

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 6th February 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.

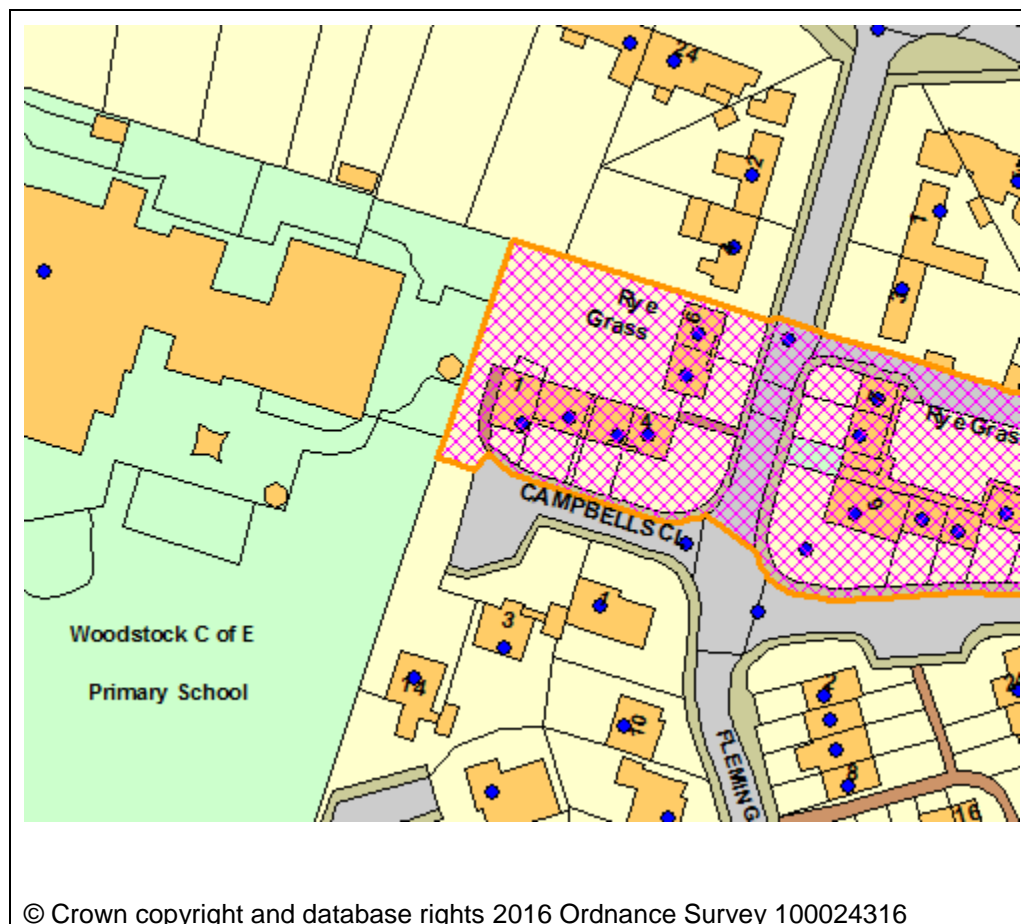
Please note that:

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	1 Rye Grass Woodstock	Joan Desmond
28-32	22/03093/HHD	Cumbrae Church Road	Emile Baldauf-Clark
33-40	22/03129/FUL	The Chapel 6A Shipton Road	James Nelson
41-67	22/03179/OUT	Land East Of Barns Lane Barns Lane	Joan Desmond
68-79	22/03291/FUL	Land Adjacent To 10 Coombes Close	James Nelson

Application Number	22/01768/FUL
Site Address	1 Rye Grass Woodstock Oxfordshire OX20 1NB
Date	25th January 2023
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	445267 E 216790 N
Committee Date	6th February 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 to date.

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	<p>Objection</p> <p>Key issues:</p> <ul style="list-style-type: none"> • 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.

26 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.
- Overlooking and loss of privacy
- Noise and disruption

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 Members deferred the application at January committee for a site visit.

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 fie

5.5 The application has been submitted following pre-application advice for 40 age restricted apartment units contained in 4 no. 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 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. This matter can be addressed via condition.

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.

18. Prior to above ground works commencing, construction details of the proposed SuDS features shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

INFORMATIVES :-

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.

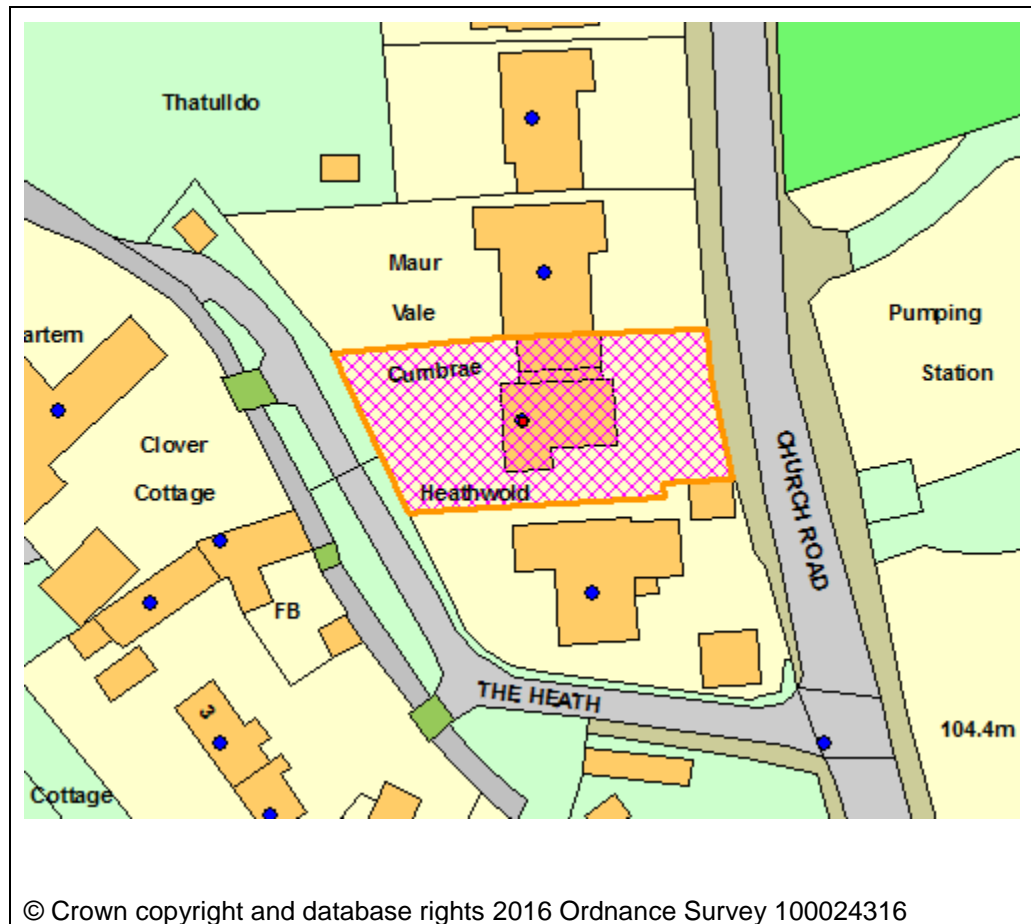
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 25th January 2023

Application Number	22/03093/HHD
Site Address	Cumbræ Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LH
Date	25th January 2023
Officer	Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426423 E 218581 N
Committee Date	6th February 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 - Objection, but only on the proximity to the neighbouring property. Windows facing adjacent property would overlook it, depriving it of privacy.
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.

3.6 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.

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. The application was deferred from the last meeting to allow for Members to carry out a site visit prior to making a decision.
- 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.

5.12 The parish council have objected to the proposal regarding the proximity to the neighbouring property and the proposed windows facing adjacent property would overlook it depriving it of privacy.

Conclusion

5.13 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.

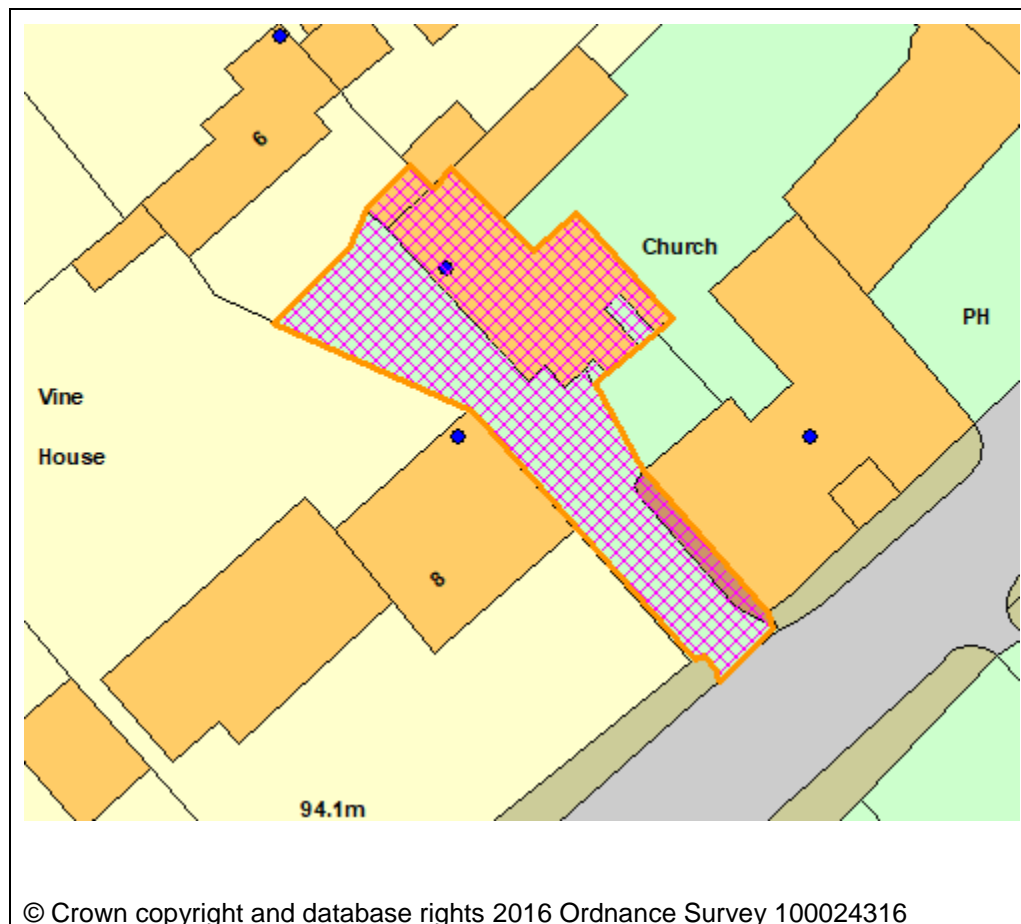
Contact Officer: Emile Baldauf-Clark

Telephone Number:

Date: 25th January 2023

Application Number	22/03129/FUL
Site Address	The Chapel 6A Shipton Road Ascott Under Wychwood Chipping Norton Oxfordshire OX7 6AY
Date	25th January 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Ascott Under Wychwood Parish Council
Grid Reference	429977 E 218714 N
Committee Date	6th February 2023

Location Map



Application Details:

Conversion of existing dwelling to form three holiday lets

Applicant Details:

The Swan Inn Wychwood Limited
C/o Agent

I CONSULTATIONS

Parish Council

Ascott Under Wychwood Parish Council welcomes the success of The Swan public house and is supportive of a thriving pub at the heart of the village. We have no objection to the principle of converting The Chapel to holiday lets.

