

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 25th 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.

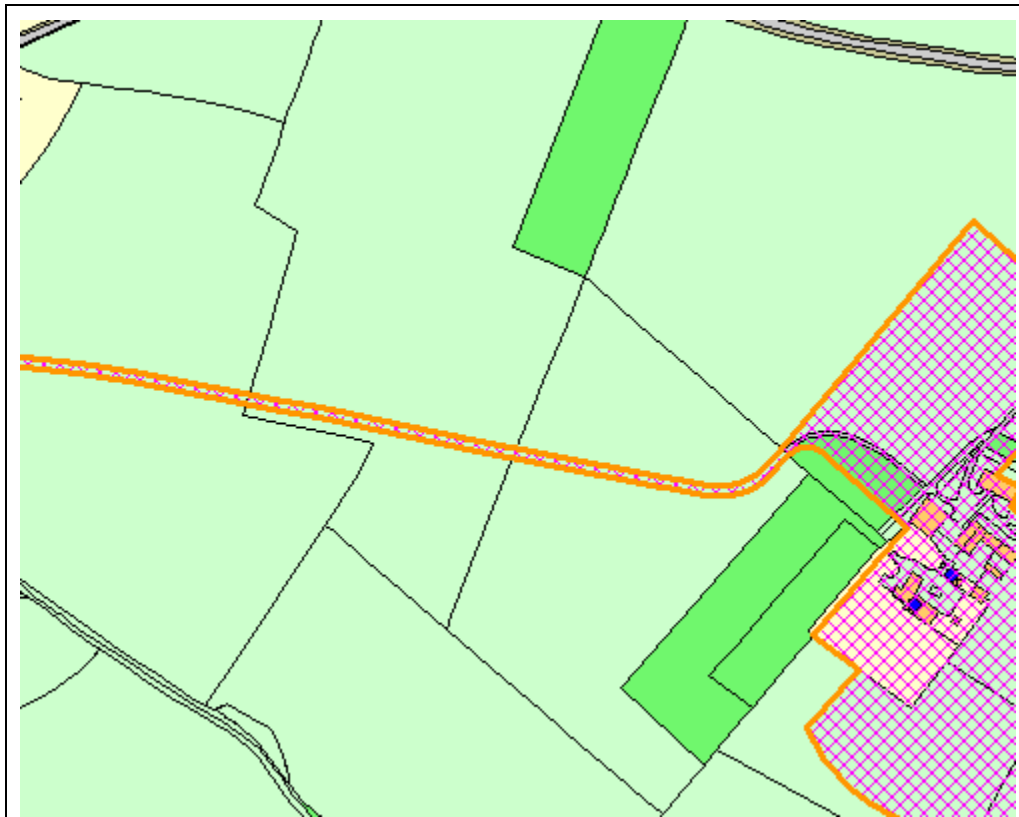
Please note that:

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

Item	Application Number	Address	Officer
11-30	22/02066/FUL	Charlbury House Woodstock Road	James Nelson
31-36	22/02785/HHD	Cartref 21 Witney Street	Sarah Hegerty
37-42	22/02786/LBC	Cartref 21 Witney Street	Sarah Hegerty
43-77	22/03356/FUL	Land East Of Wroslyn Road	Joan Desmond
78-90	22/03540/FUL	Eyston Piece Swinbrook Road	James Nelson
91-97	23/00008/FUL	Lansdowne Bruern Road	James Nelson
98-104	23/00165/S73	Land North Of Gas Lane And Ascott Road	James Nelson

Application Number	22/02066/FUL
Site Address	Charlbury House Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3EX
Date	12th April 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Fawler Parish Council
Grid Reference	437067 E 218549 N
Committee Date	25th April 2023

Location Map



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Application Details:

Demolition of existing dwellinghouse and erection of replacement dwelling with associated outbuildings and landscaping works. Conversion and extension of existing cottage to form pool house with ancillary

shower/changing facilities. New stables. Repair and extension of field barn (amended plans and description).

Applicant Details:

Mr And Mrs J Bamford
Charlbury House
Woodstock Road
Charlbury
Oxon
OX7 3EX

I CONSULTATIONS

Parish Council

Objection

Over-development: the planning statement attached to this application argues that the proposed dwelling meets the requirements of WOLP policies H2 and H6 as a replacement dwelling of a reasonable scale. The town council believes that the difference in scale between the existing and proposed dwellings is such that the development cannot reasonably be judged to be a "replacement dwelling on a one for one basis" as indicated in WOLP policy H2. NPPF paragraph 80 and WOLP policy H2 also permit dwellings in the countryside which are of exceptional quality or innovative design and whilst we do acknowledge the high-quality design proposed we do not consider this to be exceptional or innovative.

Impact on the Cotswolds AONB: We acknowledge and welcome the strong landscape-led approach to the scheme but we remain concerned that the scale of the proposed scheme will have a detrimental impact on the sensitive landscape and views across the Evenlode valley and particularly along the popular Oxfordshire Way bridleway which borders the property. Thus the development will fail to respect the AONB and important views contrary to WOLP policy EH1 and CNP policies NE1 and NE2. The large building currently on the site is already visible across the Evenlode Valley from the south and this view will be adversely affected by the much bigger structures proposed by virtue of their form and in particular their massing.

Access via Stonesfield Lane. We strongly oppose any intention to re-establish vehicular access to the property via the unadopted Stonesfield as discussed below. We do support and welcome the use of this access for pedestrians, equestrians and cyclists as it will provide a safe access route for them as required by CNP policy ECT9. However regular vehicular access via this route would not be acceptable and if approval is granted, we ask that it be conditioned to prohibit regular vehicular access. a). Comments from local residents of Stonesfield Lane should be given careful consideration. b). Stonesfield Lane is unadopted and regular traffic could cause damage and nuisance; c). Access from Stonesfield Lane to Woodstock Road is

potentially dangerous if traffic volumes increase significantly; d). Regular vehicular access via this route would be detrimental to the use of the Oxfordshire Way path and bridleway.

Energy Efficiency. The TC welcomes the attention given to energy efficiency of the new build with net-zero aspirations generally in accordance with CNP policy NE9. However, we are concerned that the Carbon Analysis (by ecospheric) submitted with the application is not comprehensive and in particular, does not factor in the carbon impacts of demolition and rebuild as compared with upgrading the existing dwelling. We also note that the Carbon Analysis has considered various heating technologies including three options described as "heat pump". No indication is given whether these are air-source or ground-source but we note that the applicant asked for these options to be excluded due to their visual, functional and lifestyle impacts. This suggests that these options were air-source but we would suggest that, given the size of the development scheme and the size of the plot, that a ground-source scheme may have been ideal and should have been considered.

Tranquillity & Dark Skies: The application would deliver a large dwelling in a remote location with a consequent risk of noise and/or light pollution which would be contrary to WOLP policy EH2 and CNP policy NE4. If approval is granted we ask that a condition is applied to ensure compliance in this respect.

Biodiversity: It is clear that significant attention has been given to the need to enhance the natural environment and biodiversity in line with CNP policy NE5 and this is to be welcomed. The Town Council specifically welcomes the Ecological Impact Assessment from Windrush Ecology which acknowledges that the site is located within a Conservation Target Area and identifies the action plan targets appropriate to this area. Given the Town Council's objective of preparing a Nature Recovery Plan covering both Charlbury and Fawler parishes, we would welcome the opportunity to work with the applicants in this regard).

OCC Archaeological Services

Initial Response

The site is located in an area of archaeological interest north of a probable prehistoric or Roman settlement site identified from a series of pits recorded during the construction of a utility pipeline. Further Iron Age pits have been recorded c850m east of the proposed development. A scheduled section of the North Oxfordshire Grim's Ditch (1012902), thought to be a prehistoric or Saxon boundary feature, is located to the north west of the proposal. The scheduled monument of Lee's Rest Earthworks (1011226), a probable Roman temple, is located c880m north east of the proposed development. A further scheduled monument of pair of Roman marching camps is

located to the west of the proposal site, on the eastern edge of Cornbury Park. Medieval remains and a possible Holloway were also recorded to the east of the proposal area which may relate to the medieval woodland.

A heritage statement has been submitted with the application, but this only refers to the historical development of the site and includes no references to the prehistoric and Roman development of the area or any assessment of the impact of these proposals on archaeological remains.

An archaeological desk-based assessment will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

A programme of archaeological investigation will be required ahead of the determination of any planning application for the site. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

Follow up Response

Given the limited amount of ground disturbance proposed in the area where a small amount of archaeological deposits were recorded we would not require any further archaeological works as part of this proposed development.

Climate

No Comment Received.

WODC Landscape And
Forestry Officer

Intial Response

Having looked at the details contained in the landscape masterplan I cannot say that the proposed 'enhancements' are particularly strong in terms of weighing in favour of the overall scheme. It has been recognised that the existing landscape character of the site reflects the positive attributes described in the landscape assessments for this landscape type and there are no other significant landscape detractors that are to be removed or lost characteristics restored.

Some aspects of the wider proposals may bring some minor beneficial effects but some do not reflect or strengthen the existing landscape character and are not particularly beneficial, some possibly slightly

adverse.

