

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 3rd April 2023**

### REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

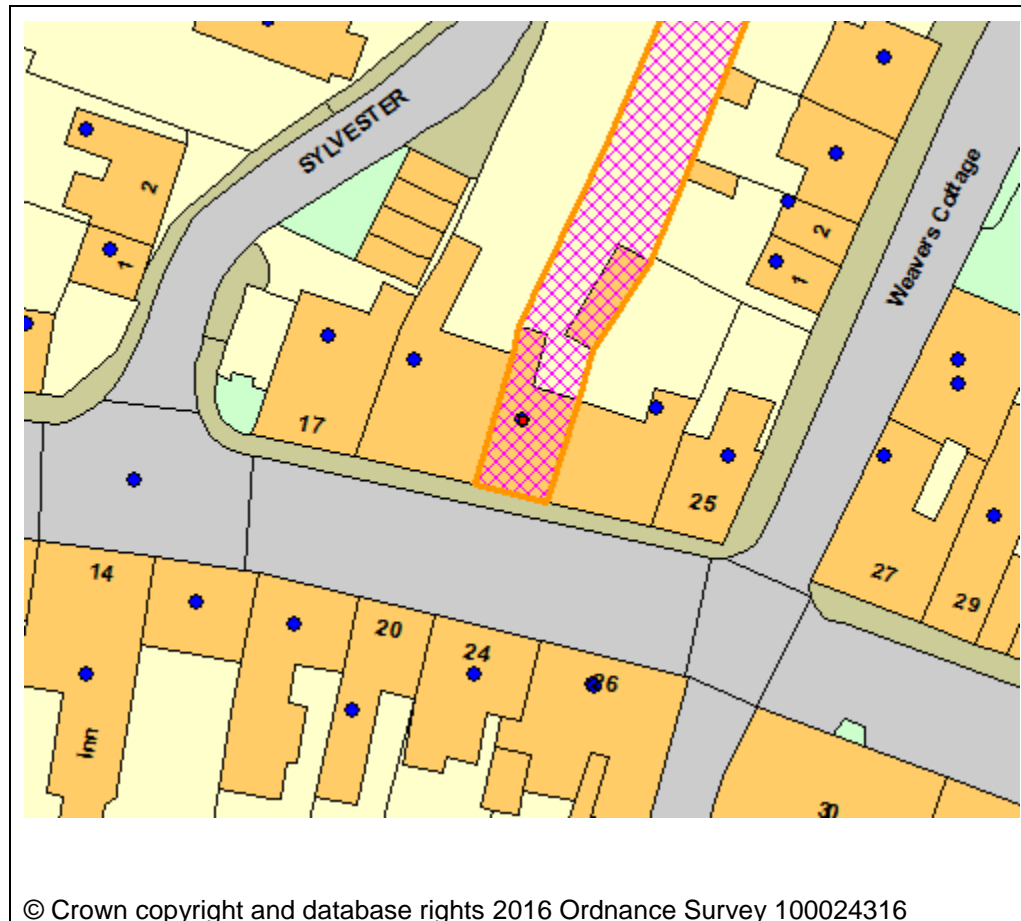
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
Pages 11-16	22/02785/HHD	Cartref 21 Witney Street	Sarah Hegerty
Pages 17-22	22/02786/LBC	Cartref 21 Witney Street	Sarah Hegerty
Pages 23-42	22/02947/OUT	Land East Of Worton Road	Stephanie Eldridge

Application Number	22/02785/HHD
Site Address	Cartref 21 Witney Street Burford Oxfordshire OX18 4RX
Date	22nd March 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425256 E 212175 N
Committee Date	3rd April 2023

### Location Map



### Application Details:

Erection of single storey in-fill extension to enclose existing courtyard and conversion of existing stone outbuilding to create new kitchen and cloakroom.

