 WOLP Policy EHI states:

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

5.7.3 Paragraph 176 of the NPPF states:

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

5.7.4 The proposed development would be contained to within the built up area of the town, and as discussed in the previous section of the report, would respect the existing character and appearance of the area. Further, its height and massing would minimise its visual prominence and conserve the sensitive setting of the town. Therefore, the application would result in no harm to landscape and scenic beauty in the AONB in accordance with WOLP policy EH1, CNP policy NE1 as well as relevant legislation.

## **5.8 Neighbourly Amenity**

5.8.1 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.

5.8.2 The revised proposal, by virtue of its comparable height and scale to the existing dwelling and siting in relation to neighbouring properties, is considered to result in no material impact upon the living conditions of third parties. The application is therefore acceptable in terms of residential amenity.

## **5.9 Highways Impacts**

5.9.1 WOLP policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. Consultation has been carried out with the Local Highways Authority (LHA) who have raised no objection to the scheme and have not requested the imposition of planning conditions.

5.9.2 The response of the Charlbury Town Council requests that a Construction Traffic Management Plan be prepared in order to mitigate perceived impact upon users of Mill Lane and the adjacent highway network. This view is not shared by the LHA and officers consider that given the scale of the scheme, it would be unreasonable and unnecessary to impose such a condition. The application is therefore considered acceptable in terms of highways impacts.

## **5.10 Ecology and Arboricultural Impacts**

5.10.1 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Policy H6 also requires that replacement of existing dwellings results in no harmful impact on ecology or protected species. The application has been furnished with a Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey which has found that the existing building and wider site offers very limited potential to host protected species and subject to the adoption of appropriate working measures and planning conditions, would result in no harm to protected species. As such, the application complies with WOLP policies H6 and EH3 and is considered acceptable in terms of ecology impact.

5.10.2 The proposal would also involve the removal of a small group of trees in the north western corner of the site. The specimens are generally of low value and do not form a significant positive contribution to the character and appearance of the CCA. Further, tree protection measures are proposed and officers consider that the loss of a small number of trees may be adequately mitigated through a landscaping condition.

### **5.11 Drainage**

5.11.1 A small area of the southern corner of the site lies within Flood Risk Zone 2 although no built form is proposed in this area. An updated Flood Risk Assessment has been provided to accompany the revised scheme which has been subject to consultation by the LPAs drainage team who have concluded that the proposal is acceptable subject to the use of a planning condition regarding surface water drainage. The application is therefore acceptable in drainage terms.

### **5.12 Recommendation**

5.12.1 In light of the above assessment, the application is considered to accord with WOLP 2031 policies OS1, OS2, OS3, OS4, H6, EH1, EH2, EH3, EH7, EH9, EH10 and EH13 CNP policies NE1, NE2 and HE2 the West Oxfordshire Design Guide 2016 and NPPF 2021. The application is recommended to Members for conditional approval.

## **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 04.09.2022.

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

3. 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, Class A 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.

4. 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.

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. 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.

7. The development shall be completed in accordance with the recommendations in Section 4.2 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey dated November 2021 prepared by Arbtech Ltd. All the recommendations and working measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 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. The existing trees shown to be retained on plan GA001 J shall be protected during the construction period in accordance with the recommendations of the Arboricultural Method Statement dated 8th November 2021 prepared by Arbtech Ltd and retained thereafter. All the recommendations and working measures shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

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

9. 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 building 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.