Whilst the landscape assessments describe some enhancement opportunities such as tree planting, the way in which these are deployed can bring positive and negative outcomes. The installed semi-ornamental tree planting privacy belts do not strengthen local landscape character in terms of location, pattern and species composition for example.

In terms of the likely landscape impact of the wider estate works as expressed in the masterplan, on balance, I judge this as neutral to slightly adverse.

From the LVIA material, it looks to be clear that the proposed very large new dwelling will be prominent in views from across the Evenlode Valley. Whilst tree planting is proposed to mitigate this, it seems unlikely that the effects as shown in the visualisations will be realised bearing in mind the siting and design of the building is one that will no doubt require extensive views out across the valley. There will also need to be a considerable period of time required to achieve these effects.

Whilst H6 would usually support the replacement of existing dwellings on a one-for-one basis, the scheme stretches the definition of 'reasonable scale relative to the original building' somewhat, particularly as the replacement has been sited in such a prominent location.

Follow up Response

Having looked through the application material again, I still take the view that the proposed 'enhancements' are fairly neutral when considering the existing landscape character of the site and surrounding landscape against the proposals for the wider holding (not including the proposed new buildings and other development). On the face of it, gapping up hedgerows, planting trees, reverting arable fields to grassland fields and improving biodiversity are all topics that the LCAs would generally support. However, in the local context I wouldn't say that these 'enhancements' are so beneficial to the landscape or public amenity to unduly weigh in favour or against the main planning/development proposals.

Some of the changes from the existing agricultural character, such as biodiversity, could be improved by incorporating more varied habitats. Similarly, new woodland or other tree planting could be a benefit, both in terms of landscape character and climate change mitigation, but this is dependent on the location and layout and the way in which woodland and tree planting is managed in the future. The same applies to grassland. Reversion from arable to grassland is referred to in the LCAs. However, it's one thing reverting an arable

field to grassland to graze livestock such as sheep or cattle but another to revert to grassland managed as mini-parkland and/or with strong equestrian influences.

One of the main negative aspects of the proposals - most of which has been carried out already - are the perimeter screen plantings. These do not fall under planning control, but do contradict guidance in the LCAs - both in terms of restricting long views and a sense of openness and species composition for example. I also suggest that other 'enhancements' such as restoration of forest rides and tracks is stretching it a little, and more likely to be driven by other modern forces.

District Ecologist

The submitted report confirmed the farmhouse building (Building 1) is used as a day roost by a small number of common pipistrelle bats. The proposed development will result in the demolition of building 1 therefore, the roost will be lost. As a result, a licence from Natural England will need to be obtained in order for works to proceed lawfully. In order for a licence to be agreed, a suitable mitigation scheme is required to ensure that suitable compensatory roosts are available post development.

A licence can only be agreed if the proposed development is able to meet the three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

The proposed mitigation and compensation strategy outlined in Section 5.3.5 of the submitted ecological impact assessment is considered likely to provide adequate compensatory measures that will successfully maintain the population of the species concerned at a favourable conservation status in their natural range and as such, would meet Reg 53(9)(b) of the Habitats Regulations.

I am satisfied that this derogation test can be met by this application so long as the actions conditioned are implemented in full.

Case law indicates that the process of consideration of the 3 derogation tests should be clearly documented by the LPA. It is my view that if the case officer feels that the application accords with Local Planning Policy all 3 derogation tests have been adequately

assessed in accordance with Natural England guidance. In addition to bats, the submitted report identified barn owl use in Barn 13 which will undergo extensive modifications and as a result, appropriate mitigation will need to be adhered to. Furthermore, precautionary mitigation for badgers, hedgehogs and reptiles should be implemented to ensure protected species are safeguarded from the development.

I am pleased to see the development will involve extensive habitat management and creation. In order to provide benefits for local wildlife, it is felt an appropriate landscape management plan should be secured. The submitted ecological impact assessment has provided suitable suggestions with regards to species and habitat creation.

Conservation And Design
Officer

Initial Response

Their visual from across the valley is somewhat reassuring - as it seems to show that in terms of volume, there would be little additional impact in views from the south and west. However, in terms of the architectural treatment, the grand classical façade would be rather more impactful than that of the existing house. And in my view, there isn't room for another Cornbury here. So, as discussed, I strongly advise that they should rein this back, substituting eaves for the parapet (which would also usefully lower the walling), and also omitting the classical pediment. Making it more like the other elevations, in other words.

And I completely agree that they need to omit the riding arena - which is huge, ill-proportioned, of somewhat utilitarian character - and also rather incongruous in this gentrified setting.

Follow up Response

No objection.

Adjacent Parish Council

No comment.

2 REPRESENTATIONS

- 2.1 The application has attracted eight third party comments, seven of which are general comments from residents of Stonefield Lane. These comments do not explicitly object to the scheme but raise concerns regarding the reinstatement of an access ride and possible intensification of the use of Stonesfield Lane. Issues regarding maintenance costs and improvements are raised, as the lane is a private way, these are considered civil matters and not material planning considerations.
- 2.2 Other issues raised include general support for ecological enhancements with some concerns regarding use of non-native species and management as well as whether any excess electricity

generated through onsite renewables is to be sold to the grid. Officers consider that it is beyond the scope of this planning application to control this matter.

2.3 One support comment has been received.

3 APPLICANT'S CASE

3.1 The application is supported by a planning statement, the main points of which are summarised below.

"It has been established that the principle of a replacement dwelling-house in this location is acceptable.

Whilst larger than the existing dwelling, would not be of an unreasonable scale given the potential benefits of the scheme.

The proposal will provide an upgraded dwelling to meet the needs of the applicants, which will also have a positive impact on the character of the area.

The architectural forms are appropriate for the site context and wider landscape and respect the historical architectural character of the area.

Landscaping works will be undertaken to enhance the visual amenity and landscape character of the area.

Appropriate parking space can be accommodated within the site area.

Overall, the proposed development would be appropriate for the site in its context. The proposal would accord with the Development Plan in all respects. In light of this, the presumption should be in favour of the proposal being acceptable."

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T2NEW Highway improvement schemes

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH10 Conservation Areas

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for demolition of existing dwelling-house and erection of replacement dwelling with associated outbuildings and landscaping works, conversion and extension of existing cottage to form pool house with ancillary shower/changing facilities, new stables and repairs and extension of an existing field barn at Charlbury House, Woodstock Road, Charlbury. The application has been amended through the submission of amended plans altering the design of the proposed dwelling as well as reducing the scale of proposed outbuildings and removing a large indoor riding arena.
- 5.2 The existing dwelling is large a stone building constructed in the 1990s and associated outbuildings. The site also contains a range of utilitarian modern farm buildings to be removed and a 19th Farmhouse and ancillary range of barns. The dwelling is set within large ornamental gardens and enclosed by open fields. Public rights of way run along the southern and eastern boundaries of the applicant's land ownership. The application also includes works to an existing barn building sited approximately 400 metres (m) north east of the existing dwelling.
- 5.3 The existing dwelling lies in an open countryside location approximately 630m east of the built up area of Charlbury and within the Cotswolds Area of Outstanding Natural Beauty ("the AONB"). The Charlbury Conservation Area ("the CA") boundary runs north-south through the western portion of the site approximately 250m west of the existing dwelling. The site takes access from the B4437 (Woodstock Road) to the north.
- 5.4 The application is brought before Members of the Committee due to the objection of the Charlbury Town Council.

Relevant Planning History

- W88/0885- Erection of dwelling and garages. Approved.
- W91/1612- Construct new dwelling & garage. Approved.
- W94/0728- Retention of existing dwelling (non-compliance with condition 8 of planning permission 1612/91). Approved.
- W94/0731- Partial demolition of cottage to remove southern two-storey extension rebuild & alterations to reinstate southern elevation. Approved.
- W97/0260- Conversion of outbuilding to form children's nursery school. Approved.
- W2000/0486- Conversion of outbuildings to form games room. Approved.
- W2003/0783- Alteration and extension to pool room including pitched roof. Approved.

Planning Considerations

- 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;
 - Siting, scale and appearance;
 - Landscape and visual impact;

- Impact upon heritage assets;
- Ecological impact;
- Residential amenity;
- Highways and public rights of way (PRoW) impact; and
- Replacement dwelling policy assessment

5.6 Each are considered in the following sections of this report.

Principle

The Development Plan

5.7 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 this case, the development plan is comprised of the West Oxfordshire Local Plan 2031 ("the WOLP") and Charlbury Neighbourhood Plan 2031 ("the CNP").

5.8 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. The application site is detached from the town of Charlbury and would be considered within the open countryside for the purposes of Policy OS2.

5.9 Policy OS2 states *inter alia*:

"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."

5.10 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;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty

5.11 In terms of replacement dwellings specifically, Policy H2 provides broad support for the principle of replacement dwellings on a one-for-one basis in open countryside locations. This is expanded upon in Policy H6, which outlines dwellings of no historic or architectural value may be replaced provided:

"The character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building."

5.12 Officers consider that the existing building is not of any particular historic or architectural value and therefore, the principle of development to replace the existing house is acceptable subject to the application demonstrating accordance with the specified criteria of Policy H6, the general principles of Policy OS2 and the WOLP when read as a whole.