However, we maintain that the statements in regard to parking provision made in the application are inaccurate, and that any such development must be contingent on the owners addressing the very real safety issues caused by customer parking resulting from the lack of existing provision. The addition of three new lets without additional dedicated parking will further exacerbate what is a continual problem for our residents and a frequent subject of complaints from neighbours.

We must therefore unanimously oppose this planning application until suitable provision for parking is included or attached as a condition.

Please see website for full response.

OCC Highways

OCC Parking Standards detail 1 parking space for the existing 1 bed dwelling and 3 spaces for the proposed letting rooms. There is adequate space within the red edged application area for the parking of 3 vehicles.

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

Recommendation:

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

WODC Env Health - Uplands

I have no objection in principle but would ask for a condition similar to the following to be attached to any consent given:

- Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people

living and/or working nearby.

2 REPRESENTATIONS

2.1 Representations have been received from five third parties, all in opposition to the proposal. The responses are focused upon the potential impact of the scheme on highway safety resulting from the additional parking demands of three holiday let units rather than the existing use as a single dwellinghouse. The objection comments state that holiday-makers are likely to park on the adjacent highway, impeding the road and forcing vehicles to travel on the right side of the carriageway.

2.2 The issue of inconsiderate parking by public house customers has also been raised e.g. blocking driveways. Your officers consider that this not a material planning consideration for the purposes of this assessment.

3 APPLICANT'S CASE

3.1 The application has been furnished with a Planning Statement to support the proposal. The main points of which are summarised below.

3.2 "The proposal involves the change of use of the building to form three holiday lets at the Old Baptist Chapel, Ascott under Wychwood. Two holiday lets would be created at ground floor level, with one at first floor level. Each holiday let would have one double bedroom, a bathroom and a kitchenette.

3.3 Externally, the only proposed changes to the building are repairs to the windows and doors as required. Internally, only minor changes are proposed to form the holiday lets.

3.4 The intention is that the holiday lets would be mostly run as rooms serving the pub, however they may also be let out independently occasionally. In both scenarios, the intention would be for users of the holiday lets to utilise the parking for the public house on Shipton Road.

3.5 Policy E4 of the West Oxfordshire Local Plan states that new tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible. Paragraph 84 of the NPPF states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

3.6 Policy H6 of the West Oxfordshire Local Plan states that the loss of existing dwellings to other uses will only be permitted where it can be demonstrated they are in an unsuitable location for housing, do not provide satisfactory living accommodation, are not needed to meet an identified local housing need, or the proposed use will make a positive contribution to local services and facilities.

3.7 The proposals would result in the loss of one dwelling and its replacement with three holiday lets. The existing dwelling does not have a separate garden and it is located in close proximity to the public house to the south, so is suboptimal as an independent dwelling for numerous reasons. Furthermore, the use of the building as three holiday lets would support the ongoing sustainability of the public house, which is the only such facility in the village.

3.8 The development would provide three holiday lets within a sustainable settlement. Ascott under Wychwood benefits from a public house, village shop and railway station. The development seeks to re-use an existing building for tourism purposes and would comply with Policy E4 of the West Oxfordshire Local Plan.

3.9 The development would not cause harm to the character and appearance of the AONB and wider area.

3.10 The development would not cause harm to the amenities of neighbouring occupiers.

3.11 The change of use would not cause harm to the safety of the local highway network and would comply with local and national policy in this regard.

3.12 The proposals are considered to be a sustainable form of development in accordance with both the NPPF and the West Oxfordshire Local Plan 2031."

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H6NEW Existing housing

E4NEW Sustainable tourism

E5NEW Local services and community facilities

T4NEW Parking provision

EHI Cotswolds AONB

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 conversion of an existing dwelling to form three holiday lets at The Chapel, 6A Shipton Road, Ascott-under-Wychwood. The application site lies within the built up area of Ascott-under-Wychwood and within the Cotswolds Area of Outstanding Natural Beauty (AONB). The site is in shared ownership with The Swan public house.

5.2 The proposed development would not result in any external alterations to the building, other than repairs to the existing doors and windows.

Relevant Planning History

W95/0492- Alterations and change of use to form dwelling with integral garage. Approved.

W99/1534- Conversion of building to form ancillary accommodation to grange cottage, (modification to planning consent 0492/95). Approved.

Planning Considerations

5.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised National Planning Policy Framework (NPPF) reiterates the pre-eminence of the local plan as the starting point for decision-

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

5.4 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:

- Principle;
- Contribution to Local Services and Facilities;
- Appearance and Impact upon the AONB;
- Residential Amenity; and
- Highways Impact.

5.5 These matters will be fully considered below.

Principle

5.6 In terms of the principle of development, WOLP Policy E4 states that:

"New tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible."

5.7 WOLP Policy OS2 defines Ascott-under-Wychwood as a village under the settlement hierarchy (Table 4b) and your officers therefore consider that the village represents a sustainable location for new tourist development.

5.8 The proposal would involve the loss of an existing dwelling. In this regard, WOLP Policy H6 is directly relevant to the application and states:

"The loss of existing dwellings to other uses will only be permitted where it can be demonstrated they are in an unsuitable location for housing, do not provide satisfactory living accommodation, are not needed to meet an identified local housing need, or the proposed use will make a positive contribution to local services and facilities"

5.9 It is established that the application site is located within a village for the purposes of WOLP Policy OS2 and is therefore not located in an unsuitable location for housing. Further, it has not been demonstrated that the dwelling is not needed to meet an identified local housing need.

5.10 The applicant's case seeks to argue that the existing dwelling provides substandard living accommodation owing to its proximity to the pub and lack of outdoor amenity space. Whilst the proximity of the building to the pub garden would likely lead to some noise and disturbance, the north west elevation of the dwelling has no openings and therefore, officers do not consider that this provides sufficient reasoning to conclude that living conditions are unacceptable. Further, whilst the lack of garden space would limit occupiers enjoyment of the property, given the modest size of the dwelling, it would not necessarily lead to living accommodation being unsatisfactory.

5.11 Your officers therefore consider that in order for the proposed development to be acceptable in principle, the application must demonstrate that 'the proposed use will make a positive contribution to local services and facilities'.

Contribution to Local Services and Facilities

5.12 The application site lies within common ownership with 'The Swan', which is the sole public house in the village and should therefore be considered a community facility. WOLP Policy E5 supports the development of such facilities and the application must demonstrate that the proposed use will make a positive contribution to local facilities in order to justify the loss of an existing dwelling under Policy E4.

5.13 The application details that the holiday lets will be run in conjunction with The Swan and would diversify and supplement its income. Your officers consider that the operation of the holiday lets in association with The Swan would make a positive contribution to its long-term viability and the proposed material change in the use of the land would therefore accord with the provisions of WOLP Policy E4. This is subject to the use of a planning condition seeking to tie the running of the holiday lets to the commercial operation of The Swan.

Appearance and Impact upon the AONB

5.14 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 126) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

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

5.16 WOLP Policy EHI states:

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

5.17 Paragraph 176 of the NPPF states:

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

5.18 The proposed development would not result in any material impact upon the external appearance of the building and would therefore result in a neutral impact upon the visual amenities of the area and conserve landscape and scenic beauty in the AONB.

Residential Amenity

5.19 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.

5.20 The proposed development would give rise to no material impact with regard to overlooking, loss of light or overbearing impacts due to the paucity of physical works proposed.

5.21 Further, your officers consider that there is no evidence to suggest that the proposed material change in the use of the land would give rise to significant adverse impacts by way of noise and disturbance. The application therefore accords with WOLP Policy OS2 with regard to neighbourliness.

Highways Impact

5.22 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. In this regard, the proposal would utilise an existing access and would be located in a sustainable location in the centre of the village.

5.23 WOLP Policy T4 relates to parking provision and states that 'parking to serve new developments will be accordance with the County Council's adopted parking standards'. The NPPF outlines 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 (Para. 111)*.

5.24 The LPA has received five third party representations that object to the scheme on the grounds of inadequate parking provision leading to increased on-street parking causing safety concerns for road users. This concern is reiterated in the response of the Ascott Parish Council.

5.25 Your officers acknowledge that the public house is served by very limited parking provision and this has led to a high level of on street parking. However, the application site itself contains an existing driveway and consultation with the Local Highways Authority has confirmed that the site itself can accommodate the parking of three vehicles to serve the proposed holiday lets, in accordance with OCC parking standards. As the proposed use would be served by parking spaces to meet the County Council's adopted parking standards, your officers consider that the proposed development accords with WOLP Policy T4 and would not lead to an unacceptable impact on highway safety.

Other Matters

5.26 No material planning impacts with regard to drainage or ecology matters are identified.

Recommendation

5.27 In light of this assessment, the proposed material change in the use of the land is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, H6, E4, E5, T4 and EH1 and the NPPF 2021 and is therefore recommended for approval subject to the conditions listed in Section 6 of this report.

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 holiday accommodation hereby permitted shall only be occupied for holiday use and shall not be used for permanent residential accommodation.

REASON: The proposed holiday lets are substandard in size to serve as three independent dwellings and would not provide sufficient levels of amenity for permanent occupiers.

4. The holiday let accommodation hereby permitted shall be managed in conjunction with the operation of the public house known as 'The Swan' and not as a standalone operation.

REASON: To secure the future viability of the pub in accordance with West Oxfordshire Local Plan 2031 Policy E4.

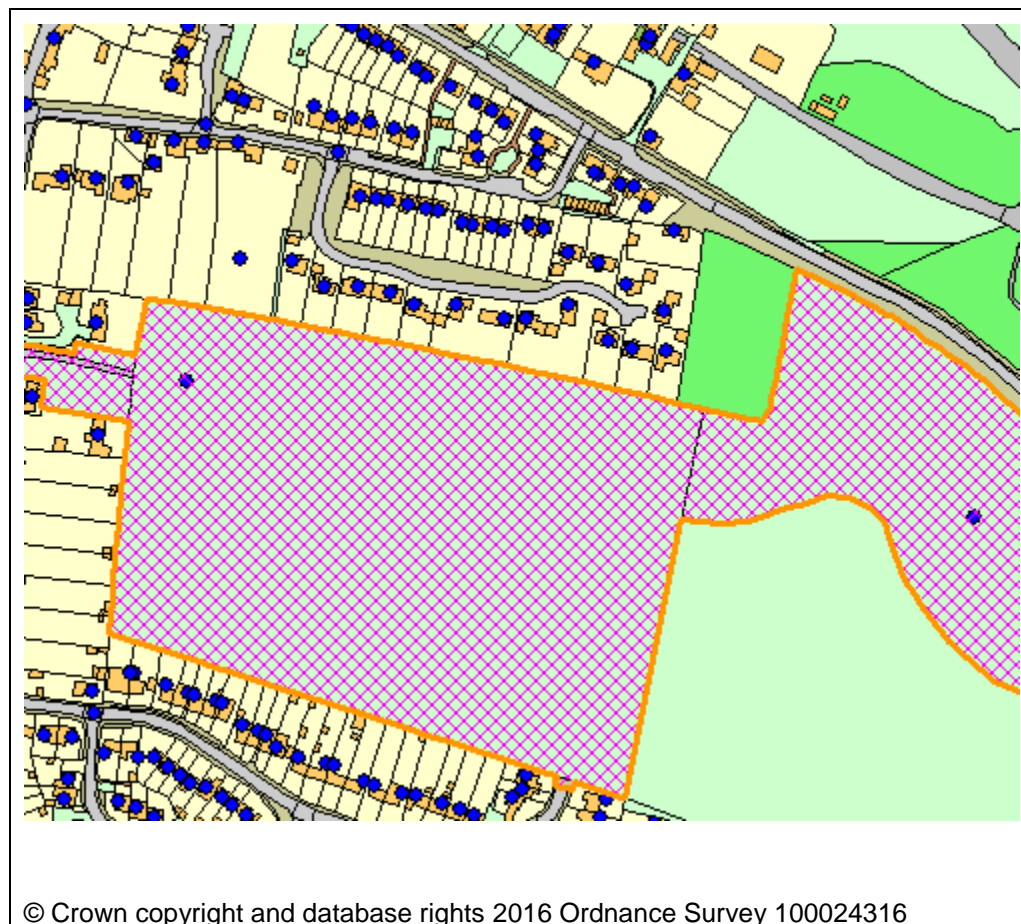
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 25th January 2023

Application Number	22/03179/OUT
Site Address	Land East Of Barns Lane Barns Lane Burford Oxfordshire
Date	25th January 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425313 E 211905 N
Committee Date	6th February 2023

Location Map



Application Details:

Outline planning Application (with all matters reserved) for the erection of up to 70 residential units (including affordable housing) with associated parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure.