10. Before the erection of any external walls, details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how

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

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

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

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

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

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

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

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National



Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

#### INFORMATIVES :-

1. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
  - Non-statutory technical standards for sustainable drainage systems (March 2015)
  
2. 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/>

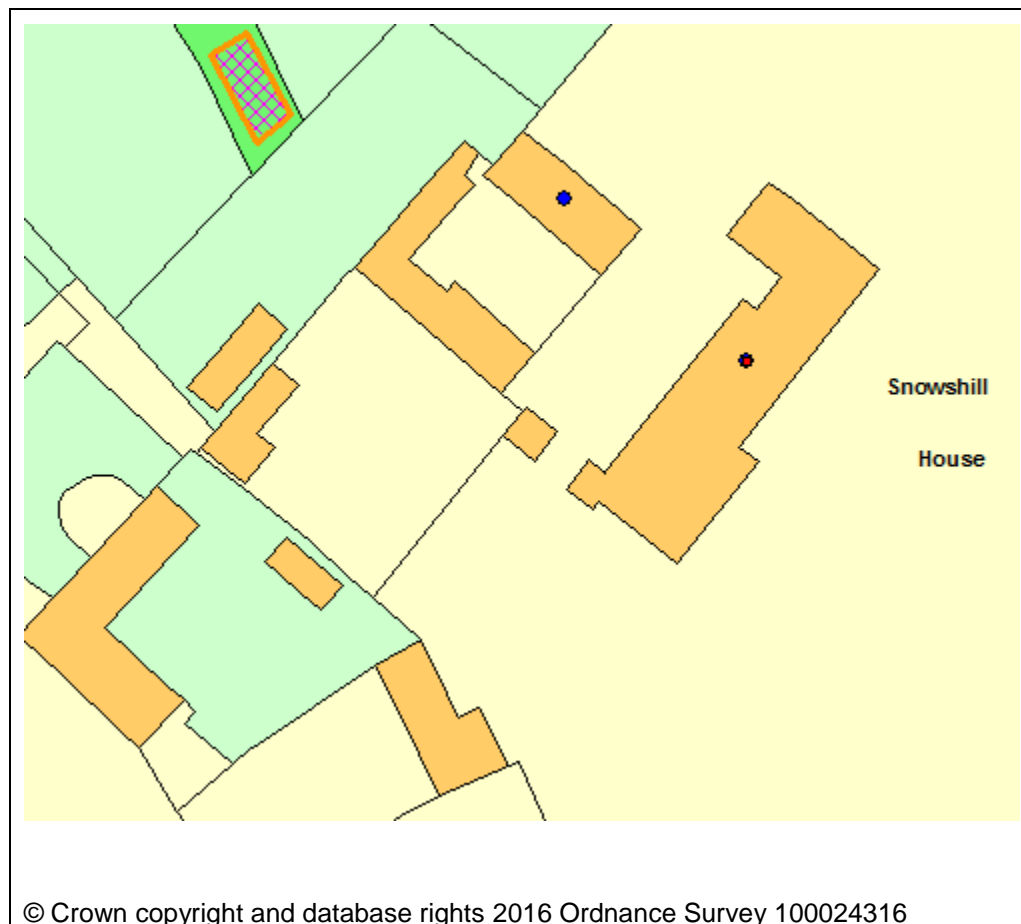
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 5th October 2022

Application Number	22/01879/FUL
Site Address	Snowhill House The Green Fifield Chipping Norton Oxfordshire OX7 6HJ
Date	5th October 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Fifield Parish Council
Grid Reference	424049 E 218984 N
Committee Date	17th October 2022

### Location Map



### Application Details:

Erection of Polytunnel for the purpose of growing agricultural produce for personal use.  
(Retrospective).

**Applicant Details:**

Mr And Mrs Mark Slater  
Snowhill House  
The Green  
Fifield  
Oxon  
OX7 6HJ

**I CONSULTATIONS**

Parish Council

The Parish Meeting met on 30th August to consider this application and voted unanimously to object on the grounds that the polytunnel is used for growing vegetables and fruit for personal use on agricultural land.

**2 APPLICANT'S CASE**

2.1 No design and access statement has been provided to support this application.

**3 THIRD PARTY REPRESENTATIONS****3.1 Objection Comments**

3.1.1 A total of five comments in opposition to the proposed development have been received. They cover the following planning matters:

- The structure results in an incongruous visual impact from local footpaths;
- Use of uncharacteristic and unsustainable materials;
- Excessive scale; and
- Siting outside of residential curtilage

3.1.2 Impact upon private views and speculation about future land use is also mentioned. These are not material planning considerations.

