

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 6th March 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.

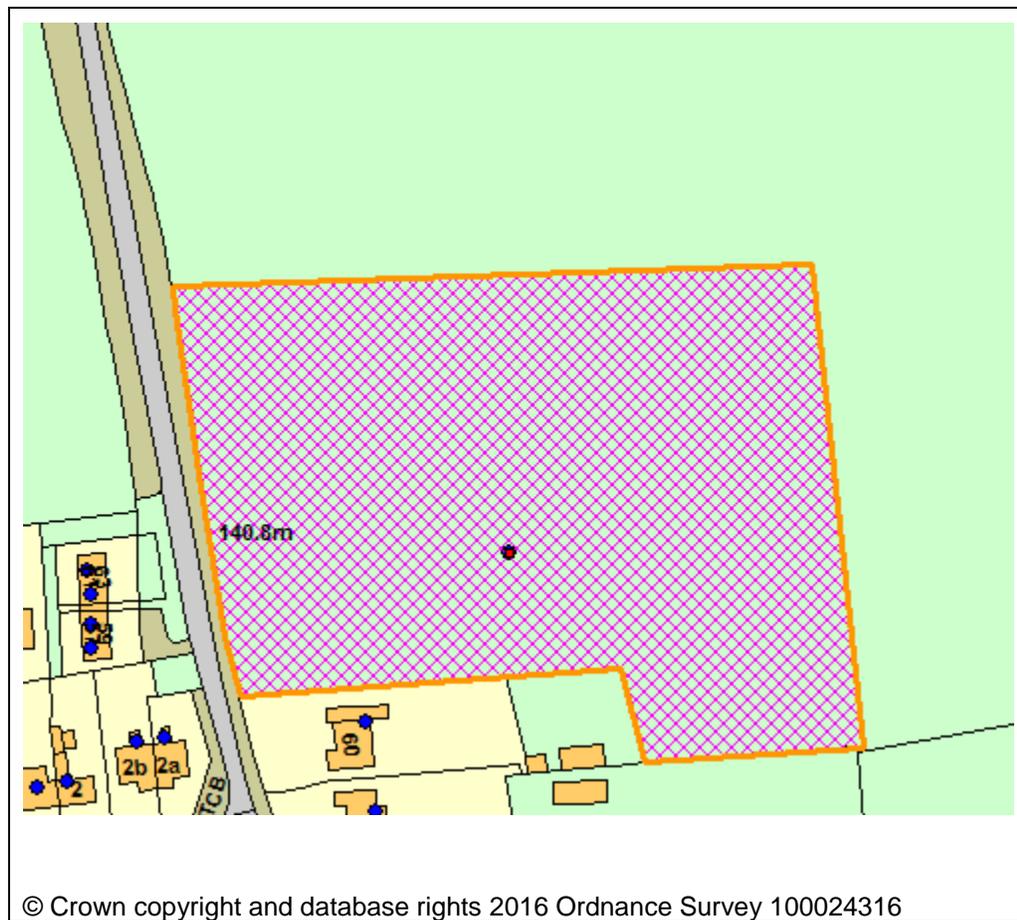
Please note that:

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

<b>Page</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
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36-45	22/03129/FUL	The Chapel 6A Shipton Road	James Nelson
46-60	22/03160/FUL	Broadstone Farm Ditchley Road	Sarah Hegerty
61-87	22/03311/FUL	Mill House Hotel Station Road	Stephanie Eldridge

Application Number	22/02947/OUT
Site Address	Land East Of Worton Road Middle Barton Oxfordshire
Date	22nd February 2023
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Steeple Barton Parish Council
Grid Reference	443454 E 226266 N
Committee Date	6th March 2023

### Location Map



### Application Details:

Outline planning for development of up to 28 dwellings, vehicular access, green infrastructure including landscaping, and related drainage and other infrastructure works, (all matters reserved other than access from Worton Road)

### **Applicant Details:**

Mintondale Development Ltd  
C/o Agent

## **I CONSULTATIONS**

Parish Council

The PC have no formal objections, but have several concerns:

- a) access and traffic: Worton Road is quite narrow and well used by locals attending the shop, and often there are cars parked along the road which may impede larger vehicles/ greater flow.
- b) local infrastructure: there are drainage issues with rain and sewer drains becoming overloaded. Bus services for residents are limited, and provision of some form of school transport for incoming children is a consideration to be consistent with sustainable transport initiatives
- c) village development: the site is a mixed development which is welcome, and small in scale. It will add pressure on local resources (as point b) but may be advantageous to the school and may offer opportunity to extend bus services
- d) the PC would not like to see increased numbers of housing other than the 28 proposed, for reasons of access and infrastructure.

Further comments were received by the Parish Council as follows:

The Parish Council would like to add that historically in the six years that this development has been under discussion have always approved the application. This development would fulfil the needs for housing in the village following the village appraisal. The Chair of the Parish Council attended a planning meeting at WODC in favour of this proposal and nothing has changed. The Parish Council have expressed a few concerns which we are sure can be addressed.

CPRE

Middle Barton has little infrastructure for an increase in housing above the needs of local families. This proposal should be seen in the context of the surrounding area where there are 1600 new homes being built in nearby Upper Heyford, including affordable homes. The village's proximity to the market towns of Bicester and Chipping Norton makes it a desirable place to live but the facilities, such as public services as well as sewage infrastructure are wholly inadequate for a significant increase in population. While there is a good bus service to and from the village, there is only one bus to Steeple Aston that goes before 8.50 am and most, including the bus to Oxford and Oxford Parkway goes after 9.30 am which is too late for commuters who need to get to work at 8.30 am.

There are no cycle lanes along the single carriageway old rural roads making commuting by bicycle perilous and only for the keenest cyclists. This development would therefore mean commuter housing where there is still a reliance on cars as the main means of transport.

Overdevelopment of the area. In addition to this planning proposal, a flier has recently been issued to residents of Middle Barton from Mintondale Developments to discuss another development proposal adjacent to this one. We oppose both developments, however the scope of this letter is for 22/02947/OUT.

Tranquillity and traffic: The Noise Assessment (6 Oct 2022) surmised that there would be minimal impact or only temporary impact on noise pollution for the residents, but they have noted that "the predicted changes in traffic flow are significant on the section of Worton Road" which is one of the most frequent objections from local residents. Worton Road is a country road with cars parked either side thus creating a narrow single lane to use. Large construction traffic as well as significant car use once the development has been completed and homes occupied, will detrimentally impact on the tranquillity of the area.

Landscape and biodiversity: Part of the site is situated on higher ground and the buildings would be seen from far away. Not enough detail of the height of the houses has been given (two storey is all it states) and there is inadequate screening with trees and hedgerows to make a significant impact to screen the buildings from footpaths 365/13/10 Steeple Barton footpath, 400/5/10 Westcot Barton footpath and 400/4/10 Westcot

Barton bridleway.

Light pollution: Cumulatively developments on green field land in the countryside with artificial security lighting and street lighting have a detrimental impact on Dark Skies and nature throughout the District. Dark skies free of artificial light glow are essential for circadian rhythms for all creatures as well as human beings. We would want to see strict conditions placed on lighting to reduce night glow for all proposals in Oxfordshire and this has not been demonstrated here.

Food Security: This is a green field site in a rural location that has been used for food production. Without a much anticipated and needed strategic land use plan it is short sighted to build homes on land that is a valuable commodity in helping to provide food security.

In summary we wish to register our objection and have attached our comments regarding this application from 2018 although at that time it was withdrawn. Despite some minor changes to the application, our position has not changed in the interim.

Wildlife Trust

Objection, in relation to the following issues:

1. Application does not provide evidence of a net gain in biodiversity
2. The importance of a net gain in biodiversity being in perpetuity
3. Potential impact on Middle Barton Fen SSSI
4. Management of hedgerows in order to achieve biodiversity net gain
5. The importance of avoiding impact on UK priority species including breeding and wintering birds

Major Planning Applications  
Team

Transport:

No objection subject to:

- S106 Contributions
- An obligation to enter into a S278 and S38 agreement
- Planning Conditions
- Informative

LLFA:

Objection

- Clarify the drainage strategy.
- Permeable paving could be used for infiltration.
- Provide surface water catchment plan and state the area with 10% urban creep.

Education:

No objection subject to:

£17,948 Special School S106 Contribution

Minerals and Waste:

Objection:

The proposal could potentially hinder minerals extraction contrary to policy M8 of the Oxfordshire Minerals and Waste Local Plan Part 1 - Core Strategy

Waste Management:

No objection subject to S106 contributions.

District Ecologist

Please can you ask the applicant for the information below demonstrating a measurable biodiversity net gain can be achieved on site using the 3.0 defra metric.

a) Biodiversity Impact Plan. This can be produced using the information from the Preliminary Ecological Appraisal or Ecological Impact Assessment. It should clearly show the areas covered by each of the existing habitat types and the area in hectares of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). This can be submitted as an image file, GIS data (e.g. Esri.shp) or CAD (.dxf) file.

b) Proposed Habitats Plan. This can be taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available). The plan should clearly show what existing habitat types are being retained and enhanced, and what new habitat types will be created; it should be colour coded so that each habitat type is easily identifiable

and the area of each habitat type should be quantified in hectares. Other proposed biodiversity enhancements should also be shown on this plan. As above, this information can also be submitted as an image file, GIS data (e.g. Esri.shp) or CAD (.dxf) file.

c) A full copy of the spreadsheet, detailing the Biodiversity Metric: The information in the metric should be directly related to the Biodiversity Impact Plan and the Proposed Habitats Plan. The completed spreadsheet or the full calculations included in the metric should be submitted and not just a summary. Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in a report.

The BNG assessment can be included as a section (e.g. a chapter) of the EclA report or as a separate report. In summary, to carry out a robust assessment of the metric calculations, all of the above information is required. This includes the original metric spreadsheet as well as the site and habitat data (pre and post development) in a GIS format. This information does not yet seem to have been fully supplied and therefore is required.

Once this information has been received, please re-consult ecology and I will provide formal comments on the BNG assessment and submitted preliminary ecological appraisal.

WODC Planning Policy  
Manager

The WODC Policy team response is concluded as follows:

Based on this policy assessment, the key potential harms are considered to be the impacts on the character of the village and whether this development constitutes a logical compliment to the existing built form of the village. The lack of public transport is also a concern in terms of leading to excessive reliance on the private car.

In terms of the key benefits, these include the provision of additional housing to help meet the Council's five year housing land supply (50% of which will be affordable) and the economic/ social benefits that this development would bring.

Given the 'tilted balance' of the NPPF is acknowledged to be engaged at the present time, the key consideration when assessing the 'planning balance' is whether the adverse impacts (or harms) associated with granting planning permission would

significantly and demonstrably outweigh the benefits.

Natural England

No Comment Received.

Thames Water

Waste Comments:

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. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "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.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

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.

Water Comments:

If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

WODC Env Health -  
Uplands

No objection to this outline application. If and when a full application is submitted a Construction Management Plan condition would be recommended.

WODC Env Consultation  
Sites

Review of the historical maps we hold indicates that the proposed development plot has remained undeveloped over time and appears to have been used for agriculture. Given the size of the development and the potential for pesticides, herbicides and other unknown sources of contamination to be present, please consider imposing the conditions suggested.

WODC Housing Enabler

Housing to provide 50% of the completed dwellings as affordable housing. The Planning Statement indicates that policy H3 will be observed and proposes that the housing mix is agreed through the planning process. An indicative layout included in the application shows response to the high demand for smaller affordable homes and need for single storey accommodation. I would request that consideration is given to providing the rental homes at Social Rent levels and the recently introduced requirement for First Homes as part of the intermediate affordable housing provision.



3.1.1 There is a clear need for housing in the District. This application for up to 28 dwellings, can be delivered within the next 5 years, and will significantly assist the Council in meeting its housing shortfall. The proposals will meet a demonstrable local need for housing and will contribute towards remedying the District shortfall in housing delivery on a site identified and supported by the Parish Council (the site was identified and supported by the Parish Council in 2018).

3.1.2 West Oxfordshire District Council is unable to demonstrate a 5-year Housing land Supply. In accordance with paragraph 11 (d) Footnote 8, policies for the supply of housing should not be considered up to-date.

