

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 9th January 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

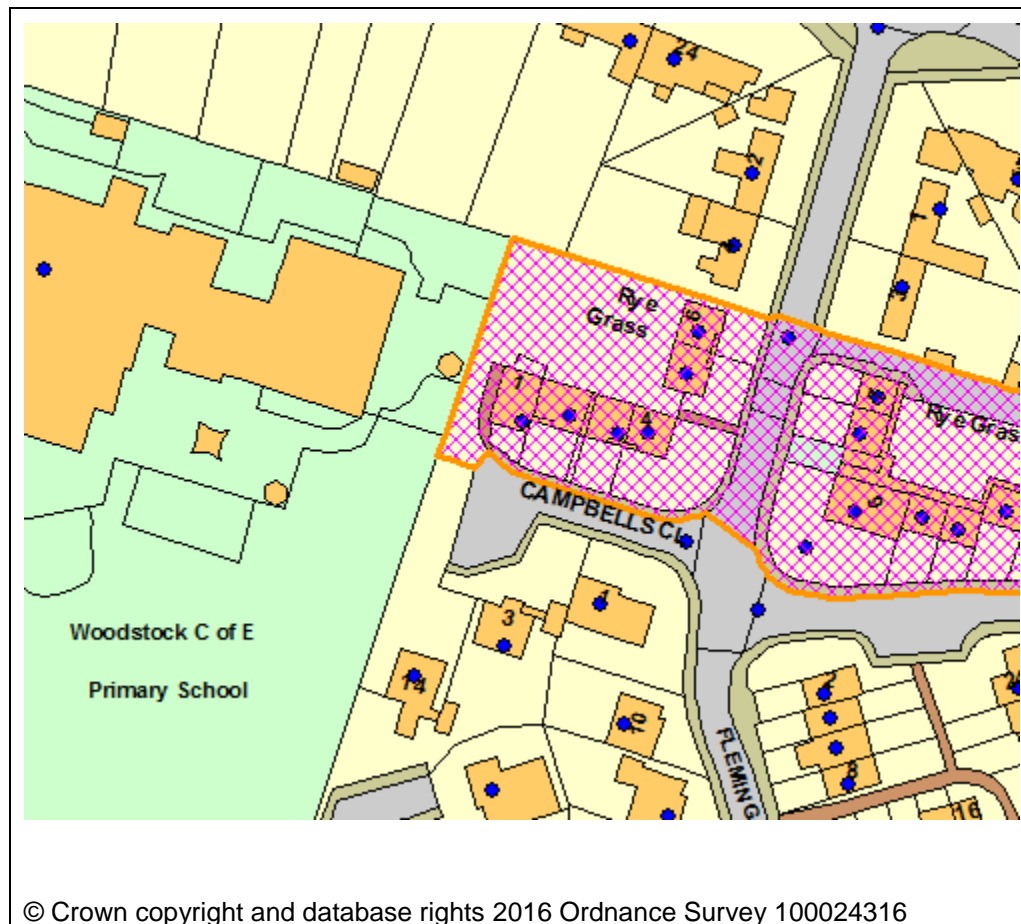
Please note that:

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

Page	Application Number	Address	Officer
11 - 27	22/01768/FUL	I Rye Grass Woodstock	Joan Desmond
28 - 36	22/02330/FUL	Netherby Farm Banbury Road	James Nelson
37 - 46	22/02693/FUL	Glyme Bank Lidstone	James Nelson
47 - 51	22/03093/HHD	Cumbræ Church Road	Emile Baldauf- Clark

Application Number	22/01768/FUL
Site Address	1 Rye Grass Woodstock Oxfordshire OX20 1NB
Date	21st December 2022
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	445267 E 216790 N
Committee Date	9th January 2023

Location Map



Application Details:

Demolition of existing retirement dwellings. Construction of 37 no. replacement age restricted apartment units contained in 4 no. apartment blocks together with associated works, amenity spaces and parking (Amended).

Applicant Details:

Cottsway Housing Association
Heynes Place
Avenue Two
Witney
Oxon
OX28 4YG

I CONSULTATIONS

Major Planning Applications
Team

Transport - Key issues

- Information on the number of, Residents and Staff, mode of travel and associated parking demands required.
- Car, cycling, scooter park design layout in compliance highway design Standards Compliance with Parking Standards for West Oxfordshire Urban Area, the parking and cycling manoeuvring areas should also be maintained in accordance with OCC Street Design Guide
- Travel Plan for Residents Staff and Visitors?
- Submission plans detailing the proposed access design and adjacent highway and footway works in compliance with highway design specifications

LLFA - Objection. Key issues:

- Detailed drainage strategy drawing required.
- surface water flood exceedance leads outside the site boundary
- Calculations does not include the 40% climate change.
- The use of infiltration techniques not used.
- Provide surface water catchment plan

Education - Given that the proposed development is for age-restricted retirement dwellings, it is deemed unlikely that any school-age children would be generated. Therefore, no contributions are requested.

Waste - No objection subject to S106 contribution.

WODC - Arts

We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site.

Conservation And Design
Officer

I note that the existing buildings on the site are predominantly single-storey, and of somewhat nondescript form. By contrast, the proposed buildings are of two storeys, and of busier form, with a plethora of cross gables and semi dormers.

However, the buildings around the site are of two storeys, and whilst the density would be significantly increased, the general idea doesn't seem too outrageous. I also think that the forms and proportions are generally well handled - and I note that except for a couple of areas

with set-back concealed flat roofs, they have kept plan depths to fairly domestic widths - which is refreshing in this context, where we usually see deep-plan designs.

I think it would be helpful to get the ridges down to be no higher than those in Campbell's Close and Flemings Road, preferably by lowering the whole roofs rather than reducing the pitch, which is currently consistent with the neo vernacular forms they are using. Otherwise, it all looks fairly workable.

District Ecologist

No Comment Received.

WODC Env Health - Uplands

I have no objections in principle regarding this application. I suggest the following conditions:

Prior to work including demolition commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The Plan shall include, but not be limited to:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Wheel washing facilities

Air Quality - With regards to the above development, I have no objection in principle in relation to general air quality.

WODC Env Consultation Sites

I have looked at the application in relation to contaminated land and potential risk to human health. The following report has been submitted with the application.

In general the findings and conclusions made in the report are supported, however please could the following be passed to the applicant for clarification.

The consultant have used screening criteria which are based on residential use without home grown produce. Could the applicant confirm that it will not be possible for the residents to grow produce at the proposed development.

The consultant recommend that an asbestos survey is completed prior to the demolition of the buildings on site. It is agreed that an asbestos survey should be completed.

The consultant has not been able to investigate beneath the hardstanding and buildings currently on site. Once the above item has been clarified by the applicant please consider adding the following condition to any grant of permission.

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

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

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

WODC Housing Enabler

Affordable Housing provided on this development would make an important contribution to local housing need.

WODC Landscape And Forestry Officer

No Comment Received.

WODC Planning Policy Manager

No Comment Received.

WODC - Sports

No Comment Received.

Sustainability Checklist Officer

No Comment Received.

TV Police-Crime Prevention Design Advisor

I am unable to support it in its current form. The objection from Thames Valley Police may be addressed with revisions to plans and the submission of further documentation (see detailed comments on the website)

Thames Water

Waste Comments - We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

There are public sewers crossing or close to your development. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

WODC Env Services - Waste Officer

We've looked over the plans and cannot see provision for a bin store here. The block paving would be unsuitable for Ubico collection vehicles to drive on so consideration would need to be made as to where residents would present. West Oxfordshire District Council have a kerbside collection policy which also needs to be considered.

Oxford Clinical Commissioning Group NHS

No Comment Received.