### **Applicant Details:**

P Bigwood  
Charts Edge  
Hosey Hill  
Westerham  
TN16 1PL

## **1 CONSULTATIONS**

Parish Council	Objection - Serious change in format to an historic burgage plot, both walls that are proposed for an increase in height are part of the Listed property and should not be altered. There is concern from neighbours on both sides that light pollution will be severe. It is also a concern of this council that it is over development of a small historic listed plot
Parish Council	Objection

## **2 REPRESENTATIONS**

2.1 8 objections comments have been received and are summarised below:

- Heritage Impacts
- Amenity Impacts (Overbearing/Loss of Light)
- Change in outlook from property
- First floor en-suite covers rear facade
- Not in keeping with the Listed Building
- Removal/Damage to historic fabric
- Overdevelopment

## **3 APPLICANT'S CASE**

*We are proposing to demolish small parts (modern features) of the listed building, these are clearly shown and indicated on the proposed floor plans with clear red dotted lines. The proposed plans can be compared directly to the existing drawings for further information.*

*The main aspect of demolition is an existing modern rear lean to structure, this is of a very substandard quality and is to be replaced with the proposed extension.*

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places  
OS4NEW High quality design  
H6NEW Existing housing  
EH1 Cotswolds AONB  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings

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

## 5 PLANNING ASSESSMENT

5.1 The application seeks permission for erection of single storey in-fill extension to enclose existing courtyard and conversion of existing stone outbuilding to create new kitchen and cloakroom.

### Background Information

5.2 The application site includes Cartref, a Grade II listed dwelling located within the built up area of Burford. The listing description is as follows (taken from the Design and Access Statement):  
"Cottage. Early C18 appearance. Coursed and squared rubble. Cotswold stone roof. Chimney to right. 2 storeys. 2 windows: Yorkshire sashes with glazing bars on first floor, wide window with glazing bars on ground floor replaces earlier 3- or 4-light ovolo-moulded mullion window - the sill appears the former cornice. Doorway to left with evidence of stopped ovolo mouldings (jambs chamfered). Shown on OS sheet as The Cottage.

5.3 Furthermore, the cottage has an interesting entry in Gazetteer:  
"Most of the present house is late 17th-century, built probably by the Chandler Thomas Parsons who owned and lived in it in 1708. The mouldings of the doorway and fragments of ovolo-moulded mullions visible at the ground-floor window are from that phase. Some thick internal walls may, however, be the remnants of a medieval house, and the line of an earlier steeply pitched roof can be seen in the west gable...The present large ground-floor window is probably 19th-century; the sills of its 'Yorkshire' or sliding sashes are moulded and have been reset. A cottage to the rear almost certainly existed by 1708, when the site accommodated three households"

5.4 The site is within the Burford Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

5.5 The application is before Members of the Planning Sub-Committee for consideration as Burford Town Council objected to the proposal which as per the scheme of delegation, is a trigger for Listed Buildings.

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

- Heritage Impacts
- Siting Design and Massing
- Amenity Impacts

### Heritage Impacts

5.7 As noted above the dwelling is Grade II Listed and also located within the Burford Conservation Area. The Council must have regard to section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal which affects a listed building or its setting and within a Conservation. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

5.8 Following the pre application process, this application was submitted and following officers concerns and a number of Objection Comments from the neighbouring properties the applicant revised the drawings to respond the points raised.

The Conservation Officer made the following comments on the revised scheme:

*The final design scheme is an extremely modern solution, and while this type of structure is not always the most appropriate solution for a historic building. However, in this case - it does at least preserve the floor-plan / character / and significant features of this property. The addition of an extension would provide much needed space in this extremely small cottage - whilst ensuring it would be brought back in to use; ensuring that its optimum viable use would be secured. Also, it has the advantage of being wholly reversible - i.e. if it were removed in the future -the original form and character of the cottage would still largely be legible, and not obscured by a solidly built extension.*

*Furthermore, utilising the outbuilding would ensure its repair, and preserve it by allowing it to come back into use. N.B the applicant has agreed to retain the proposed opening near the chimney of the outbuilding.*

*Overall, on balance, I consider the proposal to be a heritage benefit, and therefore, I support the proposal.*

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

5.10 Paragraph 202 continues that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.11 Government Guidance states that:

*"The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.*

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*

*Examples of heritage benefits may include:*

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation"*

5.12 In this case, the proposal would lead to less than substantial harm however officers consider that this is outweighed by the public benefit of securing the optimum viable use of the property and therefore its long term conservation.