3.1.3 The tilted balance is engaged and this planning application should be approved, '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 Proposed Development will deliver up to 28 dwellings of which 14 will be affordable. This is considered to have a substantial beneficial effect;
- The Oxfordshire County Council Housing List has identified 33 applicants for affordable housing whose preference is living in Middle Barton. This is considered to have a substantial beneficial effect;
- During the construction phase of the development there will be increased job opportunities and investment to the local economy. This is considered to have a moderate beneficial effect;
- The increase in the population by the Proposed Development will increase the potential footfall which will assist in maintain the viability of local services. This is considered to have a limited beneficial effect;
- The financial contribution proposed to the OurBus service will assist in maintaining the viability of the service. This will be to the benefit of future occupiers - and to existing residents of Middle Barton. This is considered to have a moderate beneficial effect;
- The Proposed Development creates the opportunity to increase the biodiversity value of the Site. This is considered to have a moderate beneficial effect;
- Safe access to the Site from Worton Road can be achieved. This is considered a neutral effect;
- The Proposed Development will preserve the existing amenity enjoyed by the occupiers of neighbouring properties. This is considered a neutral effect;
- The Proposed Development will preserve the character and appearance of the Middle Barton and will not impact the Bartons Conservation Area or the setting of any Listed Buildings. This is considered to have a neutral effect;

- The Proposed Development will have an overall minor adverse harm on the immediate and wider character and appearance of the landscape.

3.1.4 The planning balance clearly demonstrates that the Proposed Development will have no adverse impacts that would significantly and demonstrably outweigh the benefits of the Proposed Development.

3.1.5 The Proposed Development will contribute to sustainable development and should be granted planning permission.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

E5NEW Local services and community facilities

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## **5 PLANNING ASSESSMENT**

5.1 This application seeks outline planning consent for the residential development of the site for up to 28 dwellings, a new vehicular access, the introduction of green infrastructure including landscaping, and related drainage and other infrastructure works (all matters reserved other than access from Worton Road).

5.2 The site is part of a large arable field. There are established hedgerows to the boundaries of the field, but no existing boundary to the northern and eastern edges of the red line site area. To the south and west there are existing properties which front Worton Road. Beyond the site to the north, north west, east and south east is open countryside of which it forms part. A recreation ground lies a short distance to the south incorporating sports facilities, a children's playground and a community building.

5.3 The site is not within the Middle Barton Conservation Area which lies some distance to the south. There are no listed buildings in the vicinity. It is not within the Cotswolds AONB or any other designated area. A public right of way lies approximately 87m to the east, running in a north-south alignment.

### **Relevant Planning History**

5.4 Planning application 18/00398/FUL for the erection of 22 dwellings (including 11 affordable dwellings), new vehicular and pedestrian access to Worton Road was recommended by officers for refusal for the following reasons:

1. *The development site is in an area which does not benefit from a commuter frequency public transport service. This will result in heavy reliance on private vehicles for journeys to destinations outside of Middle Barton. In transport terms the development site is therefore considered to be in an unsustainable location. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policy T1, emerging West Oxfordshire Local Plan 2031 Policies OS2, T1, and T3, and paragraphs 108 and 110.*
2. *The site is located in the countryside beyond the existing settlement edge of the village of Middle Barton. The development would encroach unacceptably into an extensive area of agricultural land that characterises the landscape in this location. It would fail to relate satisfactorily to the village or the existing rural environment which provides a setting for it, and it would not easily assimilate into its surroundings in 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 public views from Worton Road. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE3, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, and EH1, and the relevant policies of the NPPF, in particular paragraph 170.*
3. *The proposed layout would not provide an appropriate level of amenity in relation to the proximity of buildings on plots 10, 15, 18 and 19. The design, scale, extent, arrangement and depth of development would not reflect the established character of the area, where the site adjoins ribbon development on the east side of Worton Road. It would fail to establish a strong sense of place and would not reinforce local distinctiveness. The peripheral planting is of insufficient depth, would be difficult to manage effectively, and where plots adjoin planting there is the potential for removal and lopping of trees and hedgerows and encroachment of garden areas. The proposal would not add to the overall quality of the area and the landscaping is unlikely to provide effective mitigation. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4 and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, and OS4, and the relevant paragraphs of the NPPF, in particular 127 and 130.*
4. *The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, and provides for public art. The local planning authority cannot therefore be satisfied that the impacts of the*

development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraph 54 of the NPPF.

5. *Insufficient assessment and mitigation details have been submitted to enable the Local Planning Authority to fully assess the extent to which the Hazel dormouse, which is protected under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 and listed as a species of Principal Importance in Section 41 of the Natural Environment and Rural Communities Act 2006, priority habitat (hedgerow) and important hedgerow protected by the Hedgerow Regulations 1997, are likely to be affected. The Local Planning Authority is also unable to fully assess the proposals in the light of relevant policy and guidance and the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Species and Habitats Regulations 2017. Without sufficient information the Local Planning Authority may be unable to meet its statutory duty under the Natural Environment and Rural Communities Act 2006. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies NE13 and NE15, emerging West Oxfordshire Local Plan 2031 Policy EH2, and the relevant policies of the NPPF.*
- 5.5 Members of the Uplands Planning Sub-Committee resolved to refuse the application in accordance with the officer's recommendations. The application was withdrawn by the applicant prior to the decision notice being issued.
- 5.6 A pre-application advice enquiry was then submitted in 2021 seeking advice on the development of the site for housing. The site, the subject of the pre-application advice, was smaller - it did not extend as far north as that being considered as part of this application. Concerns were raised by officers at that stage regarding the site area and indicative layouts. Your officers advised that the development proposal would not appear to form a logical complement to the existing built form, extending beyond the current edge of development on the western side of Worton Road and not relating particularly well to the existing properties on the eastern side.
- 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**

- 5.8 Middle Barton is defined in the settlement hierarchy at Table 4b of the Local Plan as one of a number of 'villages', which sit below the main service centres and rural service centres due to the more limited availability of services and facilities.
- 5.9 The District Council's Settlement Sustainability Report provides a good source of information on the relative 'sustainability' of each settlement with the most recent report (November 2016) ranking Middle Barton 20th (out of 41 settlements) on an unweighted basis and 19th on a weighted basis.

- 5.10 Your officers note that in relation to the previously withdrawn application (and the pre-application advice that followed it) Oxfordshire County Council and your officers had expressed particular concerns about the lack of public transport and the reliance that would be placed on the use of the private car as a result. Middle Barton is by its very nature heavily reliant on private modes of transport. There is a limited bus service so the majority of trips by residents will be carried out by car. This site is on the very periphery of the village so maximising the opportunities for pedestrian and cycle links to other facilities in the village is crucial. Therefore, consideration of the sustainability of this location in terms of accessibility to services and facilities remains an important consideration.
- 5.11 Policy OS2 deals with the overall distribution of new development across the District and in accordance with the settlement hierarchy at Table 4b seeks to steer the majority of new development towards the larger main service centres and rural service centres.
- 5.12 Villages such as Middle Barton are identified as being 'suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'.
- 5.13 Whilst the Local Plan identifies a number of smaller, non-strategic housing allocations within various villages, there are none at Middle Barton reflecting the fact that no suitable sites were identified by the Council during the Local Plan process.
- 5.14 While the Council's current housing land supply position is of significant relevance here, it does not mean that the general principles sets out in Policy OS2 should be completely set aside. As these are general principles which are intended to apply to all forms of development, not just residential schemes, they remain applicable, irrespective of the 5-year housing land supply position.
- 5.15 Those listed below are particularly relevant:
- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
  - Form a logical complement to the existing scale and pattern of development and/or the character of the area;
  - Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
  - As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s; and
  - Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities.
- 5.16 Middle Barton is located within the Chipping Norton sub-area which has an indicative distribution of 2,047 homes - although importantly, this is not to be taken as an absolute target or maximum ceiling to limit development.

5.17 Table 9.4b in the WOLP explains that the 2,047 indicative distribution comprises, 240 homes already completed, 315 homes on larger sites which are the subject of an existing planning permission, 104 homes from smaller site permissions and 1,200 homes at the East Chipping Norton SDA - one of four strategic site allocations in the Local Plan.

5.18 It also includes an anticipated windfall allowance of 188 units which this proposal would contribute towards.

5.19 Policy H2 explains the circumstances in which planning permission for new dwellings will be permitted at the main service centres, rural service centres and villages such as Middle Barton. As the site comprises undeveloped, greenfield land in an edge of settlement location, the following wording applies:

'New dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances:

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 out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2'.

### The Development Plan

5.20 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

5.21 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.

- 5.22 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).
- 5.23 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.
- 5.24 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.

### **Housing Mix**

- 5.25 The proposed housing mix is only illustrative at this stage. However, the indicative information submitted would accord with the required housing mix outlined in policy H4 of the Local Plan.
- 5.26 Middle Barton falls in the 'high value zone' where a site of this size would be required to provide 50% of the homes on site as affordable (Policy H3 of the Local Plan 2031). The applicant is proposing to provide 50% affordable houses on site in accordance with the policy requirements.
- 5.27 This would be secured via a legal agreement if Members were minded to approve the application.

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

- 5.28 The site is located in the countryside beyond the existing settlement edge of the village. While the masterplan provided is only indicative at this stage, it is clear that a development of 28 dwellings would occupy the majority of the site area.
- 5.29 There is a considerable amount of modern estate development in the northern part of the village, north of Enstone Road. However, in the vicinity of the application site, on the east side of Worton Road, built form is limited. North of the recreation ground there are 5 detached houses on large plots fronting Worton Road. There is no development in depth away from the road and the proposal would push out into the open countryside to the north and east. It would extend north of the northernmost house on the west side of Worton Road by approximately 45m on rising ground towards the crest of the hill; the refused 2018 scheme only extended approximately 25m from this point.

- 5.30 The development would occupy only a portion of the existing field and there are no established existing features such as walls, hedges or trees that provide a demarcation of the site area. Your officers are of the opinion that this would appear as an alien intrusion into the open countryside.
- 5.31 Given the location and extent of the site area, your officers consider that the development would fail to relate satisfactorily to the village or the existing rural environment which provides a setting for it, and it would not easily assimilate into its surroundings in resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would also be prominent and visible in public views from Worton Road. There would be a substantial harmful impact on the character and appearance of this location.
- 5.32 Further, while the details of landscaping would be dealt with at the reserved matters stage, the indicative masterplan provided shows an intention to provide planting to the edges of the site. However, the planting shown has significant gaps along the boundaries of the site and the plan indicates that there would only be space for planting one tree deep for the larger species for the most part (other than in the north eastern corner where a cluster of planting is shown). Your officers are of the opinion that the indicative planting is of insufficient depth to provide a meaningful buffer that would appropriately mitigate the visual impact of the development. The management of the existing hedge to the Worton Road boundary would need to ensure that this continues to provide a landscape feature whilst balancing the need to provide screening but also an appropriate level of outlook and light to the proposed properties fronting the road.

### **Landscape Impact**

- 5.33 The site is not within a designated area, but is pleasant countryside that provides a landscape setting for the rural village of Middle Barton. A Landscape and Visual Impact Assessment has been provided to support the application.
- 5.34 The LVIA submitted by the applicant concludes that:
- 'it is considered that the proposals could be integrated in this location without any notable adverse effects upon the receiving landscape character and visual environment. It is acknowledged that the proposals would result in the loss of an area of arable land which would represent a change to the perceived character of the site, from green field to residential development. However, this would be the same for any green field site and green fields are not protected for their own sake by national or local policy.'*
- 5.35 When viewed from Worton Road, the existing hedge along the western edge of the field does provide a degree of screening, but the field beyond is perceptible, particularly in winter. However, cutting of the hedge, consistent with regular management and ensuring reasonable outlook and light to any plots along the frontage would reduce its height and volume. There is no intention shown on the indicative plans to buffer the roadside hedge.

- 5.36 A public footpath to the east runs along the eastern edge of the arable field. The hedge to this edge and those to adjoining fields currently provides effective screening in views towards the site but this would vary depending on future management.
- 5.37 The creation of the access would open up the view into the site and the proximity of any dwellings provided along the frontage as well as an appreciation of development in depth away from the road would be visually harmful in terms of landscape character in your officer's opinion.
- 5.38 The site doesn't sit within the context of existing landscape features or built form that suggest development here might be appropriate by way of infilling or rounding off. The morphology on the east side of the road is of a large gap in development formed by the recreation grounds and limited linear development to the north of this at Nos. 52 to 60. On the west side of the road the built form terminates at Nos. 61/63, some way short of the northern edge of the proposed site (approx. 45m short).
- 5.39 Your officers are of the opinion that estate type development in this location would be entirely alien here and the proposal cannot be considered a logical complement to the village morphology. It would not appropriately assimilate into the environment of the locality.
- 5.40 Your officers are of the view that there would be significant harmful change to the landscape arising from the proposal. The ability of the landscape to accommodate this change is contingent to a great extent on suitable mitigation being provided. While the indicative layout shows the intention to provide some landscaping to the edges, for the reasons set out above, there is no certainty that this would be effective in the long term. Your officers are of the opinion that the scale and extent of development would remain evident even if the landscaping buffers were deepened where possible while still providing 28 dwellings of an appropriate density on this site.