Parish Council

WTC objects to this application on the grounds that:

- It is overdevelopment of the site
- The design and height of the buildings are not in keeping with surrounding buildings
- There is insufficient green space outside the buildings particularly as in some places the buildings come very close to the pavements
- Residents have requested some trees rather than just bushes and flower pots so as to alleviate some of the effect of the buildings on nearby dwellings if the application is approved.
- Parking is insufficient as some of the dwellings are two bedded and residents may have two cars or may have visitors who would need to park off Flemings Road as the street is already potentially dangerous with many vehicles parked on both sides of the road and little space for other cars to get through at certain times of day particularly at school opening and closing times. If the plans are approved, it is essential that a Construction Traffic Management Plan is developed which recognises the specific problems with parked vehicles in the area in relation particularly in relation to delivering and collecting school children. Shipton Road and this part of Flemings Way are frequently blocked by the combination of cars, the dozen or more coaches coming to collect children from the Marlborough School with the 233 bus in Shipton Road contributing to obstruction. Any Plan should ensure that

construction vehicles and the cars of those working on the site park on the site and not on the street and that there is effective wheel washing processes for all vehicles leaving the site

WODC Env Consultation Sites With regards to the above development, I have no objection in principle in relation to general air quality. However, a refurbishment asbestos survey would be advisable prior to the works commencing. Should asbestos be identified, to prevent the release of and exposure to harmful airborne asbestos fibres, any work involving disturbance or removal of this material should be conducted by persons trained in the safe handling of non-licensed asbestos (CAT B) or, where licensed asbestos is present, licensed asbestos contractors. Please refer to the Control of Asbestos Regulations 2012, and the HSE website <https://www.hse.gov.uk/asbestos/index.htm> for further information.

Major Planning Applications Team

Transport - Based on the Clarifications made by the Applicant regarding the nature of the development the removal of the condition requiring a delivery service plan is acceptable.
Travel Plan - Information on staff should be excluded
Pedestrian and cycle footpaths - Taking into consideration the proposed scale of the development, and associated generated trips, we agree the requested footway/cycleway Improvements is disproportionate for the proposed housing association proposal. For this reason, the LHA agrees to the removal the above condition for the application.
Public transport Contribution is required.
Woodstock to Hanborough station / Witney / Burford bus route.
Swept Path Analysis and Refuse Collection
Since this a new development, a drawing showing the refuse vehicle designated collection points and the associated access swept path manoeuvres of 11.6m Refuse vehicle to and from the collection points, will be required in support of the above statement. It will be helpful if the drawing demonstrates adequate passing width on the road network exists when the refuse vehicles are stationary on the road network.

LLFA - Objection. key Issues - Soakaway references to be shown on plan and surface water flood exceedance leads outside the site boundary.

Parish Council No objection

Major Planning Applications Team The Transport Officer has reviewed the submitted 11.6m Refuse Vehicle swept path analysis drawing which is considered acceptable, therefore the concerns regarding Refuse collection associated with the proposed development is now resolved.

OCC Lead Local Flood
Authority

Objection
Key issues:

- Provide Construction details of the proposed SuDS features.

2 REPRESENTATIONS

2.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

25 Letters of objection have been received:

- Adverse impact on neighbouring properties: Height of the proposed development.
- Character of the area and external design: Balconies and modern buildings are the opposite of the housing in the surrounding area.
- Scale of the development is unnecessarily large.
- Parking/highway safety.
- The impact of the proposed development on our overall local plan - This development places even more burden on existing Woodstock infrastructure, services and highways
- Overdevelopment.
- Lack of Eco standards
- Greenspace and gardens for the elderly is a very important consideration
- The site is close to the playing field of the primary school
- Waste of resources
- Removal of balconies requested
- No green barrier between the existing properties and the new buildings.

2.2 One letter of general comment - No definitive statement that the design will incorporate Solar panels or ground/air heat source pumps; The thickness of insulation materials in walls and ceilings should be significantly greater than legal minimum; significant concerns about the disruption and dangers of construction traffic; Welcome the re-provision of accommodation on what is currently a vacant site.

3 APPLICANT'S CASE

3.1 This Planning Statement has been prepared by Ridge and Partners LLP on behalf of Cottsway Housing Association to accompany a full planning application in relation to the redevelopment of a care village into four apartment blocks with communal facilities, as well as associated parking and landscaping at Ryegrass, Woodstock.

3.2. The proposal seeks to redevelop the site to provide 37 apartments for those 55 or over. They would be 1- or 2-bedroom apartments and comprise of social or affordable rent. The proposed development is considered to meet a significant need for affordable housing within the district and represents the most efficient use of the site.

3.3. The scheme has been amended during the course of pre-application discussions and public consultation to minimise the impact on neighbouring occupiers and to ensure a high-quality scheme which is in keeping with the local area.

3.4. The site is in a sustainable location with parking provided on site. In addition to this, secure parking is provided for mobility scooters and the site is within walking distance of a bus service providing access to Woodstock and nearby towns.

3.5. Overall, the proposal provides a 100% affordable housing scheme to meet the needs of an ageing population. The development proposal represents a high-quality design which complements the surrounding development and minimise the impact on neighbour amenity.

3.6. As such the application accords with the Development Plan and in accordance with paragraph 11c of the NPPF, planning permission should be granted without delay.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EW10 Eynsham- Woodstock sub area

NATDES National Design Guide

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the demolition of existing retirement dwellings. Construction of 37 no. replacement age restricted apartment units contained in 4 no. apartment blocks together with associated works, amenity spaces and parking. The proposed mix is 24 one bedroom apartments and 13 two bedroom apartments.
- 5.2 Cllr Poskitt has requested that the application be reported to the Uplands Planning Sub-Committee.
- 5.3 The site currently comprises 18 one-bedroom predominantly single storey retirement units together with a one-bedroom wardens' house. The applicant is looking to redevelop the site because the existing site has become unviable to maintain and no longer meets the standard of home Cottsway Housing look to provide.

- 5.4 The site lies within a residential area on the corner of the Campbells Close and Flemings Road in the town of Woodstock. The majority of the site is enclosed by existing built form and comprises a flat topography. The neighbouring development is generally two storey in height and is constructed in stone or buff brick with plain tile roofing. The site is bound to the west by Woodstock C of E Primary School, to the north and southeast by residential dwellings and to the east by the Marlborough C of E School playing field.
- 5.5 The application has been submitted following pre-application advice for 40 age restricted apartment units contained in 4no. apartment blocks with amenity spaces and parking.
- 5.6 An extension of time for the determination of the application has been agreed to enable revisions to be processed and for the application to be reported to Committee.
- 5.7 Taking into account planning policy and other material considerations your officers are of the opinion that the key considerations of the application are:

Principle

Layout, design and scale

Highway/Parking Issues

Neighbouring amenity

Principle

5.8 The site lies within Woodstock, identified in the Local plan as a rural service centre, where modest levels of development are supported to help reinforce its existing role. Policy H2 of the Local plan supports development on previously developed land provided the loss of any existing use would not conflict with other plan policies and complies with the general principles set out in Policy OS2 and any other relevant policies in the plan.

- 5.9 Policy OS2 also sets out general principles for all development. Of particular relevance to this proposal is that it should:
- a. Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - b. Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - c. As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
 - d. Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
 - e. Conserve and enhance the natural, historic and built environment; and
 - f. Be supported by all the necessary infrastructure.

The Development Plan

- 5.10 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

National Policy/Guidance

- 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 (Paragraph 11d) 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 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, as set out above, is engaged (Identified in footnote 8).
- 5.13 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11d) of the NPPF is engaged.
- 5.14 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

Layout, Design and Scale

- 5.15 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policy OS4 of the Local Plan reflects this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.
- 5.16 The proposal consists of four blocks, two storey in height. One block is located adjoining Cambells Close with the other three blocks located off Plane Tree Way. The Design and Access Statement (DAS) advises that the scale is controlled by virtue of using familiar vernacular of traditional pitched roofed silhouettes, reflecting adjoining built form so as to retain a more residential rather than institutional built form and to encourage a better sense of scheme legibility, wellbeing and welcome. The blocks are laid out with a central circulation spine to allow for, and encourage resident interaction. Refuse, mobility scooters and cycles are securely stored at ground floor. The DAS advises that the arrangement of 4 differently sized blocks but with a common design language creates identity, coherence, and an overall reduction in bulk and

massing; an un-institutional feel. Garden rooms and balconies provide private amenity spaces. The proposed buildings will be faced in stone with slate roofs. The buildings form is traditional and simplistic with slim eaves profile, stone capped parapets and stone front door porches. The DAS also advises that the scheme will incorporate an extensive agenda of sustainable measures including incorporation of renewable energy systems, water recycling, reduced energy, carbon and waste creation.

- 5.17 The layout has been amended to resite Blocks C and D further from the northern boundary and the design has been amended to address residential amenity concerns which are discussed in more detail in the report below. The existing housing is principally single storey with just the corner block being two storey in height. Adjoining development is predominantly two storey in height and are constructed in stone or buff brick with plain tile roofing. In terms of the context and existing character of the area, the scale, layout and form of the proposed development is considered to be acceptable and would be in keeping with the character of the area, which comprises a mix of dwelling types.