5.13 Similarly in regards to the impact of the proposal on the Conservation Area, the proposed alterations are not considered to have a detrimental impact on the character or historic interest of

the Conservation Area. Whilst the modern form is a contrast to the traditional materials of the building and surrounding context, it allows for the historic fabric to be visible and due to its location to the rear of the property means it is not widely visible outside the application site. As such, the Conservation Area is not materially impacted and is therefore preserved.

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

5.14 Firstly considering the single storey ground floor additions. As noted above the application was amended in response to officers concerns.

The resulting scheme is a flat roof addition with 2 large lanterns within the roof and sees the removal of the uncharacteristic and unsympathetic existing bathroom and kitchen (along the western boundary) and incorporates the existing outbuilding (along the eastern boundary) into the floor plan which maintains the monopitch form of the existing.

5.15 The boundary walls (which are traditional stone wall with rounded cement topping) with the adjoining neighbours will be raised however the ridge height of the mono pitch roof outbuilding will remain as existing with only the eaves raised to allow for the additional internal head height needed to make it a useable space. The primarily glazed structure allows views of the historic fabric and also preserves the plan form of the plot to remain legible and is considered to be reversible.

5.16 Secondly the small addition at first floor allows for an en-suite to the second bedroom. The proposed form is a traditional dual pitch infill section finished in cedar cladding. Officers again consider this addition to be small in scale and nature and would read as an addition allowing the property and its "story" to remain legible.

5.17 In terms of development of the site (which has approx a 30m rear garden) the scheme is considered to represent a secondary and subservient addition to the property utilising the built form of the existing outbuilding and removal of the uncharacteristic modern additions. The proposed extension at its greatest length is 6.5m and 4.5m at its shortest is not considered to be overdevelopment or be out of proportion for the dwelling or the site as a whole and is therefore acceptable in this regard.

### **Residential Amenities**

5.18 Officers have considered this carefully. As noted above the boundary walls with the adjoining neighbours are being raised however, officers do not consider that the additional height will have a significant impact by way of loss of light or overbearing impact to the detriment of the adjoining neighbours given the existing heights of the boundary wall, the short infill distance (approx. 4m) and built form along the boundaries and the orientation of the properties (north facing gardens). The height and form of the existing outbuilding remains the same therefore maintaining the existing relationship.

5.19 Some of the objection comments relate to light pollution due to the glazed nature of the proposal. However officers consider that in the residential context of the site and the residential use of the building and given the parapet roof formation, any additional light from the rooflights will not be to such a degree that it significantly impacts on the neighbouring properties or their amenity areas.

5.20 Officers therefore consider the proposals are acceptable in this regard.

## **Cotswold Area of Outstanding Natural Beauty**

5.21 The site is located within the Cotswolds AONB wherein great weight should be given to conserving landscape and scenic beauty. The proposal would have no material effect on the character of the landscape given the site's location within the town and its proximity to other residential development.