3.2.3 All planning matters raised will be considered in Section 5 of this report.

**4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

NPPF 2021

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

## **5 PLANNING ASSESSMENT**

### **5.1 Introduction**

5.1.1 This application seeks retrospective consent for the erection of polytunnel for the purpose of growing agricultural produce for personal use at Snowhill House, The Green, Fifield. The application site is located at the northern edge of the small village of Fifield and is within the Cotswolds Area of Outstanding Natural Beauty (AONB). The structure sits outside the domestic planning unit associated with Snowhill House on agricultural land. This application does not seek to incorporate the area on which the polytunnel is sited within the domestic planning unit and the lawful land use would remain agricultural.

### **5.2 Relevant Planning History**

5.2.1 There is no directly relevant planning history on the land.

### **5.3 Relevant Planning Considerations**

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

- The Principle of Development;
- Siting, Design and Form; and
- Visual Amenity and AONB Impact;

### **5.4 Principle of Development**

5.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) 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 National Planning Policy Framework (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 development plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.4.2 The starting point in the assessment of the principle of development is WOLP policy OS2 which states that:

*"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area."*

5.4.3 Proposals must also accord with the general principles of OS2 notably that new 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;*
- *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 and comply with national policy concerning major development"*

5.4.4 Given the proposal does not seek to alter the lawful use of the land, the proposed development is considered acceptable in principle subject to assessment of the resultant planning impacts of the scheme against the general principles of OS2 as well as the WOLP when read as a whole.

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

5.5.1 WOLP 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).

5.5.2 The proposed tunnel is sited approximately 50 metres (m) north west of the main block of Snowhill House in a small area of paddock enclosed by strong boundary vegetation on three side and built form to the south. The structure is set at the southern end of this paddock, close to the built form of the village and oriented north to south. In terms of design and form, the structure is of typical polytunnel form comprised of steel supports and a white plastic cover. It occupies a footprint of 10m by 4m and reaches 2.7m in height. Whilst the design and form of the polytunnel are not locally characteristic, it is typical of agricultural structures of this type, reaches a modest height and has been sited appropriately in order to minimise its prominence and relate to the existing built form to the south. The impact of the proposal upon the visual amenity of the locality and AONB is fully considered below.

## **5.6 Visual Amenity and AONB Impact**

5.6.1 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. The visual impact of the proposed structure and its impact upon the AONB are the principle concern of objection comments.

5.6.2 WOLP Policy EHI states:

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

### 5.6.3 Paragraph 176 of the NPPF states:

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

5.6.4 In this regard, your officers consider that by virtue of its modest height and appropriate siting, the proposed polytunnel would result in a neutral impact upon the visual amenity of the area as well as landscape and scenic beauty in the AONB. The proposed form is not incongruous in an open countryside location owing to the widespread use of polytunnels in agriculture and allotments on settlement edges. Further, the structure is screened to the north, east and west by well established vegetation and to the south by existing built form. The proposal also seeks to strengthen this screening through the planting of a native hedge immediately north of the structure, which could be controlled through planning condition. Subject to this additional planting, officers consider that the polytunnel would be sufficiently screened in long views from Public Rights of Way to the north so as to result in a negligible visual impact.

### 5.7 Other Matters

5.7.1 The proposal would result in no material impact with regard to highways, drainage or ecological impacts, other than the benefit of the additional native planting.

5.7.2 The local Parish Council have objected to the scheme on the grounds of use. It is claimed that the use of the land would not be agricultural but domestic. Your officers consider that the growing of fruits and vegetables, whether for sale or otherwise, meets the definition of agricultural land use as set out in Section 336 of the Town and Country Planning Act 1990.