Applicant Details:
C/O Agent

OX2 6PE

I CONSULTATIONS

Parish Council

No Comment Received.

Major Planning Applications
Team

Transport - Recommendation: No objection subject to:

- S106 Contributions
- An obligation to enter into a s278 agreement as detailed below.
- Planning Conditions

LLFA - Objection

Key issues:

- Provide indicative cover and invert level for the proposed SuDS.
- The SuDS and its sizing needs to be confirmed by modelling for all storm events up to and including the 1:100 year storm event plus 40% climate change.
- Phasing of the development needs to be clarified.
- Maintenance regime does not include all SuDS features.

Education - No objection subject to S106 Contributions

Archaeology - Recommend conditions

Waste - No objection subject to S106 contributions

Conservation And Design
Officer

No Comment Received.

WODC Landscape And
Forestry Officer

No Comment Received.

Natural England

Natural England objects to this proposal. As submitted we consider it will:

- have a significant impact on the purposes of designation of Cotswolds AONB

The proposed development is for a site within or close to a nationally designated landscape namely Cotswolds Area Of Outstanding Natural Beauty. Natural England advises that the planning authority uses

national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies. We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

ERS Air Quality

No Comment Received.

WODC Env Health - Uplands

I have no objection in principle.

WODC Env Consultation Sites

I have no objection in principle to the above planning application with regards to air quality. However, due to the proximity and potential impact on neighbouring properties, I would request a condition be attached should the development be approved.

I have looked at the application in relation to contaminated land and potential risk to human health. The proposed development site appears to have remained undeveloped over time, used for arable crops and agricultural use.

Given the agricultural use of the site there is potential for herbicides and pesticides to have been used over time and for material to have been imported on to the site. As the proposed use is residential,

please consider adding a condition to any grant of permission.

Thames Water

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development"

WODC Planning Policy
Manager

Need and economic benefits

As set out above, I note that whilst the application is supported by a document entitled 'housing needs assessment' this only deals with general matters of 5-year housing land supply and anticipated delivery over the local plan period to 2031. It does not seek to provide a specific assessment of local housing needs in Burford or within the Burford-Charlbury sub-area more generally.

Notwithstanding this, in considering criteria a) of the exceptional circumstances test, given that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is acknowledged that significant weight should be afforded to the benefit of additional housing delivery in this location.

However, when drawing a comparison between the benefits of this scheme and the previously dismissed extra-care application, it should

be noted that the previous scheme included a greater number of units and so would have met a greater proportion of the District's need, specifically for older people. It would have also provided additional benefits in terms of healthcare and well-being.

Whilst the percentage of affordable housing proposed is greater than the previous extra-care scheme, this was not policy compliant (and formed a refusal reason in its own right). It should be recognised that this scheme is simply offering a level of affordable housing which accords with the minimum requirement as set out in Policy H3 of the Local Plan.

As with any development of this scale, this will benefit the local economy, particularly during the construction phase. However, it should be recognised that the economic benefits of this scheme will be materially less than the dismissed extra-care scheme, which would have provided on-going permanent employment opportunities associated with the caring of residents and other services and facilities provided on the site.

Opportunities for development outside the AONB

Turning to criteria b), in terms of the location for housing, I am unsatisfied that the scope for developing 70 houses outside the AONB (such as a site on the edge of a main/ rural service centre) has been properly assessed. As well as the Strategic Development Areas allocated in the Local Plan, there are a number of sites identified in the SHELAA that could provide a suitable location for general housing outside of this designation where the environmental impacts would be far less. This is arguably easier to achieve given that a standard residential scheme is now proposed, rather than a form of specialist housing where there may be additional costs associated with communal infrastructure.

Detrimental effects on the environment

Finally in terms of criteria c), clearly a major development of the scale proposed has the potential to have a significant impact on the wider environs including the Cotswolds AONB, the character and setting of the Conservation Area and the historic core of Burford, which contains a high proportion of Listed Buildings.

Public interest and exceptional circumstances

The public benefits that new homes will bring needs to be weighed up against the level of harms to the environment which, based on the information submitted, I would suggest remains between moderate to high. Whilst the level of harm to both the AONB and heritage assets has been moderately mitigated compared to the previously dismissed extra care proposal through the reduction in the scale of the development and building heights, so too have the benefits.

Clearly, the development will help assist the Council in meeting its 5-year housing land supply, which cannot currently be demonstrated. It will also assist the economy, particularly in the construction phase. However, when assessed against the benefits which would have been created if the extra-care scheme were to be approved, this new proposal will meet less of the District's housing need, will have less benefits in terms of providing health care and well-being for older

people and will produce very little in the way of longer term/ permanent employment opportunities.

Therefore, although the harms may have been lessened due to the reduced scale of the development and the reduction in the building heights; in weighing up the potential harms of the development (as detailed in this response) and the public benefits, I would suggest that the benefits do not outweigh the harms.

I would also suggest that exceptional circumstances have not been demonstrated to justify this development in the AONB. As per the framework, this provides a clear reason for refusing the development. It is also considered to be contrary to Policies EH1, EH2, EH9, EH10, EH11 and EH13 of the Local Plan.

Climate	No Comment Received.
WODC - Arts	No Comment Received.
WODC - Sports	The Council seeks to secure, by way of planning obligations off site contributions for: Outdoor pitch provision £125,300 towards improvements to pitch provision in the catchment area.
WODC Housing Enabler	Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 205 applicants shown above, there are a further 2660 applicants on the overall waiting list who could benefit from the development of this site at time of writing.
Oxford Clinical Commissioning Group NHS	<p>NHS - This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Burford Surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.</p> <p>The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming. S106 contribution of £60,480.00 requested.</p>
District Ecologist	<p>Further information is needed to assess the potential biodiversity implications. If the above cannot be resolved, refusal is recommended for the following reasons:</p> <p>Insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the revised NPPF.</p> <p>Protected/priority species - The majority of the site is comprised of arable land and has low ecological value and is surrounded by native species poor hedgerows, which are anticipated to be largely retained</p>

and enhanced.

Harvest mice - Harvest mice are listed as priority species under the NERC Act 2006. Records of harvest mice were supplied by TVERC occurring from within the development site boundary itself. The report states 'it is advised that a pre-commencement survey is undertaken prior to construction works or implementing landscaping design to ensure no nests are present and a precautionary method statement should be produced to outline the measures to set out the best practice measures to be taken to minimise impacts to harvest mice.' I disagree with this recommendation and instead a harvest mice survey should accompany the reserved matters application. If the applicant will agree to this revision then I have no objection to the proposed protected/priority species mitigation.

2 REPRESENTATIONS

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

100 objections have been received. The objections refer to the following matters:

- Any development would be to the detriment of the Burford Conservation Area and the Cotswold Area of Outstanding Natural Beauty.
- Would be visible from a wide radius.
- Traffic and highway concerns
- Pollution problems with raw sewerage will be exacerbated
- Increased pressure on local infrastructures
- New development would worsen the quality of life of everyone already living in Burford, which has already seen the major development on Shilton Road.
- The town, which depends on its medieval charm to attract tourists and therefore employment opportunities for local people, would be spoilt and overwhelmed by the proposed development.
- Will exacerbate parking problems in the town
- Harmful impact on ecology
- No local need for market or affordable housing.
- Flooding issues
- Pedestrian access dangerous
- Site is unsuitable for development
- Adverse impact on setting of Grade I Listed Church
- An increase in construction and disruption would damage the tourist trade.
- Pedestrian safety concerns
- Fails to support the social wellbeing of the residents of Burford or its economy
- Fails to protect or enhance its environment
- Overdevelopment

Cotswold Conservation Board - The Board has consistently and firmly objected to the development of this sensitive site, both throughout the preparation of the current West Oxfordshire Local Plan and also in response to previously planning refusals and the dismissed appeal from earlier this year. Having

reviewed this latest application, we consider that the applicant has not submitted a proposal which accords with local and national planning policy and guidance and we therefore object to the proposed development and recommend that this application should be refused.

In their submission, the applicant acknowledges that the proposed development would constitute 'major development' in the context of paragraph 177 of the National Planning Policy Framework ('NPPF'). In effect, based on the definition of major development contained in footnote 60 of the NPPF, the applicant has acknowledged that the development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.

Paragraph 177 of the NPPF states that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. For the reasons we outlined in Annex 1 below, we consider that those exceptional circumstances neither exist nor that the development would be in the public interest.

In our view, the proposal also fails to accord with Policies OS2, OS4, EH1, EH2, EH8, EH9, EH10, EH11, EH13 and BCI of the West Oxfordshire Local Plan 2031 and Policies CE1, CE4, CE5, CE10 and CE12 of the Cotswolds AONB Management Plan 2018-2023.

We acknowledge that the Council may not currently be able to demonstrate a five-year land supply. However, we consider, for the reasons outlined in Annex 1, that the application of policies in the NPPF, in particular paragraphs 176 and 177, provide a clear reason for refusing the proposed development. As such, we recommend that the 'tilted balance' in favour of granting planning permission is not engaged and the application should be determined on an unweighted planning balance with clear reasons for refusal already present as outlined below.

Responsible Planning in Burford - It is very disappointing that Responsible Planning in Burford (RPIB) are having to submit our comments yet again to oppose another planning application for the development of land east of Burford, known as Coles Field. Despite two previous refused applications and two unsuccessful appeals, the applicant Greystoke Land Ltd are making yet another attempt at developing this land.

This latest application represents nothing more than a cynical cherry-picking exercise which takes the previous arguments over the last five years for refusing planning permission such as the number and type of dwellings, building height, access routes, landscape and heritage damage and so on, and merely presents a new apparently compliant development plan to try and circumvent them. The latest proposal does not achieve this and it fails to address the fundamental issues and reasons for the repeated refusals of planning permission. It is not justified against national and local policy for development within the AONB and Conservation Area. It will have a negative impact on the landscape, heritage and environmental value of Burford and its surrounds and it is unsustainable in terms of its impact on existing residents and its demands on facilities and infrastructure.

Rather than repeat RPIB's and others amongst the over 1,250 objection comments from previous applications and appeals, we would simply quote from paragraph 45 of the Planning Inspector's Appeal Decision of 10th August 2022 which states that "..... The AONB is a finite resource and, as per the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues." Furthermore, when referring to Heritage Assets ".....these should be conserved so they can be enjoyed for their contribution to the quality of life of existing and future generations. Again, great weight should be given to the conservation of such assets." The latest planning application does nothing to support these principles, specifically described in paragraphs 176 and 177 of the NPPF ("the Framework" above), and instead of reiterating them here RPIB would refer to and strongly endorse the comments already submitted by Simon Joyce of the Cotswold Conservation Board on 21st December 2021. RPIB agree that as per paragraph 177 of the NPPF, there are no exceptional circumstances for allowing this application, nor would the proposed major development be in the public interest.