## Highways

- 5.41 This planning application is supported by a Transport Statement which has been considered by the Local Highway Authority. In order to facilitate improved pedestrian access, a footway link is proposed from the site to the south linking with existing provision at the Hillside Road junction and a pedestrian connection will be made to the existing PROW at the eastern site boundary.
- 5.42 The nearest bus stop is located 200m south of the site on Worton Road adjacent to Middle Barton Sports and Social Club. A bus stop is also located near the proposed site access; however, no buses are currently operating from this location.
- 5.43 No objection to the application has been raised by the LHA from a transport strategy perspective subject to a number of planning conditions, an obligation to enter into a

S278/S38 agreement with OCC, and a legal agreement to secure S106 contributions towards public transport services and public footpath improvements.

5.44 However, the LHA has raised concerns about the sustainability of the site in transport terms for the following reasons:

- There is limited pedestrian infrastructure around the site;
- There is a limited bus service - although it is noted that paragraph 4.25 of the Transport Assessment refers to a financial contribution to increase the bus service;
- Most of the bus services run Monday to Friday only. The introduction of weekend services would benefit residents who work and for leisure purposes;
- The Transport Assessment refers to a 15 - 20-minute walk to the primary school. From which part of the site has this been measured from? For families with small children this is likely to be considered a significant distance and for parents accompanying children, it would mean a 40 min round trip. It is therefore highly likely that, because of this (if available) the car will be chosen mode for the journey to school.

5.45 Public transport in Middle Barton consists entirely of journeys run by Ourbus Bartons, a non-for-profit operator, providing services for Middle Barton and the surrounding villages. Options for journeys to work are very limited, consisting of a single journey to Steeple Aston (for S4 bus to Oxford or Banbury) and Heyford station (for train services), with an equivalent return arrangement. The County Council has identified that there is little to no prospect of regular bus services through Middle Barton and that a financial contribution is required to at least assist with the longevity of the Ourbus Bartons services (e.g., through contributing towards a replacement vehicle or additional journeys).

### **Residential Amenities**

5.46 The layout plan provided is only indicative at this stage. These matters would be fully assessed and taken account of at reserved matters stage. Careful consideration would need to be given particularly to the existing dwelling located to the south of the site in terms of overlooking or loss of light as a result of the siting of the proposed dwellings. The outlook from some properties in the vicinity may be affected in terms of the loss of an attractive view, but effect on a private view is not material to this assessment.

### **Flood Risk**

5.47 The site does not fall within an area of flood risk. However, the Local Lead Flood Authority has raised an objection to the drainage strategy submitted in support of the application. Additional information has been submitted by the applicant in response to this objection and appropriate re-consultation has been carried out with the LLFA.

5.48 Your officers will provide Members with an update on this matter either within the report of additional representations or verbally at the meeting in March.

## **Biodiversity**

5.49 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. All major and minor applications should demonstrate a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version.

5.50 The Council's Ecologist has objected to the application on the grounds that the initial application submission did not sufficiently demonstrate a measurable biodiversity net gain on the site. However, additional information has now been submitted by the applicant and appropriate re-consultation has been carried out with the Council's Ecologist.

5.51 Your officers will provide Members with an update on this matter either within the report of additional representations or verbally at the meeting in March.

## **Minerals and Waste**

5.52 The proposed development is not within a mineral safeguarding area, but it would result in residential development closer to the Duns Tew Minerals Safeguarding Area.

5.53 Policy M8 of the Oxfordshire Minerals and Waste LP Part I states that development that would prohibit or otherwise hinder the possible future working of the mineral will not be permitted unless one of three criteria are met. Those criteria are:

- The site has been allocated in the local plan or neighbourhood plan;
- The need for the development outweighs the economic and sustainability considerations relating to the mineral resource; or
- That the mineral will be extracted prior to the development.

5.54 In this case, an objection has been raised by the County Council on the grounds that the site is not allocated in the local plan, there has been no evidence that the need for the development outweighs the mineral consideration, and there is no plans for prior extraction of the mineral.

5.55 The applicant has advised that a response to this will be submitted prior to the committee meeting, but that the undersupply of housing in the district outweighs any minerals consideration.

## **Infrastructure**

- 5.56 With regard to education provision, the County Council has raised no objections to the application subject to a S106 contribution of £17,948 towards special education needs and disabilities (SEND) provision. No further contributions towards other education provision (Early years, primary and secondary) have been requested.
- 5.57 No objections have been raised in relation to waste management subject to a S106 contribution of £2631 towards the expansion and efficiency of Household Waste and Recycling Centres.

## **Legal Agreement**

- 5.58 A legal agreement has not been entered into at this stage. However, if Members resolve to approve the application then a S106 agreement will be required to secure the following:
- 50% affordable housing;
  - Biodiversity net gain provision (subject to the Council's Ecologist updated response);
  - £2631 towards the expansion and efficiency of Household Waste and Recycling Centres;
  - £17,948 towards special education needs and disabilities (SEND) provision;
  - £24,926 towards local bus services;
  - £12,000 towards footpath improvements.

## **Conclusion**

- 5.59 The site is located on the northern edge of the village of Middle Barton, which benefits from a number of services and facilities such as a primary school, post office and pub. However, it does not benefit from public transport that would be suitable for travel to work and a frequency of local service convenient for day to day travel to larger settlements. It is therefore considered by your officers that the location of the site is not easily accessible and sustainable in transport terms, and the development would result in unacceptable reliance on the private car.
- 5.60 Your officers also consider that the proposal would represent an inappropriate incursion into open countryside that would be unacceptable in terms of its visual impact, urbanising effects and harm to landscape character. The scale, extent and depth of development would not reflect the established character of the area. It would fail to establish a strong sense of place and would not reinforce local distinctiveness. It is unlikely that existing and proposed planting would allow the development to satisfactorily assimilate into its surroundings.
- 5.61 Further, your officers also note the objection raised by the County Minerals and Waste team that it has not been sufficiently demonstrated that the development would not prohibit or otherwise hinder the possible future working of the mineral at Duns Tew, nor

that the development would meet one of the three criteria outlined with the relevant policy which may address this concern.

- 5.62 Subject to the final responses from the Council's Ecologist and Flood Risk Engineers, it is anticipated that matters relating to biodiversity and drainage could be secured via appropriate planning conditions/a legal agreement. Similarly, there are no other technical objections raised to the scheme subject to a number of conditions and S106 contributions recommended by statutory consultees.
- 5.63 Taking in to account the material considerations, with particular reference to paragraph 11(d) of the NPPF, your officers are of the opinion that the significant demonstrable harms identified above regarding accessibility, visual impact, urbanising effects and harm to landscape character, as well as the outstanding technical objection regarding the impact on minerals extraction, would not be outweighed by the low level of benefit that the provision of only 28 dwellings (albeit 50% affordable) would contribute towards the current shortfall of housing supply in the district. There are no other demonstrable benefits of the scheme that would outweigh the harm identified. As such, the application is recommended for refusal.

## **6 REASONS FOR REFUSAL**

- 1 The site is located in the countryside beyond the existing settlement edge of the village of Middle Barton. The development would encroach unacceptably into an extensive area of agricultural land that characterises the landscape in this location. An estate type development in this location would be entirely alien and the proposal cannot be considered a logical complement to the village morphology or the existing rural environment which provides a setting for it, and it would not easily assimilate into its surroundings in 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 public views from Worton Road, particularly given the rising land levels to the north of the site. The development would fail to establish a strong sense of place and would not reinforce local distinctiveness. The proposal would not add to the overall quality of the area and the landscaping is unlikely to provide effective mitigation. With particular reference to paragraph 11(d) of the NPPF, the significant demonstrable harms identified would not be outweighed by the low level of benefit that the provision of only 28 dwellings (albeit 50% affordable) would contribute towards the current shortfall of housing supply in the district. There are no other demonstrable benefits of the scheme that would outweigh the harm identified. The proposal is therefore contrary to policies OS2, OS4, and H2 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF, in particular paragraph 11(d).
- 2 The development site is in an area which does not benefit from a commuter frequency public transport service. This will result in heavy reliance on private vehicles for journeys to destinations outside of Middle Barton. In transport terms the development site is therefore considered to be in an unsustainable location. The proposal is therefore

contrary to policies OS2, T1 and T3 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.

- 3 The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of open space, and provides for footpath improvements, local bus services, SEND education and waste management. The Local Planning Authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with policies OS2, OS5, H3, T1 and T3 of the West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF.

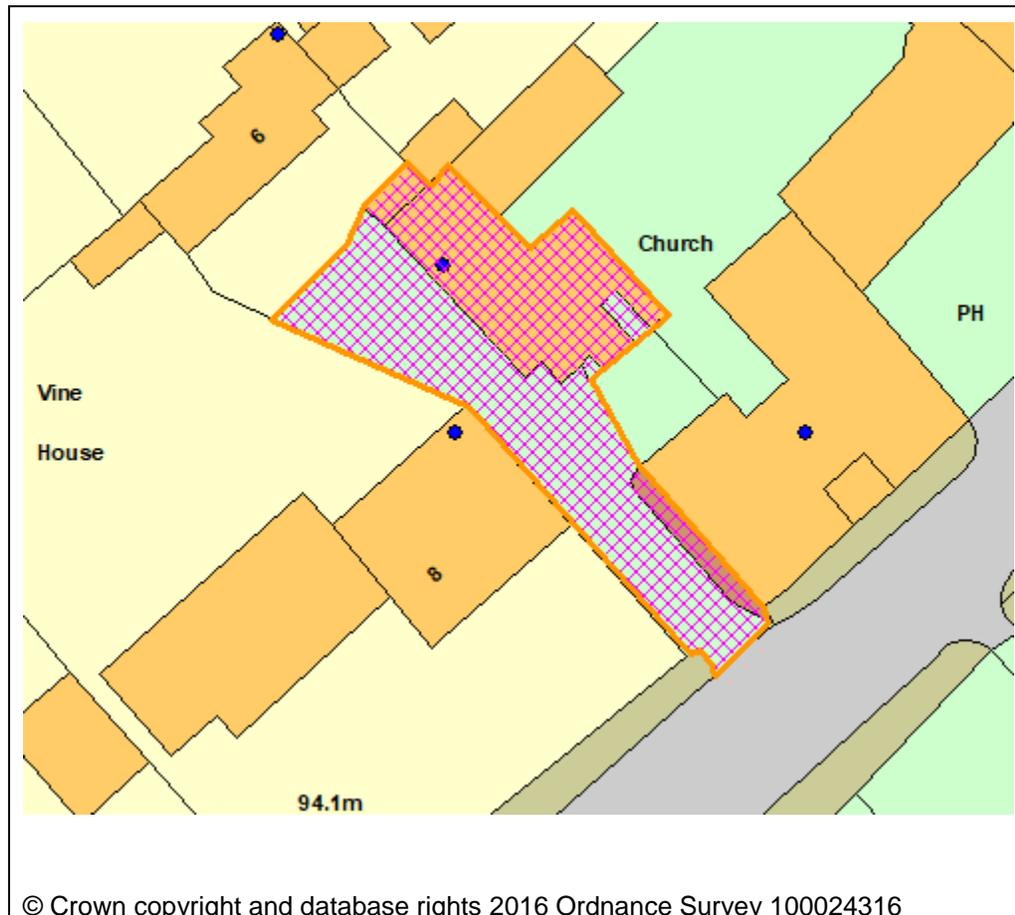
**Contact Officer:** Stephanie Eldridge

**Telephone Number:**

**Date:** 22nd February 2023

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

The 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

Follow up Consultation Response:

I have visited the site whilst passing during weekday evenings and at a weekend.

The proposal is far from ideal however I could not demonstrate the additional vehicles would cause such harm as to warrant the refusal of the application.

WODC Env Heath - 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.

## **2 THIRD PARTY 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

EH1 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.
- 5.3 The application was deferred from last month's meeting of the Committee in order to allow Members to conduct a site visit and to allow officers to clarify the position of the Highways Authority with regard to parking matters.

### **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**

- 5.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority (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).

5.5 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.

5.6 These matters will be fully considered below.

### **Principle**

5.7 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."*

5.8 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.

5.9 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"*

5.10 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.

5.11 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.

- 5.12 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**

- 5.13 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 justify the loss of an existing dwelling under Policy E4.

- 5.14 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**

- 5.15 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).

- 5.16 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.

- 5.17 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".*

5.18 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".*

5.19 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**

5.20 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.

5.21 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.