Siting, scale and appearance

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

5.14 The proposed replacement dwelling itself would be sited to the east of the existing dwelling in order to allow an historic forest ride to be reinstated. The main block of the proposed dwelling would be set over two storeys and a footprint of 24.4m by 18.5m with single storey wings projecting from each side elevation. The proposed dwelling has been amended to omit a classical pediment and parapet thereby reining back the grand classical façade for a more simple and clean elevation. The dwelling would be constructed of Cotswold stone under a natural Cotswold stone slate roof.

5.15 Two large modern barns would be removed as well as unsympathetic extensions to the C19th buildings on site. The existing C19th farmhouse would be subject to alterations to reduce the scale of the building and serve as an ancillary domestic building. A large storage barn would be erected to the north of the C19th barns and would be well related to the existing and proposed built form. The building would take the form of a Dutch barn and display a contemporary character and be constructed of dark painted metal sheets on a local stone base. The proposal has been amended to significantly reduce the scale of a proposed range of buildings to the north east of the proposed dwelling. The two buildings proposed would serve as an ancillary domestic outbuilding taking the form of an agricultural barn reaching 8m in height and annexe with estate office set over two storeys reaching 7.5m in height. Each of the two buildings would take a linear plan form aligned with the projecting wings of the host dwelling. The scheme would also include works to renovate and extend an existing barn sited in the north east of the applicant's land ownership. Its use would remain unchanged and the applicant has submitted evidence to show that the extension would reinstate its historic footprint. The impact of the proposal upon the character and appearance of the area is considered in the following sections of this report.

Landscape and visual impact

5.16 The site is located in within the 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 EH1 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 WOLP Policy H6 also requires that proposal for replacement dwellings do not erode the character and appearance of the area.

5.20 In terms of the existing landscape character of the locality, the application site lies within the Lower Evenlode Valley (Semi-enclosed Limestone Wolds) character area as identified in the West Oxfordshire Landscape Assessment 1998 ("the WOLA") and within landscape character type 9- High Wold Dip Slope (9F West Enstone Uplands) under the Cotswolds AONB Landscape Character Assessment ("the LCA"). Both documents are listed in the supporting text to WOLP Policy EH2, which states at paragraph 8.6 that these documents should: "be used to inform development proposals and to ensure they respect the distinctive landscape character areas". Officers therefore consider that the WOLA and LCA are material considerations in the assessment of this application.

5.21 The application site and wider land under the applicant's ownership demonstrates defining characteristics of the landscape character areas identified for example the West Enstone Uplands is described as follows in the LCA:

"Across much of the area the underlying limestone has formed a smooth, rolling plateau with a distinctly elevated and open character. Thin dry calcareous soils are free draining and well suited to arable farming and indeed much of the landscape is characterised by large fields enclosed by stone walls or low, clipped hedges and a sparse natural vegetation cover. Woodlands are restricted and no ancient woodland exists in the area."

5.22 The WOLA list large scale smoothly rolling farmland dominated by large scale arable fields displaying an impoverished, expansive upland character in higher areas as defining characteristics of the Lower Evenlode Valley (Semi-enclosed Limestone Wolds) character area. Officers consider that the site and applicant's wider land associated display these characteristics. The WOLA outlines that priorities for enhancements in this character area include introducing woodland planting along valley sides and converting arable fields to grassland and that valley sides are visually sensitive to development, which would be highly prominent and exposed.

5.23 The proposals would include the changes to built form as outlined above as well as landscaping works across the applicant's land including to:

- Restore and enhance the surviving historic woodland features such as the species rich hedgerows, open rides and tracks;
- Increase tree and woodland cover with native broad leaves;
- Fell and replace conifers with native broad leaves;
- Revert all arable production on the farm to species rich permanent pasture or native hay meadow;
- Enlarge an existing pond and creating a new pond;
- Bury over-ground electricity line that crosses the site

5.24 In terms of the impact of the proposals, the proposed replacement dwelling would reach 10.9m to the ridge with an eaves height of 7.2m. This compares with measurements of 10.8m and 6.8m respectively for the existing dwelling. The front two-storey façade of the proposed dwelling (which

would be the most prominent elevation in views into the site) would run 24.4m compared to 18m for the existing dwelling. Given the simplified architectural treatment and siting of ancillary built form to the north of the proposed dwelling in well-contained range of courtyards as well as the removal of large modern farm buildings, officers consider that the proposed replacement dwelling would result in a neutral impact in landscape and visual impact terms.

5.25 Turning to the wider landscaping proposals, the works have been carefully considered alongside the LPA's Landscape and Forestry Officer. The proposals include gapping up hedgerows, planting trees, reverting arable fields to grassland fields and improving the ecological value of the land, elements that are generally supported in the WOLA and LCA. Conversely, the belts of perimeter planting included in the wider proposals do include non-native ornamental species as well as native broad leaves. Officers note that much of this planting work appears to have been undertaken and would not require planning consent as a standalone operation. Therefore, whilst the proposals would result in a transformative impact upon the existing impoverished arable character of the landscape, the overall landscape and visual impact of the proposals is considered neutral and as such, the scheme would not erode the character and appearance of the area or result in harm to landscape and scenic beauty in the AONB.

Impact upon heritage assets

5.26 The application site lies partially within the CA. Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.27 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment. Section 16 states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 194 requires the applicant to describe the significance of affected heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (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. WOLP Policy EH10 and CNP Policy NE2 are directly relevant to the application with regard to the impact of the proposal upon the CA.

Main elements that contribute to the significance of the CA

5.28 Before turning to assess the impacts of the proposal upon the character and appearance of the area and on the setting and significance of the CA, it is first necessary for officers to identify the existing significance of the CA. The CA extends over the entirety of the town and much of the surrounding countryside including fields within the applicant's ownership approximately 250m west of the existing dwelling. The significance of the CA is derived from various factors including how the buildings and spaces in the nucleated historic settlement have evolved over time, including as a small market town in the C13 with an urban form still recognisable today. Consequently, whilst it contains a significant number of vernacular buildings, especially at its core, it also has more modern development at the

peripheries. The settlement pattern tapers out as it transitions towards the surrounding scenic countryside and the rural setting of the town is an important component of its significance.

Contribution of the application site to the significance of the CA

5.29 The built form associated with Charlbury House sits well outside of the boundary of the CA however, the wider landscape in which the site lies forms an important contribution to the attractive, verdant and rural character of the CA.

The effect of the proposal on the CA

5.30 The proposed development would not include any built form within or adjacent to the CA boundary and would retain the undeveloped, rural and verdant landscape setting to the east of the town. The proposed built form would be sited in excess of 300m from the CA boundary and would be well contained to the north of the proposal dwelling, thus avoiding the impression of sprawl as well as removing large modern farm buildings. As a result, the proposed development would result in a neutral impact upon the character, appearance and setting of the CA.

Ecological impacts

5.31 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Policy H6 also requires that replacement of existing dwellings results in no harmful impact on ecology or protected species.

5.32 The application has been furnished with an ecological impact assessment. The submitted report confirmed the farmhouse building is used as a day roost by a small number of common pipistrelle bats. The proposed development will result in the demolition of building I therefore, the roost will be lost. As a result, a licence from Natural England will need to be obtained in order for works to proceed lawfully. In order for a licence to be agreed, a suitable mitigation scheme is required to ensure that suitable compensatory roosts are available post development.

5.33 The LPA's ecologist has confirmed that the proposed mitigation and compensation strategy outlined in Section 5.3.5 of the submitted ecological impact assessment is likely to provide adequate compensatory measures and that all three derogation tests have been adequately assessed in accordance with Natural England guidance.

5.34 In addition to bats, the submitted report identified barn owl use in Barn I3, which will undergo extensive modifications. As a result, appropriate mitigation will should be secured via condition.

5.35 As referenced in the previous section, the application includes a number of habitat enhancement features, which will provide a multitude of benefits for native wildlife, which are welcomed by officers. In order to secure these benefits are realised, the LPA's ecologist has confirmed that these features should be secured via planning condition. Subject to the planning conditions recommended in Section 6 of this report, the application is considered to provide modest ecological benefits and therefore complies with WOLP Policies EH3 and H6 with regard to ecological impact.

Residential amenity

5.36 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 WOLP Policy OS4, NPPF Paragraph 130(f) and the West Oxfordshire Design Guide.

5.37 The application site is located in an isolated open countryside location with no directly neighbouring properties. The representations of interested parties along Stonesfield Lane have indicated that the use of the existing access may lead to noise and disturbance. As the access is existing, officers consider that it would be unreasonable to prevent all vehicular access from using this track. However, given the proximity of the track and access gate to Pippins and Forest Cottage, officers consider that construction traffic should be prohibited from using this access in order to safeguard the amenity of neighbours during construction. Therefore subject to condition, proposed development would therefore result in no material impact upon the residential amenity of third parties.

5.38 Possible damage to the private way is considered a civil matter and is therefore not a material planning consideration.