### **Conclusion**

5.22 In light of this assessment, taking in consideration the Heritage and Conservation Area Impacts, design, neighbouring amenity and layout, this proposal is acceptable in accordance with policies OS2, OS4, H6, EH1, EH9, EH10 and EH11 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

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

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

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

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

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

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

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

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

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

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

**Contact Officer:** Sarah Hegerty

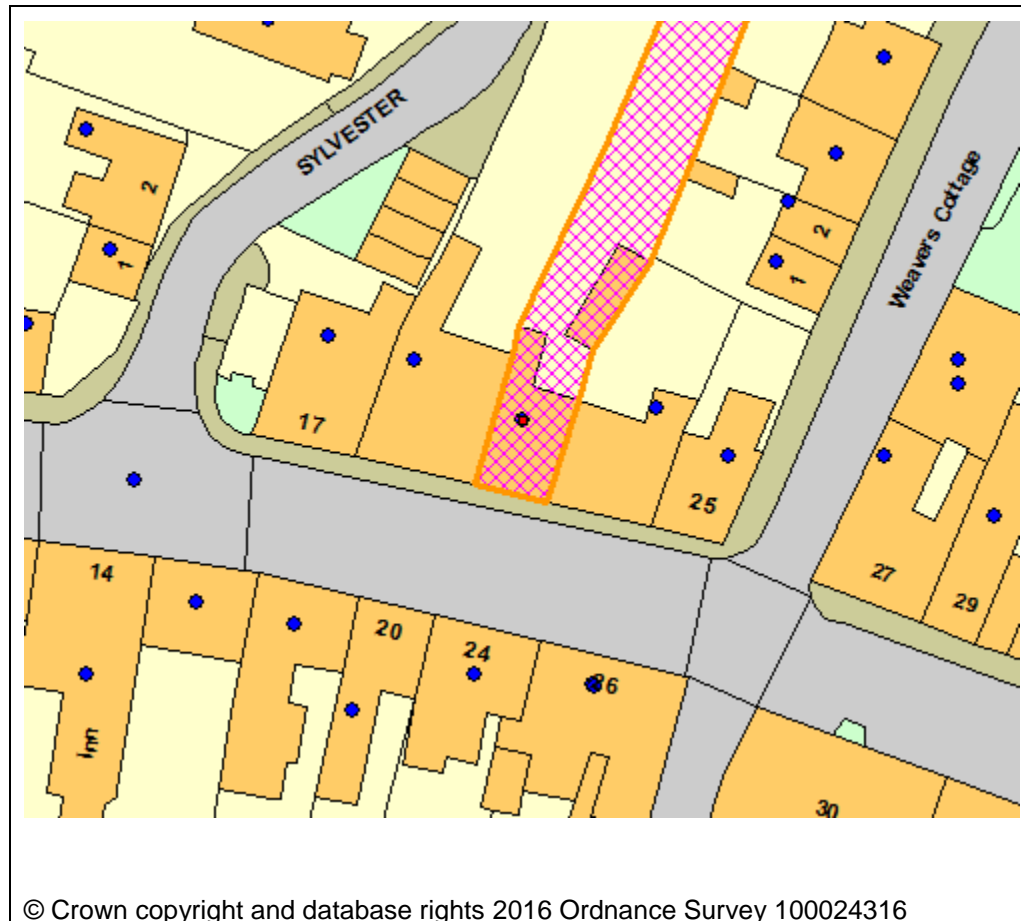
**Telephone Number:** 01993 861713

**Date:** 22nd March 2023



Application Number	22/02786/LBC
Site Address	Cartref 21 Witney Street Burford Oxfordshire OX18 4RX
Date	22nd March 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425256 E 212175 N
Committee Date	3rd April 2023

### Location Map



### Application Details:

Internal and external alterations to include changes to internal layout and demolition of existing kitchen, bathroom and greenhouse. Erection of single storey in-fill extension to enclose existing courtyard and conversion of existing stone outbuilding to create new kitchen and cloakroom.

**Applicant Details:**

P Bigwood  
Charts Edge  
Hosey Hill  
Westerham  
TN16 IPL

**I CONSULTATIONS**

Conservation And Design  
Officer

The final design scheme is an extremely modern solution, and while this type of structure is not always the most appropriate solution for a historic building. However, in this case - it does at least preserve the floor-plan / character / and significant features of this property. The addition of an extension would provide much needed space in this extremely small cottage - whilst ensuring it would be bought back in to use; ensuring that its optimum viable use would be secured. Also, it has the advantage of being wholly reversible - i.e. if it were removed in the future -the original form and character of the cottage would still largely be legible, and not obscured by a solidly built extension. Furthermore, utilising the outbuilding would ensure its repair, and preserve it by allowing it to come back into use. N.B the applicant has agreed to retain the proposed opening near the chimney of the outbuilding.