Highway/Parking Issues

- 5.18 Policy T2 requires all proposals to demonstrate a safe access can be provided. As part of the proposals, access to the site off Campbells Court, Flemings Road and Plane Tree Way will be retained as existing to provide access to three separate parking courts, albeit the access off Campbells Court will be widened slightly to allow vehicles to adequately turn out of the car parking area. The existing service road at Ryegrass will be extinguished to make way for the new building and car parking areas and the existing parking area off Flemings Road will be extended slightly.
- 5.19 Policy T4 requires parking for new development to be in accordance with the County parking standards. In this case, the proposals are slightly below these standards. The submitted Planning Statement (PS) advises consideration must be given to the specific context of the site and it must be acknowledged that the parking standards are maximum standards. Currently the existing car ownership of residents is 68%, which would equate to a need to 26 spaces. A total of 34 spaces are proposed and the applicant considers this to be more than sufficient. The PS states that the site is designed for those over 55 and based on current experience, they are less likely to own a car. The site is within the settlement of Woodstock, which is considered to be sustainable. In addition to this, as part of the scheme secure parking is proposed for mobility scooters.
- 5.20 Following the submission of further information, OCC has commented that they have no objection to the application subject to a S106 contribution towards the support of the current bus service level and appropriate highway conditions.

Neighbouring amenity

- 5.21 The site is surrounded by residential properties. Block A on the corner of Campbells Close and Flemings Road will front both roads with parking to the rear. The block is set back over 16m from the properties opposite fronting onto Campbells Close and the front element of Block A aligns with the adjoining semi-detached properties to the north fronting onto Flemings Road. A projecting rear wing to Block A which has balconies at ground and first floor level, will be set back approximately 15m from the northern boundary with an intervening garden area.

- 5.22 Blocks B and C are attached and will front onto Plane Tree Way. These blocks will adjoin development to the north including houses fronting onto Flemings Road and properties fronting onto Shipton Road. No 38a occupies a backland site and backs onto the site. Block D occupies the eastern end of the site and adjoins No 15 Plane Tree Way and properties backing onto the site that front onto Shipton Road.
- 5.23 Following discussions with the agent, the scheme has been amended to relocate Blocks C and D further from the northern boundary and to omit windows and balconies that would generate potential overlooking issues. Block C is also now further away from No 38a with the balcony at first floor serving Unit 29 replaced with a Juliet balcony. No windows or balconies are proposed on the north elevation facing these properties. Similarly Block D has no windows on the north elevation and Unit 35 has a Juliet balcony on its western elevation.
- 5.24 It is the officer's view, that the amended plans address the amenity concerns initially raised and that the revised scheme would not have a significantly detrimental effect on the living conditions of neighbouring properties.

Biodiversity

- 5.25 An Ecological Impact Assessment (EIA) has been submitted which advises that dusk and pre-dawn bat surveys identified opportunities for roosting bats in the buildings within the site. Two roost surveys were undertaken across the site and no bats were recorded emerging from or re-entering the potential roosting features identified. Therefore, it is considered that bats are absent from the site. Notwithstanding this the EIA recommends that any exterior lighting is designed sensitively to prevent any impacts arising and to provide integrated bat boxes to offer enhanced roosting opportunities within the site.
- 5.26 In addition, the site is located within 500 metres of five ponds. Three of these ponds are located within 250m of the site and have previously supported populations of Great Crested Newt (GCN). However, the assessment concludes that the species is considered likely absent from the application site as it is well-separated from the ponds by multiple barriers to movement. Therefore, it was confirmed that no potential impacts are likely to arise on the species and it is considered the works are not licensable. The report recommends as a precautionary measure that prior to the dense areas of ornamental planting taking place on site, an ecologist checks for the presence of GCNs. Finally, the report recommends measures that will be adopted to avoid impacts on any nesting birds present, to dissuade wild mammals from utilising active works areas and safeguard any that do.
- 5.27 Given the above, it is considered that the proposals will conserve and enhance biodiversity providing net gains where possible thus complying with Policy EH3 of the Local Plan.

Other Matters

Drainage

- 5.28 The LLFA still object to the application and comment that the provision of construction details of the proposed SuDS features is required. The agent has responded however, and advised that whilst standard details for SuDS features can potentially be provided, they believe this is better to be designed once the main contractor is involved to avoid any unforeseen complications. The

comments of the LLFA are awaited to see if a condition would be acceptable in this instance. Members will be updated at Committee.

Summary of S106 contributions

- 5.29 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.
- 5.30 OCC Transport has requested £20,394 towards the support of the current bus service level. Waste Management has requested £3,477 towards expansion and efficiency of household waste recycling centres. No contributions are required towards education given the type of accommodation being proposed.

Conclusion

- 5.31 Taking into account the above matters and the tilted planning balance exercise required under paragraph 11b) of the NPPF, the proposal is considered acceptable and is therefore recommended for approval. The application complies with Policies OS2, OS4, H2, T1 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

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

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

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

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

4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage, and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

REASON: in the interest of Highway Safety

5. Before the development permitted is commenced details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning

Authority. The approved cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

REASON: To encourage the use of sustainable modes of transport

6. Prior to commencement of the development, a plan detailing the layout of the car parking area shall be submitted to, and approved by, the Local Planning Authority. The Car Park Layout Plan must set out so that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The Parking Layout Plan should demonstrate its capability of accommodating the associated car parking manoeuvres within the car park.

REASON: in the interest of highway safety.

7. Prior to the erection of the buildings hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority before any of the development hereby approved is first brought into use. The EVCP shall be installed and brought into operation in accordance with the details agreed as above prior to occupation of the development.

REASON: In the interests of air quality and to reduce greenhouse gases

8. A Residential Travel Pack for the development will be required in support of the proposal for approval for LPA prior to first occupation.

REASON: To encourage the use of sustainable modes of transport

9. The development shall be carried out in accordance with the recommendations made in the submitted Ecological Impact Assessment dated June 2022 prepared by Ecologybydesign.

REASON: In the interests of biodiversity

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 within the walls of the new buildings 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. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

a) Identify the areas/features on site that are particularly sensitive for foraging bats;

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

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 (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. Prior to work including demolition commencing on the site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The Plan shall include, but not be limited to:

- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure.
- Dust suppression, mitigation and avoidance measures.
- Noise reduction measures, including use of acoustic screens and enclosures, the type of equipment to be used and their hours of operation.
- Use of fences and barriers to protect adjacent land, properties, footpaths and highways.
- Details of parking and traffic management measures.
- Avoidance of light spill and glare from any floodlighting and security lighting installed.
- Wheel washing facilities

REASON: In the interests of residential amenity

13. 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 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.

14. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify among others state; the routing of construction vehicles, access arrangements for construction vehicles, Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours to minimize the impact on the surrounding highway network.

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

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

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

16. No additional windows shall be installed in the north elevation of Units 20, 29, 34 and 35.

REASON: To safeguard privacy in the adjacent property.