The document "Housing Needs Assessment" which purports to support the application makes repeated reference to WODC's apparent lack of a five year housing land supply which in the applicant's opinion makes various policies within WODC's Local Plan 'out-of-date' and means that exceptional circumstances do exist. The Planning Inspector's Appeal Decision of 10th August 2022 (paragraph 47) describes this position as "overly simplistic" and that ".... policies in the Framework that protect designated heritage assets and AONBs provide clear reasons for refusing the development" (paragraph 48).

The applicant's argument is further countered by WODC's Planning Policy department in comments dated 10th January 2023 which states that the applicant's document ".... only deals with general matters of 5-year housing land supply and anticipated delivery over the local plan period to 2031. It does not seek to provide a specific assessment of local housing needs in Burford or within the Burford-Charlbury sub-area more generally". RPiB supports these comments about local housing need. The applicant now seeks to build 70 residential units (35 affordable) whereas only 18 months previously it sought permission to build 141 assisted extra care residential units and up to 32 affordable housing units. The number and type of housing proposed are markedly different and clearly demonstrate a confused lack of understanding or analysis of the actual housing need in Burford. The increase by three in the number of affordable units is merely a cynical attempt to mitigate previous objections and to now meet the local policy requirement for the proportion of such types of housing (50%) in new developments. WODC's Planning Policy department notes that this ".... is simply offering a level of affordable housing which accords with the minimum requirement as set out in Policy H3 of the Local Plan". The application offers no evidence to support if such a number of affordable units would actually meet Burford's needs, if any such need exists.

Letter from Cllr Hugo Ashton - Objection to the outline planning application on the following grounds:

- Current application fails to address the issues raised by the appeal Inspector in terms of harm to AONB and heritage assets
- Question the need for additional housing in Burford.

Conclusion - Please reject this application on the grounds that the Inspectors findings and conclusions still apply and that convincing evidence of a specific local housing need has not been provided.

Burford and District Society - The case for rejection of this application on multiple grounds is solid due to:

A. Incompatibility with the Cotswold AONB and the Burford Conservation Area by building 70 houses on top of one of the highest hills around viewable from 45sq miles

B. The flooding of Witney Street properties due in part to a bedrock fault, undisclosed by the applicant, and pollution of their spring water

Further grounds for objection are numerous: No local housing need for 35 houses, Highways, Infrastructure

3 APPLICANT'S CASE

3.1 The Supporting Planning Statement concludes their case as follows:

Issue 1. Whether the proposed development would be in an appropriate location that accords with the strategy for the distribution of development in West Oxfordshire

1. The proposals accord with the overarching strategy of the Development Plan set out in WOLP policies OS2, H1, H2, H4, EH1 and BCI.

2. Policy H1 requires at least 15,950 dwellings during the plan period from 2011 to 2031 and Policy OS2 sets out the overall spatial strategy based on a settlement hierarchy. Burford is a sustainable 2nd tier Rural Service Centre and the proposals will contribute towards the minimum housing requirement.

3. The LPA did not identify any conflict with Policy H2 previously. It allows for housing on undeveloped land adjoining the built-up area of Rural Service Centres (including those in the AONB) where convincing evidence demonstrates that it is necessary to meet identified housing needs.
4. Policy HI provides for an indicative distribution of housing across 5no. sub areas within the District with 774 homes in the Burford - Charlbury sub area. This is not a cap or ceiling.
5. The proposals accord with the sub area strategy in Policy BC1. Burford is to be a focus for new development in the sub area along with Charlbury.
6. Policy EHI allows for "major development" within the AONB subject to there being exceptional circumstances. The policy also supports proposals that support the economy and social wellbeing of communities located in the AONB, including affordable housing schemes, as would be the case here.
7. There are no adopted policies or designations that directly affect the site that would preclude its development for housing as a matter of principle (including AONB policy).
8. The site is in a sustainable location insofar as accessibility to shops services is concerned and no objection is raised on this basis.
9. The site is also well related to the pattern of development in the area. It is surrounded by development on three sides and reads as a logical infill site on the edge of the settlement.

Issue 2. The scale of development and compliance with the General Principles for Development set out in Policy OS2

10. The Applicant considers that the scale of development is entirely appropriate.
11. The proposals mirror the scale of development that the LPA deemed appropriate when it was promoting this site as a draft allocation.
12. The proposals would be of a scale and type that would help to reinforce the existing service centre role of Burford consistent with Policies BC1 and OS2.
13. It is notable that the proposals are smaller in scale to that of the previous appeal proposal and the appeal Inspector did not criticise the proposals in terms of dwelling numbers.
14. They are also smaller than the Shilton Road, Burford development that was allowed shortly before the adoption of the WOLP. This also now forms part of the baseline.
15. The capacity for development will be a matter of judgement which must be considered on a case by case basis. In this case it will be determined mainly by the landscape and heritage evidence.
16. That is because there is no other tangible harm that has been identified by the LPA or statutory consultees that suggests that the scale of development should be capped or suppressed for any other reason.
17. The LVIA and Heritage Assessments demonstrate that the site does have capacity for the scale of development that is being proposed.
18. It can also be demonstrated that the proposals also accord with the General Principles for Development set out in Policy OS2.

Issue 3. The background context within which the AONB Exceptional Circumstances test must be considered

19. This is a site which the LPA itself sought to bring forward for development through the emerging Local Plan process taking a robust evidence based approach and recognising that some development would be necessary within the AONB, in the light of an analysis of landscape and visual impact and heritage assessment.
20. The LPA was rightly concerned that restricting the provision of new housing within the AONB would run counter to national policy on rural communities in those areas.
21. An application for housing which closely mirrors the current application was previously recommended for approval by Officers indicating that it is a suitable site for development in their professional opinion.

22. The LP Inspector concluded that there was little case for the AONB allocations simply to ensure that district-wide housing needs would be met. Circumstances have obviously now changed.
23. In his January 2018 letter to the LPA he was clear that his findings did not mean that some, or indeed all of the AONB sites that had been put forward, would necessarily be inappropriate.
24. He acknowledged that specific proposals (whether or not they are major development in the context of paragraph 116 of the NPPF) may well demonstrate overall benefits to the AONB and its communities and could be acceptable.
25. However, he concluded that soundly-based decisions on the balance of the benefits and harms in this area can only reasonably be reached based on the detailed evidence submitted as part of specific planning applications. The Applicant has done precisely what the Inspector suggested.
26. It would be wrong to suggest that this application should be refused simply because the emerging Local Plan AONB draft allocation was not carried forward into the WOLP. That would be to misinterpret the LP Inspector's findings.

Issue 4. Whether there are exceptional circumstances which justify major development in the AONB and whether it would be in the public interest

27. The Applicant has demonstrated that there are exceptional circumstances which justify major development in the AONB. Development would also be emphatically in the public interest consistent with NPPF paragraph 176-177 and WOLP Policy EH1.
28. There is an undeniable need for the development at the national and local levels. The proposals would also have a positive impact on the local economy and would support the role of Burford. It would also positively align with a number of national considerations.
29. The 5YRHLS position and the plan period shortfall illustrate the extent of the need and the lack of alternatives to meet the need that exists now.
30. There is also compelling evidence of a substantial unmet need for affordable homes.
31. Consistent with the previous appeal decision, there is no evidence that there is sufficient scope to meet the identified need beyond the AONB or any other way. The evidence which includes the LPA's own assessments to support the preparation of the WOLP all points to an absence of alternatives. The LPA positively promoted this site on that basis.
32. Even if there was some scope beyond the AONB, this would come at a real cost in social, economic and environmental terms.
33. Whilst defined as "major development" in NPPF terms, it is an appropriate scale of development in real terms and the LVIA demonstrates that the harm to the AONB would be localised and limited.
34. Whilst great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB that is not to say that any such harm, must always attract overriding weight in the planning balance.
35. Other appeal decisions and case law demonstrate that "major development" can take place in the AONB without causing unacceptable harm to the AONB. It is a matter of judgement for the decision maker when weighing up the various considerations.
36. The Applicant considers that the need for the development in light of national considerations, lack of scope to meet the need elsewhere, the substantial benefits and the fact that the proposals would not cause any significant harm to the aim of conserving and enhancing the AONB's landscape or scenic beauty all contribute to the exceptional circumstances and justify development that is clearly in the public interest.

Issue 5. Affordable Housing

37. The Application proposals would provide policy compliant levels of affordable housing in accordance with the Development Plan.
38. The application proposals provide 35no. affordable homes on-site which would represent circa 50% AH overall consistent with Policy H3.

The Overall Planning Balance

39. The proposals would accord with the Development Plan when read as a whole.

40. In this case there are exceptional circumstances which justify major development in the AONB and the proposals would be in the public interest consistent with NPPF paragraph 177 and WOLP Policy EH1.

41. The less than substantial harms to the heritage significance of the Conservation Area and Grade I Listed church would be outweighed by the public benefits in accordance with NPPF paragraph 202 and WOLP Policy EH9.

42. It follows that the tilted balance is not dis-applied in this case (if it needs to be relied upon).

43. The proposals would deliver a range of social, economic and environmental benefits which can be afforded varying levels of weight as identified below:-

- Provision of Open Market Housing - Substantial
- Provision of Affordable Housing (35 homes) - Substantial
- Expenditure on construction and investment - Significant
- Creation of short term construction jobs - Moderate
- Increased local spending - Moderate
- Financial contributions towards off site infrastructure - Limited
- Increased public access to open space in the AONB - Limited/Moderate
- New native planting and biodiversity enhancements - Moderate

44. The potential adverse impacts have been identified and these should also be afforded varying degrees of weight as follows:

- Loss of countryside - Limited
- Impact on the landscape and scenic beauty of the AONB - Moderate
- Less than substantial harm to the heritage significance of:-
 - Grade I listed Church of St John the Baptist - Moderate
 - Burford Conservation Area - Moderate

45. All other identified impacts can be mitigated through reserved matter applications, planning conditions or planning obligations.

46. If the Applicant needs to rely upon the tilted balance, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and this is a material consideration that would outweigh the alleged conflict with the Development Plan.

47. As such the proposals represent sustainable development in the context of the NPPF taken as a whole.

Concluding Comments

9.5 Having undertaken a planning balance in the way that has been outlined, the Applicant reaches the conclusion that the proposals represent a suitable and sustainable form of development in this location and that there are compelling reasons that justify the grant of planning permission.

9.6 In view of the foregoing, the LPA is respectfully requested to grant outline planning permission, subject to any necessary conditions and planning obligations.

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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
EH1 Cotswolds AONB
EH3 Biodiversity and Geodiversity
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
BC1NEW Burford-Charlbury sub-area
NPPF 2021

NATDES National Design Guide
DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 This is an outline planning application (with all matters reserved) for the erection of up to 70 residential units (including affordable housing) with associated parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure. The application is accompanied by a number of supporting documents, including a Design and Access Statement and a Planning Statement. These are available to view on the Council's website.

5.2 The site is located on the eastern side of the town of Burford. It comprises a greenfield area of approximately 7.68ha. The land is under arable cultivation and is not classified as best and most versatile land in agricultural terms. The north, south and west boundaries are formed by residential rear garden boundary treatments of various types. The east boundary is marked with a dilapidated drystone wall and sporadic hedge/trees. Beyond the east boundary is further agricultural land. An existing agricultural access is taken from Barns Lane to the west.