### 5.8 Recommendation

5.8.1 In light of the above assessment, the application is considered to accord with WOLP 2031 Policies OS1, OS2, OS4, EH1, EH2 and EH3 and NPPF 2021. The application is therefore recommended to Members for conditional approval.

## 6 CONDITIONS

1. The use hereby permitted shall be carried on only by Mr and Mrs Mark Slater and by no other persons. Should the land cease to be used by the applicant for any reason whatsoever, the polytunnel and any other chattels shall be removed from the land in its entirety.

REASON: The proposed development is only justified in the light of the circumstances of the case.

2. The polytunnel hereby approved shall be used for the growing of agricultural produce only and for no other purpose whatsoever.

REASON: In order to avoid the encroachment of domestic use onto agricultural land.

3. That within three months of the date of this consent, a scheme detailing a native, species-rich hedgerow to be planted as shown on the submitted Block Plan dated 30.06.2022, shall be submitted to the local planning authority for approval. The scheme shall include the proposed species and

height of the hedgerow. The agreed scheme shall be completed by the end of the planting season immediately following the approval of the details.

REASON: To protect the visual amenities of the area and secure enhancements for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031.

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

REASON: To ensure effective delivery of approved landscaping.

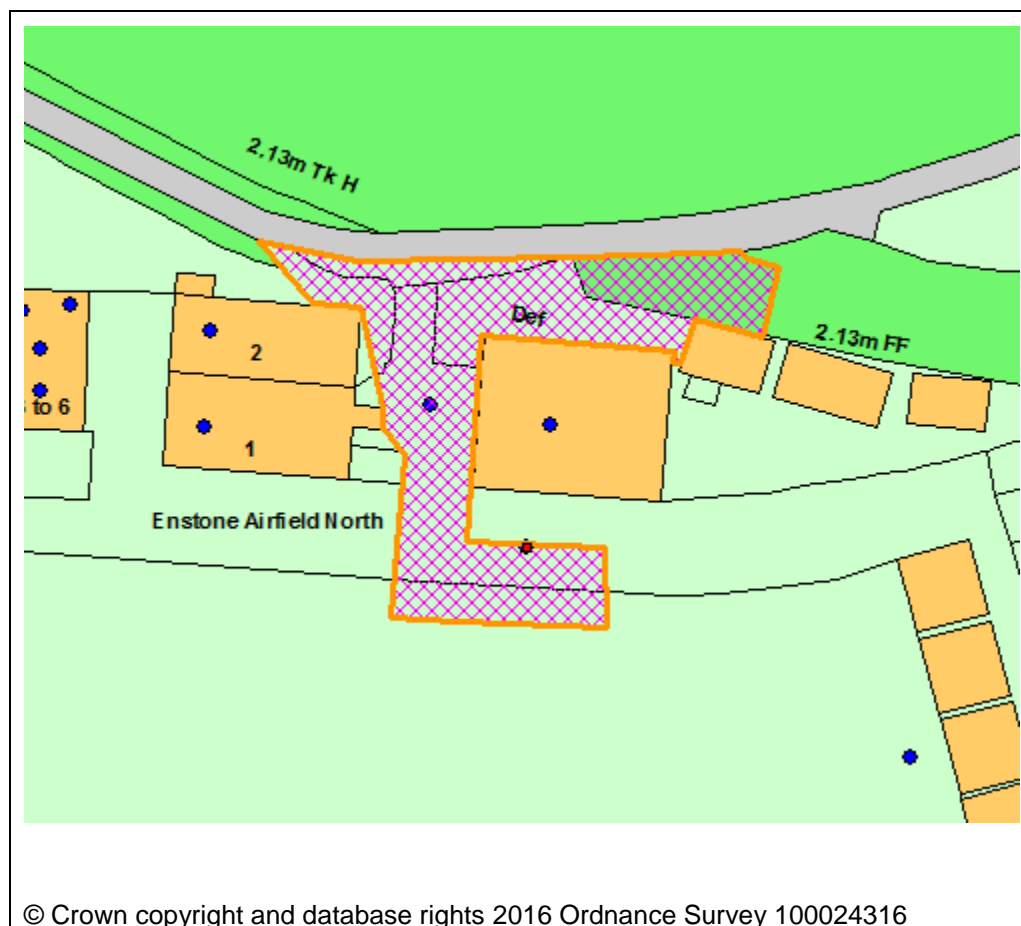
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 5th October 2022