5.22 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**

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

5.24 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)*.

5.25 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.

5.26 At February's meeting, Members were advised that:

*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.*

- 5.27 During the meeting, Members raised concerns regarding the ability of the site to accommodate the parking of three vehicles and the applicant's stated intention to use the existing pub carpark to serve the proposed holiday lets. As a result, your officers have sought further opinion from the Highways Authority, seeking to establish whether or not the Highways Authority would object to the scheme if the proposed lets were served by the existing pub car park, taking into account the potential for overspill to result in on-street parking. Your officers received confirmation that the Highways Authority could not demonstrate the additional vehicles would cause such harm as to warrant the refusal of the application. As a result, officers consider that the proposal would not lead to an unacceptable impact on highway safety and as a result, is considered acceptable in highway impact terms.

### **Other Matters**

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

### **Recommendation**

- 5.29 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.

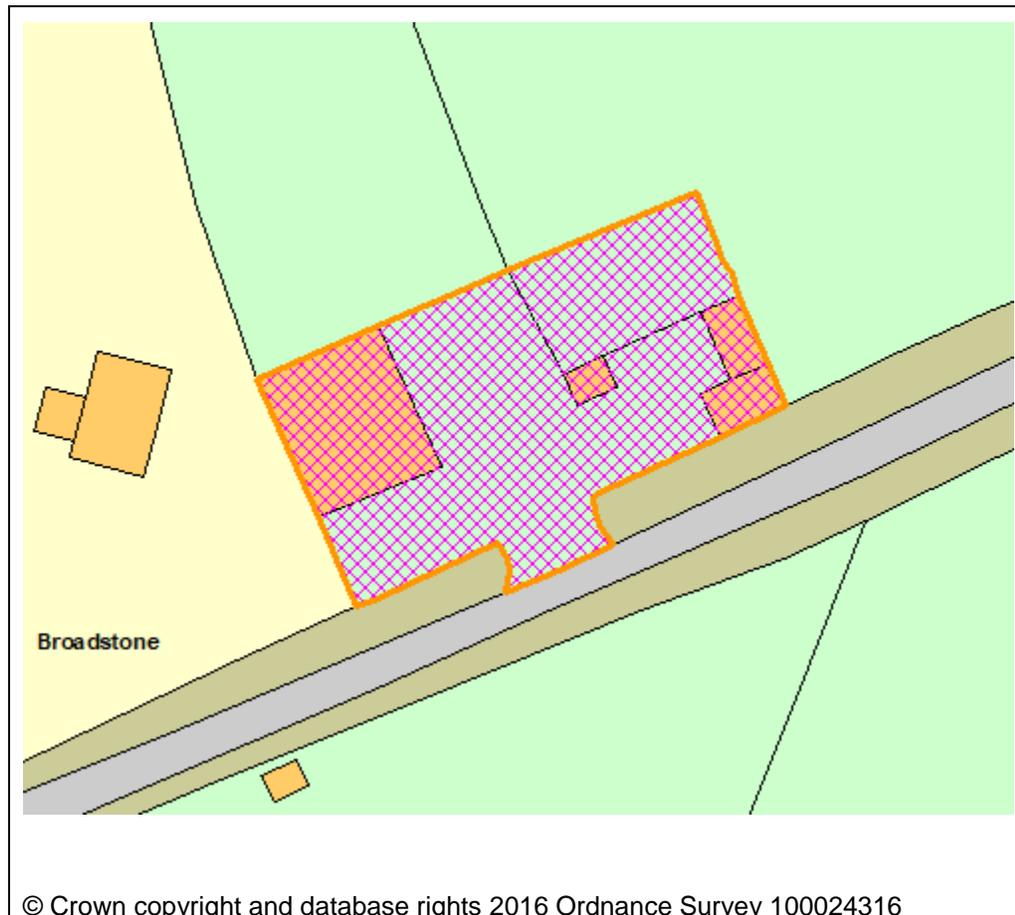
- 4 The holiday let accommodation hereby permitted shall be managed in conjunction with the operation of the public house known as 'The Swan' and not as a standalone operation.

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:** 22nd February 2023

Application Number	22/03160/FUL
Site Address	Broadstone Farm Ditchley Road Charlbury Chipping Norton Oxfordshire OX7 3QT
Date	22nd February 2023
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Charlbury Parish Council
Grid Reference	436477 E 219992 N
Committee Date	6th March 2023

### Location Map



### Application Details:

Proposed alterations and change of use of barn to a dwelling, landscaping works and associated operations.

### **Applicant Details:**

Mr And Mrs Blakesley-Grimes  
Broadstone Farm  
Ditchley Road  
Charlbury  
Oxfordshire  
OX7 3QT

### **I CONSULTATIONS**

Parish Council

After careful consideration, Charlbury Town Council does not object to this application but does wish to make the following comments.

Firstly, regarding the Planning Statement submitted with the application:

Paragraph 3.1 of the planning statement correctly notes that planning permission should be determined "in accordance with the development plan, including any local and neighbourhood plans that have been brought into force ..." (my emphasis). However, the planning statement completely fails to acknowledge or mention the Charlbury Neighbourhood Plan 2031 (CNP) that was "made" (brought into force) on 14th June 2021 and which covers the location addressed by this application.

1. Paragraph 4.5 of the Planning Statement references the approval of planning application 20/02655/FUL as evidence of the considered value of the barn as a building per se. However, we do not believe that such an inference can reasonably be drawn as the former approval related to the barn's continued use for agricultural purposes whereas the current application proposes a change of use to residential. Whilst we do not object to the change of use, we challenge the inference.

2. Paragraphs 3.13 to 3.22 of the Planning Statement discuss in detail the five year land supply requirements imposed on local planning authorities with specific reference to planning appeal decision reference APP/D3125/W/22/3293656.

Whilst we do not comment on the statements made, we note:  
a. The appeal was nevertheless refused, largely as a result of material considerations arising from that site's location within an AONB

(refs: NPPF 176, 177; Local Plan policies OS2, OS4, EH1 and BCI).  
 This AONB designation also applies to the current application along with the references quoted here plus CNP policy NE1.

b. NPPF paragraph 176 recognises that "the scale and extent of development within [e.g. AONBs] should be limited". This was recognised during the examination of the West Oxfordshire Local Plan 2031 and informs the more restricted approach to housing that applies to the Burford-Charlbury sub-area within that plan.

c. In our opinion, the provision of a single new property set in a substantially sized plot cannot reasonably be held to contribute to the overriding principle to "boost significantly the supply of housing" (my emphasis) as mentioned in paragraph 4.11 of the Planning Statement.

Secondly, and more generally, with reference to the application itself:

A. We welcome commitments to sustainability detailed in section 8.0 of the Design and Access Statement, which we believe to be in line with CNP policies NE9 and NE5 and consistent with the town council's declaration of a climate emergency.

B. With regard to biodiversity, we draw attention to paragraphs 7.3.10 to 7.3.12 of the CNP regarding the creation of native species hedgerows and promotion of wildlife corridors.

C. Regarding housing provision, CNP Aim 3 and Policy CH1 are relevant. Whilst this application does not explicitly address the challenges set out in paragraph 5.1.4 of the CNP, we are content that this single property development is consistent with the aim and policy mentioned.

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 condition

WODC Drainage Engineers

No Objection

District Ecologist

After reviewing the submitted photographs, it is felt the existing buildings are unlikely to support a bat roost. Despite this, the above bat informative is recommended to ensure the applicant

is made aware of the legal protection afforded to bats in the unlikely event one is discovered.

The submitted proposed site plan has included details of native hedgerow planting, this will enhance the site by providing a nesting and foraging resource for native wildlife - this is satisfactory.

Newt Officer

No Comment Received.

Conservation And Design Officer

In my opinion the proposal has not clearly and convincingly justified the virtually complete re-construction of a metal clad agricultural barn to a residence within the Charlbury Conservation Area and AONB. It has not attempted to show how the proposal will impact on the heritage asset, and /or enhance the surrounding area.

The current metal barn may be acceptable as an agricultural building in the countryside, but its alteration / conversion along with inevitable residential paraphernalia would have a deleterious impact on the conservation area, and it will be very conspicuous in a very rural landscape.

## 2 REPRESENTATIONS

### 2.1 Charlbury Conservation Area Advisory Committee:

The Committee were against the proposal as the planning case attempted to justify the almost complete re-construction of a metal clad agricultural shed as a dwelling within the ANOB. The Planning justification stated the proposal was within the Charlbury Conservation Area but did not seek to explain how it could enhance the CCA.

The position of the building on the flat land above Charlbury means it will be highly visible on a much used rural road. The metal format is acceptable as a temporary agricultural building but the building should be removed when its use becomes obsolete and if required a new proposal for a new stone built dwelling that will compliment the Conservation Area and ANOB submitted to test if this situation justifies a dwelling. It was agreed that the Architect's design would be very acceptable in urban setting but not in this situation.

### 2.2 | Objection Comment received:

- 1) The Application for Planning Permission states that there are no "trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character".

Comment: The mature trees and associated hedge along the edge of the highway adjacent to the site form part of a natural avenue of mature trees that are an important contribution to the character of the area.

- 2) Document 22\_03160\_FUL-PLANNING\_STATEMENT\_NOV\_2022-1152815.pdf (The Planning statement submitted by JPPC states:

"4.22 Policy OS4 states high design quality is central to the strategy for West Oxfordshire and that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings.

"4.23 Policy EH1 states that in determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB.

"4.24 The site is located within the Cotswolds AONB. No major physical alterations are proposed to the building, so the building would have the same appearance as the scheme approved under 20/02655/FUL.

The proposed new dwelling, with its bleak, entirely metal-clad appearance, will detract from rather than enhance the area's natural beauty. The immediate environment of the proposed development consists of small fields bordered by hedgerows with an unusual (for this area) number of mature trees. This rural scene has not been enhanced by the existing barn, and had the cladding been fully applied according to a previous planning application, the resulting more prominent appearance of the barn would have further detracted from the rural aspect and character of its surroundings. Conversion to a house would downgrade the landscape yet another stage. Although the "form" of the building would not be altered from what has already been approved, the addition of windows and doors, and the proposed landscaping (however modest) would not conceal its obvious use as a dwelling. The vast majority of other houses in this area (including Broadstone Farm itself) respect the local vernacular architecture of stone walls and tiled roofs. As a house, the development is frankly incongruous and would be entirely out of place in this locality. The garage is also inappropriate. The timber buildings on the present site of the proposed garage are extremely unobtrusive and scarcely visible from the road. The proposed garage would be almost twice their height and the metal cladding would be very obvious, again detracting from the rural character of its surroundings.

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

- 3.1 Various documents have been submitted.

### 3.2 Planning Statement:

The application seeks planning permission for the conversion of the existing barn to form a dwellinghouse and replace 3 existing other buildings on the site with a new 3 car garage. The proposals are carefully described in the accompanying Design and Access Statement produced by Charlie Luxton Design.

### 3.3 Design and Access Statement:

The proposed scheme seeks to retain the form, scale and character of the existing barn by remaining within the existing footprint and retaining the existing concrete structure.

The proposed garage is subservient to the existing barn but will be clad in the same agricultural cladding material in order to compliment it.

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

E3NEW Reuse of non residential buildings

T4NEW Parking provision

EH9 Historic environment

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

NPPF 2021

CHANP Charlbury Neighbourhood Plan

EH1 Cotswolds AONB

OS1NEW Presumption in favour of sustainable development

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

## 5 PLANNING ASSESSMENT

### Background Information

5.1 The application seeks consent for the proposed alterations and change of use of barn to a dwelling, landscaping works and associated operations.

5.2 The site is located on the edge of Charlbury and is within the Cotswold AONB and the Charlbury Conservation Area. The existing building is a modern open sided agricultural style building constructed of corrugated metal sheeting and is surrounded by fields to the north, east and south.

5.3 The application is before Planning Sub-Committee for consideration as the recommendation conflicts with the Parish view.

## Planning History

- 5.4 20/02655/FUL - Alterations to existing agricultural building - Approved
- 5.5 Taking into account planning policy, history, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations in the assessment of this application are:
- The Principle of Development;
  - Impact on Heritage Asset
  - Impact on AONB
  - Siting, Design, Scale and Form;

## Principle

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

## The Development Plan

- 5.7 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 contains a settlement hierarchy (Table 4b) which lists and categorises larger settlements as either 'main service centres', 'rural service centres' or 'villages'. Table 4b then outlines that those settlements not listed should be categorised as 'small villages' or 'hamlets'. Charlbury is listed in this table as a Rural Service Centre. A recent appeal decision (APP/D3125/W/19/3243505) on a site approx. 90 m west described the area as:

"It marks a palpable change in character along Ditchley Road that becomes overtly rural eastwards due to the proximity of open countryside and the more dispersed and rural form of farm buildings. As such, the site forms part of the transition experienced from the settlement edge into the surrounding natural environment that provides the rural setting to Charlbury. Consequently, the site contributes positively to the rural character and appearance of the area and the CA."