5.3 There are residential properties on three sides of the site. The houses at Orchard Rise are at a substantially lower level than the field. Adjoining properties are generally two storey in height.

5.4 The site is within the Burford Conservation Area, part of the boundary of which follows the eastern boundary of the site. There are a number of Listed Buildings in the vicinity, but not close to the site. The site is within the Cotswolds Area of Outstanding Natural Beauty.

5.5 Planning application 17/00642/OUT was refused by Members of the Uplands Planning Sub-Committee for a similar development for up to 70 dwellings (C3 use) in January 2018.

5.6 Outline planning permission with all matters reserved for up to 141 assisted extra care residential units (Class C2) and up to 32 affordable housing units (Class C3) along with associated communal facilities, parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure was refused permission in December 2021 and dismissed on appeal in August 2022. The Inspector concluded as follows:

'I have had regard to the development plan as a whole and the policies which weigh both in favour of the development and against it. I have also had regard to all material considerations, including a lack of 5-year housing land supply and policies in Framework. In applying planning judgement to these matters I have found that policies in the Framework that protect designated heritage assets and AONBs provide clear reasons for refusing the development. In addition to this there is some harm insofar as the proposal would not make adequate on-site provision for affordable housing. For these reasons, the appeal is dismissed.'

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

Principle

Impact on AONB

Heritage Issues

Layout and Scale

Highways

Ecology

Drainage and flood risk

Residential amenity

Housing mix

Infrastructure/Developer Contributions

Principle

The Development Plan

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

5.9 The Local Plan identifies Burford as a rural service centre. Policy H2 states that new dwellings will be permitted on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

5.10 Policies OS2 and BCI state that Burford is relatively constrained by its AONB location and is suitable for a modest level of development to help reinforce its existing rural service centre role. The supporting justification for Policy BCI advises that no allowance is made for future speculative 'windfall' development (an allowance for which has been made in the other sub-areas) but that this does not mean that no further housing development will be permitted but proposals will be considered on a case by case basis and that it would need to be convincingly demonstrated that a scheme would give rise to benefits to the specific settlement or the sub-area (e.g meeting identified local housing needs) and which would clearly outweigh any likely harms (e.g heritage, landscape, impact on local services). Housing proposals which constitute 'major development' will only be permitted in exceptional circumstances and where it can be demonstrated that they are in the public interest.

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 advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.12 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or 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.

The Council's housing land supply position and the implications of the NPPF

5.13 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF, as set out above, is engaged (Identified in footnote 8).

5.14 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently able to demonstrate a 4.1 year supply. Nevertheless, at a recent appeal for a retirement community in Freeland (APP/D3125/W/22/3301202), the appeal Inspector concluded that 'the figure is closer to the lower end figure of 2.5 years rather than the Council's upper end figure of 4.1 years.' Whilst work is in progress to provide further evidence on delivery issues, it is clear that the Council cannot demonstrate a five year supply of deliverable housing sites and as such, the provisions of paragraph 11(d) of the NPPF is engaged.

5.15 In respect of bullet point i), detailed above, these policies include those seeking to protect AONB's and heritage assets which are addressed in detail later in the report.

Conclusions on the principle of residential development

5.16 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.

Impact on AONB

5.17 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the AONB.

5.18 Paragraph 177 of the NPPF advises that applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Exceptional circumstances case

5.19 The Applicant's overall conclusions on the exceptional case can be summarised as follows:-

1. The Applicant has demonstrated that there are exceptional circumstances which justify major development in the AONB. Development would also be emphatically in the public interest consistent with NPPF paragraph 176-177 and WOLP Policy EHI.
2. There is an undeniable need for the development at the national and local levels. The proposals would also have a positive impact on the local economy and would support the role of Burford. It would also positively align with a number of national considerations.
3. The 5YRHLS position and the plan period shortfall illustrate the extent of the need and the lack of alternatives to meet the need that exists now.
4. There is also compelling evidence of a substantial unmet need for affordable homes.
5. Consistent with the previous appeal decision, there is no evidence that there is sufficient scope to meet the identified need beyond the AONB or any other way. The evidence which includes the LPA's own assessments to support the preparation of the WOLP all points to an absence of alternatives. The LPA positively promoted this site on that basis.
6. Even if there was some scope beyond the AONB, this would come at a real cost in social, economic and environmental terms.
7. Whilst defined as "major development" in NPPF terms, it is an appropriate scale of development in real terms and the LVIA demonstrates that the harm to the AONB would be localised and limited.
8. Whilst great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB that is not to say that any such harm, must always attract overriding weight in the planning balance.
9. Other appeal decisions and case law demonstrate that "major development" can take place in the AONB without causing unacceptable harm to the AONB. It is a matter of judgement for the decision maker when weighing up the various considerations.
10. The Applicant considers that the need for the development in light of national considerations, lack of scope to meet the need elsewhere, the substantial benefits and the fact that the proposals would not cause any significant harm to the aim of conserving and enhancing the AONB's landscape or scenic beauty all contribute to the exceptional circumstances and justify development that is clearly in the public interest

5.20 In terms of the issue of the need to demonstrate exceptional circumstances for major development in the AONB, the appeal Inspector, when considering the extra care scheme, acknowledged that there would be clear benefits arising from this development and that there was a need for the type of development proposed. She also found that there is no 5-year housing land supply for the district at this time indicating a need for housing generally. Furthermore, she found that there is nothing substantive before her to demonstrate that this need could be met in some other way. These conclusions are also relevant to this proposed development.

5.21 The Policy Officer notes however, that whilst the application is supported by a document entitled 'housing needs assessment' this only deals with general matters of 5-year housing land supply and anticipated delivery over the local plan period to 2031. It does not seek to provide a specific assessment of local housing needs in Burford or within the Burford-Charlbury sub-area more generally. Notwithstanding this, in considering criteria a) of the exceptional circumstances test, given that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it is acknowledged that significant weight should be afforded to the benefit of additional housing delivery in this location.

Landscape Impact

5.22 The site is located within Landscape Character Type (LCT) 16: Broad Floodplain Valley and Landscape Character Area (LCA) 16A Lower Windrush Valley as defined by the Cotswolds AONB Landscape Strategy and Guidelines (June 2016). In addition to the AONB character assessment the site is located within the Upper Windrush Valley Landscape Character Type as defined within the West Oxfordshire Landscape Character Assessment (1998). The topography of the area is comprised of sloping landform with the site located on the crest of a hill, the elevation falls quickly beyond the north of the site down to the River Windrush. Due to this rapid drop in elevation, the site occupies an exposed location within the landscape. These shallow valleys are characteristic of the surrounding landscape as the River Windrush meanders through the landscape. The settlement to the north, south and west filters much of the site in neighbouring views limiting them to glimpses between intervening features. From the east, the site is visible in both local and distant views to varying extents. Middle distance and distant views from locations within the AONB are prevalent from a number of vantage points to northerly and easterly orientations. The submitted LVIA shows a number of viewpoint examples to these orientations.

5.23 The applicant's submitted Landscape and Visual Impact Assessment concludes that: 'Overall, the development proposals have been assessed to conserve the wider landscape character, with proposals forming a modern infill to the existing settlement edge. Overall, the development is assessed as having a slight adverse significance of effect on the local landscape character and site elements, where development would result in a loss of agricultural land and openness at site level. Visual effects are assessed as overall slight to moderate adverse initially until mitigation measures have established sufficiently, reducing to slight adverse upon establishment. When established the new green infrastructure will create a robust and well defined edge to the settlement in this location in accordance with published recommendations to improve the character and appearance of the eastern edge of the settlement.'

5.24 The CBA Report providing Landscape and Heritage Advice on the West Oxfordshire Local Plan Allocations concluded that this site was of medium-high landscape sensitivity and high visual sensitivity. Whilst some AONB elements/characteristics and special qualities could be vulnerable to development it was considered that they would not preclude it, subject to an appropriate character, form, density and design. It was concluded that in landscape and visual terms a development of approximately 70 homes could be accommodated on the site, ensuring that development is generally of low density with significant areas of green space provided in the central parts of the site and towards the southern and northern boundaries. Any greater dwelling numbers than these could make it more difficult to achieve an appropriate form/character or result in significant adverse impacts.

5.25 The Cotswold Conservation Board has commented as follows:
The Board has consistently and firmly objected to the development of this sensitive site, both throughout the preparation of the current West Oxfordshire Local Plan and also in response to

previously planning refusals and the dismissed appeal from earlier this year. Having reviewed this latest application, we consider that the applicant has not submitted a proposal which accords with local and national planning policy and guidance and we therefore object to the proposed development and recommend that this application should be refused. In their submission, the applicant acknowledges that the proposed development would constitute 'major development' in the context of paragraph 177 of the National Planning Policy Framework ('NPPF'). In effect, based on the definition of major development contained in footnote 60 of the NPPF, the applicant has acknowledged that the development merits this status by virtue of its nature, scale and setting, and its potential to have a significant adverse impact on the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape. Paragraph 177 of the NPPF states that planning permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. For the reasons we outlined in Annex 1 below, we consider that those exceptional circumstances neither exist nor that the development would be in the public interest. In our view, the proposal also fails to accord with Policies OS2, OS4, EH1, EH2, EH8, EH9, EH10, EH11, EH13 and BCI of the West Oxfordshire Local Plan 2031 and Policies CE1, CE4, CE5, CE10 and CE12 of the Cotswolds AONB Management Plan 2018-2023. We acknowledge that the Council may not currently be able to demonstrate a five-year land supply. However, we consider, for the reasons outlined in Annex 1, that the application of policies in the NPPF, in particular paragraphs 176 and 177, provide a clear reason for refusing the proposed development. As such, we recommend that the 'tilted balance' in favour of granting planning permission is not engaged and the application should be determined on an unweighted planning balance with clear reasons for refusal already present as outlined below.

5.26 In considering the scheme for assisted extra care residential units and affordable housing units and its impact on the AONB, the Appeal Inspector concluded as follows:

18. The appeal site falls within the Cotswold AONB. It can be broadly described as a low-lying landscape with gently rolling hills extending up from the River Windrush to form the valley sides. It has a riparian character and is typically associated with pasture or meadow grassland and open farmland. The appeal site is currently open farmland, therefore, it makes a positive contribution to the character and appearance of the landscape.

19. In terms of Field 1 the impact of developing this site on the AONB would be mitigated by the fact that it is relatively well contained by existing built development on three sides and, given the lie of the land, would not be particularly visible from Witney Street. However, the height of the development as specified on the Building Height Parameter Plan would make it appear unduly prominent when glimpsed from Barns Lane, in elevated private views from Springfield House, and in views from other surrounding properties, which would increase its visual impact on the AONB at this edge of town location. The scale modelling in the appellant's Design and Access Statement is a view taken at a great distance from the site and extremely elevated. As a result, a lot of the detail is lost, and it is therefore of limited use in understanding the 'on the ground' impacts of the development.

20. The principal vehicular access to the development, as shown on plans and agreed at the inquiry, would be from Witney Street. An access here would, given land levels, require a long and winding access road across Field 2 exiting in the vicinity of Springfield House as indicated on the Indicative Masterplan. This would have a significant hard and urbanising impact on Field 2 which is an area of AONB less encumbered by surrounding development than Field 1. It would be perceivable from Witney Street at the entrance to the development and to future users of this access road where it would be clear that it was cutting across open land. It would also be apparent from the houses located opposite Field 2 in elevated views from principal rooms. Wider views from other surrounding development would also be aware of this significant urbanising change in the landscape. Whilst private views are not generally regarded as a planning matter, in this case, the protection of the character and appearance of the AONB is in the public interest and therefore is a material consideration of significant weight.