Application Number	22/01915/FUL
Site Address	Land And Building (E) 439518 (N) 226211 Enstone Airfield North Banbury Road Enstone Oxfordshire
Date	5th October 2022
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	439518 E 226212 N
Committee Date	17th October 2022

### Location Map



### Application Details:

Erection of a detached building to provide administration, welfare and storage facilities for the aircraft maintenance business, flying school and resident pilots.



## **Applicant Details:**

Mrs Linda Gilbert  
Workshop And Premises  
Road Through Enst  
Enstone Airfield  
Enstone  
OX7 4NP

## **I CONSULTATIONS**

WODC Env Health - Uplands      No objection to the proposal. There is no indication in the application that it will result in an increase in activity, but it is to provide better facilities for staff and guests.

I would ask that a condition be attached to any consent granted to restrict hours of work in connection with the construction of the new facility.

OCC Highways      No objection.

WODC Drainage Engineers      No objection, subject to condition.

Parish Council      Following discussion at the Enstone Parish Council meeting on 25th August 2022, there were no objections to this application in terms of the design and location of the building.

Enstone Parish Council does, however, acknowledge the ongoing concerns of residents regarding the perception of increased activity at the airfield and, to remove speculation, suggest that West Oxfordshire District Council consider undertaking a comprehensive flight activity survey to establish the extent of aircraft movements as this is an issue that is raised regularly.

## **2 REPRESENTATIONS**

2.1 Four letters of objection have been received in respect of the application. The key points raised are as follows:

- Environmental (increased noise pollution);
- Impact upon local resident's health and quality of life;
- There have been 16 planning applications on the site over the last three years, of which many are retrospective;
- Council should consider the cumulative impacts of all the development and increased activity on the site;

- The accumulation of buildings erected without consent has resulted in poor visual impact;
- The design of the building is not in-keeping with the architecture of the area.

2.2 Three letters of support have also been received. The key points raised are as follows:

- Development will greatly enhance facilities for employees and pilots who use the airfield;
- Should be supporting local business;
- Will have zero negative impact on the surrounding area and local neighbourhood;
- The building will not be visible and is of an appropriate design;
- Will help ensure the future of the airfield.

2.3 ENCON also made the following representation:

In summary the objections are as follows:

- Impact on residential amenity;
- The cumulative impact of the unauthorised developments needs to be considered;
- There is no assessment of the intensification of uses on the site on the residential amenity of neighbouring residents, in particular on noise.

#### Impact on Residential Amenity

The erection of further buildings must inevitably lead to an increase in aircraft activity and associated noise pollution.

The proposals will result in pollution in particular noise nuisance which is contrary to policy EH8 (Environmental Protection) in the adopted West Oxfordshire Local Plan (2011-2031). The cumulative development has resulted in pollution contrary to policy E8 of the West Oxfordshire Local Plan.

#### Cumulative Impact

The site has now been the subject of numerous planning applications. In the last 3 years alone, there have now been 16 planning applications on the site, as listed below.

Many of these applications are 'retrospective' planning applications, as buildings and structures have been erected without the benefit of planning permission. There are concerns that there is further substantial unauthorised development on the site.

As a result there are adverse cumulative impacts including: visual impact; noise, air quality etc.

There are visual cumulative impacts from the unauthorised buildings which are large in scale, which has resulted in the introduction of too many urbanising features with a resultant adverse impact on visual amenity and the landscape.

The proposals constitute further attempts to intensify part of the airfield continues to seek further intensification of the site.