Highways and PRow impact

5.39 WOLP Policy T2 states that all new development "will be required to demonstrate safe access and an acceptable degree of impact on the local highway network". The proposal does not seek to alter the existing access to the site but would reinstate a track across the western half of the applicant's land, connecting the site via an existing gate to Stonesfield Lane, which officers understand is a private lane with PRow.

5.40 Given that the proposal would not lead to the creation of a new access, material change in the use of the land, changes to PRows and would be served by extensive parking areas, officers consider that the proposal would result in no material impact in highways of PRow terms.

Replacement dwelling policy

5.41 WOLP Policy H6 outlines that replacement of dwellings with no architectural value may be permitted where the proposed building would not harm the appearance of the area, local ecology and are of reasonable scale to the original building. In this case, this report has found that the proposed development would not harm the character and appearance of the area and would result in modest benefits to local ecology. The question of what increase in scale may be considered reasonable is not defined in the WOLP and is a matter of fact and degree to be determined on a case-by-case basis. Therefore, site context plays a vital role in the assessment of whether an increase in scale is reasonable. In this instance, the proposed design exhibits a significantly larger footprint than the original dwelling but the main block of the proposed dwelling is comparable in scale to the existing dwelling, ensuring that the perceived massing of the dwelling would be minimised. The proposal would include the removal of large modern farm buildings and has been amended to significantly reduce the presence of the main house and importantly, removed a very large and ill proportioned riding arena. The range of outbuildings proposed has also been significantly reduced in scale and footprint. Therefore, on balance and given the specific nature of this site and the proposed design, the proposed replacement dwelling is considered reasonable in terms of scale.

Other matters

5.42 With regard to the impact of the scheme in terms of drainage, the application site lies within an isolated location in Flood Risk Zone 1 and as a result, the proposal is considered acceptable in drainage terms.

5.43 Given the carefully considered design and landscaping proposals, officers consider that it is necessary to restrict the householder permitted development rights of the proposed dwelling. This is justified to ensure that inappropriate additions that would result in landscape and visual impact harm in the sensitive location are avoided such as extensions and additions to the roof.

Conclusion

5.44 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, H6, T2, EH1, EH2, EH3, EH7, EH8 and EH10, CNP Policies NE1, NE2, NE4, NE5, NE6, NE9 and HE2, the West Oxfordshire Design Guide 2016 and NPPF 2021. The application is therefore recommended for conditional approval.

6 CONDITIONS

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

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

2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 27.02.23; 13.03.23 and 23.03.23.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, AA, B and C shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the special character of the area.

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

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

5. Prior to the first occupation of the dwelling hereby permitted, the existing dwelling located within the site, currently known as Charlbury House, and all other buildings shown to be removed on plan 102 E dated 22.03.23, shall have been demolished and permanently removed from the site.

REASON: Permission is granted for a one for one replacement only.

6. The existing access via Stonefield Lane and proposed associated access track shall not be used as an access for any construction/demolition vehicles during the entire course of construction and demolition hereby approved unless specifically agreed in writing by the local planning authority.

REASON: In order to ensure that the amenity of neighbours is safeguarded during construction.

7. The proposed stable yard buildings as shown on plan CHBY-A-150 P2 shall be used as accommodation ancillary to the proposed replacement dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this open countryside location would be contrary to local and national policy and guidance.

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

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

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

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

10. 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.

11. The development shall be completed in accordance with the following documents, as submitted with the planning applications:

- Section 5.3.2, 5.3.4 and 5.3.6 of the Ecological Impact Assessment, prepared by Windrush Ecology, dated October 2022
- All measures outlined within West Oxfordshire's Precautionary Method of Working document.

All recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure nesting birds, reptiles, amphibians, hedgehogs and badgers 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, the National Planning Policy

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

12. The development shall be completed in accordance with the recommendations in Section 5.3.5 of the consultancy report (Ecological Impact Assessment, Windrush Ecology, dated October 2022). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To ensure that European protected bat species 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 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

13. Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas and woodland planting) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following completion of the development or the site being brought into use, whichever is the sooner.

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

14. Any trees or plants shown on the approved landscaping scheme to be planted or retained that die, are removed, damaged or become diseased, or grassed areas that become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

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

15. Prior to the installation of any external lighting to serve the proposed dwelling, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed, including the type of lighting. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In order to minimise light pollution in the Cotswolds AONB.

INFORMATIVES :-

- 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).

- 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/ay3nzn2/sustainability-standards-checklist-feb-2023-v2.pdf>

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

Notes to applicant

1. 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.

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 - 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
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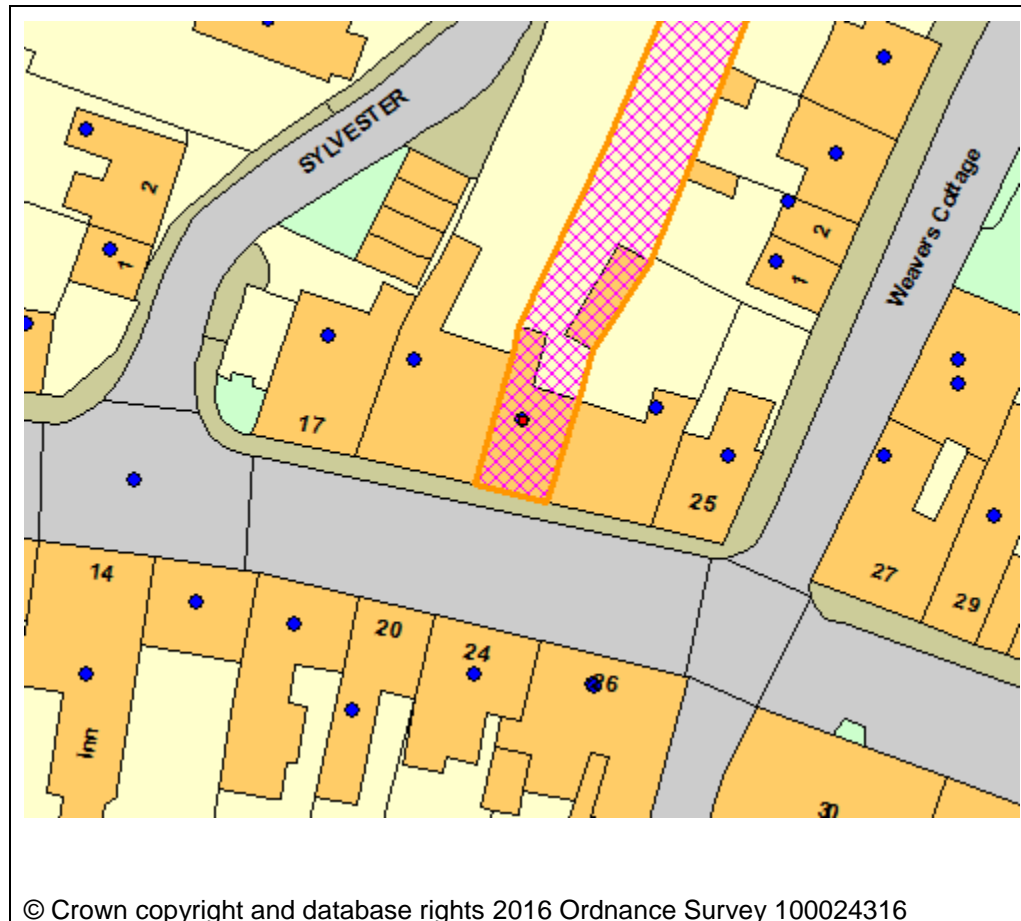
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 12th April 2023

Application Number	22/02785/HHD
Site Address	Cartref 21 Witney Street Burford Oxfordshire OX18 4RX
Date	12th April 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425256 E 212175 N
Committee Date	25th 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 and first floor extension (amended)

Applicant Details:

P Bigwood
Charts Edge
Hosey Hill
Westerham
TN16 1PL

I 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

3 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 Ensuite 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

Background Information

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.

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 form of the mono pitch roof outbuilding will remain as existing therefore retaining the stepped formation on both boundaries. 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 ensuite 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), existing built form along the boundaries and the orientation of the properties (north facing gardens). The stepped formation of the boundary walls 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.