21. Landscaping is put forward as mitigation to the visual impacts of the development as well as an enhancement in terms of woodland planting and grassland creation. However, any benefit it might provide would take time as this planting became established. It is also relevant to note that it would be on lower ground to the highest parts of the proposed development, therefore, even over time, I do not consider that it would adequately overcome the harm I have identified. It would also not be possible to completely disguise the access road with landscaping, as it would remain visible at its entrance, along its length, and in elevated views from neighbouring properties.

22. I therefore do not consider that the site could be developed as proposed without resulting in harm to the character and appearance of the AONB. I therefore find conflict with the relevant provisions of policies OS2, OS4, EH1 and BC1 of the LP which seek to protect the scenic beauty of the AONB. I balance my findings in respect of harm to the AONB with the other considerations outlined in para 177 of the Framework, such as need for the development, later in my decision.

5.27 It is important to take into consideration the differences between the dismissed appeal scheme for extra care housing and affordable housing units and this revised proposal for up to 70 residential units including affordable housing. In respect of the parameter plans, the Land Use Parameter Plan indicates a reduced area for the built development and increased area for Green Infrastructure. The development would again be concentrated on the southern part of the site. The Building Heights Parameter Plan indicates development up to 10m above future ground level in comparison to the appeal proposal which indicated development up to 16m. The access arrangements remain however, virtually identical. The submitted Design and Access Statement (DAS) again refers to the opportunity to screen the road construction and enable potential vehicle activity to be screened from Witney Street and the wider landscape to the north and east. In terms of Field 1 and the comments of the appeal Inspector, it is acknowledged that the reduction in the area of built form and reduced building heights would help to reduce its visual impact on the AONB at this edge of town location. Nevertheless, the access arrangements in Field 2, which remains almost identical would have a significant hard and urbanising impact in this area of the AONB which is less encumbered by surrounding development than Field 1, as recognised by the appeal Inspector. As noted by the Inspector, the proposed access would be perceivable from Witney Street at the entrance to the development and to future users of this access road where it would be clear that it was cutting across open land. The Inspector recognised that the protection of the character and appearance of the AONB is in the public interest and therefore is a material consideration of significant weight. Similarly, landscaping was put forward in the appeal proposal as mitigation to the visual impacts of the development but the Inspector noted that, any benefit it might provide would take time as this planting became established and that it would be on lower ground to the highest parts of the proposed development, therefore, even over time, the Inspector did not consider that it would adequately overcome the harm identified.

5.28 In conclusion, the development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment, which provides a setting for it. It would result in the loss of an important area of open space that makes a positive contribution to the character of the area and would be visible in a number of public views. The proposed development would result in harm to the character and appearance of the AONB.

Heritage Issues

5.29 The site is within the Burford Conservation Area, and there are a large number of listed buildings within it. The setting of all nearby listed buildings and the effect on the Conservation Area need to be considered under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies EH9, EH10 and EH11 of the Local Plan reflect these duties. There are no known archaeological features within the site but it is within an area of archaeological potential.

5.30 Paragraph 199 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, the test is that the harm should be weighed against public benefits.

5.31 A Heritage Statement has been submitted by the applicant which concludes:

The proposed development has been carefully designed to respond to the Inspector's Decision of August 2022. Specifically, this has included the pulling back of development to maintain a view across the northern part of the western area of the site, and to countryside beyond, with the illustrative masterplan showing how the scheme can be delivered giving a pastoral agricultural character to the Barns Lane frontage and open space to the east, and re-establishing the legibility of Barns Lane as a former driveway through the placement of an interpretation panel. Whilst it is accepted that the character of the site will change, the harm to the heritage significance of the Church of St John the Baptist is considered to be minor, being less than substantial harm and at the low end of the spectrum. Similarly, these measures will minimise the harm to the character, appearance and significance of the Conservation Area, which will again be minor, less than substantial and at the low end of that spectrum. The height parameters of the buildings proposed within the site and the placement of built form and open space will ensure that the hierarchy of building height and density of the Conservation Area, which the Inspector identified as contributing to the significance of the asset, will not be disrupted.

5.32 The CBA Report providing Landscape and Heritage Advice on the West Oxfordshire Local Plan Allocations advised that *Overall, the visual prominence of the Site in longer distance views from the north and east provides the greatest constraint in historic environment terms. These views are a notable aspect of the conservation area's setting and the setting of the grade I listed church. Development of the Site could have an adverse impact on these views, altering the character of the conservation area and the setting of its historic core and the church. The Site is however away from the core of the conservation area and is of limited historical value in its own right. It also lies away from the main historic and modern approaches to the town and is already flanked by modern development. In this context, development of the Site for residential uses would probably not result in substantial harm to the significance, setting, character or appearance of the conservation area or church; but it would result in some harm. The scale of harm is not considered sufficient to entirely rule out the allocation of the Site for residential development but design based mitigation would be required to address this potential harm. In historic environment terms key measures that could be considered include:*

- *Ensuring development does not reinforce or further exaggerate the harsh skyline to the south of the Site caused by existing modern development;*
- *Ensuring that development retains a degree of openness on the Site;*
- *Ensuring that access to the Site does not extend the perception of urbanisation to the east;*
- *Restricting building heights to 1.5 / 2 storeys; and*
- *Implementing a landscape design scheme to reduce the visual prominence of new built development.*

5.33 In considering the scheme for assisted extra care residential units and affordable housing units and its impact on the Conservation area and setting of the Church of St John the Baptist, the Appeal Inspector concluded as follows:

12. The proposal is to develop a large proportion of Field 1. This would completely alter its character from open, agricultural land to urban land. It would, as a result, further urbanise Barns Lane and remove all links between the driveway and the agricultural landscape to which it belonged, and further obscure the link between this and the rest of the town. This would result in the loss of some of the historic character of the conservation area and the ability to understand part of its significance. For the same

reasons it would also harm the ability to appreciate part of the significance of the church as experienced in its setting.

13. Whilst the proposal is in outline, before me for approval is a Building Height Parameter Plan. This specifies in Field I building heights of up to 10.5m around the periphery of this field, with the central area rising up to a maximum building height of 12.5m and 16m. 10.5m is around two storey development with a pitched roof, therefore, largely comparable to the almost exclusively two storey development which borders the site on three sides. 16m, however, would be uncharacteristically high in this context.

14. In addition to my concerns above regarding developing this site, the height of development would disrupt the hierarchy of the town where three storey development is largely centred around the High Street. In any event, historic three storey development will likely be lower than modern three storey development and 16m is very generous. Development of this nature would disrupt and confuse the historic pattern of development of the town diminishing its significance, as perceived by views within and across the conservation area.

15. Taking all of these points together I do not consider that Field I could be developed as proposed whilst preserving the character and appearance of Burford Conservation Area and without resulting in harm to the setting of the Church of St John the Baptist. For these reasons the proposal would conflict with policies OS2, OS4, EH9, EH10, EH11 and EH13 of the West Oxfordshire Local Plan 2031 (LP) which seek to protect the historic environment, and, in particular to respect and build on pre-existing historic character in respect of landscape and townscapes.

16. In the terms of the National Planning Policy Framework (the Framework) paragraph 202, the harm I have identified to both the conservation area and the setting of the Church would be 'less than substantial' in each case. The level of 'less than substantial harm' I place between moderate to high in both cases given the extent of harm that would occur to people's experience of these assets.

When applying the Heritage balance exercise, the Inspector concluded:

37. I have found that the proposal would result in 'less than substantial harm' to Burford Conservation Area and 'less than substantial harm' to the setting of the Grade I Listed Church of St John the Baptist. It is necessary, as per the Framework, for me to balance such harm against the public benefits of the proposal.

38. There are agreed benefits to the scheme. These include the provision of housing in the context of a District with no 5-year Housing Land Supply, and specifically Extra-Care Housing for older people and the variety of benefits that encompasses in terms of healthcare and wellbeing, as well as the benefit of releasing under-occupied housing to the market. There are also associated economic benefits in terms of spending and job creation, and some modest benefits from the provision of additional public open space within the development and any biodiversity net gain.

39. The affordable housing provision secured is also a benefit but this is tempered by the fact that it is not policy compliant. With the above points in mind, I afford the benefits in this case significant weight collectively.

40. In respect of any financial contributions these must be necessary insofar as they mitigate any direct impacts of the development on local infrastructure or facilities, therefore they are not a benefit, but rather a neutral consideration in my determination.

41. It has been suggested that there may be the benefit of increased public views of the spire of the church from the site made possible by its development, However, the appellant's position is that the significance of the church cannot be appreciated from here, and in light of my findings, any significance would not be appreciable in the context of new housing development.

42. Conversely, great weight should be given to the conservation of heritage assets, and any harm to a heritage asset must be given considerable importance and weight. In respect of the 'less than substantial harm' I have found to both the conservation area and the setting of the parish church respectively, both of which I have found to be between a moderate to high level of 'less than substantial harm', I find that

the public benefits do not outweigh the harm in either case. As per the Framework, this in itself provides a clear reason for refusing the development.

5.34 The Conservation Officer (CO) will be providing a detailed impact assessment, which Members will be updated on, but in the meantime has provided interim comments as follows:

The development would not preserve the setting and views of the Grade I Listed Church of St John the Baptist (a Grade I listed building is of the highest significance), and would not preserve or enhance the character and appearance of Burford Conservation Area - including its historic linear settlement pattern, and it would not preserve the setting of non-designated heritage assets, and the setting and views out from the grade II Westhall Hill Manor listed buildings complex. I consider that a high level of less than substantial would occur to all heritage assets by the proposed development.

Therefore, the proposed development would not comply with:

- Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- NPPF section 16 paragraphs 199-203
- West Oxfordshire Local Plan Policies EH9, EH10, EH11, EH13, EH16
- West Oxfordshire Design Guidance

5.35 In summary, there will be harm to the heritage assets and it is necessary for the harm identified above to be weighed against public benefits of the proposal. In this respect it is not considered that the economic and social benefits arising from the scheme which will deliver market and affordable housing units with associated benefits does not outweigh the high level of less than substantial harm arising in this case.

Layout and Scale

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

5.37 An illustrative masterplan has been submitted with the application to show how the site could accommodate the proposed development. The DAS states that the development will achieve an average density of approximately 24 dwellings per hectare (dph). This average density allows for the formation of differing densities across the development; including higher densities towards the western boundaries near existing residential development, and lower densities towards the peripheries of the site. The height and massing of the proposed development varies across the site according to the nature of the public realm to be created. The majority of residential development will be 2-storey, reflecting the surrounding built form of Burford. Green Infrastructure would include attenuation features, strategic open space, informal open space, landscaping and enabling engineering works. A designated area is proposed as children's play space in the north of the site behind the dwellings at Orchard Rise. The DAS also advises that the proposals will be delivered in line with current building regulations, and where appropriate, will be built with sustainable building construction techniques.

5.38 Officers are content that the site would be able to accommodate the quantum of development proposed.

Highways

5.39 The proposed potential site access point for the development is off Witney Street, in the north-east of the site which will remain private and will measure 5m in width with a 2m wide footway on the northern side of the carriageway. Pedestrian links are also provided with Barns Lane and Wysdom Way.

5.40 The submitted Transport Assessment (TA) concludes that the site is well located in terms of sustainable accessibility, with good foot/cycle connectivity and opportunities for accessing local amenities and travelling by public transport. A review of traffic generation resulting from the development of the site has been undertaken and demonstrates that the impact of the development proposals on the local highway network will be negligible. Overall, it is concluded that the development is in full accordance with the transport policy tests for new developments as set out in the National Planning Policy Framework.