17. No apartment unit 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.

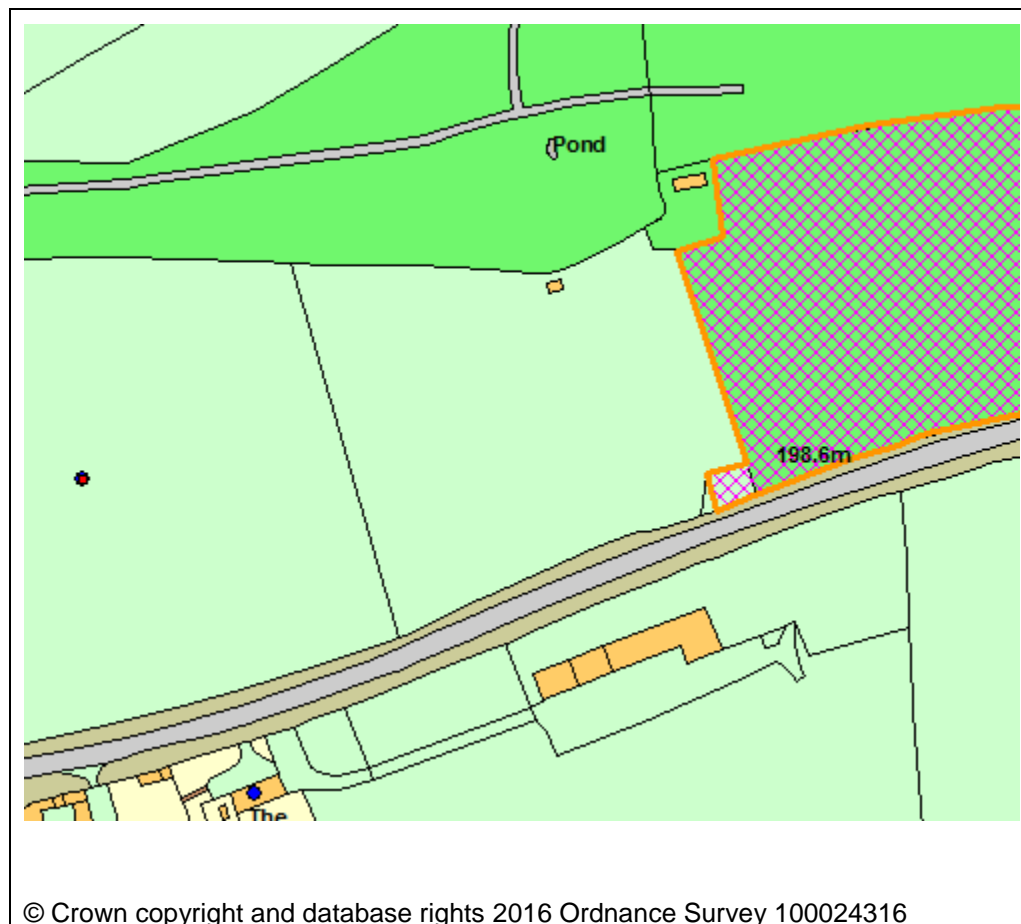
Notes to applicant

- 1 A hyperlink at the end of the Travel Information Pack detailing the local LCWIP - https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-major-projects/Kidlington_LCWIP.pdf could be included for those residents that are interested in learning more about LCWIP routes close to the area is suggested.
- 2 Road entry treatment must be applied to the vehicular access throughout the site to maintain continuous footways/cycleways.
- 3 Please note, If works are required to be carried out within the Public highway, it would have to be undertaken within the context either Section 278 /38 Agreements between the applicant and the Highway Authority. The Highway works shall not commence before a formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and the Council.
- 4 A refurbishment asbestos survey would be advisable prior to the works commencing. Should asbestos be identified, to prevent the release of and exposure to harmful airborne asbestos fibres, any work involving disturbance or removal of this material should be conducted by persons trained in the safe handling of non-licensed asbestos (CAT B) or, where licensed asbestos is present, licensed asbestos contractors. Please refer to the Control of Asbestos Regulations 2012, and the HSE website <https://www.hse.gov.uk/asbestos/index.htm> for further information.
- 5 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 21st December 2022

Application Number	22/02330/FUL
Site Address	Netherby Farm Banbury Road Swerford Chipping Norton Oxfordshire OX7 4AR
Date	21st December 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Swerford Parish Council
Grid Reference	436689 E 230412 N
Committee Date	9th January 2023

Location Map



Application Details:

Change of use of land to allow for two bell tents and an amenity block for glamping (part retrospective).

Applicant Details:

Mr J Sealey
Netherby Farm
Banbury Road
Swerford
Chipping Norton
Oxfordshire
OX7 4AR

I CONSULTATIONS

Parish Council

Swerford Parish Council continues to object to the development of this land, now in the form of two bell tents and an amenity block for glamping. We believe that the end-purpose of all of this remains the same, whatever the changes in the various applications made, and notwithstanding the rejection by WODC of previous applications. (And by the way it would be nice for you to summarise this when ongoing applications are made so that it helps understand the current 'state of play'.)

The Council's comments in March to a previous application follow

- these remarks remain its view.

Comments on application 21/02024/FUL

Swerford Parish Council wishes to object to the above application.

The Swerford Parish Council has considered the various documents put forward in February 2022 by the proposers of Application 21/02024/FUL. It has also had the pleasure of meeting with the proposers who attended a routine meeting of the Parish Council in 2021.

The various documents show that the two have engaged energetically and enthusiastically in the agricultural activities of sheep herd management and of glamping. We have little doubt that their experience, energy and enthusiasm (it helps to be young) will ensure that their activities will be judged well above average in those fields and that they will be reasonably economically successful. That said, whilst glamping is an enterprise whose success is founded upon the input of the operator, any efforts within the world of sheep are bounded by the inherently low profitability of a commodity market. "Boxed lamb" or "Salt Marsh Lamb" are niche-market attempts to break free from the high volume/wafer thin margins created by low cost competition from the likes of New Zealand. There is no sustained evidence that such niche markets are successful long-term. The success or failure of the enterprises will be down to the two young proposers. It does not depend one iota upon their being based at "Netherby Farm", a location which was three bare fields until recently. They could be equally successful based anywhere within a

one, or even five, mile radius of "Netherby Farm" - and of course within that radius there are many, many unused or under-used farm buildings. If the enterprise was based there we could have no objections and would wish them every success.

The current Plan for the WODC area seeks to channel new, incremental residences into clearly defined centres with support infrastructure, but obviously supports the rejuvenation of existing farms. "Netherby Farm" fits neither criteria, it is plonked on three bare fields because that is the cheapest option. Should approval be granted there will be nothing to stop every keen couple setting up on each of the 15 acre greenfield sites in West Oxfordshire. Swerford Parish Council continues to be opposed to the application.

WODC Env Health - Uplands No Comment Received.

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

- Prior to the commencement of the uses described (and the retention thereafter) the removal of vegetation along the frontage to provide vision splays at the access measuring 2.4 x 160m

WODC Drainage Engineers No Comment Received.

District Ecologist No objection.

2 THIRD PARTY REPRESENTATIONS

2.1 One third party comment has been received by the local planning authority. The comment supports the proposal and states:

"The applicants are new entrants into farming; this is not easy in this day and age and I understand the hard work and effort that has gone in to making Netherby Farm the sustainable farming business it is today.

Most farms will need to diversify and the glamping enterprise is just a reflection of the changes that mainstream farming is going through. It is small in size, popular and beautifully managed.

Planning policy is to my knowledge supportive of farm diversification projects especially when these provide employment locally and I urge you to take the opportunity to support some hard working people with strong local connections".

3 APPLICANT'S CASE

3.1 The applicant has submitted a Design and Access Statement in support of the application, the main points of which are summarised below.

3.2 *"The works are for the retention of an Amenity block and two Bell Tents for Glamping Use... Both the Amenity block and the Bell tents are only single storey in height. With the proposed locations as shown on drawing 2206-107-04, due to the slope of the land, and the presence of many existing trees, these will not be visible from the public highway.*

3.3 *It is proposed to reduce the height of T1 down to 900 mm to allow ample vision to the Highway, T4 will be removed due to being part of T3/T4 but is at an angle towards the Highway, and T7 will be replaced with a new Field Maple.*

3.4 *Access to the site is from an existing access from the A361 onto a turning area which allows access into the land which contains the Amenity block and Bell Tents with a car parking area.*

3.5 *The Amenity block and Bell tents are for holiday purposes, and not for permanent accommodation.*

3.6 *As the land is grass, animal grazing will still be provided when the Tents are empty through the "Out of Season" time of the year through the winter months.*

3.7 *The provision of two Bell tents and amenity block provides additional income to Netherby Farm through diversification."*

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

E2NEW Supporting the rural economy

E4NEW Sustainable tourism

T4NEW Parking provision

EH2 Landscape character

NPPF 2021

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for a material change in the use of the land to allow for the siting of two bell tents and an amenity block for glamping at Netherby Farm, Banbury Road, Swerford.

5.2 The application site is located within the open countryside north of the A361 Banbury Road, approximately half a mile south west of the small village of Swerford. The site is not located within any areas of specially designated planning significance and is in Flood Risk Zone I.

5.3 This application is made on a retrospective basis, as the use of land for glamping appears to have begun in 2017 without the benefit of planning consent. The application is brought before Members due to the objection of the Swerford Parish Council.

Relevant Planning History

18/02451/PDET28- Erection of an agricultural building (Prior determination not required).

18/03198/FUL- Siting of caravan for use as mess facility during lambing and turkey season, and erection of polytunnel both in association with existing agricultural use of land. (Retrospective) (Approved).