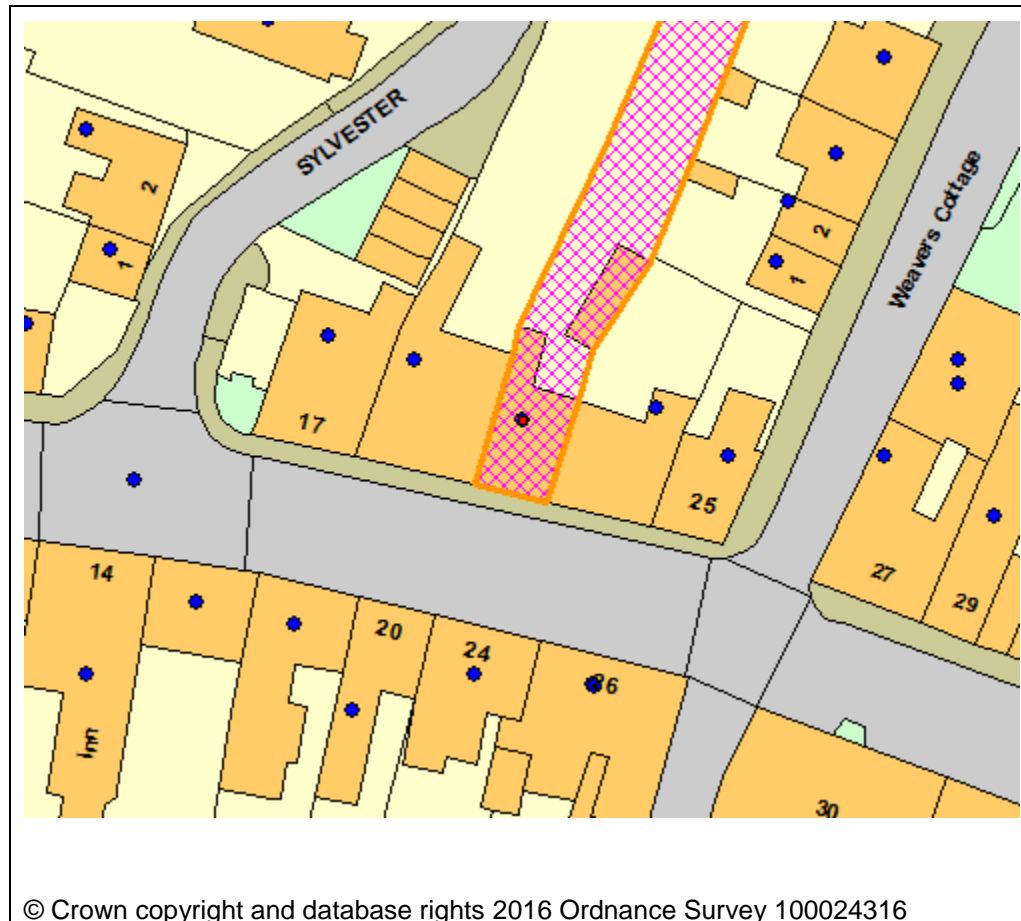
Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 12th April 2023

Application Number	22/02786/LBC
Site Address	Cartref 21 Witney Street Burford Oxfordshire OX18 4RX
Date	12th April 2023
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425256 E 212175 N
Committee Date	25th 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

No Comment Received.

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 Ensuite 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

Background information

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.

Conclusion

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

- 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.

- 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.

- 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.

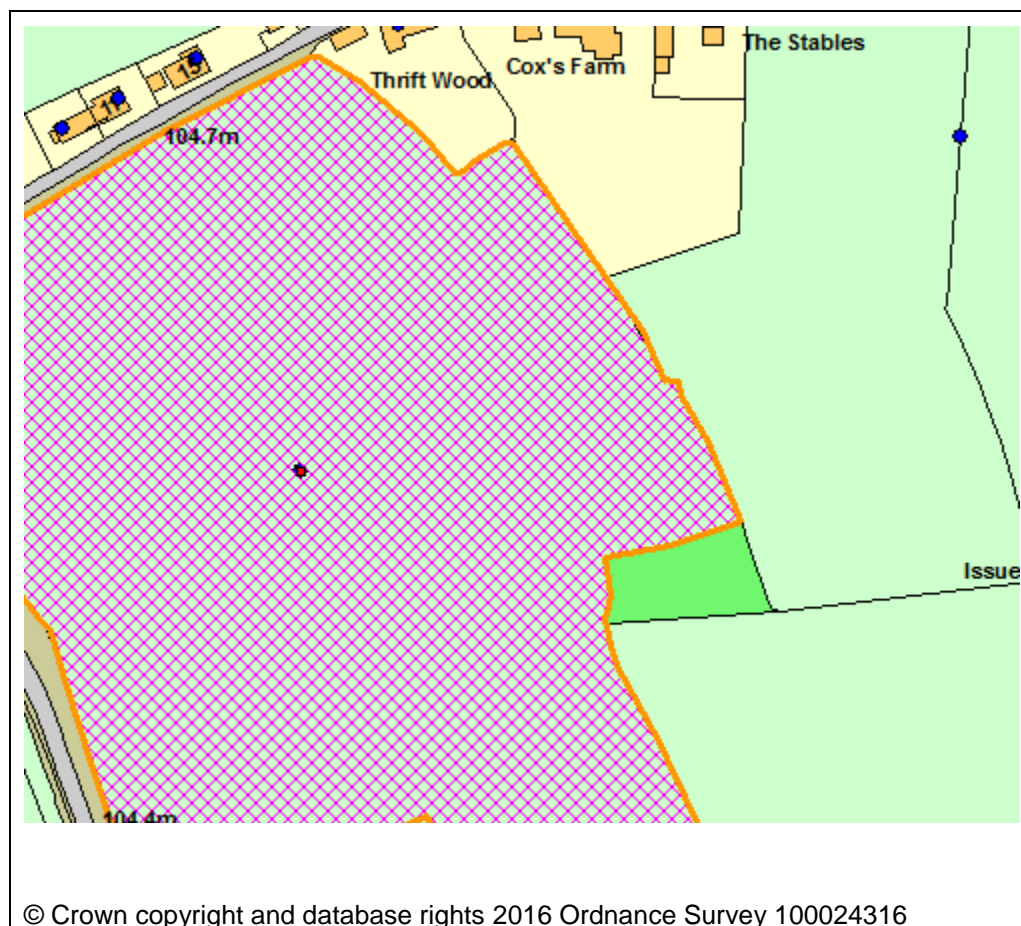
Contact Officer: Sarah Hegerty

Telephone Number: 01993 861713

Date: 12th April 2023

Application Number	22/03356/FUL
Site Address	Land East Of Wroslyn Road Freeland Oxfordshire
Date	12th April 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Freeland Parish Council
Grid Reference	441652 E 212575 N
Committee Date	25th April 2023

Location Map



Application Details:

Development of 80 residential dwellings (Use Class C3), community shop/cafe (Use Class E), allotments and site access, plus open space, drainage, landscaping and associated engineering works.

Applicant Details:

Spitfire Homes Ltd
C/O Agent

I CONSULTATIONS

Major Planning Applications
Team

Oxfordshire County Council Transport

Objection:-

- Insufficient information is provided to determine whether there are significant effects on the transport network (NPPF para 110b)
- There are no proposals to introduce cycle infrastructure on Wroslyn Road, therefore the proposals do not provide safe and suitable access for all users (NPPF 110b)
- Insufficient information to demonstrate safe and suitable access to the shop (NPPF 110b)
- Through over provision of car parking and insufficient cycle parking, the promotion of sustainable transport is limited (NPPF 104c and 110a)

Lead Local Flood Authority

Objection:-

- Infiltration testing according to BRE 365 to be provided
- Detailed drainage strategy to be provided
- SuDS construction details drawing to be provided
- Surface water catchment plan to be provided
- Existing ditch ownership to be confirmed and consent to be provided to make drainage connection.

Education

- No objection subject to Section 106 contributions.

Archaeology

- The results of the geo-physical survey will need to be investigated through a further staged programme of archaeology, secured via a condition.

Waste Management

- No objection subject to Section 106 contributions.

Conservation And Design
Officer

Object. The current proposal is contrary to P(LB&CA)Act 1990, NPPF Section 16, EH9, EH11 and EH13 and WODC Design

Guidance.
Comments in full at paragraph 5.31

WODC - Arts

No Comment Received.

Wildlife Trust

No Comment Received.

Climate

A Net zero carbon

- It is stated that 'each home will be zero carbon ready at the point of first occupation'. The applicant should commit to meeting the net zero carbon standards in the Sustainability Standards Checklist so that the proposed development can be considered net zero. If these standards are not achieved, it is important that the applicant does not claim that the development is net zero.
- Fabric specifications are provided. Ultra-low energy demand should be achieved through demand through meeting a residential energy use intensity (EUI) of less than 35 kWh/m².yr. Predictive energy modelling should be used, for example Passive House Planning Package or equivalent and carried out with the intention of meeting target EUIs. Explain how thermal comfort and the risk of overheating has been assessed, and how passive design measures to mitigate for overheating risk have been prioritised over energy intensive alternatives, and in compliance with CIBSE TM59 for domestic buildings.
- Air source heat pumps would be installed in the larger open market properties and infra-red heating in the other properties. The development would be fossil fuel free.
- Rooftop solar PV and solar battery storage would be installed for each property. The development should achieve a zero-operational carbon balance and deliver 100% of energy using renewables. Include total kWh/yr of energy consumption of the buildings, accounting for both regulated and unregulated energy, on the site, and the total kWh/yr of energy generation by renewables to show that the zero carbon operational balance is met.
- Explain how the development would minimise embodied carbon emissions. Cross reference lifecycle modelling, carried out to assess embodied carbon.

B Travel

- Explain what provisions have been made to support home working, for example home study, dedicated work space, shared community work space.
- Explain how walking, cycling and public transport use would

be prioritised over road users on the site and connections strengthened with the surrounding area. Multimodal interchanges should be considered. Include details of routes and facilities, for example cycle parking, SMART bus stops

- Explain how shared mobility will be facilitated, for example through investment in EV car clubs.
- Electric vehicle chargers would be provided for every home to meet the requirements of Approved Document S of the Building Regulations.