5.41 OCC Transport has raised no objection to the application subject to S106 contributions towards public transport services and infrastructure and a Traffic Regulation Order and highway conditions. The appeal Inspector also concluded that the development for the extra care scheme and affordable housing would not result in material harm to highway safety.

Ecology

5.42 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity. The Biodiversity Officer (BO) has commented that insufficient information has been submitted to carry out a robust assessment on Biodiversity Net Gain. As such refusal is recommended for the following reason:

'Insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the revised NPPF.'

5.43 In terms of protected/priority species, the majority of the site is comprised of arable land and has low ecological value and is surrounded by native species poor hedgerows, which are anticipated to be largely retained and enhanced. The submitted Preliminary Ecological Appraisal outlines appropriate mitigation measures for badgers, bats, birds and reptiles. Harvest mice are listed as priority species and there are records of harvest mice from within the development site boundary itself. The report states 'it is advised that a pre-commencement survey is undertaken prior to construction works or implementing landscaping design to ensure no nests are present and a precautionary method statement should be produced to outline the measures to set out the best practice measures to be taken to minimise impacts to harvest mice.' The BO disagrees with this recommendation and considers that a harvest mice survey should accompany the reserved matters application.

Drainage and flood risk

5.44 The site is within Flood Zone 1 and therefore at low risk of flooding. The Lead Local Flood Authority (LLFA) have objected to the application on the grounds that further information is required including the submission on an indicative drainage strategy with cover and invert levels for the proposed

infiltration SuDS. Nevertheless, it is likely that a planning condition could address this issue and it is noted that the appeal Inspector raised no concerns in relation to potential flooding or drainage issues.

5.45 Thames Water has no objection to the application in regards to foul water or surface water infrastructure capacity issues. They have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal and as such recommend a condition to ensure that any water network upgrades are completed prior to occupation.

Residential amenity

5.46 The indicative masterplan shows that the proposed development could be accommodated on the site. All matters such as layout, scale and appearance are reserved for later consideration. The parameter plan indicates a greater set-back from Orchard Rise to the north which is set at a lower level.

5.47 The indicative Witney Street access would emerge directly opposite the front elevation of Springfield House/Cottage. The three properties in this location currently experience low traffic levels and a rural outlook and environment. The use of the access to serve the bulk of the development would introduce additional noise from the passage of cars, and their braking and acceleration at the access point. There would be light pollution from car headlights and potential light shining into windows given that the houses are below the level of the proposed road. It is acknowledged that the proposed planting either side of the access would help to ameliorate these effects but it is unlikely that they could be completely overcome. There would be some harm to the residential amenity of these properties. The appeal Inspector also noted that the access would be apparent from the houses located this part of the site with wider views from other surrounding development would also be aware of this significant urbanising change in the landscape. Whilst the Inspector noted that private views are not generally regarded as a planning matter, in this case, the protection of the character and appearance of the AONB is in the public interest and therefore was held to be a material consideration of significant weight.

Housing mix

5.48 The application proposal includes the provision of 35no. affordable homes on-site which would represent circa 50% AH overall consistent with Policy H3 of the Local Plan. The Planning Statement proposes that the housing mix is agreed later through the planning process. The Council's Strategic Housing and Development Officer has commented that the provision of the rental housing at Social Rent tenure in the affordable housing mix would be requested. Affordable Housing provided on this development could make an important contribution to local housing need. The submitted DAS advises that a range of dwelling types would be provided suitable for people of different ages and lifestyles.

Infrastructure/Developer Contributions

5.49 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.

5.50 As detailed above, OCC Transport has recommended that a contribution should be paid towards public transport services (£73, 570) and infrastructure (£19,624) and a Traffic Regulation Order (£3, 120) to extend or relocate the speed limit zone along Witney Street. A separate S278 agreement would cover necessary highways works at Barns Lane and Witney Street.

5.51 OCC Education has requested contributions towards Primary and nursery education (£490,828); Secondary education (£ 415, 872) and special education (£35, 896).

5.52 OCC Waste Management has requested a contribution of £6,577 towards the expansion and efficiency of Household Waste Recycling Centres (HWRC)

5.53 The NHS has requested a contribution £60,480 to support local plans to surgery alterations or capital projects to support patient services.

5.54 The Leisure Team requests a contribution of £125,300 towards improvements to pitch provision in the catchment area.

5.55 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.

5.56 A legal agreement will be required to secure the provision and management of Public Open Space, Play facilities and Green Infrastructure and any necessary monitoring fees.

5.57 There is not a completed S106 making provision for the required contributions or for the provision of the required affordable housing or provision and management of Public Open Space, Play facilities and Green Infrastructure. As such the proposal conflicts with Policies OS5, H3, T2, T3, EH4 and EH5 of the Local Plan.

Conclusion and Planning Balance

5.58 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan. As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.

5.59 The site is located immediately adjacent to the town of Burford, which provides a good range of amenities and facilities and is considered a suitable location for a modest level of development to help reinforce its existing rural service centre role.

5.60 Where policies for the supply of housing are out of date, para.11 d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted

- 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.

5.61 This development comprises major development within the Cotswolds AONB. As set out in the Framework in AONB's permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. It is acknowledged that there are clear benefits arising from this development including economic and social benefits and that significant weight should be afforded to the benefit of additional housing delivery in this

location including the provision of affordable housing. Nevertheless, this must be weighed against the harm to public interest by virtue of harm to the landscape and scenic beauty of the AONB, as identified in the report above. As recognised by the appeal Inspector, the AONB is a finite resource and, as per the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. As a further consideration, harm to heritage assets is also not in the public interest, as explained in the Framework, these should be conserved so they can be enjoyed for their contribution to the quality of life of existing and future generations. Again, great weight should be given to the conservation of such assets.

5.62 Whilst the reduced impact of scale is acknowledged, in comparison to the dismissed appeal proposal, it is still not considered that exceptional circumstances have been demonstrated to justify a development of this scale in the AONB. This conflict provides a clear reason for refusing the development.

5.63 In conclusion, it is Officer opinion that having regard to the development plan as a whole and to all material considerations, including a lack of 5-year housing land supply. Policies in the Framework, that protect designated heritage assets and AONBs provide clear reasons for refusing the development.

6 REASONS FOR REFUSAL

1. The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. The site is prominently located in the countryside beyond the existing settlement edge of Burford. The development would encroach unacceptably into agricultural land and would fail to relate satisfactorily to the town or the existing rural environment which provides a setting for it. It would not easily assimilate into its surroundings resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be prominent and visible in a number of public views. The proposal would represent major development which would not conserve landscape and scenic beauty, and no exceptional circumstances or public interest have been demonstrated to justify or moderate the harm caused. As such, the proposed development would conflict with Policies OS2, OS4, EH1 and BCI of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the NPPF.

2. The site is a substantial agricultural field forming part of an extensive area of countryside around Burford that provides a setting for the town. The site is substantially within the Burford Conservation Area, with only the means of access sitting outside it. A large number of Listed Buildings and undesignated heritage assets are located in the vicinity. The Grade I Listed church of St John, and in particular its spire, is inter-visible with the site from a number of public viewpoints. The proposed development would significantly encroach into the countryside and would have an urbanising effect on the Conservation Area and the setting of heritage assets. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies OS2, OS4, EH9, EH10, EH11 and EH13 and advice in the NPPF.

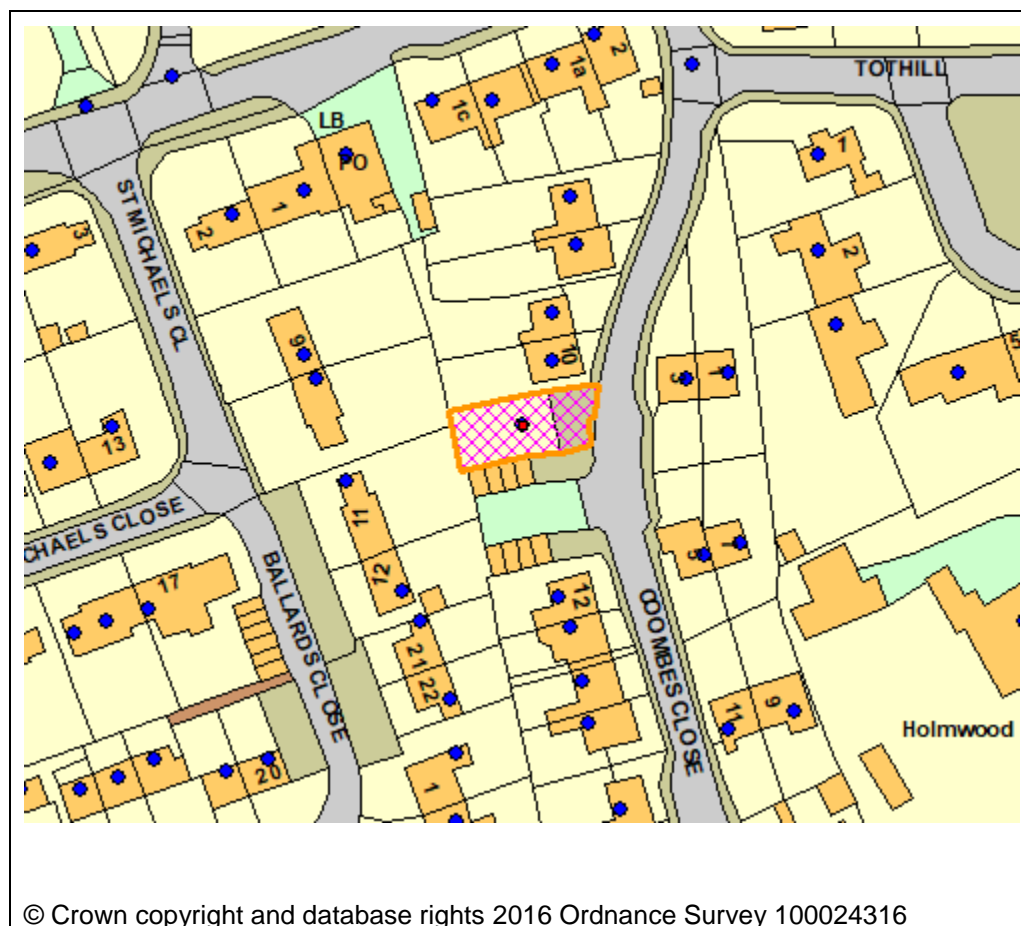
3. Insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the revised NPPF.

4. The applicant has not entered into a legal agreement to provide the required contributions towards the provision of essential supporting infrastructure and required affordable housing, Public Open Space, Play facilities and Green Infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, T2, T3, EH4 and EH5 and the relevant paragraphs of the NPPF.

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 25th January 2023

Application Number	22/03291/FUL
Site Address	Land Adjacent To 10 Coombes Close Shipton Under Wychwood Oxfordshire
Date	25th January 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427606 E 217993 N
Committee Date	6th February 2023

Location Map



Application Details:

Erection of detached 3 bed dwelling with off street parking for two cars, new vehicle crossover and associated works.

Applicant Details:

Mrs Corocan
C/O Hilier Hopkins LLP
First Floor, Radius House
51 Clarendon Road
Watford
HERTS D17 1HP

I CONSULTATIONS

Parish Council

Parish Council objects to this application on the following grounds:

1. Size of property - most of the properties in this road are bungalows and a 3-storey development would be very overbearing in the street scene. The initial design was 2-storey, which was similar to a couple of properties at the start of the road, and we believe the actual footprint is to remain the same, but the roof windows, increased bulk and increased gable height, would make it look very out of place.
2. Neighbourliness - the property is very close to the adjacent houses, and the proposed windows would be overlooking.
3. Risk of flooding - this is currently a section of open land in an otherwise built up area. Without this run-off area, the risk of flooding is increased.