21/02024/FUL- Retention of a mobile home for full time agricultural worker. Change of use of land to allow two bell tents and one mobile unit for glamping (part retrospective) (Refused at Committee).

5.4 Application ref: 21/02024/FUL was heard at the April 2022 Uplands Area Planning Sub-Committee meeting. That application was refused on two grounds, the first being in relation to the proposed use of a mobile home for year round accommodation. This element does not form part of the current scheme. The second refusal reason is relevant to the proposed glamping use and reads:

"By reason of the loss of roadside hedgerow planting in order to provide the requisite vision splay, the bell tents and shepherds hut together with the car parking associated with the Glamping use will appear as urbanising and alien features within the open countryside to the detriment of the rural character and appearance of the area. As such the development is considered contrary to policies OS2, EH2 and EH13 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF."

5.5 This assessment will have regard to the relevant planning history as a material consideration and the application seeks to overcome this refusal reason. In any case, all relevant planning matters must be considered by the decision maker.

Relevant Planning Considerations

5.6 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 NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the local development plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

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

- The principle of development;
- Farm diversification justification;
- Siting, design and scale;

- Visual amenity and landscape impact; and
- Highways Impact

The Principle of Development

5.8 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. The application site is demonstrably within the open countryside in planning terms.

5.9 Policy OS2 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.

Proposals for non-residential development that is regarded as appropriate will include:

- *Proposals to support the effectiveness of existing businesses and sustainable tourism; and*
- *Development which will make a positive contribution to farm and country estate diversification".*

5.10 WOLP Policy E2 (supporting the rural economy) is directly relevant to this application. The supporting text to Policy E2 outlines that 'diversification into non-agricultural activities can be vital to the continuing viability of many farm businesses' (WOLP. Para. 6.39). It continues 'the Council is generally supportive of well conceived farm diversification schemes which secure long term benefits for farming and the local economy. New activities should not conflict with agricultural operations, which should remain the dominant land use... new economic activities should remain part of the farm business' (Para. 6.40).

5.11 Policy E2 states that:

"Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification will be supported where they:

- *Are supported by or operate as part of and will continue to add value to a viable core farm/estate business; and*
- *Remain compatible and consistent in scale with the farm/estate operation and a countryside location".*

5.12 WOLP Policy E4 (sustainable tourism) states:

"In small villages, hamlets and the open countryside, new tourism and visitor facilities may be justified in the following circumstances:

- *Where there is a functional linkage with a particular countryside attraction; or*
- *The nature of the tourist and visitor facility is such that it could not reasonably be located within or close to Service Centres and Villages; or*
- *To secure the diversification of a farm enterprise or country estate in accordance with Policy E2; or*
- *The proposal will re-use an appropriate building in accordance with Policy E3".*

5.13 The proposal does not relate to an existing countryside attraction or re-use an existing building. Further, it has not been demonstrated that the facility could not be located within or close to an existing larger settlement. The principle of development is therefore reliant upon the applicant

demonstrating that the proposed glamping use is a farm diversification scheme that accords with WOLP Policy E2. In this regard, Policy E2 is clear that acceptable farm diversification schemes will relate to a viable core agricultural business and be compatible and consistent in scale with the farm/estate operation, which should remain the dominant land use. The proposal will be assessed against these criteria in the following section of this report.

Farm Diversification Justification

5.14 The proposal seeks to justify the proposed material change in the use of the land to provide glamping facilities as part of a farm diversification scheme. As detailed above, to comply with Policy E2, the applicant must show that the scheme would be integrated with, and secondary to, an established and viable core farming business.

5.15 The application has been furnished with additional information regarding the financial position of the business following the request of your officers. The latest data relate to the financial years 2020/21 and 2021/22. The information shows that the business has been drawing primarily from three income streams. Firstly, income derived from the sale of livestock, predominantly sheep/lambs as well as turkeys and hay. This revenue stream has grown approximately fourfold from 2016/17 to 2021/22. The information submitted demonstrates that the farm has been heavily reliant upon a second income stream derived from contract work, including fencing and groundwork, carried out for other farms. Officers consider that this form of income does not directly relate to Netherby Farm and therefore cannot be said to contribute towards the viability of the core farm business. In any case, the latest information submitted does show that this income fell to its lowest amount in 2021/22. Finally, the farm has derived income from the unlawful glamping use since 2017. The income approximately doubled from 2016/17 to 2019/20. Data since is unclear however a figure of £19,000 in six months is mentioned in the supporting statement.

5.16 The most recent financial information also details that the gross profit of the business rose approximately tenfold from 2019/20 to 2021/22. The latest figure appears to include the revenue generated from work carried out for other farms but even having removed this income, the profitability of the business and core turnover is clearly trending upward. The information submitted also shows a sharp growth in investment in the most recent financial year. Your officers therefore consider that the additional information submitted is sufficient to conclude that the proposed farm diversification scheme relates to a growing and established agricultural enterprise, which has demonstrated over the most recent financial year that it is a viable business.

Siting, Design and Scale

5.17 In terms of built form, the proposed would consist of an amenity block and two tents sited in the northern half of a large wooded field. The proposed development also includes a small parking area in the south west corner of the site. The amenity block would be a small shed-like construction providing bathroom and cooking facilities and reaching 3.3 metres (m). The tents would be 5m in diameter and 3m in height and officers consider that the scale of the built form proposed is modest and therefore would read as a secondary land use compared to the existing farming enterprise.

Visual Amenity and Landscape Impact

5.18 WOLP Policy EH2 seeks to conserve and enhance the quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape and states that proposals which would result in the loss of features, important for their visual, amenity, or historic value will not ordinarily be

permitted. The application site is largely wooded and in this context and given the scale of the built form, the proposed would be imperceptible from outside of the application site. In order to facilitate the provision of improved vision splays, tree works would occur on the southern site boundary. Officers note that the removal of boundary vegetation and the associated landscape impact was cited in the refusal reasons for application ref: 21/02024/FUL. In this case, two trees would be removed (one of which is dead) and one tree reduced in height in order to ensure safe ingress and egress. Your officers consider that the minor scale of the tree works proposed would ensure that the proposed development would give rise to no material impact upon the visual and landscape characteristics of the area.

Highways Impact

5.19 The general principles of Policy OS2 state that new development should be provided with safe vehicular access. As discussed above, the applicant has provided details of vision splays, which have been subject to consultation with Oxfordshire County Highways who have raised no objection to the proposal. This is subject to the use of a compliance condition to ensure that the necessary tree works are conducted. Officers therefore consider that the proposed development would be served by safe vehicular access and is acceptable in highways terms.

Other Matters

5.20 The application has been subject to consultation with the LPA's ecologist who has concluded that the proposed would result in no material impact upon habitats or protected species. The scale and nature of the scheme is such that, in officer's view, the application would result in a neutral ecology impact.

5.21 No further material planning impacts are identified.

Recommendation

5.22 Your officers therefore consider that the application complies with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS4, E2, E4, T4 and EH2 and guidance contained in the NPPF 2021. The application is recommended for approval subject to the conditions as set out in Section 6 of this report.

6 CONDITIONS/REASONS FOR REFUSAL

1. 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.

2. Within three months of the date of this consent, vision splays at the access measuring 2.4 x 160m shall be provided through the removal of vegetation as detailed on plan ref: 2206-107-03. No structure, or erection, or planting, exceeding 0.9 metres in height shall be placed or allowed to grow within the area shaded red on that plan.

REASON: In the interests of road safety.

3. The approved glamping use shall be limited to the two tents and one amenity block as detailed on plan ref: 2206-107-04. No additional tents or associated structures shall be installed without the prior consent of the local planning authority.

REASON: In order to prevent overdevelopment of the site.