Overall, on balance, I consider the proposal to be a heritage benefit, and therefore, I support the proposal.

Parish Council

Objection - Serious change in format to an historic burgage plot, both walls that are proposed for an increase in height are part of the Listed property and should not be altered. There is concern from neighbours on both sides that light pollution will be severe. It is also a concern of this council that it is over development of a small historic listed plot

Conservation And Design  
Officer

Comments in report

Parish Council

Objection

**2 REPRESENTATIONS**

2.1 14 objection comments have been received and are summarised below:

- Heritage Impacts
- Amenity Impacts (Overbearing/Loss of Light)
- Change in outlook from property
- First Floor en-suite covers rear facade

- Design not in keeping with the Listed Building
- Removal/Damage to historic fabric
- Overdevelopment

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

*We are proposing to demolish small parts (modern features) of the listed building, these are clearly shown and indicated on the proposed floor plans with clear red dotted lines. The proposed plans can be compared directly to the existing drawings for further information.*

*The main aspect of demolition is an existing modern rear lean to structure, this is of a very substandard quality and is to be replaced with the proposed extension.*

### **4 PLANNING POLICIES**

NPPF 2021

EH11 Listed Buildings

DESGUI West Oxfordshire Design Guide

OS2NEW Locating development in the right places

OS4NEW High quality design

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

### **5 PLANNING ASSESSMENT**

#### **Introduction**

5.1 The application seeks Listed Building Consent for Internal and external alterations to include changes to internal layout and demolition of existing kitchen, bathroom and greenhouse. Erection of single storey in-fill extension to enclose existing courtyard and conversion of existing stone outbuilding to create new kitchen and cloakroom.

5.2 The application site relates to Cartref, a Grade II listed dwelling located within the built up area of Burford. The listing description is as follows (taken from the Design and Access Statement):  
 "Cottage. Early C18 appearance. Coursed and squared rubble. Cotswold stone roof. Chimney to right. 2 storeys. 2 windows: Yorkshire sashes with glazing bars on first floor, wide window with glazing bars on ground floor replaces earlier 3- or 4-light ovolo-moulded mullion window - the sill appears the former cornice. Doorway to left with evidence of stopped ovolo mouldings (jamb chamfered). Shown on OS sheet as The Cottage.

5.3 Furthermore, the cottage has an interesting entry in Gazetteer:

"Most of the present house is late 17th-century, built probably by the chandler Thomas Parsons who owned and lived in it in 1708. The mouldings of the doorway and fragments of ovolo-moulded mullions visible at the ground-floor window are from that phase. Some thick internal walls may, however, be the remnants of a medieval house, and the line of an earlier steeply pitched roof can be seen in the west gable...The present large ground-floor window is probably 19th-century; the sills of its 'Yorkshire' or sliding sashes are moulded and have been reset. A cottage to the rear almost certainly existed by 1708, when the site accommodated three households"

## Impact upon the Listed Building

5.4 Listed Building applications are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, the application does not need to be determined in accordance with the development plan. Rather, applications must be determined in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Given the relevance of Local Plan Policies OS4, EH9 and EH11 to this proposal, these policies and the supplementary guidance contained in the West Oxfordshire Design Guide 2016 (an adopted SPD) are material considerations in this assessment, as is the NPPF 2021.