The Council officers should consider whether the proposals should be screened for the need for an Environmental Impact Assessment due to cumulative impact.

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

3.1 The Design and Access Statement submitted in support of the application is concluded as follows:

3.1.1 The new 'Facilities Building' is required to improve the quality of services provided and will provide better welfare facilities and a safer environment for maintenance staff, instructors, visitors and resident pilots. The siting of the building also further assists with day to day operations, on-site vehicle management and general airfield safety too.

3.1.2 From a policy point of view the commentary above illustrates that the proposal is one which should be supported. With regard to design, context and landscape character every effort has been made to provide a proposal of utilitarian nature that sits well with the adjacent buildings. The building can only be seen outside the airfield via long range views from very limited vantage points so diminishing the appearance of the proposal with distance.

3.1.3 Therefore, the development will not have an unacceptable impact on amenity or landscape character.

3.1.4 The above demonstrates a well thought out design & strategy to provide missing and much needed facilities which we hope will be supported.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

EH2 Landscape character

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

5.1 This application seeks consent for the erection of a detached two storey building to provide administration, welfare and storage facilities for an aircraft maintenance business, flying school and resident pilots at Enstone Airfield North.

5.2 The sites context is that of an established operational airfield with a number of utilitarian buildings including hangars and maintenance facilities serving the use. To the south of the airfield is an industrial estate.

5.3 The site is located in an elevated position within the wider landscape and does not fall within any special designated areas of control.

5.4 The application is before members of the Uplands planning sub-committee for consideration due to the contentious nature of the application and that Enstone Parish Council did not explicitly raise objections to the application but did raise concerns with the intensification of the use.

### **Planning History**

5.5 There is an extensive planning history covering the Enstone Airfield North site, and your officers are aware that there have been a number of planning breaches on the site. There have been a total of sixteen planning applications covering the Enstone Airfield site over the last three years. These relate to a number of different businesses on the Airfield site.

5.6 The following breaches of planning control have been most recently regularised:

21/02022/FUL - Provision of a car park to the North side of maintenance hangar accessed from 'Green Lane' (part retrospective) - Approved.

21/00879/FUL - Extension of existing aircraft maintenance hangar to form 'lean-to' hangar for indoor aircraft maintenance (Retrospective) - Approved.

5.7 A relatively recent application submitted by the applicant (ref: 21/03722/FUL) was withdrawn for the 'Erection of a detached building to provide administration, welfare and storage facilities for aircraft maintenance business, flying school and resident pilots' following officers concerns with the scale and design of the proposed development.

5.8 A pre-application advice enquiry for the development, the subject of this application, was then submitted. The overall siting, form and scale of the development was the same as the proposal in this application. The key differences are the window details and use of materials (the proposal the subject of the pre-app advice included the use of brick and cladding). The applicant was advised by officers at that stage that such development was unlikely to be supported.

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

### **Principle**

5.10 Policy E1 of the West Oxfordshire Local Plan 2031 (WOLP) states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses.

5.11 Policy E2 of the WOLP states that in rural locations such as this new and replacement buildings will be allowed where they meet a specific business need which cannot otherwise be met in a more sustainable location. It goes on to say that any new building(s) must be suitably located for the scale and type of the proposed use and have regard to the level of accessibility to settlements, facilities and services and impact on the character and amenity of the area.

5.12 In this case, your officers are of the opinion that the provision of some form of low-key office and welfare facilities to serve resident and visiting pilots has been sufficiently justified and would support the existing use in accordance with the above policies. However, given the extent of the existing storage and maintenance facilities already serving the use in the vicinity of the site, your officers do

not consider that sufficient justification has been provided to substantiate why additional space for the storage of aircraft parts and archived materials is also required contrary to policy E2 which states that new buildings will be permitted in these locations where they meet a specific business need.