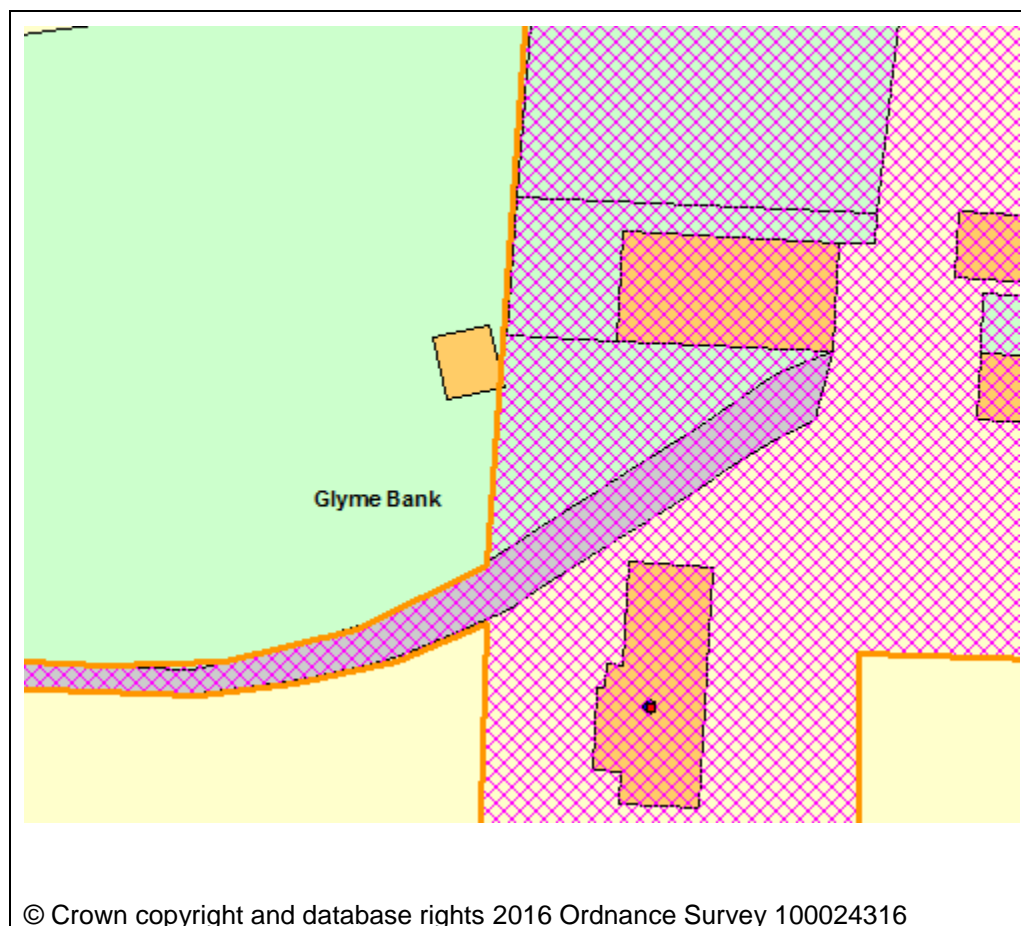
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 21st December 2022

Application Number	22/02693/FUL
Site Address	Glyme Bank Lidstone Chipping Norton Oxfordshire OX7 4HL
Date	21st December 2022
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	435733 E 224858 N
Committee Date	9th January 2023

Location Map



Application Details:

Erection of a detached building to provide storage and garaging and first floor ancillary living accommodation and associated works

Applicant Details:
Mr And Mrs Baggaley
Glyme Bank
Lidstone
Oxfordshire
Chipping Norton
OX7 4HL

I CONSULTATIONS

Parish Council	Enstone Parish Council has no objection to this planning application
OCC Highways	No objection.
District Ecologist	No objection subject to conditions.
WODC Drainage Engineers	No objection subject to conditions.
WODC Env Health - Uplands	No objection.
WODC Env Consultation Sites	<p>Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>It is understood that a former stable block is to be demolished prior to the development commencing. Please could the applicant confirm that no fuel or other contaminating substances have been stored in or in the vicinity of the proposed development site. Depending on the response the following condition may be appropriate to add to any grant of permission.</p> <p>I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.</p>

Thames Water

No comment.

2 THIRD PARTY REPRESENTATIONS

2.1 One neighbour comment was received, it reads:

"Screening required on property line please".

3 APPLICANT'S CASE

3.1 The application has been furnished with a Design and Access Statement, the main points of which are summarised below. Officers point out that the Statement has not be updated in light of the submission of revised plans.

"Demolishing the existing barn provides the opportunity to use the redundant space for the required ancillary accommodation. The new building will remain separate from and subservient to the main house and be contained within its own boundary. The proposal will be linked to the other buildings on site via a central enclosed yard that provides parking space and access to the field to the north east of the property.

The footprint of the new ancillary building is slightly larger than the existing barn (178m² compared to 227m²). However the design takes advantage of the steep sloping site and cuts the building into the bank so the visual impact of the building is kept to a minimum. The gross internal floor area (GIA) of the building is 166m² compared with the existing barn GIA of 266m². The overall mass of the building is visually acceptable because of the L-shaped plan which conveniently encloses the yard area to the rear and creates an attractive "farmstead" group composition with other buildings on the site.

Views of the proposed new building from public vantage points around the site will be minimal. Established mature woodland trees surround the site on all sides which ensure the new building will have very low impact on neighbouring properties or public open spaces in Lidstone and the surrounding countryside.

The palette of materials for the new building and landscaping modifications have been selected to enhance the existing house and its setting. Cotswold stone walling, coursed rubble stone and dry stone walls, will be detailed to match the existing house and surrounding landscape features.

The design team has used the West Oxfordshire District Council "Net Zero Carbon Toolkit" as a valuable guide to inform the building design. The scheme will be as sustainable as possible in both design and construction terms. All construction materials will have environmentally friendly credentials with products selected through the Environmental Product Declaration (EPD) scheme. The design will look to follow fabric first principles to ensure reduced energy consumption and CO₂ emissions.

The proposed new ancillary building at Glyme Bank is seen as an opportunity to provide improved ancillary accommodation and garaging whilst enhancing the layout and setting of the building in relation to the main house and other outbuildings. Public views of the property will be limited. Despite this, the proposed building design is considered an enhancement when compared to the existing barn."

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of a detached building to provide storage and garaging and first floor ancillary living accommodation and associated works at Glyme Bank, Lidstone. The proposal would involve the demolition of an existing building.

5.2 The application is brought before Members of the Uplands Area Planning Sub-Committee due to a conflict between officer recommendation and the response of the Enstone Parish Council. The application has been amended through the submission of revised plans.

5.3 The application site lies within the hamlet of Lidstone, which is located approximately 1 mile to the west of Enstone. The site is not located within any areas of specially designated planning significance although the Glyme Valley Enstone Site of Special Scientific Interest (SSSI) lies 125 metres (m) to the west of the proposed building. A Local Wildlife Site lies 75m to the south of the proposed building.

Relevant Planning History

W92/0620- Erection of two-storey farmhouse dwelling. Approved subject to conditions.

W98/1031- Erection of two storey farmhouse dwelling, (modification to planning permission 0620/92). Approved subject to conditions.

13/0118/P/CLE- Certificate of lawfulness, (to allow removal of agricultural occupancy). Approved.

13/0420/P/FP &

13/0775/P/FP- Two storey and basement rear extension and two storey front extension. Approved subject to conditions.

13/0949/P/FP- Erection of detached garage block with staff accommodation over. Approved subject to conditions.

13/1275/P/FP- Amendments to planning permission 13/0420/p/FP to allow the extension to be increased by one and a half metres and to enlarge the porch, erection of a new greenhouse. Approved subject to conditions.

14/0649/P/CLE- Certificate of lawfulness (to allow equestrian use). Approved.

16/01185/HHD- Alterations and extensions to enlarge existing dwelling including new games room, indoor pool, plant room and store on proposed lower ground floor. Approved subject to conditions.

17/03673/FUL- Conversion of barn to ancillary dwelling. Approved subject to legal agreement.

19/01066/FUL- Erection of dwelling and garages ancillary to Glyme Bank (amended). Approved subject to conditions.

20/01278/FUL- Erection of dwelling and garages ancillary to Glyme Bank, Lidstone, Chipping Norton, Oxfordshire OX7 4HL (Amendments to existing approval ref: 19/01066/FUL to include, porch & alterations to fenestration & roofs). Approved subject to conditions.

5.4 The host dwelling was granted planning consent as an agricultural worker's dwelling in 1992. The agricultural tie was removed under application 13/0118/P/CLE, effectively meaning that the dwelling is unfettered. Application 14/0649/P/CLE established that the lawful use of the building subject of this application is equestrian. At the time of officer's site visit (October 2022), the building appeared to be being used for the storage of machinery. In 2016, permission was granted for an extension (16/01185/HHD) to the main dwelling, virtually doubling the footprint of the building.