5.5 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 194 requires the applicant to describe the significance of affected heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Listed Building, or Conservation Area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

5.6 Government Guidance states that :

*"The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.*

*Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.*

*Examples of heritage benefits may include:*

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation"*

5.7 The application has been furnished with a comprehensive heritage statement, which has provided an assessment of the significance of Cartref and impact of the proposals upon this significance. Given the scale and nature of the proposed changes, officers consider that the assessment provided allows the LPA to fully assess the impact on the proposal in line with paragraph 194 of the NPPF.

5.8 In order to identify the potential impact of the proposal upon the significance of designated heritage assets, it is first necessary to identify and assess the particular significance of the assets as directed in NPPF Paragraph 195. In this case, the principle heritage asset that would be affected is the dwelling Cartref, which is Grade II\* listed and the outbuilding to the rear.

5.9 The heritage significance of Cartref is largely derived from its historical and evidential contribution to the area, together with its architectural significance as a very well preserved and fine example of a medieval cottage.

5.10 Following, your officers consider that the proposed works to the cottage and outbuildings are of a public benefit in that they continue the property to be used for its optimal viable use as dwelling.

5.11 Following the pre application process and consultation with the LPA's Conservation Team as part of this application, the Conservation Officer made the following comments on the revised scheme:

*The final design scheme is an extremely modern solution, and while this type of structure is not always the most appropriate solution for a historic building. However, in this case - it does at least preserve the floor-plan / character / and significant features of this property. The addition of an extension would provide much needed space in this extremely small cottage - whilst ensuring it would be brought back in to use; ensuring that its optimum viable use would be secured. Also, it has the advantage of being wholly reversible - i.e. if it were removed in the future -the original form and character of the cottage would still largely be legible, and not obscured by a solidly built extension.*

*Furthermore, utilising the outbuilding would ensure its repair, and preserve it by allowing it to come back into use. N.B the applicant has agreed to retain the proposed opening near the chimney of the outbuilding.*

*Overall, on balance, I consider the proposal to be a heritage benefit, and therefore, I support the proposal.*

5.12 Your Officers consider that the proposed works to the cottage and outbuildings are of a public benefit in that they enable the continued use of the property for its optimal viable use as dwelling. The works to the dwelling and outbuilding are considered to reversible in that they are largely glazed and not solid stonework additions. The works are considered to secure its long term future.

5.13 Your officers are therefore satisfied that the works proposed will enhance the special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act and the significance of the designated heritage asset will be sustained, in accordance with Section 16 of the NPPF.

## **Recommendation**

5.14 In light of this assessment and having paid special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, the works are considered to preserve the special character, setting and significance of the listed building. As such, your officers recommend that LBC should be granted subject to conditions.

## **6 CONDITIONS**

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

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

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

REASON: To preserve internal features of the Listed Building.