C Water

- The Approved Document G of the Building Regulations water consumption rate is referenced. It is stated that 'a low water consumption rate' would be achieved at 103 l/p/day, which is under below the Building Regulation Part G target. RIBA 2030 Climate Challenge sets out targets for portable water use. A minimum of less than 95 l/p/day should be achieved and less than 75 l/p/day strived for.
- Water butts would be provided at each open market property. This should be extended to all property tenures.

D Waste

- The construction company should be registered with the Considerate Construction Scheme.
- A Site Waste Management Plan would be followed. Targets should be set for construction waste recycling and disposal.
- Each property will have external space for the storage of local authority waste bins. Explain how safe and convenient access for waste recycling will be provided. Cross reference layout plans.

E Biodiversity

- WODC ecologist should evaluate the extent to which the development meets the biodiversity standards.

F Voluntary standards

- Sustainability principles, for example One Planet Living or Building with Nature, can assist in increasing the sustainability of the scheme.

District Ecologist

Further information is needed to assess the potential biodiversity implications:

Great crested newts

Five ponds are present within 500 m of the proposed site. In 2017 ponds P1 and P2 were subjected to eDNA surveys and traditional bottle trapping and torch searches, this effort returned positive great

crested newt (GCN) result for both ponds. Considerable time has since lapsed therefore, updated great crested newts surveys will need to be completed in order to assess the validity of the original report as recommended by CIEEM (2017). These surveys are restricted to a suitable survey season (March-June) and must be completed by a suitably qualified and experienced ecologist following best practice guidance. Updated surveys would need to be submitted to the LPA prior to any permission granted. This is necessary to allow the LPA, as the competent authority to assess the proposal in light of the three derogation tests in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Alternatively, the applicant can apply to use the Council's district licence, to do so the applicant will need to engage with NatureSpace whereby, the proposal will be assessed for eligibility. If the proposal can be covered by the Council's district licence, NatureSpace will produce a report and/or certificate. Similarly, these documents would need to be submitted to the LPA prior to any permission granted to enable the LPA to assess the proposal in light of the three derogation tests.

Tree roost assessment

Clarification is required regarding T8. Section 5.58 of the submitted report states 'Tree T8 was deemed to be of moderate suitability for roosting bats due to being covered in ivy. The tree is not suitable to support a maternity or hibernation roost. If the tree is being used as a roost it would be of low conservation significance.' Conversely, table A2.4 states T8 holds low potential to support a bat roost and the feature of interest is a knot hole. Therefore, can the applicant get their project ecologist to confirm T8's suitability as a potential roosting site and which potential roosting features are present? In addition, as recommended by BCT good practice guidance (2016), trees deemed to hold moderate roost suitability should be subjected to at least one survey between May and August. It would appear from Section 5.58 of the report that whether the tree is of moderate suitability is still to be determined. This will need to be determined and subsequent surveys (if required) will need to be completed and submitted to the LPA prior to any permission granted to enable the LPA to assess the proposal in light of the three derogation tests as stated in the Conservation of Habitats and Species Regulations (2017) as amended.

Ground-nesting birds

The ecologist has ruled out phase 2 ground-nesting bird surveys due to the size of the site and the current management regime (grazed). However, limited details have been provided. Habitats on-site, include improved grassland and semi-improved neutral grassland, photographs show a range of sward heights which provide suitable conditions for a few different ground-nesting bird species. All wild birds, including nesting, breeding and wintering birds are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to intentionally kill, injure or harm any bird species or to destroy or damage an active nest. Therefore, nesting bird surveys and a suitable mitigation plan should be put into place for proposed developments

that will result in a loss of habitats which are typically used by these species. Therefore, ground-nesting bird surveys will need to be undertaken by a suitably qualified and experienced ecologist, following best practice guidance or the project ecologist will need to provide a clearer justification as to why these surveys are not necessary, including how the absence of ground-nesting birds has been ascertained.

If the above cannot be resolved, refusal is recommended for the following reasons:

Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient survey details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.

WODC Env Consultation Sites

Review of the historical maps we hold suggest that the proposed development site has remained relatively undeveloped over time. Given the agricultural use of the land and the proposed residential use of the site, please consider adding a condition to any grant of permission.

WODC Env Health - Uplands

No objection but I would ask for construction management and hours of operation conditions to be attached to any consent granted.

WODC Housing Enabler

The site is within the high value zone and means a requirement under Local Plan Policy H3 - Affordable Housing to provide 50% of the completed dwellings as affordable housing. The application confirms that this percentage requirement will be met.

The Local Plan indicates that the Council will seek for 65% of the affordable housing as smaller 1 and 2 bed homes. The proposed mix shows that 1 and 2 bed homes make up 60% of the mix and I would therefore request that this element is increased to 65%.

Having examined those registered on the Council's Homeseeker+ affordable housing lettings system for rental homes that have indicated Freeland as one of their areas of preference, I can confirm the following

house types are required to meet housing need:

1 Bed	2 Bed	3 Bed	4+ Bed	Total
29	13	8	3	53

The site would also be within scope of the recent Government policy for the introduction of First Homes and I request that these are incorporated. Homes of this tenure are required to make up 25% of

the affordable housing provision.

The applicants acknowledge the Councils preferred approach to provision of First Homes as outlined in the Affordable Housing SPD, however cite the position adopted by another planning authority (Greater Cambridge) in the Affordable Housing Statement and propose not to provide First Homes in this scheme.

West Oxfordshire District Council's understanding is that deviating from the 25% First Homes provision requires evidenced justification and I request that this information is provided in order to assess the proposals.

The Design and Access statement indicates that the scheme will include bungalows and maisonettes. Of the 53 applicants for rental affordable housing, 8 have indicated need for ground floor or level access with lift accommodation.

Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 53 applicants shown above, there are a further 2470 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

Local Plan Policy H4 outlines the requirement for sites of over 50 dwellings to include homes designed to meet Building Regulation Requirements M4(2) and M4(3). The affordable housing statement appears to interpret this as a policy for affordable housing specifically. I therefore request clarification on whether an element of market housing will also be designed to these standards.

For information, issues raised in this consultation response have been discussed with the applicants who are considering their response.

WODC Landscape And
Forestry Officer

Objection. Comments at paragraph 5.37 of the report.

Natural England

No objection.

Oxford Clinical Commissioning
Group NHS

There are insufficient Consulting rooms to cope with increased population growth as a direct result of the increase in dwellings. As such, a s106 contribution is requested.

WODC Planning Policy
Manager

Given that the District Council acknowledges that it is currently unable to demonstrate a 5-year supply of deliverable housing land, the 'tilted balance' of the NPPF is engaged, whereby there is a presumption that planning permission will be granted unless:

The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

Any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

As set out in the comments above, this does not completely negate the policy requirements of the Local Plan, but it does mean that less weight is able to be afforded to those policies of relevance to the application than would otherwise be the case.

In this instance, particular consideration needs to be given as to whether the harms identified by those responding to this proposal 'significantly and demonstrably' outweigh the benefits. The key benefits include the provision of additional housing to help meet the Council's five year housing land supply, affordable housing, the provision of additional public open space, additional allotments and a shop/café and the economic benefits development would bring.

The potential harms include: the impact on landscape and character, especially in light of the Appeal Inspector's comments and national guidance, in principle and because of scale; the limited range of services and facilities within the village, resulting in the use of the private car unless measures are delivered to facilitate sustainable transport improvements; and the implications for local infrastructure, including water supply and treatment.

TV Police-Crime Prevention
Design Advisor

Not able to support the application in its current form. Concerns that the development is not designed with sufficient measures to mitigate the risks of crime and antisocial behaviour.

WODC - Sports

No Comment Received.

Thames Water

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection.

Following initial investigations, Thames Water has identified an inability of the existing SEWAGE TREATMENT WORKS infrastructure to accommodate the needs of this development proposal and a condition is recommended to ensure that necessary sewage treatment upgrades are carried out.

A condition is also recommended to ensure that necessary water network upgrades are carried out.

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. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluentatthameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

A condition is proposed regarding water capacity:

No development shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or
- a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development" The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.