OCC Highways

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

- G28 parking as plan
- G11 access specification
- Prior to 1st occupation the provision and retention of cycle parking in accordance with OCC Parking Standards in accordance with a scheme to be submitted and approved by the LPA.

WODC Drainage Engineers

No objection subject to pre-commencement surface water drainage condition.

WODC Env Health - Uplands

Thank you for the opportunity to consult.

I have no objection in principle but would ask for a condition similar to the following to be attached to any consent given:

- Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

Conservation And Design
Officer

No Comment Received to date.

2 REPRESENTATIONS

2.1 One third party comment has been received from the occupier of No 8 Coombes Close. The comment reads:

2.2 "I objected to the principle of the change in land use proposed in the outline planning application. I have additional concerns with the new proposals outlined in the current application.

2.3 The proposed development would have an adverse effect on the residential amenity of neighbouring properties by reason of overlooking, loss of privacy and overshadowing leading to a loss of sunlight.

2.4 The original outline planning application was approved for a building with windows on two storeys. This application has added dormer windows in the roof (despite the application stating that the scale and appearance of the building is retained as approved).

2.5 As proposed, this would increase the potential for overlooking the private rear gardens of neighbouring properties (including the residents in St Michaels/ Ballards Close who may be unaware of this application). The windows in the roof mean that it would be impractical to screen the gardens using new tree planting.

2.6 The proposed development is set back from neighbouring properties which is likely to increase overshadowing in the rear gardens.

2.7 The proposed development is not in keeping with the architectural character of the existing street, as no other properties have dormer windows in the roof.

2.8 The proposed development will lead to a loss of car parking spaces on the street. The proposed additional bedroom, beyond that which was approved in the outline application, increases the likelihood of more than two cars being present at the property, thus further increasing car parking pressure on the street.

2.9 During the flooding in July 2007, I understand that 4 Coombes Close flooded as a result of surface water run off (WODC Parish Flood Report: Shipton-Under-Wychwood, May 2008). During intense rainfall, water runs down the road, so it is apparent that the existing drainage is already inadequate. Reducing the amount of porous land area and increasing the amount of hard standing can only exacerbate this issue. I am concerned that this makes it more likely that our houses could be flooded."

3 APPLICANT'S CASE

3.1 The application has been furnished with a Design and Access Statement, the main points are summarised as follows:

3.2 "Outline planning application has been approved under application ref: 22/00041/OUT for Erection of a two storey detached dwelling with associated parking and works (Outline planning with all matters reserved). This application seeks to consolidate the outline approval with a full planning application that broadly follows the design and access principles established with the approved outline application. Matters of Design and Access remain as previously approved."

3.3 Officers note that the 2022 consent was approved with all matters reserved including layout, scale and appearance.

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

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH10 Conservation Areas

NPPF 2021

DESGUI West Oxfordshire Design Guide

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 3 bed dwelling with off street parking for two cars, new vehicle crossover and associated works at Land Adjacent to 10 Coombes Close, Shipton-under-Wychwood. The majority of the application site is laid to grass with a small hardstanding area fronting the street. The land lies within both the Shipton-under-Wychwood Conservation Area (SUWCA) and Cotswolds Area of Outstanding Natural Beauty (AONB).

5.2 This application is brought before Members of the Uplands Area Planning Sub-Committee due to the conflict between the officer recommendation and the view of the Shipton-under-Wychwood Parish Council, who have objected to the scheme on the grounds of scale, neighbourliness and flood risk.

Relevant Planning History

22/00041/OUT ("the 2022 consent") - Erection of a two storey detached dwelling with associated parking and works (Outline planning with all matters reserved). Approved.

Planning Considerations

5.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised National Planning Policy Framework (NPPF) reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the local development plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.4 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:

- Principle;
- Siting, Design, Scale and Form;
- Impact upon the SUWCA;
- Neighbourliness;
- Impact upon the AONB;
- Highways Impact;
- Drainage; and
- Ecology.

5.5 Each will be considered in the following sections of this report.

Principle

5.6 The principle of development to provide a single unit of residential accommodation on this site has been established under the 2022 consent. The application site lies within the built up area of Shipton-under-Wychwood, which is classified as a village in the WOLP (Table 4b). WOLP Policy OS2 outlines that the villages are 'suitable for limited development which respects local character and local distinctiveness and would help to maintain the vitality of the community'.

5.7 WOLP Policy H2 states that 'new dwellings will be permitted in certain circumstances including on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles set out in Policy OS2'. The general principles set out in OS2 state, *inter alia*, that development should:

- Form a logical complement to the existing scale and pattern of development and/or character of the area;
- Be of a proportionate and appropriate scale to its context;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;

- Not be at risk of flooding or likely to increase the risk of flooding elsewhere; and
- Conserve and enhance the natural, historic and built environment.

5.8 The proposed development is therefore considered acceptable in principle subject to assessment against the general principles of WOLP Policy OS2 and other relevant plan policies and material considerations below.

Siting, Design, Scale and Form

5.9 WOLP Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 126) and 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.10 The existing site appears underutilised and does not contribute significantly to the character and appearance of the area. The proposed dwelling would be set back behind No 10 Coombes Close following the staggered building line of properties within the Close to the north and south. The proposed siting of the dwelling is therefore considered to form a logical compliment to the existing pattern of development in the locality. In terms of design, scale and form, the dwelling would be set over a footprint of 8 metres (m) by 6.5m and take a simple two storey dual-pitched form reaching 8.5m to the ridge with an eaves height of 5.2m. The building would be finished in coursed stone facing under a brown plain tiled roof with uPVC windows, matching the existing dwellings along Coombes Close. Your officers consider that the proposed design, scale and form of the dwelling would be proportionate and appropriate in this context. The application is therefore considered to accord with WOLP Policies OS2 and OS4 with regard to siting, design, scale and form.

Impact upon the Conservation Area

5.11 Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. WOLP Policy EH10 states that 'proposals for development in a conservation area will be permitted where it can be shown to preserve or enhance its special interest, character and appearance'. Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment.

5.12 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

5.13 Therefore, the direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and WOLP Policy EH10.

5.14 In order to assess the impact of the proposed development upon the significance of the heritage asset (in this case the SUWCA), it is first necessary to identify the asset's significance. In this case, the existing site and its immediate context is characterised by modern housing development of no significant archaeological, architectural, artistic or historic interest. Your officers therefore consider that the existing site does not contribute to the heritage significance of the SUWCA. Therefore, the proposed additional dwelling, which shares the character and appearance of properties in the immediate locality, would not significantly impact the significance of the SUWCA and result in a neutral impact upon the character and appearance of the designated heritage asset. The application is therefore considered to accord with WOLP EH10 and relevant guidance contained in the NPPF.

Neighbourliness

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 Objection to the scheme on neighbourliness grounds has been received by the occupier of No 8 Coombes Close and the local Parish Council. It is stated that the proposed development would result in an unacceptable impact by way of increased overlooking and loss of light to the rear garden of No 8.

5.17 Dealing initially with the matter of overlooking, your officers consider the proposal would not unacceptably overlook habitable rooms nor private amenity spaces of neighbouring dwellings. Dwellings to the south along Coombes Close are physically separated from the application site by a shared garage area meaning that no material neighbourliness impacts would result to occupiers to the south. Further, by virtue of the proposed fenestration and orientation of proposed and existing built form, the proposed dwelling would not result in materially increased levels of overlooking to either Nos 1, 3, 8 or 10 Coombes Close. In terms of the potential overlooking impact upon Nos 10 and 11 St Michaels Close, which border the site to the west, your officers consider that the back-to-back distances that would result (approximately 28-30m) are sufficient to ensure that adequate levels of privacy would be retained. Further, given the scale and nature of the scheme, officers do not consider that planning conditions are required to manage the construction process.

5.18 With regard to loss of light and overbearing impact, your officers consider that No 8 Coombes Close is located such that the proposed built form would not result in a significant loss of light or overbearing impact. In terms of the impact upon No 10, the proposed dwelling would not contravene the 45 degree rule with regard to loss of light, and the staggered relationship between the dwellings has direct precedent within the Close. Therefore, your officers consider that the application accords with WOLP Policies OS2 and OS4 neighbourliness terms.

Impact upon the AONB

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

5.20 WOLP Policy EHI states:

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

5.21 Paragraph 176 of the NPPF states:

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

5.22 The proposed development would be viewed in a wholly residential context and would not be perceived in the wider landscape. As such, the proposal would result in a neutral impact upon landscape and scenic beauty in the AONB.

Highways Impact

5.23 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. The existing site benefits from vehicular access and the dwelling would be served by two parking spaces, as well as located in close proximity to a range of services accessible by foot.

5.24 Consultation with the Local Highways Authority has been carried out and the proposed development is considered to result in an acceptable impact upon the local highways network subject to the imposition of planning conditions as set out in Section 6 of this report. These conditions seek to ensure that suitable parking spaces are retained, the access to the highway is of sufficient standard and cycle parking is incorporated into the scheme to promote active travel. The application is therefore acceptable in highways terms.

Drainage

5.25 Concerns have been raised in respect of drainage and potential flooding, including that the increase in built form proposed may lead to increase risk of flooding to third parties. The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition as set out in Section 6. Your officers are therefore satisfied that the scheme will be required to demonstrate how surface water will be adequately managed prior to construction of the proposed dwelling.

Ecology

5.26 The application site is laid to lawn with a small area of hardstanding. Officers are therefore satisfied that the proposal would not result in any material impact upon local ecology.

Planning Balance

5.27 This assessment has found that the proposal would fully accord with the relevant policies of the WOLP and relevant material considerations. However, 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."*

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

5.29 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, given the LPA's failure to demonstrate a deliverable five year housing land supply, the provisions of the housing locational strategy (WOLP Policy H2) may only be afforded limited weight.

5.30 In terms of benefits, the proposed development would make a very small contribution to housing supply in the area. Officers acknowledge the economic and social benefits associated with the creation of a single addition unit of residential accommodation and the potential for an additional household to increase spending in the area and contribute to social cohesion. Officers consider that these benefits should be awarded very limited weight given that the scheme would provide just one additional unit of housing.

5.31 This assessment has identified no material planning harms that would result from the scheme. Given the lack of adverse impacts that would result from the proposal, officers consider that there are no adverse impacts that would significantly and demonstrably outweigh the benefits and the proposal should be approved.

Recommendation

5.32 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, T1, T3, T4, EH1 and EH10, the NPPF 2021 and the West Oxfordshire Design Guide 2016 and is therefore recommended for conditional approval.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this 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 external walls of the dwelling shall be constructed with coursed stone facings, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

4. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

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

8. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

9. Prior to first occupation of the dwelling hereby approved, details of cycle parking to serve the dwelling shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until the cycle parking spaces required to serve the dwelling have been provided in accordance with the approved details. The cycle parking areas so approved shall thereafter be permanently retained and kept available for cycle parking.

REASON: In the interests of promoting sustainable transport.

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

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

INFORMATIVES :-

Notes to applicant

- 1 Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>
 - Non-statutory technical standards for sustainable drainage systems (March 2015)

3 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:

- Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
- Wall, ceiling, roof, and floor insulation, and ventilation
- High performing triple glazed windows and airtight frames
- Energy and water efficient appliances and fittings
- Water recycling measures
- Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planningapplication/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 25th January 2023