5.5 Applications 19/01066/FUL & 20/01278/FUL granted consent for the 'erection of dwelling and garages ancillary to Glyme Bank'. In both cases, the approved ancillary building is set over three levels with a footprint of 15.5m by 12.5m plus 15.6m side projection comprising a three bay garage, bin store and boot room. Ground works have begun in relation to the erection of an 'ancillary dwelling' however, given that above ground work had not commenced, it is not possible to ascertain which consent is being built out. Officers note that application 20/01278/FUL was subject to a pre-commencement condition pertaining to surface water drainage that does not appear to have been discharged. Officers consider that as the extant consents for an 'ancillary dwelling' are under construction, this element of the site's planning history is an important material consideration in this assessment.

Relevant Planning Considerations

5.6 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 NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the local development plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

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

- The Principle of Development;
- Siting, Design, Scale and Form;

- Visual Amenity Impact;
- Residential Amenity; and
- Highways Impact

The Principle of Development

5.8 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 contains a settlement hierarchy (Table 4b) which lists and categorises larger settlements as either 'main service centres', 'rural service centres' or 'villages'. Table 4b then outlines that those settlements not listed should be categorised as 'small villages' or 'hamlets'. Table 4b does not list Lidstone and given its scale, officers conclude that the settlement is a hamlet for the purposes of Policy OS2.

Policy OS2 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. Proposals for residential development will be considered under policy H2."

5.9 Policy OS2 goes on to outline a series of general principles with which new development should accord. Those relevant in this case are 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;*
- *Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and*
- *Conserve and enhance the natural, historic and built environment"*

5.10 As outlined above, Policy OS2 states that new residential development will be considered under Policy H2. WOLP Policy H2 sets out the District's housing need over the plan period dictates that accommodation, which will remain ancillary to existing dwellings, may be acceptable in principle in small villages, hamlets and the open countryside subject to applications complying with the general principles set out in Policy OS2. The principle of the provision of ancillary domestic accommodation in this location is therefore acceptable subject to the application demonstrating compliance with the development plan when read as a whole with particular regard to the general principles of Policy OS2. This will be fully considered in the following sections of the report.

Siting, Design, Scale and Form

5.11 The general principles of Policy OS2 require new development to *'be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality'* and *'form a logical complement to the existing scale and pattern of development and/or the character of the area'*.

5.12 The proposed development involves the removal of an open fronted timber building, the lawful use of which is equestrian. The proposed building would therefore be sited outside of the existing residential planning unit, which has been significantly extended under applications 19/01066/FUL & 20/01278/FUL. The building would be replaced with an L-plan building providing a two rooms at ground floor level with a third room in the roofspace. The building would be set over a footprint of 18.4m by 13m and take a dual pitched form reaching 6.8m in height. The building would be set over a footprint of approximately 170m squared and would be constructed of natural Cotswold stone under a reconstituted stone slate roof. The proposed building would display a Cotswold vernacular character owing to its use of steeply pitched roofs and local materials.

5.13 Officers consider that, when read in the context of the extant consents for the creation of ancillary dwelling and significant enlargements to the original dwelling, a further extension to the residential planning unit and the erection of residential building of this scale cannot be read as ancillary to the original dwelling. The extant consents mean that the site already benefits from permission to construct an 'ancillary' building set over three storeys and containing three bedrooms, lounge, kitchen diner, gym, playroom, sauna, changing room, beauty parlour, utility room, two shower rooms, a WC, plant room, store, boot room, three bay garage, terrace and pantry. The proposed building would provide a games room, garage/workshop, WC and gym/gallery at first floor level. In officer's view, the amount of accommodation and built form that would result from the granting of this consent, when read in the context of the extant consents, cannot be considered secondary to the host dwelling and would therefore not be ancillary to the host dwelling. The proposed development is therefore tantamount to the creation of a new dwelling and should be assessed on that basis.

Visual Amenity Impact

5.14 The proposed building would be sited in approximately the same location as an existing dilapidated timber building. It would be screened in views from the south and east by the existing dwelling and that under construction. To the north, the building would be shielded by deep and mature vegetation, albeit this cannot be relied upon in perpetuity. In any case, the proposed building would not be prominent in long views within the landscape and would be viewed in the context of the considerable existing built form on the site when viewed from the north and west. Therefore, in the context of the existing timber building on the site, officers consider that the proposed building would result in a neutral impact upon the visual amenities of the area.

Residential Amenity

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

5.16 The application site occupies an isolated location in relation to existing dwellings and therefore, the proposed development would result in no material impact upon the residential amenities of existing properties.

Highways Impact

5.17 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 with the Local Highways Authority has been carried out and the proposed development would result in no material

impact in this regard. However, officers consider that the creation of an additional dwelling in this isolated countryside location would place a heavy reliance upon private car usage, which does not support the sustainable development objectives of the NPPF. The NPPF does advise that '*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'. Therefore, in this context, the proposal should not be refused on highways grounds.

Other Matters

5.18 The application site lies in relatively close proximity to two wildlife designations as detailed above and consultation with the LPAs ecologist has been carried out who commented:

"The submitted report confirmed the existing structure holds negligible potential to support roosting bats however, two disused bird nests were discovered internally. Therefore, precautionary mitigation should be adhered to throughout the construction phase to ensure nesting birds are safeguarded from the development. In addition, precautionary mitigation will ensure small mammals/amphibians and reptiles are appropriately safeguarded.

To compensate for the loss of nesting sites for birds, integrated swift bricks should be incorporated into the development. In addition, integrated bat boxes/tubes should be considered or alternatively bat boxes could be incorporated within existing trees on site".

5.19 The application is therefore acceptable in ecological terms.

5.20 The LPAs drainage engineers have raised no objection to the scheme subject to condition.

Conclusion and Planning Balance

5.21 This assessment has found that the proposed building cannot be read as ancillary to the host dwelling and would be tantamount to the creation of an additional dwelling. Officers and Members must therefore consider whether the creation of an additional unit of residential accommodation in this location is acceptable.

5.22 Following recent appeal decision (PINs ref: 3293656), the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. NPPF footnote 8 directs that where the LPA cannot demonstrate a five-year supply of deliverable housing sites, paragraph 11(d) of the NPPF is engaged and there is a presumption in favour of sustainable development unless:

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

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

5.24 The tilted balance does not undermine the pre-eminence of the local development plan in decision-making and assessment against relevant policies in the WOLP may therefore be weighted in the planning balance. However, the provisions of WOLP Policy H2 are considered out of date and may only be afforded limited weight.

5.25 As outlined above, Policy OS2 states that new residential development will be considered under Policy H2. WOLP Policy H2 sets out the District's housing need over the plan period dictates 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".*

5.26 This assessment has found that the proposed building would be tantamount to an unfettered residential dwelling in an isolated rural location outside of the existing residential planning unit. The proposed development would therefore not meet the criteria of H2 set out above.

5.27 Further, NPPF paragraph 80 is directly relevant to this application and outlines that:

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

5.28 The proposed development does not meet the criteria (a-e) of paragraph 80 and is therefore considered to directly conflict with the aims of the NPPF with regard to the development of isolated homes.

5.29 Officers acknowledge the economic and social benefits associated with the creation of a single addition unit of residential accommodation however, consider that these benefits should be awarded very limited weight given the scale of the scheme. The lack of harms identified with regard to visual amenity, highways, ecology and drainage matters are neutral impacts and should not be awarded positive weight in this balance. The adverse impacts of an additional dwelling in this isolated rural location are therefore considered to significantly and demonstrably outweigh the benefits and the proposal should be refused.

Recommendation

5.30 In light of the above assessment, the proposed development would not be ancillary accommodation and should be considered tantamount to a new dwelling in an unsustainable location. The proposal is therefore considered to conflict with WOLP Policies OS2 and H2 and the NPPF 2021 and should be refused.

6 REASONS FOR REFUSAL

1. The proposed building, by virtue of its scale and siting outside of the existing residential planning unit, would be tantamount to the creation of an additional dwelling in a location contrary to the housing locational strategy contained within the West Oxfordshire Local Plan 2031 Policies OS2 and H2, as well as the guidance contained in the National Planning Policy Framework 2021.