### **Siting, Design and Form and Landscape Impact**

5.13 The site is not within a conservation area nor the AONB, however it is noted the area forms part of the Enstone Uplands Landscape character. Within this the airfield is identified as a sub rural landscape on a flat, but prominent location. The site is elevated in the landscape compared with the centre of Enstone Village which sits approximately 80ft lower than the site. Therefore, there are views of the airfield from within the village and surrounding roads and areas.

5.14 Officers acknowledge that the brownfield nature of the site makes it slightly more tolerant of built development, but it is noted the introduction of too many urbanising features should be minimised due to its elevated position in the local landscape. This point was made clear in a previous application (ref: 14/01457/FUL) which permitted retrospective consent for the erection of a single storey modular building to be office and ancillary facilities for an adjacent flying club. Your officers also note the extent of development which has been applied for and/or regularised on the airfield site as a whole over the last few years - and recognise the accumulative impact the existing buildings on the site have on the immediate setting and wider landscape.

5.5 In this case, the proposed building sits further out in the landscape than the existing buildings which generally sit north of the Enstone Airfield driveway (other than a strip of existing hangars that sit to the East of the site adjacent to the runway). The proposed building is two storey in scale taking a somewhat uncharacteristic A-form featuring first floor gables on the North and South elevations. The building would be finished in metal cladding and would feature a number of windows and two storey glazing in the gables. While the materials would match some of the existing development on the site, your officers consider that the design is overtly contemporary and would appear out of character with the existing simple low-key utilitarian style buildings in the airfield context. Given its elevated position within the landscape, your officers are of the opinion that the proposed development would appear as an alien and incongruous feature which further intensify and urbanise the visual impact of the airfield site to the detriment of the wider landscape character.

### **Highways**

5.6 The existing site access arrangements will remain unchanged. The access from Green Lane is used by staff only and pilots who access 'airside' areas, which is served by an adjacent car park which has recently been granted planning permission (ref: 21/02022/FUL).

5.7 The Local Highway Authority has raised no objections to the application in terms of parking provision, highways safety and convenience.

5.8 As such, the application would be considered acceptable in these terms if the overriding refusal reason did not apply.

### **Residential Amenities**

5.9 Given the airfield context of the site, officers do not consider that the development would have an adverse impact on residential amenities.

5.10 Your officers note the concerns raised by objectors that the proposed development could result in an increase and intensification in air traffic which could in turn result in adverse impacts in terms of noise and disturbance to the detriment of residents of nearby villages.

5.11 However, the Council's Environmental Health Officer has raised no objections to the application on these grounds as there is no indication in the application that the development will result in a material or detrimental increase in activity.

5.12 As such, if the overriding refusal reason did not apply then the application would be considered acceptable in these terms.

### **Drainage**

5.13 The site lies within Flood Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officer has raised no objection to the application subject to the imposition of a surface water drainage condition.

### **Biodiversity**

5.14 Policy EH3 of the West Oxfordshire Local Plan 2031 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by minor applications demonstrating a net gain in biodiversity where possible. All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.

5.15 Has the overriding refusal reason not applied your officers would have recommended the imposition of a condition to secure the details and delivery of biodiversity enhancements to address this matter.

### **Conclusion**

5.16 In light of the above assessment, the application is considered unacceptable and fails to comply with policies OS2, OS4, EI, E2 and EH2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF.

## **6 REASONS FOR REFUSAL**

The application fails to sufficiently demonstrate the need for additional space for the storage of aircraft parts and archived materials to support the flying school business in light of the existing provision on the airfield site. In addition, the proposed development, by reason of its siting, scale, form and design, would appear contrived and uncharacteristic, and would fail to represent good design. Further, due to its elevated position in the Enstone Uplands Landscape character area, the proposed two storey building would appear as an alien and incongruous feature in the landscape. As such, the application fails to comply with policies OS2, OS4, EI, E2 and EH2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant provisions of the NPPF.

**Contact Officer:** Stephanie Eldridge

**Telephone Number:**

**Date:** 5th October 2022