District Ecologist	Comments on revised information are awaited.
Wildlife Trust	No Comment Received.
Wychwood Project	No Comment Received.
WODC Landscape And Forestry Officer	No Comment Received.
OCC Archaeological Services	<p>The proposal site has been subject to geophysical survey, which recorded a possible ring ditch in the proposal site. The accepted report of this survey and an archaeological desk based assessment have been submitted with this application. If the development is granted permission, the features identified in the geophysical survey will need to be investigated through a further staged programme of archaeological investigation, secured via a condition.</p>
Parish Council	<p>Freeland Parish Council objects for reasons relating to both the principle and detail of the development. The specific grounds for objection are -</p> <p>Inappropriate location - The proposed development site is in an area of Freeland which is looser-knit, and punctuated by green space and more historic buildings, making it distinct from the more modern and/or built-up areas to the north of the village. The 'housing estate' form and scale of this development in this location would create coalescence between the disparate parts of the village, damaging the overall character and distinctiveness of Freeland.</p> <p>Inappropriate scale - The addition of 80 houses would add around 13% to the population of the village in one go, placing a burden on the limited village amenities and infrastructure. It would generate an increase in vehicle movements of around a third, harming the tranquil rural character of the village.</p> <p>Detrimental effect on landscape character - the development involves a high magnitude of change to the existing landscape with little attempt made to use the opportunity to enhance the local setting both in terms of landscape and biodiversity.</p> <p>Poor building design - The proposed building designs are unimaginative and at odds with the surrounding dwellings in what is the most historic part of Freeland. The result would be far removed from the 'beautiful' developments to which the updated NPPF aspires.</p> <p>Lack of information on external building materials - The level of detail supplied by the Applicants regarding external building materials is</p>

insufficient to determine appropriateness or impact. Specific materials, colours, styles, sizes and provenance should have been included in this full planning application as they are critical to assessing the suitability of the proposal.

Lack of clarity/viability regarding the proposed shop - The Applicant has made much of the proposed 'community shop' - yet they have not explained its ownership and operational model, which is critical to assessing its potential value and long term viability.

Context

We have reviewed a number of policies in the West Oxfordshire Local Plan 2031 to inform our position. These are -

OS2- Locating development in the right places, ensuring villages have only limited development which respects the village character and local distinctiveness.

OS4 - High quality design, ensuring new development respects the character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surroundings. The policy also states that development should conserve or enhance areas, buildings and features of historic, architectural and environmental significance.

OS5 - Supporting infrastructure, which ensure that new developments deliver or contribute in a timely manner towards essential supporting infrastructure.

E5 - Local services and community facilities, stating that the development of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities will be supported.

EH2 - Landscape character, meaning development that conserves and enhances the quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity. New development should also avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality.

EH8 - Environmental protection, including safeguarding against artificial light, noise and pollution.

EH9 - Historic environment, stating that all development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment.

EH11 - Listed buildings, which states that the setting of historic buildings should be respected.

EH13 - Historic landscape character, in terms of applications that affect the historic character of the landscape including the impact on the pre-existing historic character and the degree to which the form, scale, layout and external appearance of the development conserves

or enhances the special character of its surroundings.
H3 - Affordable housing, where housing mix and tenure will be responsive to identified local needs and site specific opportunities.

We have also considered the precedents set by planning appeal decision APP/D3125/W/22/3301202 issued on 18 January 2023 which dismissed a proposed development directly opposite this intended site. The relevance of this appeal decision should be clear, given its very recent nature and the proximity of the two sites.

We fully acknowledge the current lack of a 5-year housing land supply (HLS) in West Oxfordshire, and the consequent application of the 'tilted balance' of the National Planning Policy Framework (NPPF - paragraph 11d). The tilted balance means relevant policies of the Local Plan are classed as 'out of date' and can therefore be afforded less weight, with a presumption in favour of permission being granted for sustainable developments except where significant and demonstrable harms outweigh the benefits. However, appeal decision APP/D3125/W/22/3301202 provides useful guidance on the effect this might have on the relevance of the WODC Local Plan 2031 policies referenced in paragraphs 3.1 to 3.10, stating in paragraph 67 'The out-of-datedness of the most important policies, however, does not alter the statutory primacy of the development plan nor indicate they carry no weight'. Hence, we consider the WODC Local Plan 2031 still provides a relevant framework for our position and the policies referenced in paragraphs 3.1 to 3.10 still carry weight - particularly where they pursue good design and require new development to respect the intrinsic character and quality of an area.

Lastly, we reviewed the updated NPPF published on 20 July 2021, which details (throughout Section 12) its aims to 'put beauty at the heart of the planning system'.

Reason 1 Inappropriate location

Freeland comprises two distinct parts lying either side of the village 'centre' where the village hall and pub and a number of listed buildings are located. North of this area, the village is typically more built up and includes a number of modern housing developments. South of the village centre there is a looser-knit arrangement of housing, punctuated by green spaces which also act as wildlife corridors.

This village character was specifically noted in appeal decision APP/D3125/W/22/3301202 referenced in paragraph 4, where the Inspector stated that the southern area of Freeland was characterised by '...a verdant punctuation where the instances of built form decrease, and the route is framed by the tree and hedgerow boundaries of undeveloped fields either side.' She contrasted this with the northern part of Freeland where there is a transition to- '...the main body of the settlement, distinguished by a more regular

concentration of built form and a ribbon-like development pattern.' Furthermore, she noted that: 'The discernible separation between the two distinct portions of Freeland is aided by undeveloped areas, numerous impressive trees, intermittent views towards the wider undeveloped countryside. The notable absence of street lighting at night reinforces a sense of tranquillity and rurality, which, together with an overall sense of spaciousness, underpins the form and local character of Freeland as a modestly-sized, distinctively rural village.'

The site of this proposed development is currently one of those 'verdant punctuations' that characterise Freeland's distinct settlement pattern. A development of this scale on this site would result in coalescence of the two distinctly separate parts of the village and would therefore conflict with the following policies in the Local Plan - policy OS2 as it fails to respect village character and local distinctiveness; policy EH2 as it does not respect local landscape character comprising the open spaces in this part of the village; and policy EH13 which relates to historic landscape character.

There are ten listed buildings in Freeland, all of which are either in the historic core or the southern part of the village, with two directly opposite the proposed development site on Pigeon House Lane. We therefore also have significant concerns that this development in this location would harm the setting of these listed buildings, conflicting with Local Plan policies EH9 and EH11 which require (respectively) the conservation of historic environments and the setting of listed buildings.

Reason 2 Inappropriate scale

The addition of 80 houses would lead to an extra 190-200 people living in the village (given the average of 2.4 people per dwelling cited by the Applicant), which is an increase of around 13% in the current population of just over 1,500 (2021 census). In the appeal decision APP/D3125/W/22/3301202 referenced in paragraph 4, the Inspector said the similar increase of around 13% to Freeland's population that would have been produced by that development: '...cannot sensibly be considered 'limited'. This level of increase, therefore, conflicts with Local Plan policy OS2, which enables only limited development in Freeland.

The figures supplied in the Applicant's Transport Statement suggest an increase in vehicle movements of between 28% and 35%, which is significant and detrimental to the characteristic tranquillity of the village. Currently, children walk or cycle to school and many adults also walk, cycle, horse ride, and enjoy the peaceful rural environment. This level of increase in traffic movements, therefore, conflicts again with Local Plan policy OS2 in respect of the harmful impact on local character and distinctiveness.

Reason 3 Detrimental effect on landscape character

A review of the Applicant's submitted documents, and in particular the Landscape and Visual Appraisal (LVA), leads us to conclude that the Landscape Strategy as set out in paragraphs 6.4 and 6.5 of the LVA is minimal, showing little analysis of the opportunities and constraints of the site. Although we welcome the retention of the wide landscape buffer zones to the edges of the site and maintaining a connection with the wider countryside of the host 'Wooded Estatelands' LCT, the layout itself is inward looking and does not relate to the village context or contribute to its character. The opportunity has been missed to open up a green space at the heart of the village adjacent to the Methodist Church and to remove the unsightly transformer station that blights the corner of Pigeon House Lane. The 'large' central green space indicated for amenity value on the Landscape Strategy plan is hardly any larger than the area of the gardens to the four detached dwellings that front on to it.

It is acknowledged in the LVA that there would be a high level of magnitude of change within the site and therefore a moderate adverse impact on the landscape character of the site. This is to be mitigated only by relying on the maturing landscape and weathering of materials with time. The visual impact on the most sensitive receptors in the dwellings along Pigeon House Lane is assessed as a major/moderate adverse effect that mitigation can do little to offset.

We therefore do not consider that the proposals respect the character of the locality or take the opportunity to enhance the character or quality of the surroundings, as required by Policy OS2. Nor would they conserve and enhance the landscape character of the area as required by Policy EH2.

Due to its scale and density, the layout of the proposed housing estate comprising 80 houses and bungalows allows no opportunity for the maintenance of existing wildlife corridors through the site - any green space is around the perimeter of the site. This loses valuable opportunities to sustain some of the biodiversity which the site already contains and to capitalise on the existing beauty of the natural surroundings and views of nearby landmarks, such as Church Hanborough's church spire and Wytham Woods. The proposed housing layout, therefore, is contrary to Local Plan policies OS2 and EH13.

Reason 4 Poor building design

The proposed building designs are disappointingly unimaginative and at odds with the surrounding dwellings. Not only do the designs fail to meaningfully reflect any buildings characteristic of Freeland, they especially fail to reflect or in any way complement the existing buildings in this location around the proposed development site,

which forms the most historic part of Freeland. Examples of the poor building designs show exceptionally wide gables, disproportionately small false chimneys, and fake ironwork porches, all of which are completely out of keeping with this location and are therefore in conflict with Local Plan policies OS4 regarding a need for high quality design respecting local character, and EH9 and EH11 relating to historic environments and the setting of listed buildings respectively. The proposed building designs are far from the 'beautiful' developments encouraged in the updated NPPF, referenced in paragraph 6 above.