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

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

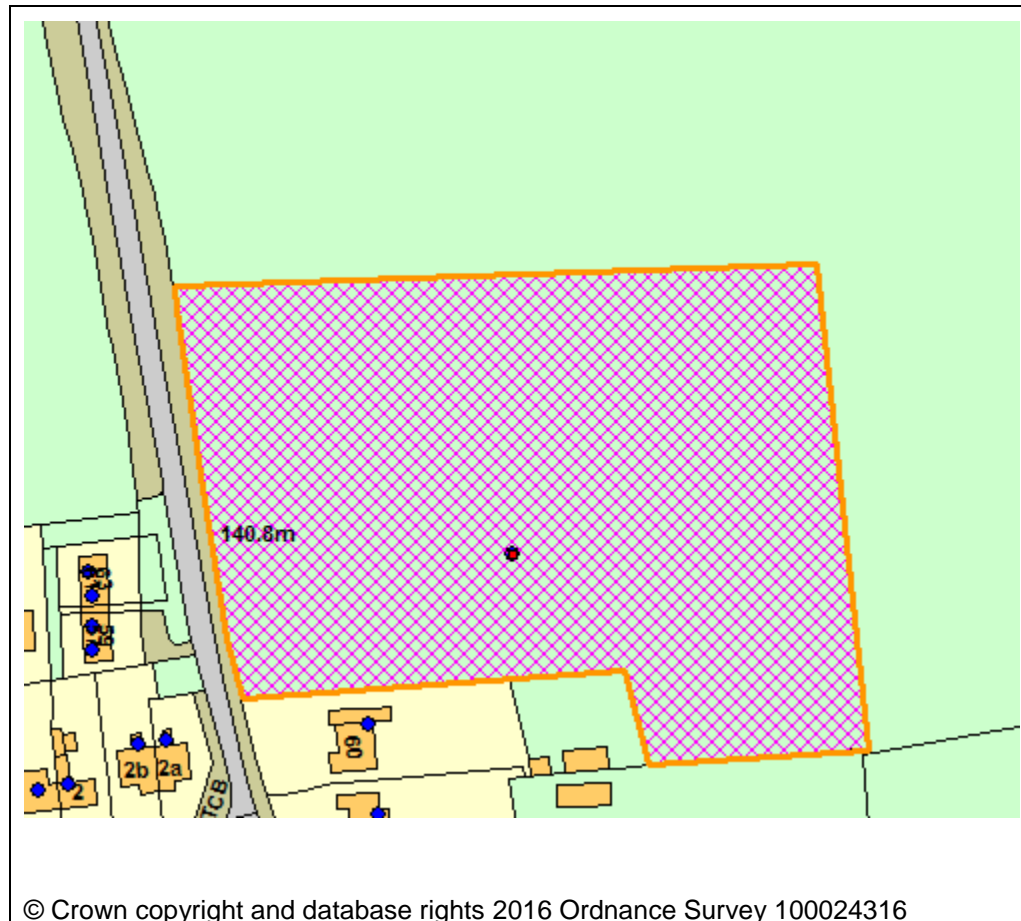
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 22nd March 2023

Application Number	22/02947/OUT
Site Address	Land East Of Worton Road Middle Barton Oxfordshire
Date	22nd March 2023
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Steeple Barton Parish Council
Grid Reference	443454 E 226266 N
Committee Date	3rd April 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 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.

Tranquility 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 tranquility 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

No Comment Received.

District Ecologist

Concerns regarding BNG metric.

Major Planning Applications Team

Transport:

No objection subject to:

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

LLFA:

No objection subject to conditions

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.

Conservation And Design Officer                      No Comment Received.

WODC Landscape And Forestry Officer                      No Comment Received.

## **2 REPRESENTATIONS**

2.1 Letters of objection have been received from twelve local residents in respect of this application. The key points raised are as follows:

- Highways Impact -Unacceptable increase in traffic on the roads and unsafe access onto Worton Road;
- Worton Road is narrow and vehicles are usually parked along one side of it making it single track only. Unsuitable for large vehicles to pass;
- Lack of infrastructure to support additional housing in the village;
- Mains water and drainage/sewage can barely cope with existing development;
- Doctors surgeries in nearby villages and towns are not taking any new patients from adjoining villages;
- Unsustainable - no bus service for people to travel into work and already heavy reliance on private car to go to work and school drop offs;
- Unacceptable impact on biodiversity;
- No positives or benefits of the development that would outweigh the harms;
- Travel Plan is factually incorrect;
- Flood risk along Worton Road;
- Village character is being eroded;
- Could set a precedent for further development;
- This development alongside the other development consulted on locally could see up to 150 properties in the village.

## **3 APPLICANT'S CASE**

3.1 A statement submitted in support of the application is concluded as follows:

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, polices 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). The application was deferred at the previous committee meeting for a site visit.
- 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 initially raised an objection to the drainage strategy submitted in support of the application.

5.48 However, following the submission of additional information, the LLFA have now removed their objections subject to conditions being attached to any permission.

## **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 This matter is ongoing as the Ecologist is still not satisfied with the Biodiversity metric. An update will be given at the meeting.

## **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, it is anticipated that matters relating to biodiversity 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

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**Date:** 22nd March 2023