5.7 The site subject of this application sits further east than the appeal site above and Broadstone Farm (within the same ownership) itself. Officers consider that whilst it can be argued that Broadstone Farm is adjoining the built up area, this site, extends further east and is therefore located in the open countryside.

5.8 Policy OS2 states that:

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

5.9 Policy OS2 goes onto outline a series of general principles with which new development should accord. Those relevant in this case are that new development should:

- "Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- Conserve and enhance the natural, historic and built environment"

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

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

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design;
- new accommodation proposed in accordance with policies specifically for travelling communities;
- accommodation which will remain ancillary to existing dwellings\*;
- replacement dwellings on a one for one basis;
- re-use of appropriate existing buildings which would lead to an enhancement of their

- immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met;
  - on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.
- 5.12 Policy E3 (Re-use of non-residential buildings) also applies in this case. The policy splits between traditional and non traditional buildings. Whilst "traditional" is not expressly defined within the WOLP, the proposed building comprises a modern 'Atcost' farm building. Chapter 15 of the West Oxfordshire Design Guide covers conversions of traditional agricultural buildings, which excludes this form of modern agricultural building.
- 5.13 Paragraph 6.49 within the supporting text of E3 states:
- "Non-traditional or modern agricultural buildings are typically unworthy of retention due to their form and unsympathetic materials. As there are many such buildings throughout the countryside, their general re-use could lead to a dispersed pattern of development contrary to the overall spatial strategy and having an adverse impact on the character and tranquillity of rural areas."
- 5.14 As noted above the existing building is an open sided asymmetrical modern agricultural building constructed of metal. There is an extant permission (20/02655/FUL) which was to "re-roof the existing building, enclose the building with corrugated metal cladding with new and fully enclosing sides, to install a roller shutter door and to block the existing open ends to make the building vermin proof for future grain storage."
- 5.15 The agent argues within the planning statement submitted with this application that the Council considers this building worthy of retention because of the extant permission. However this permission was granted in relation to its continued use for agricultural purposes and not in relation to policy E3 and the re-use of this building for alternative purposes.
- 5.16 The applicant has not provided any justification or information which supports an identified housing need. The building is not considered appropriate for conversion given its modern appearance and construction, notwithstanding this, no information has been submitted which supports that claim that the building is not capable of reuse for another use other than residential.
- Therefore the principle of the development is considered to be directly contrary to policy OS2, H2 and E3 the WOLP.

#### Charlbury Neighbourhood Plan

- 5.17 No reference has been made to the Charlbury Neighbourhood Plan within any of the submitted documentation. The plan has been adopted so is a material planning

consideration for the application. Policy CHI: Meeting the needs of the Parish of Charlbury states:

A modest level of new housing will be supported where it helps to reinforce the existing role of Charlbury as a rural service centre.

Proposals which would provide housing for people on lower incomes and smaller scale and discounted market housing and new affordable homes of a range of different tenures, including houses to buy and to rent will be particularly supported.

- 5.18 Whilst no reference is made in the CHI policy to new housing in the open countryside, this application includes no information on a specific housing need and officers consider that the proposal is not in accordance with other WOLP or Neighbourhood Plan policies, which will be discussed further in the report.

#### National Policy/Guidance

- 5.19 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF goes on to say that where policies that are most important for determining the application are out-of-date, permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.20 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.
- 5.21 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date. The Councils latest Housing Land Supply statement summaries our position at 4.1 years but In a recent appeal decision (Land East of Barns Lane, Burford), the Inspector found that figure to be lower. As such, the Council cannot currently demonstrate a 5-year supply of housing land and the provisions of paragraph 11d) of the NPPF is engaged.

5.22 However in this case paragraph 14 of the NPPF applies as there is an adopted Neighbourhood Plan in place. It states that:

*"the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

5.23 Having regard to the above, officers consider that whilst the WOLP housing policies are considered out of date, full weight can be given to the Neighbourhood Plan Policies.

5.24 In view of the above it is clear that given the proposed development directly conflicts with policy CHI of the Neighbourhood Plan and therefore the proposal significantly and demonstrably outweighs any benefits associated.

### **Impact on Heritage Assets**

5.25 The Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

5.26 The Conservation Officer was consulted as part of the application and made the following comments:

*In my opinion the proposal has not clearly and convincingly justified the virtually complete reconstruction of a metal clad agricultural barn to a residence within the Charlbury Conservation Area and AONB. It has not attempted to show how the proposal will impact on the heritage asset, and /or enhance the surrounding area.*

*The current metal barn comprises a typical form of modern agricultural building in the countryside, but its alteration / conversion along with inevitable residential paraphernalia would have a deleterious impact on the conservation area, and it will be very conspicuous in a very rural landscape.*

5.27 Officers consider whilst a building of this nature is commonly found within the surrounding countryside, its conversion would significantly alter its simple agricultural

form and nature and would domesticate and urbanise the rural appearance and character of the conservation area.

- 5.28 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. The following paragraphs draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits. Officers consider that the proposed one open market dwelling has limited public benefits, which does not outweigh the harm to the designated heritage asset.

### **Impact on the AONB**

- 5.29 The site is located within the Cotswolds AONB wherein great weight should be given to conserving landscape and scenic beauty.  
The Charlbury Conservation Area Advisory Committee states:

*The position of the building on the flat land above Charlbury means it will be highly visible on a much used rural road.*

*The metal format is acceptable as a temporary agricultural building but the building should be removed when it's use becomes obsolete.*

- 5.30 Policy NE1 of the Charlbury Neighbourhood Plan states:

*Development proposals should conserve and enhance the natural beauty, landscape and countryside of the Cotswolds AONB, including its wildlife and heritage. Development proposals should demonstrate how they Conserve and Enhance landscape and scenic beauty and take account of policies in the Cotswolds AONB Management Plan, Position Statements and any relevant associated guidance. Development proposals for affordable housing that meet identified needs of the town will be supported provided they are consistent with the great weight that must be given to conserving and enhancing the landscape, natural scenic beauty, wildlife and heritage of the area.*

- 5.31 Officers agree that the existing building (and the design of the extant permission) is commonly seen within the AONB given that a huge proportion of the area is agricultural land and holdings. However the residential conversions of this modern farm building would domesticate its rural appearance and character and the resulting domestic curtilage and associated paraphernalia would be harmful to the scenic beauty of the AONB

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

- 5.32 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should

relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

5.33 Policy HE2 of the Charlbury Neighbourhood plan states:

*Development proposals which detract from the character or the appearance of the neighbourhood area or which conflict with the relevant Guiding Principles in the Charlbury Design Guidance will not be supported.*

5.34 Appendix 3 Charlbury Design Guidance C3 states:

*The patchwork of fields to the north-west and north of the town indicates early enclosure of the former open fields with some surviving evidence of ridge and furrow. Field boundaries shown on Pride's map of 1761 can still be seen. The few farm buildings are generally of local materials and in a traditional style although often accompanied by the more intrusive structures of modern farming.*

*The overall character is of an attractive and unspoilt landscape of some historic interest, offering stunning views particularly along the Evenlode valley and providing a memorable and much-valued setting for the town.*

5.35 The proposed design and form of the dwelling is based around the existing asymmetrical functional form of the modern agricultural building with corrugated metal cladding used on all elevations, with a height of approx. 6.5m, a width of 12.5 m and length of 14.5m. The proposed window/door form is not agricultural in nature and the existing unbroken roofscape is punctured by 5 rooflights on the rear and flue on the front.

5.36 In accordance with OS2 and OS4, Officers consider that the proposed scheme fails to form a logical compliment to the scale, historic character and pattern of development for the area and fails to conserve or enhance the natural and historic character of the area.

5.37 Considering the garage which is proposed to be sited directly along the boundary with the road at a height of 6 m at the ridge and 10m in length and constructed entirely of metal cladding. Whilst there are some existing wooden structures in this location these are very low lying and of materials that blend with their surroundings. The proposed is a significant increase in size and massing along the boundary adjacent to the road and is considered to introduce an incongruous and uncharacteristic form on the site and within the streetscene. Whilst there is a degree of screening with the existing hedge this cannot and should not be relied upon to hide development in an inappropriate location and the natural winter die back would allow isignificantly more views into the site during the winter months.

5.38 In terms of the streetscene, the edge of settlement location and extremely sporadic and low density surrounding development, leads to the open agricultural character being lost and inserts a prominent feature along Ditchley Road as you transit the road into the open countryside. This is considered to negatively impact the streetscene in this location and reuses an intrusive structure which is not in keeping with the wider character of the area and surrounding landscape.

### **Residential Amenities**

5.39 The closest dwelling is Broadstone Farm itself which is sited approx. 40m south-west of the site. As such, there will be no impact on residential amenity.

### **Planning balance and Conclusion**

5.40 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the WOLP. 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.

5.41 However given the provisions of paragraph 14 of the NPPF the made Charlbury Neighbourhood Plan can be given full weight and the proposed development is considered to be contrary to policy CHI of the Charlbury Neighbourhood Plan. Notwithstanding this, the proposed dwelling is not considered to conserve or enhance to Charlbury Conservation Area, Cotswold AONB or form a logical compliment to the scale and pattern of development for the area.

5.42 The proposed development directly conflicts with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies OS2, OS4, E3, EH1, EH9, EH10 of the West Oxfordshire Local Plan to 2031 and Policies CHI, HE2 and NE1 of the Charlbury Neighbourhood Plan, West Oxfordshire Design guide, Charlbury Design Guidance and relevant sections of the NPPF. Therefore the application is recommended for refusal.

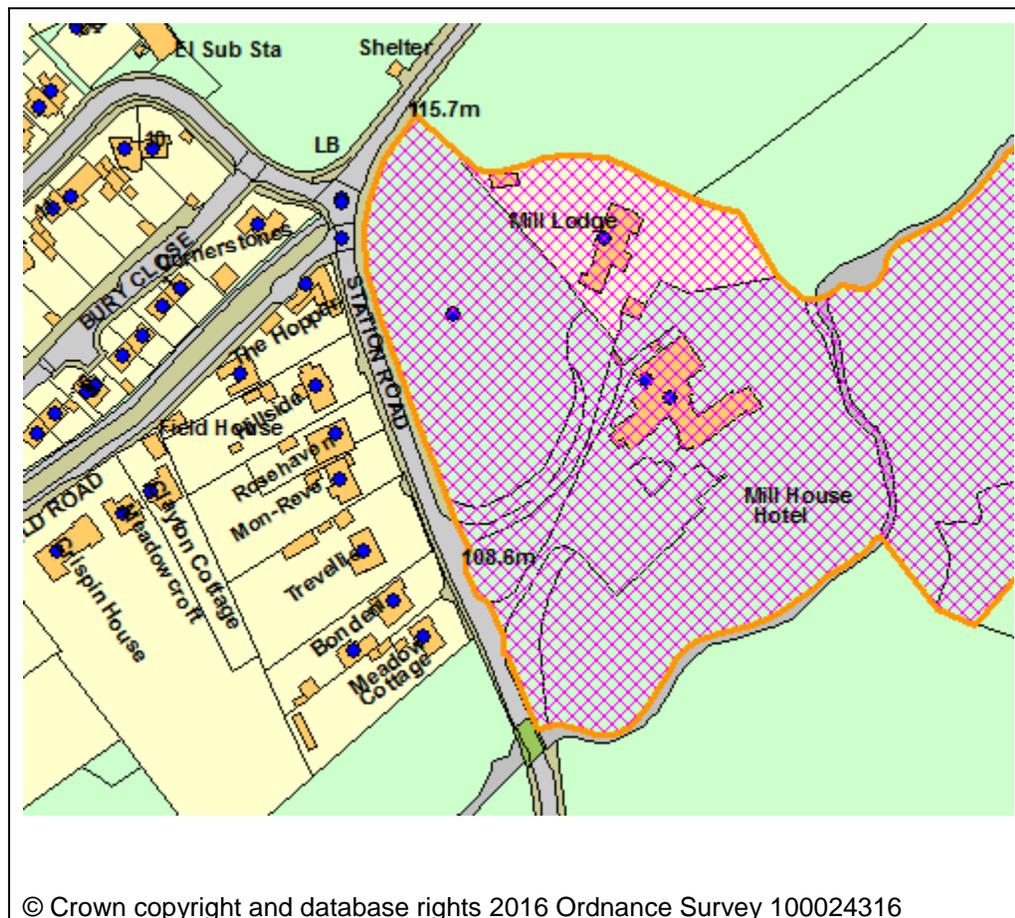
## **6 REASONS FOR REFUSAL**

- I The proposed scheme by reason of its siting and design fails to accord with the locational strategy contained within the West Oxfordshire Local Plan 2031 and Charlbury Neighbourhood Plan and guidance contained in the National Planning Policy Framework 2021 and creates an incongruous and uncharacteristic form that is not in keeping with the rural character of the Conservation Area, AONB or the wider area. The proposal is therefore considered contrary to Policies OS1, OS2, OS4, H2, E3, EH1, EH9 and EH10 of the West Oxfordshire Local Plan 2031, the relevant pages of the NPPF and the West Oxfordshire Design Guide and relevant policies of the Charlbury Neighbourhood Plan.