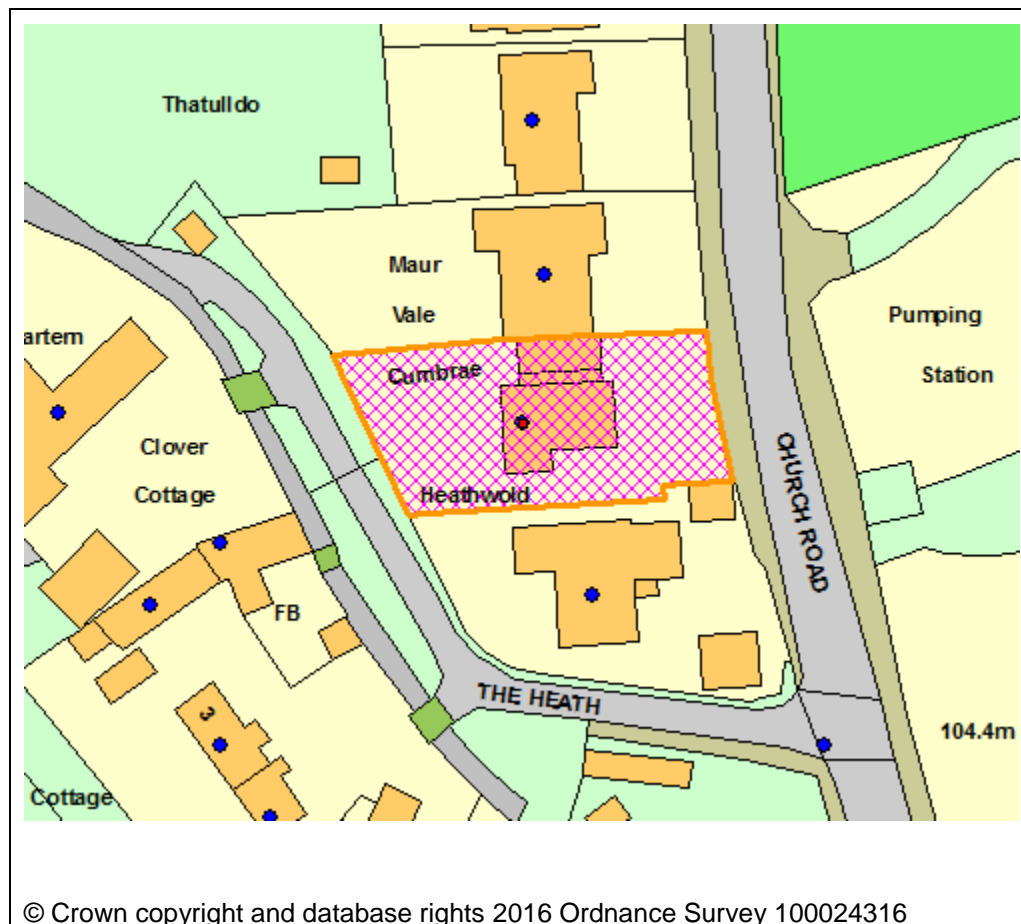
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 21st December 2022

Application Number	22/03093/HHD
Site Address	Cumbræ Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LH
Date	21st December 2022
Officer	Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426423 E 218581 N
Committee Date	9th January 2023

Location Map



Application Details:

Erection of a two storey side extension (amended plans)

Applicant Details:

Mr And Mrs Jowett
Cumbrae
Church Road
Milton Under Wychwood
Chipping Norton
Oxfordshire
OX7 6LH

I CONSULTATIONS

Parish Council Milton Under Wychwood PC - No Comment Received.

Environment Agency No Comment Received.

2 REPRESENTATIONS

2.1 No third party representation have been received to date.

3 APPLICANT'S CASE

3.1 The existing detached dwelling has four bedrooms and 2 reception rooms and is a two storey unit traditionally constructed of reconstructed stone under a roof of interlocking concrete tiles, a single storey element forming a garage and utility area is of the same construction and under a mono pitch lean-to roof to the North elevation.

3.2 The proposed extension will create 2 bedrooms with en-suite facilities and 2 smaller double bedrooms to the first floor and create an office/playroom to the ground floor. It will be constructed in matching materials and fenestration.

3.3 One of the other main objectives of the project was to recreate a frontal approach to the present-day approach from Church Road and make for a more pleasing street view. The step back from the gable and new entrance achieves this.

3.4 A change in material finish was originally proposed with a proprietary render finish to contrast but after discussions with the immediate neighbour it was decided to use matching stone. The plans have been further amended to create the roof design shown following concerns from the Planning Officer.

3.5 The extension will ensure a minimum of a 1m gap to the South boundary and comply in all respects with the Approved Documents in particular Part B -Fire Safety.

We feel the amended design, although close to the boundary is on the north side and does not present any detrimental issues, either overlooking or loss of amenity to neighbours and now meets Policy OS4 of the design guide/Policy document. Furthermore we believe the street view is now improved.

3.6 The landscaping and street vehicular and pedestrian access remain unchanged.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EHI Cotswolds AONB

H6NEW Existing housing

NPPF 2021

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks planning permission for the erection of a two storey side extension at Cumbrae, Church Road. The application site relates to a detached stone property located within the village of Milton-under-Wychwood. Amended plans have been submitted following your officers concerns with the original roof design proposed.

5.2 The site falls within the Cotswolds Area of Outstanding Natural Beauty.

5.3 The application is before the Uplands Area Planning Sub-Committee as the District Councillor for the Milton-under-Wychwood Ward, Cllr Haine, has requested the application be decided at committee should the planning department be recommending the application for approval due to concerns relating to neighbour impact.

5.4 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:

Principle of Development

5.5 The proposed two storey side extension is to be located within the residential curtilage of Cumbrae, Church Road, Milton-under-Wychwood. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Form

5.6 The proposed side extension is to project out from the southern side elevation of the host dwelling. The footprint of the proposed extension measures 3.9 x 9.6 metres. Your officers note that the property in its current form already has a 2 storey projection that extends out on the southern elevation that will be incorporated into the newly proposed side extension. The height of the proposed extension is to be same as the height of the existing side projection with a ridge height of 7.2 metres and an eaves height of 5 metres. One new window is proposed on the ground floor to serve a study and two small windows to serve bathrooms on the first floor are proposed on the southern elevation of the extension. On the rear western elevation a new large patio folding door is proposed on the ground floor to replace the existing doors with two new windows proposed to the first floor. The front eastern elevation is to include a new front door and window on the ground floor and a new window on the first floor. The northern elevation is to see the western most window bricked up on the first floor with the

addition of a new skylight proposed to the existing lean to roof. All materials proposed are to match those found on the host dwelling.

5.7 By virtue of its scale, footprint, form and materials proposed, your officers are of the opinion that the development will appear sufficiently subservient and will respect the character and appearance of the host dwelling. The proposed side extension would be visible on the street scene, however, officers are of the opinion that given the use of matching materials, its subservient and appropriate design, and the siting of the extension to the side of the property, the development will not result in any adverse harm to the wider street scene.

Residential Amenities

5.8 The proposed side extension is to be located in close proximity to the boundary with the neighbouring property, Heathwold. Officers note that there are three openings in the side elevation of Heathwold facing the development. Two on the ground floor; a side door and a window serving the dining room. Alongside two first floor windows; one serving the stairwell/hallway and the other a bathroom. The boundary sits adjacent to a side passage which could be used to access a shed in the rear garden but this and the main garden area can also be accessed along the other side and through rear doors on the property.

5.9 The first floor windows in Heathwold face onto the existing boundary fence, and the first floor windows do not serve habitable rooms. Given this, the position of the properties in relation to the sun (the site sits North of the neighbour), and that only a secondary side passage is affected (not the actual private amenity space) your officers do not consider that the development would be adversely overbearing, nor would it result in any undue loss of light to the detriment of the neighbours.

5.10 Further, the new side windows proposed in the elevation of the extension facing Heathwold both serve en-suite bathrooms and would be obscurely glazed (secured via condition) and the front and rear first floor windows proposed do not introduce any new views over and above those which already exist. Therefore, your officers do not consider that there would be any adverse loss of privacy to the detriment of neighbours.

5.11 In light of the above assessment, your officers consider that the application is acceptable in residential amenity terms.

Conclusion

5.12 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, EH1 and H6 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

2. 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. Before first occupation of the extension hereby permitted the window(s) in the first floor South elevation shall be fitted with obscure glazing and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

Contact Officer: Emile Baldauf-Clark

Telephone Number:

Date: 21st December 2022