**Contact Officer:** Sarah Hegerty  
**Telephone Number:** 01993 861713  
**Date:** 22nd February 2023

Application Number	22/03311/FUL
Site Address	Mill House Hotel Station Road Kingham Chipping Norton Oxfordshire OX7 6UH
Date	22nd February 2023
Officer	Stephanie Eldridge
Officer Recommendations	Approve subject to Legal Agreement
Parish	Kingham Parish Council
Grid Reference	425911 E 223437 N
Committee Date	6th March 2023

### Location Map



### Application Details:

Redevelopment of the Mill House Hotel site to provide a 38 bedrooms hotel and ancillary facilities including restaurant, alehouse, reception/bakehouse, and demonstration barn. Associated provision of parking, landscaping and reinstatement of the former mill leat (Amended plans and information received)

### **Applicant Details:**

Mill House Hotel  
Station Road  
Kingham  
Oxfordshire  
OX7 6UH

## **I CONSULTATIONS**

Major Planning Applications Team (Re-consultation)      No Comment Received.

Parish Council

Kingham Parish Council wishes to support this application. Our policy has always been to be supportive of proposals to develop an hotel on this site, since we do not wish to see it remain derelict. Any proposal should, however, be of an appropriate scale in relation to the site and the village. In contrast to the previous proposal, this one is of an appropriate scale and we appreciate the care that has been taken to ensure that it will complement the original Mill Building and the village itself. We also appreciate that the applicants have kept the Parish Council aware of their proposals as they have developed, and that they arranged an open meeting for the wider village to view and comment on the proposals.

We have only three comments on the proposals which may need to be incorporated into any acceptance of the proposals:

1. Parking. The proposed parking arrangements appear well thought out and should be satisfactory. There is, however, no scope for on-street parking at the site, so if (as we hope) the development is successful and parking becomes a problem, then there needs to be robust arrangements for off-site parking for both staff and guests as described in section 7.01 of the Design and Access Statement and paragraph 3.14 of the Transport Statement.

2. Sewerage. This is essentially covered in paragraphs 4.25-28 of the Flood Risk and Assessment and Drainage Strategy. The

applicants are awaiting confirmation from Thames Water that there is sufficient capacity in their system (Thames Water had indicated that there was sufficient capacity in 2020). The applicants had indicated to us verbally that they would be seeking an independent sewerage report and we would suggest that should be available. We note the pumping station located near the entrance to the site on Station Road and that Thames Water tankers are seen there on a regular basis. Are they pumping out sewerage that cannot be handled by the existing system? The applicants need to have a robust discussion with Thames Water and be absolutely sure that capacity issues have been dealt with.

3. Construction Management Plan. This will be a major construction in a village the size of Kingham. It is important that the Construction Management Plan ensures that all deliveries come from the south so avoiding going through the village and that all activity (including parking of construction staff) is confined to the site. In addition, it is important that there are clear lines of communication so that if there are problems with deliveries etc. it is clear who to contact and that they have the authority to sort any problems out.

Major Planning Applications  
Team

Initial comments received prior to the submission of additional information and re-consultation.

Transport - Objection for the following reasons:

1. Details of personal injury accident data are required.
2. Car parking provision requires improvement.
3. There is insufficient detail for the proposed improvements to the public right of way through the site.
4. There is insufficient detail for the access or internal development layout.

Lead Local Flood Authority - Objection for the following reasons:

1. Surface water discharge rate to be based on  $Q_{bar}$ .
2. Surface water catchment plan to be provided.
3. Surface water flood exceedance plan to be provided.
4. SuDS construction details drawing to be provided.
5. Consent from the relevant party to be provided to discharge at the existing water course or ditch.
6. Drainage drawing to be detailed.

Archaeology - No objection, subject to conditions.

Conservation And Design  
Officer

With respect to the site, it is notable that we have previously approved five detached houses along the road boundary - arguably the most prominent part of the site - together with an access drive in front, parking and other domesticating features. It is also notable that the historic and interesting (though un-listed) mill building has been greatly compromised by modern additions of sizeable footprint to both the east and west sides, tending to swamp the original form, with the original linear form being very hard to read.

Turning to the current proposal, we now appear to have a reduced amount of new building, by comparison with earlier schemes. There would again be development along the road boundary, and there would be a considerable footprint - although now the houses are lower-lying, and more cottage like in scale. They would also have vernacular forms, with decent proportions, small windows and thatched roofs, they would be stepped with the gradient, and they would be set nearer to the road, with no vehicular access from the road, and with parking tucked away behind. It has to be said that these are fairly convincing. There would have been more space between and around the approved five houses, but I have some sympathy for this approach, which is arguably more reflective of traditional village forms.

With respect to the historic mill, there is much to recommend this latest scheme. All of the modern additions would be removed, reinstating the earlier linear form - and they would also be recreating the mill leat that once drove the mill. There would be just one new extension on the east side, a restaurant, although this is of relatively simple plan, and is arguably sufficiently secondary to the original building, with a lower link. In my view, this is all to be welcomed.

Elsewhere on the site, a sizable modern lodge would be removed, together with a shed and a garage block, and in their general area would be a new bakehouse, a barn and a plant room/potting shed. All of these buildings have fairly convincing vernacular forms, though now tending towards the agricultural, and all have decent proportions. Parking would be set to the north of the site, with much vegetation around. It seems to me that if this vegetation is secured and is well maintained, and

bearing in mind that much existing unsympathetic development in the core of the site would be removed, views to the south and south-east from the playing field and church area would not be unacceptably impacted.

Overall this latest scheme is supportable from a design perspective.

WODC Landscape And Forestry Officer

Compared to earlier schemes, this one looks better in that it takes development away from the southern meadow and reduces the visual impact of two access points from the main road. No objections, subject to detailed landscape and tree protection conditions.

Cotswolds Conservation Board

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape.<sup>3</sup> The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications.

The Board will not be providing a more comprehensive response on this occasion.

Environment Agency

No Comment Received.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

District Ecologist

No objections, subject to conditions.

WODC Business Development

No Comment Received.

WODC Planning Policy Manager

The WODC Policy Team response concludes as follows:

Given the sensitive location of the site within the AONB and the proximity to the conservation area major development such as this must be carried out in a sensitive way which serves to elevate the natural and built aspects of the local environment.

As outlined above, the application proposal is consistent with a number of key policies of the adopted local plan. The key issue to be considered is the scale of development and whether having been reduced since the previous submission in 2020, the proposals are now consistent with the Policy OS2 expectation that development in villages such as Kingham will be 'limited' and also consistent with the need to resist major development in the AONB other than in exceptional circumstances.

## **2 REPRESENTATIONS**

- 2.1 A letter of representation has been submitted by WASP (Windrush Against Sewage Pollution) as follows:
  1. This submission is made by Windrush Against Sewage Pollution (WASP), a registered charity one of whose aims is to promote for the benefit of the public the conservation, protection and improvement of the physical and natural environment of the River Windrush and surrounding river catchments. A major focus in working toward this is to eliminate the discharge of untreated and poor-quality sewage into local watercourse. WASP takes no position with respect to development proposals.
  2. The submission focusses solely on the ability of Bledington Sewage Treatment Work (STW) owned by Thames Water Utilities Limited (TWUL) to deal legally with the increased sewage generated by the proposed development.
  3. The proposal is for an increase in bedrooms from the existing 21 to a total of 33 and the construction of a variety of ancillary facilities including restaurant, spa, gym, swimming pool, alehouse, bakehouse. This expansion of the site will increase the volume of foul water (sewage) leaving the site by a considerable but unstated volume.
  4. The Flood Risk Assessment and Drainage Strategy (5\_1157399.pdf) notes that the redeveloped site will discharge foul flows into the existing 225mm public foul sewer running across the site which is believed to discharge into the Thames Water (TW) owned Bledington Sewage Treatment Works (STW) which discharges into the nearby River Evenlode . A capacity check was submitted to TW in 2020 which confirmed adequate capacity within the receiving sewer.
  5. TW make no mention however of the ability of Bledington STW to treat and discharge the additional sewage generated by the proposal in a legal manner compliant with its statutory Environment Agency (EA) permit.

6. Evidence gathered by WASP shows clearly that Bledington STW spilled untreated sewage for a total of 4,994 hours (208 days) during 2019-2021. Further analysis by WASP showed that on 16 occasions untreated sewage was discharged outside of permit conditions (i.e. illegally) during this period.
7. In essence this means that periodically Bledington STW has, in breach of its statutory permit issued by the Environment Agency (EA), discharged untreated sewage to storm tanks and thence to the receiving watercourse, making its present operation periodically illegal. Published EA Water Framework Directive data<sup>3</sup> shows the receiving reach of the River Evenlode to be at MODERATE ecological status, with continuous and intermittent discharge of sewage by the water industry cited in three separate categories as Reasons for Not Achieving Good status (RNAG).
8. The EA is currently carrying out a wide-ranging investigation into the unpermitted (illegal) operation of sewage treatment works, focussing on early/dry spilling of untreated sewage. It is believed that Bledington STW is included in this investigation.
9. TWUL currently has no stated plans to address the illegal discharge of untreated sewage from Bledington STW, meaning that it will remain periodically non-compliant with its statutory permit.
10. WASP contends that without prior completed upgrade to ensure compliance with the legal permit standard at Bledington STW, granting of this development will simply endorse its present periodically illegal operation, and will increase further the spilling of untreated and poorly treated sewage into the River Evenlode catchment.
11. WASP contends that the planning authority MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity, but in the face of contrary evidence presented to them, does NOT HAVE to. This belief is based on counsel's advice and case law.

2.2 Three letters of support have been received by members of the public. The key points raised are as follows:

- The hotel has been closed for a long time now and re-opening will provide another facility and asset for the village;
- Will create more local jobs;
- Revised plans take into account concerns raised in the last application;
- Amount of parking more realistic in relation to the business;
- Shuttle bus from the village to the station is welcomed;
- Scale of development now reasonable;
- Development will be of a high standard and will fit into area well;
- Existing hotel is now an eyesore;
- Will generate much needed sustainable employment and high value tourism;
- Landscaping proposals seem well thought out and will enhance the existing site;

- Increase in biodiversity;
- Flood risk and drainage appears to be well detailed and addresses previous concerns;
- Positive economic stimulus in post COVID-19 environment and economy.

2.3 One letter neither objecting to nor supporting the application has been submitted by a member of the public. Key points raised are as follows:

- Village is already impacted by existing tourism facilities so some issues need to be addressed in order to minimise impacts on residents and visitors;
- Adequate parking must be provided on the site;
- Parking of construction vehicles should be on site;
- Construction traffic shouldn't go through village;
- Public right of way should remain open during construction phase;
- S106 monies for community facilities should be sought.

2.4 One letter of objection has been received. The key points raised are as follows:

- The development still represents major development in the AONB and doesn't meet the exceptional circumstances tests in the NPPF;
- Ongoing issues with local sewage pumping stations unable to cope;
- Independent assessment of pumping station capacity and flood risk should be sought;
- Review of construction traffic access plan required.

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

3.1 The Planning Statement submitted in support of the application is concluded as follows:

3.1.1 This planning statement relates to the planning application for the 'redevelopment of Mill House Hotel site to provide a 38 bedroom hotel and ancillary facilities including restaurant, alehouse, reception/bakehouse, and demonstration barn. Associated provision of parking and landscaping and reinstatement of former mill leat' at Mill House Hotel, Station Road, Kingham.

3.1.2 This application is the result of further pre-application enquiries and discussion with West Oxfordshire District Council and community engagement with Kingham village and parish. The resultant scheme has reduced the overall quantum of development and has focused on restoring the cultural heritage of the mill building and enhancing its landscape and setting at the edge of the village.

3.1.3 The principle of redeveloping the site for hotel and associated hospitality uses is acceptable in policy terms given the site's existing hospitality use and previous planning permissions for the expansion of the hotel.

3.1.4 It is not considered that the proposal constitutes major development in the Cotswolds AONB, given the proposed development falls below the existing and extant floorspace of the site, and the continuation of lawful use of the site as a hotel. However, the

exceptional circumstances and public benefits of the proposals have been set out and the three criteria of paragraph 177 of the NPPF are met. The principle of the redevelopment of the site is therefore acceptable within the confines of the AONB.

- 3.1.5 The design of the proposals has been carefully considered, taking into account the site's characteristics and surrounding context. The scale, form and layout have reduced significantly from the earlier scheme and are appropriate to the sites characteristics, its position on the edge of the village and within the AONB. The proposals will create a high-quality development which brings a myriad of benefits in terms of landscape, heritage and ecology.
- 3.1.6 The proposed development responds to its local landscape context and the characteristics of the AONB and incorporates landscaping to mitigate any potential landscape impact. It will not cause harm to the special landscape qualities or scenic beauty of the Cotswolds AONB.
- 3.1.7 The proposed development has appropriately considered the significance of heritage assets and will not cause any harm to the identified significance of designated or non-designated heritage assets. The scheme to reinstate historic features of the site including the mill leat and waterwheel which will enhance the heritage values of the site overall.
- 3.1.8 The ecological potential of the site has been identified through habitats and species surveys, and appropriate mitigation and enhancement measures will ensure there is no harm to protected species and that a significant biodiversity enhancement can be achieved on the site.
- 3.1.9 Transport, flood risk and drainage matters have been appropriately assessed by technical consultants and there are no issues which would preclude development. The development will not have an unacceptable impact on highway safety and will not increase flood risk on the site or surrounding area.
- 3.1.10 A tree survey has been carried out to identify the potential impacts on trees. Trees proposed for removal are of lower quality and will be compensated for by native tree planting across the site which will improve conditions across the site. Protection measures and construction management can ensure the protection of retained trees on the site which may be impacted by the proposals.
- 3.1.11 The public footpath will remain in situ and will be enhanced by the proposals.
- 3.1.12 The planning application includes all the technical and environmental reports required to appropriately assess the proposed development, and the Planning Statement provides the assessment of the proposal against the Development Plan. Overall, the proposed development is in accordance with the Development Plan and the NPPF.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

E4NEW Sustainable tourism

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH9 Historic environment

EH10 Conservation Areas

EH8 Environmental protection

EH3 Biodiversity and Geodiversity

EH13 Historic landscape character

EH7 Flood risk

EH9 Historic environment

EH12 Traditional Buildings

EH16 Non designated heritage assets

E5NEW Local services and community facilities

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the redevelopment of the Mill House Hotel site to provide a 38 bedroom hotel and ancillary facilities including a restaurant, alehouse, reception/bakehouse, and a demonstration barn. The proposal also includes associated provision of parking, landscaping and reinstatement of the former mill leat.
- 5.2 The site is located on the south western side of the village of Kingham and is approximately 3.1Ha in area. It comprises the former Mill House Hotel, the Mill Lodge which is in residential use and surrounding land including a field to the east.
- 5.3 The site is located within the Cotswolds AONB and adjoins the Kingham Conservation Area. Parts of the site lie within Flood Zones 2 and 3. The Cornwell Brook, a tributary of the Evenlode River crosses the site. A public footpath (267/1) runs through the site from south east to north west round the front of the existing hotel and Mill Lodge.

### **Background Information**

- 5.4 There is a detailed planning history for the site.

- 5.5 An application for demolition and redevelopment to provide a care community within Use Class C2, comprising 85 care apartments, together with communal facilities, landscaping, parking and other associated works (17/04022/FUL) was withdrawn in 2018.
- 5.6 The north western part of the site has an extant planning permission for five dwellings (16/01522/FUL).
- 5.7 An application for the redevelopment of the site to provide a new 33 bedroom hotel and ancillary facilities including a restaurant, spa, gym, swimming pool, alehouse, bakehouse, and servicing together with associated parking and landscaping and reinstatement of former mill leat was considered by the Uplands Planning sub-committee in July 2021 (ref: 20/01165/FUL). Officers recommended refusal of this application for the following reasons:
1. *The proposed development comprises major development within the Cotswolds AONB and no exceptional circumstances case has been made to justify this development which would have a significant adverse impact on the area's natural beauty and landscape including its heritage. The development would also be of a disproportionate and inappropriate scale to its context and would not form a logical complement to the existing scale and pattern of development or the character of the area. 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 scale, siting and design of the proposed development would have a harmful impact on the setting of the Kingham Conservation Area and the results of an archaeological evaluation have not been submitted in conflict with Policies EH9, EH10, EH11 and EH15 of the adopted West Oxfordshire Local Plan 2031 and the NPPF.*
  3. *The applicant has not entered into a legal agreement to provide the required contribution/mitigation measures to maximise opportunities for walking, cycling and public transport and towards promoting healthy communities. As such the proposal is therefore also contrary to West Oxfordshire Local Plan 2031 Policies OS5 and T3 and the relevant paragraphs of the NPPF.*
- 5.8 Members initially resolved to overturn this decision and approve the application, subject to conditions and a S106 agreement to be agreed with the Chair. However, prior to the decision being issued the application was referred to full Development Control committee for further consideration. At this meeting, Members resolved to refuse the application in line with the officer's original recommendations. However, the applicant withdrew the application before the decision was issued.
- 5.9 Following the withdrawal of application 20/01165/FUL, the applicants sought further pre-application advice from officers and the scheme has been amended as a result of these discussions.

5.10 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:

- The Principle of Development;
- Siting, Design and Scale;
- Impact on the Cotswold AONB;
- Impact on Heritage Assets;
- Highways;
- Flood Risk;
- Residential Amenity; and
- Biodiversity.

### **Principle**

5.11 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 West Oxfordshire Local Plan 2031 adopted in September 2018.

5.12 In terms of the principle of this development, the main relevant policies are OS2 (Locating development in the right places) and E4 (Sustainable Tourism). Policy OS2 states that villages, such as Kingham, are suitable for limited development which respects the character and local distinctiveness and would help to maintain the vitality of these communities. The particular general principles of Policy OS2 relevant to this case include the requirement that development:

- (i) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- (ii) Form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- (iii) Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- (iv) As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- (v) 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;
- (vi) Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- (vii) Conserve and enhance the natural, historic and built environment;

- (viii) In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development.
- 5.13 Policy E4 seeks to support tourism and leisure development which utilises and enriches the natural and built environment. Proposals in the Cotswolds AONB should conserve and enhance the landscape quality and biodiversity of the area and support the objectives of the Cotswolds AONB Management Plan and Sustainable Tourism Strategy. The design approach to the redevelopment scheme is influenced by the historic importance of the original mill building which it is intended to retain and enhance.
- 5.14 On the basis of the policies outlined above and given the existing use of the site as a hotel (albeit presently unoccupied), the principle of the re-development of the site to provide new hotel facilities is considered to be acceptable. The main issue relates to the scale of the proposed development, given its location within the Cotswolds AONB, which is addressed in more detail below. The detail of the proposal is also assessed against the general principles of Policy OS2 of the Local Plan and other material considerations below.

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

- 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 OS2, as detailed above, sets out general principles for all development including that it should be proportionate and appropriate in scale to its context having regard to the potential cumulative impact of development in the locality. Policy OS4 of the Local Plan 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 recently published National Design Guide.
- 5.16 The proposal to re-develop this hotel site comprises the following elements:
- Retained and restored historic core of the Mill;
  - Reinstated mill leat, and water wheel;
  - Alehouse building containing a two bedroom hotel unit;
  - Hotel cottages (row of 9 semi-detached cottages - each containing two self-contained two bed units - 36 hotel bedrooms in total);
  - Restaurant and associated kitchen, storage, and staff areas;
  - Bakehouse and hotel reception;
  - Craft & demonstration barn;
  - Plant and potting shed;
  - Car parking (71 spaces in total);
  - Bike storage;

- Retention of public footpath in situ;
- Improvement of pedestrian access to site;
- Landscaping and garden areas; and
- Drainage pond.

- 5.17 The main site axis will run north-south along the route of the public footpath with a secondary axis running west-east complimenting the existing site access; the only vehicular access to the site. Set at the juncture of the north-south axis and east-west are the courtyard of buildings which house the proposed ancillary communal facilities to serve the hotel. Further pedestrian routes within the site link the ancillary facilities with the proposed hotel accommodation (9 semi-detached cottages) that are located along the western boundary of the site along Station Road which has extant planning permission for the erection of five new dwellings.
- 5.18 Existing hedgerow and trees around the perimeter of the site and within the site will be preserved wherever possible with planting enhancements for landscape and ecological purposes. Allotments are also located between the accommodation and ancillary facilities.
- 5.19 The design rationale, design precedents for the scheme and details for each element are set out in full in the Design and Access Statement. It is clear from the documents submitted and the pre-application discussions that the development has evolved with the focus being on the quantum of development proposed and the existing constraints and opportunities of the existing landscape, including the topography and location of existing and extant built form.
- 5.20 Taking into consideration the total existing, approved and extant buildings compared with the development now proposed, the net change in floorspace on the site would be -198.13m<sup>2</sup>.
- 5.21 Given the reduction in the scale of development across the site in comparison to withdrawn application 20/01165/FUL, the proposal actually sees a net loss in built form compared to the existing and approved development previously permitted, and your officers are now of the opinion that the scale of development is proportionate and appropriate to its context.
- 5.22 The proposed provision of the nine semi-detached holiday cottages located on the western part of the site along Station Road is arguably the most prominent part of the site. It is noted that that there is consent for the erection of five sizeable detached houses in this location together with an access drive in front, parking and other domesticating features. While the proposed new holiday cottages would have a considerable footprint, your officers are of the opinion that these would be lower lying and more cottage-like in scale compared with that previously approved. Further, the proposed new cottages would have vernacular forms, with good proportions, small openings and thatched roofs. They would also be stepped with the gradient of the land, set nearer to the road than those previously approved, and would have no separate

access from the road. Your officers are of the opinion that the design, siting and form of the proposed holiday cottages is convincing and while the approved five dwellings would have had more space around each of them than the proposal now being considered, this approach is arguably more reflective of traditional village forms.

- 5.23 With regard to the main historic mill, while the impact on heritage assets is assessed in detail below, your officers note that the proposals would see the removal of a number of unsympathetic modern additions of significant footprints to the east and west sides, which would re-instate the earlier linear form of the building. The proposals also include recreating the mill leat that once drove the mill. There would also be one new extension of the eastern side of the building to provide the new restaurant. Your officers are of the opinion that this has a relatively simple plan and is sufficiently secondary to the main building. As such, this element is acceptable in design terms.
- 5.24 Elsewhere on the site, a sizable modern lodge would be removed, together with a shed and a garage block, and in their general area would be the provision of a new bakehouse, a barn and a plant room/potting shed. All of these buildings have fairly convincing vernacular forms, though now tending towards the agricultural, and all have decent proportions so are considered to be acceptable in design terms.
- 5.25 Parking would be set to the north of the site, with much vegetation around. Your officers are of the opinion that if the vegetation is secured and well maintained (achieved through the imposition of an appropriate condition), and taking into consideration the removal of much of the existing unsympathetic development in the core of the site, the views to the south and south-east from the playing field and church areas would not be unacceptably impacted.
- 5.26 In light of the above assessment, your officers are satisfied that the siting, layout, design, scale and form of the proposed development is appropriate, would function well for its intended use, represents good design and would respect the character, context and appearance of the wider area.

### **Impact on the Cotswold AONB**

- 5.27 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.
- 5.28 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. The Cotswolds Conservation Board has been consulted and hasn't raised any detailed comments or objections, but they have set out the legal framework in which decisions in the AONB should be made.

5.29 Paragraph 177 of the NPPF sets out that:

*When considering applications for development within National Parks, the Broads and 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.*

5.30 Footnote 60 of the NPPF (2021) specifies that:

*For the purposes of paragraphs 176 and 177 [relating to protected landscapes, including AONBs], whether a development is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

5.31 As such, it is not possible or appropriate to apply a blanket definition for what should be treated as major development in AONBs. Nevertheless, there are some key factors that help to define if a development is major, which are outlined in detail by the Cotswolds National Landscape Board.

5.32 Previous application 20/01165/FUL was recommended for refusal by your officers for a number of reasons, but mainly as this proposal was considered to constitute major development in the AONB, and the development did not fall within any of the exceptional circumstances set out in the NPPF for allowing major development.

5.33 Following pre-application discussions, a number of amendments have been made to the scheme by the applicants to reduce it to an extent that it is no longer considered to be major development in the AONB.

5.34 The NPPF provides a general definition of major development, which has various applications, such as a threshold for determining whether developer contributions are required towards affordable housing provision. However, this definition is not to be applied to paragraphs 176 and 177 of the NPPF.

5.35 This general definition is as follows:

*Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise*

*provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

- 5.36 This definition provides a useful comparison of the scale and nature of development that national policy considers to be major development for all other purposes. A development within the AONB could be considered as major development in the context of the Town and Country Planning (Development Management Procedure) (England) Orders, but not considered as major development in the context of NPPF footnote 60. Conversely, a residential development site that is smaller than 10 dwellings or that has a site area that is smaller than 0.5 hectares may be classified as major development for the purposes of NPPF footnote 60 depending on the individual circumstances of the site.
- 5.37 The Cotswolds have been designated as an AONB (National Landscape) to conserve and enhance natural beauty. Natural beauty incorporates various criteria, including landscape quality, scenic quality, tranquillity, natural heritage and cultural heritage. Within the context of the Cotswolds AONB, the aspects of its natural beauty that make the area distinctive and that are particularly valuable.
- 5.38 The judgement as to whether or not a planning application qualifies as major development therefore depends, to a large degree, on whether or not the development would have the potential to cause a significant adverse impact on the natural beauty of the Cotswolds AONB by virtue of its nature, scale and / or setting. Potential impacts on the special qualities of the Cotswolds AONB are of particular importance.
- 5.39 The Cotswolds National Landscape Board have prepared detailed guidance, including a thorough checklist that can be used to help decision makers determine whether or not a proposal is major development within the AONB in accordance with footnote 60 of the NPPF.
- 5.40 In this case, your officers have used this guidance to come to the conclusion that the proposals no longer constitute major development in the AONB taking into consideration a number of factors including the nature and scale of the development proposed, the context of the site and the impact it would have on the natural beauty and any special qualities of the AONB that are of particular importance.
- 5.41 As the application is not considered to be major development in the AONB, consideration is given to paragraph 176 of the NPPF (and policy EHI of the WOLP) which states that great weight should be given to conserving and enhancing landscape and scenic beauty of the AONB.
- 5.42 In this case, given the nature of the existing site, and the siting and scale of the proposed new development, which would mainly sit in areas previously developed, or in the case of the new holiday cottages, on land which has consent for residential development directly between the built up area of the village and the existing hotel,

your officers are satisfied that the proposed new development would not result in any unacceptable intrusion or harm to the tranquillity or scenic beauty of the AONB landscape which forms an important setting to the village. The proposed layout and landscaping mitigation and enhancements would ensure that the proposed development is visually contained whilst keeping the development away from the southern meadow - which is identified as an important open feature. To ensure that the LPA retain control over any future development in the southern meadow, your officers have proposed the imposition of a condition to remove PD rights for the erection of any further buildings or other associated development/paraphernalia that could have otherwise been erected. A condition regarding details of external lighting is also proposed to ensure that this is properly considered.

### **Impact on Heritage Assets**

- 5.43 The site adjoins the Kingham Conservation Area, and therefore the LPA is required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas which includes its setting. Case law has established that such a provision requires the decision maker to give "considerable importance and weight" to the desirability of avoiding harm to heritage assets. Policy EH10 of the Local plan reflects this duty and seeks to ensure that development is not detrimental to views within, into or out of the area.
- 5.44 The Mill House hotel building is also considered to be a non-designated heritage asset and as such is subject of Policy EH16 of the Local Plan which seeks to avoid harm or loss of such an asset and advises that such proposals will be assessed using the principles set out for listed buildings (Policy EH11).
- 5.45 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, which applies here, the test is that the harm should be weighed against public benefits.
- 5.46 A Heritage Statement has been prepared by Heritage Collective to support the application. This provides a statement of significance for the relevant designated heritage assets and the Mill House Hotel, and an impact assessment of the proposed development on that significance.
- 5.47 In terms of the impact on the historic mill building, your officers are satisfied that the layout of the proposed development would open up and retain the space around the historic core of the hotel and the original forms and significance of the non-designated heritage asset would be revealed through the removal of modern extensions and reintroduction of the mill leat.

- 5.48 Further, in light of the existing hotel context of the site, the extant permission for five new dwellings, the removal of a number of unsympathetic buildings across the site and the above assessment which concludes that the proposed development would be appropriate in terms of its layout, scale, design and landscaping enhancements, that the proposed holiday cottages (which are most visually prominent in the Conservation Area) would be relatively low lying and reflect the traditional village forms, and that the sense of openness around the stream and meadow to the south would be retained, your officers are of the opinion that the character and appearance of the Kingham Conservation Area would be conserved.

## Highways

- 5.49 The site is located within walking distance of the centre of Kingham village which contains a number of services and facilities including a village store and public houses. The village is served by some bus services, but is acknowledged by the Local Highway Authority and your officers that it's not particularly well served in this respect. However, the site is approximately 0.75m from Kingham Railway Station which is served by frequent services to London Paddington, Oxford, Worcester and Hereford. There is a pedestrian path directly from the site to the station, aside from a small 20m section across the railway bridge.
- 5.50 The Planning Statement sets out that in terms of travelling to the hotel, guests will be encouraged wherever possible to use sustainable modes of transport. This includes offering guests incentives for arriving by train through giving them a discount on their stay. A free electric shuttle service will be also be provided between the train station, the Mill, the White Rabbit and Daylesford Organic Farm for hotel guests and local residents. Your officers and the Local Highway Authority welcome this and recognise that it presents an opportunity to improve sustainable travel options within Kingham and provides realistic alternative for guests to use the train and shuttle, rather than relying on their private cars. The LHA have advised that the shuttle bus must not block access to the Kingham station bus stop by public services which have priority in such locations.
- 5.51 The Local Highway Authority has raised an objection to the application as further information and detail is required to ensure that the development is acceptable in transport, highways safety, public right of way improvements and parking provision terms.
- 5.52 Following this objection, the application has provided additional information and revised plans to address the concerns raised.
- 5.53 Appropriate re-consultation has been carried out with the relevant statutory bodies and your officers will provide Members with an update on this matter either within the Report of Additional Representations or verbally at the meeting in March.

- 5.54 At this stage, notwithstanding the objections raised, the Local Highway Authority has identified the following financial contributions to be secured via a S106 agreement if Members were minded to approve the application:
- £100k - £150k towards improvements to the track from West End and along the bridleway to Daylesford Organic Farm and holiday and business ventures; and
  - £30k to £50k towards improvements to other rights of way in the vicinity of the development site.

### **Flood Risk**

- 5.55 Parts of the site are in Flood Zone 2 and 3 and shown to be at risk of surface water flooding. Although the built development is shown outside of the flood risk areas.
- 5.56 Following an initial objection raised by the Local Lead Flood Authority, a revised Flood Risk Assessment and Drainage Strategy has been submitted by the applicants to address the points raised.
- 5.57 Appropriate re-consultation has been carried out with the relevant statutory bodies and your officers will provide Members with an update on this matter either within the Report of Additional Representations or verbally at the meeting in March.

### **Residential Amenity**

- 5.58 Given the location of the land on the outer edge of the village, the site is surrounded by open countryside on two sides (South and East). To the west and north the site abuts onto Station Road with houses on the opposite side of the road to the west and the sports field to the north. Given the existing context of the site, the separation distances and the siting and retention of roadside hedgerow along Station Road, there will be no undue adverse impact on the amenity of nearby residential properties.

### **Biodiversity**

- 5.59 Policy EH3 sets out that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network. All major and minor applications should demonstrate a net gain in biodiversity where possible. For major applications this should be demonstrated in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator (BIAC) based on that described in the DEFRA Biodiversity Offsetting guidance or a suitably amended version.

- 5.60 In this case, a Preliminary Ecological Appraisal Report, Water Vole Survey Report, Ecological Impact Assessment, and Biodiversity Net Gain Assessment (and metric) have been submitted.
- 5.61 The Council's Ecologist has confirmed that the application is acceptable in biodiversity terms, subject to a number of conditions, and has demonstrated a measurable biodiversity net gain in habitat units (14.97%), hedgerow units (59.24%) and river units (176.92%) which can be secured via a biodiversity management and monitoring plan, and maintained for the required 30 year period.
- 5.62 As such, the application is considered to be acceptable in these terms, subject to appropriate conditions.

### **Other**

- 5.63 Kingham Parish Council have requested a financial contribution of £20,000 towards improvements to the village hall and sports pavilion in the village. More specifically the Parish Council has outlined that improvements to the current heating system in the village hall are required as the trustees often receive complaints from users that it's too cold and due to the size and age of the hall the current system is failing to address this. A portion of the money requested would also be used to fix guttering and the leaking roof at the sports pavilion, and the installation of rubber mesh to create a more suitable car parking area.
- 5.64 This request has been made based on the scale and nature of the development proposed taking into consideration the impact of additional staff and guests visiting the village. The Parish Council has stated:
- The Councillors feel that these suggestions would benefit the development as they would maintain the local buildings and keep them from falling into disrepair, and make for a pleasing place for the development's residents to appreciate. Some of the development's residents may also be staying to visit one of these sites for an occasion (people have their wedding receptions, wakes and christening after parties at the Village Hall in particular).'*
- 5.65 Your officers are supportive of this request and consider that it meets the three legal CIL tests for financial contributions.
- 5.70 This request is with the applicants for consideration and your officers will update Members on this matter either within the Report of Additional Representations or verbally at the meeting in March.

### **Conclusion**

- 5.71 In light of the above assessment, subject to the outstanding technical matters relating to drainage and transport being satisfactorily addressed, the recommended conditions and the applicant's agreement to the financial contributions proposed (to be secured

via a legal agreement) your officers are of the opinion that the development is acceptable on its planning merits and compliant with policies OS2, OS4, OS5, E4, E5, EH1, EH2, EH3, EH7, EH8, EH9, EH10, EH12, EH13, EH16, T1, T3 and T4 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF.

## 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 and roofs 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 Conservation Area and setting of non-designated heritage assets.

- 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 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.

- 6 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 6 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods or as a phase of residence. A record of all occupiers shall be kept at all times and shall be made available at the request of the Local Planning Authority.

REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 7, Classes A and E and Part 2, Classes A and G shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the setting of non-designated heritage assets, the Kingham Conservation Area and Cotswold AONB landscape.

- 8 The development shall be completed in accordance with the recommendations in Section 5.1.5 of the consultancy report (Ecological Impact Assessment, ADAS, dated 21st November 2022). All recommendations shall be implemented in full, unless otherwise agreed in writing by the local planning authority, and thereafter permanently maintained.

REASON: To ensure bats are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 9 No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- i. Risk assessment of potentially damaging construction activities;
- ii. Identification of 'biodiversity protection zones';
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. Details of the storage of materials, equipment and waste;
- vi. Invasive species removal method statement;

- vii. The times during construction when specialists ecologists need to be present on site to oversee works;
- viii. Responsible persons and lines of communication;
- ix. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- x. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- xi. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: To ensure that protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, 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.

- 10 A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The Plan shall include, but not necessarily be limited to, the following information:
- i. Description and evaluation of features to be managed, including locations shown on a site map;
  - ii. Landscape and ecological trends and constraints on site that might influence management;
  - iii. Aims and objectives of management, including ensuring the delivery of the 14.97% in habitat units, 59.24% in hedgerow units and 176.92% in river units on site;
  - iv. Details of a 10m buffer around Cornwell Brook;
  - v. Appropriate management options for achieving the aims and objectives;
  - vi. Prescriptions for all management actions;
  - vii. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
  - viii. Details of the body or organisation responsible for implementation of the plan;
  - ix. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
  - x. Timeframe for reviewing the plan;
  - xi. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
  - xii. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with 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 and commuting bats and otters;
  - 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 and otters 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 An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The plan shall include, but not necessarily be limited to, the following information:
- i. Details of planting such as, native hedgerows, species-rich grasslands, wet meadow grasslands; native tree planting, aquatic and emergent vegetation to be planted around the attenuation basins and restored mill leat and brown roofs;
  - ii. Type and source of materials to be used where appropriate, e.g. native species of local provenance;

- iii. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- iv. Details of bird and bat boxes, reptile hibernacula, reptile brush piles and insect houses;
- v. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

- 13 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

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

- 14 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

#### INFORMATIVES :-

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

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

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

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

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

For further guidance, please visit:

<https://www.westoxon.gov.uk/media/ay3nzni2/sustainability-standards-checklist-feb-2023-v2.pdf>  
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

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**Date:** 22nd February 2023