The application site borders an area of Freeland previously identified as worthy of being a conservation area (see Freeland Community Led Plan 2014, p10 recommendation: 'Apply for Conservation Area status for historic core of village and consider other designations in the village to protect key assets and areas.'). While this action is yet to be progressed, it remains an established goal within the village. We therefore have significant concerns that this development would harm Freeland's historic and architectural character in conflict with policy EH13 and, as a result, affect Freeland's ability to apply in the future for conservation area status to cover its historic core and the area of the village to the south.

Reason 5 Lack of information on external building materials

Details of the materials to be used in the construction of the proposed development are, again, disappointingly lacking, meaning there is no clear understanding of the final appearance or quality of the proposed buildings. The immediate surrounding area contains a wealth of historic building types, from traditional Cotswold stone cottages to the grander brick-built Edwardian houses along Pigeon House Lane. This is an unacceptable omission given the risk of conflict with policies OS4, EH9, EH11 and EH13. We would have expected details about specific materials, colours, styles, sizes and provenance in a full planning application as they are critical to assessing the suitability of the proposed design.

Reason 6 Lack of clarity/viability regarding the proposed shop

While Freeland does have an established need for a village shop and community hub for social and sustainability reasons, the Applicants have failed to clarify the model upon which the facility they intend to provide would operate. However, the Applicants have since clarified that the ownership of the proposed shop would be retained by the current landowner, who would be willing to lease it to a community group. This suggests a commercially-based relationship with the owner seeking profit, which is totally at odds with the 'community facility' suggested in the proposal, that - it has been widely assumed by village residents - would be donated for ownership and operation by the community.

According to detailed modelling carried out by Freeland Community Benefit Society, which investigated the viability of obtaining and operating the former Methodist Church as a community shop and cafe, a commercial model is simply not viable in Freeland, and would undoubtedly fail within a short period of time. The modelling concluded that the only viable operating principle is one where the facility is run on a non-profit basis with volunteer support, consistent with the commonly assumed definition of a 'community shop'. We are therefore extremely concerned that the provision of what is presented as a community shop within the proposal is far from the benefit it might appear, making it both misleading and unsustainable, with no thought as to its viability. This, therefore, conflicts directly with Local Plan policy E5 which supports the provision and retention of local services and community facilities.

Other concerns

It is clear this proposed development will have a material impact on both the primary school and local primary care. We anticipate Freeland Primary School and pre-school will both submit a consultee response including a summary of the S106 contributions they will need to manage this impact. We also note the consultee comments from NHS Oxfordshire Clinical Commissioning Group (OCCG), but would urge WODC to seek views from the Eynsham Medical Group as well, as it will be providing the primary care 'on the ground' in the area.

While we accept that other statutory consultees will address their specific issues separately, given well-documented constraints on sewage capacity and recent issues around interruptions in power supply within certain parts of the village, we have considerable concern over Freeland's existing creaking infrastructure, especially with the introduction of this scale of development all in one go. We therefore urge WODC to ensure that any development which may be approved on this site or elsewhere in Freeland can deliver effectively against Local Plan policy OS5, particularly in regard to sewage capacity to meet the requirements of policy EH2 which seeks to avoid pollution and preserve local water quality.

Associated with the above issue, the location of the sewage pumping station adjacent to the gardens of 'Thriftwood' and 'Cox's Farm' is ill-considered and potentially detrimental to the residents of those dwellings.

We draw attention to the distinctive character of Freeland's dark night skies. In a professional sky quality survey conducted on 24 October 2022 at a location opposite this site and at other locations throughout the village (carried out as part of the appeal referred to in paragraph 4 above), all readings were above 20.5 magnitudes per

square arc-second, which is consistent with Environmental Zone classification of E0. This darkest classification requires strict restrictions of artificial illumination. Local Plan policy EH2 says development should avoid causing light pollution. Policy EH8 also states that the need for lighting should be balanced against adverse impact lights might have on the character of the area, the 'night sky', nature conservation or local residents.

The Applicant's ecological appraisal submitted belatedly on 22 February says detailed surveys for invertebrates were 'scoped out' of the assessment. We would argue the site is known for being extremely rich in insect and other invertebrate populations, having been farmed organically for the past 17 years. We would like to see a thorough survey of invertebrate populations conducted to ensure the biodiversity impact of the development has not been underestimated.

Inappropriate use by cars and especially large vehicles of the extremely narrow and degraded Pigeon House Lane is a material risk currently, and would be even more so with the proposed development. Investment in appropriate traffic calming at both ends of the lane to deter traffic would be an essential S106 condition of any development, but particularly at this location. Furthermore, any development would increase traffic volumes, and so investment in traffic calming throughout the village would be crucial to reduce car travel and encourage riding, cycling and walking, particularly among schoolchildren and elderly people. This would ensure compliance with Local Plan policies E5 and OS2.

The proposed additional allotments do not have clear vehicular access arrangements - a further access on to Wroslyn Road should be avoided.

A children's play area should not be included in any development on the application site, as there is an excellent facility a short walk away in the main village recreational area which should be supported. S106 funding would be expected to enable the existing facility to be improved and to contribute towards its upkeep to comply with Local Plan policy E5.

In the interests of promoting the above existing play area, and connectivity with the rest of the village as already described in paragraph 13, should a development ever go ahead on the application site, the interface at the corner opposite the Methodist Church on the northern side of the site should be reconfigured in consultation with the Parish Council. Furthermore, connectivity between the site and the existing recreation area at the other northern corner of the site across Pigeon House Lane should be enabled to ensure compliance with policy E5.

While one benefit of the proposed development would be the

provision of affordable housing, we would wish to have an input into the design of an affordable housing allocation plan to ensure there are local connections and the needs of families and key workers in the village are put first and, following that, the needs of families and key workers in the local area. This would ensure compliance with policy H3.

If the ownership and operation issues with the proposed 'community' shop cannot be satisfactorily resolved, the provision of such a facility through other means must be revisited as part of any substantial development and through S106 funding. The provision of an unsustainable facility under the guise of a 'community shop' should not be acceptable under policies OS5 and E5.

Lastly, we would expect S106 contributions towards the continued enhancement of the sustainability of village amenities and the local environment, including funding for the acquisition of the Methodist Church, maintenance costs of the village hall, renewal of outworn toddler play equipment, and local nature recovery - for example to enhance existing biodiversity and connectivity described paragraph 16.

Summary

In summary, we (Freeland Parish Council) object in the strongest terms to this application. We accept the current shortfall in the HLS, the requirement for a better affordable and commercially-priced housing supply to meet local needs, and the benefits some new families would bring to the pub, garden centre, village school and overall village vitality. However, the scale of this proposal and the sensitivity of its location, alongside the poor building design and site layout, lack of materials specification, and the lack of detail and apparent benefit provided by the proposed shop which appears to be far from the 'community' facility suggested by the Applicants, means the harm significantly outweighs any benefits. For these reasons, we urge WODC to refuse planning permission.

2 REPRESENTATIONS

2.1 A number of third party representations have been received objecting to the application. General comments have also been received with a neutral stance. Below is a summary of the representations received. Full details can be viewed on the Council's website.

2.2 184 letters of objection have been received. Reasons given for objection include the following:

- Lack of supporting infrastructure and capacity in the existing infrastructure network to accommodate the new development, specifically within: doctors' surgeries, nursery and primary schools, the local sewage treatment works, cemeteries, the national grid electricity supply, surface and foul water drainage network and the highway network

- Recent planning history: a proposed residential development opposite the site was recently dismissed at appeal (ref. 21/02627/OUT)
- Site not included in the West Oxfordshire Local Plan 2031 and recently approved sites nearby satisfy housing supply in the area.
- Impact on highways, including highway safety
- Lack of public transport connections from the site to the surrounding area including bus and cycle parking provision, increasing reliance on the private motorcar
- Lack of parking associated with the proposed shop and café
- Impact on local ecology and biodiversity, including the wildflower meadow on the site, the wildlife corridor linking with Eynsham Park and ancient woodland sites to the east, including Vincents Wood and Pinsley Woods. The biodiversity enhancements proposed are insufficient
- Increased ground and river water pollution, also affecting biodiversity
- A Grampian style planning condition should be included to prevent first occupancy until upgrade of the Church Hanborough Sewage Treatment Works to prevent spilling of untreated sewage into the River Evenlode catchment
- Impact on flood risk and drainage on and off the site
- Impact on the character and quality of the local area, in particular the approach to the main village from 'the Green' and loss of open space
- Incongruous development that does not relate well to the existing built-form in Freeland, including the existing pattern of development and density
- Scale and density of the development is inappropriate for its location
- Poor quality design and lack of local distinctiveness, contrary to the West Oxfordshire Design Guide
- Impact on the setting of non-designated and designated heritage assets, including the Grade II Listed Methodist Church and Grey Stones
- Site of particular archaeological interest
- Impact on the tranquillity and dark skies of the area
- Cumulative impacts from recently approved housing development and development planned at Saltcross Garden Village
- The design does not incorporate sustainability features such as carbon efficiency measures, green energy, measures to reduce water consumption and sustainable travel. There is a need for degrowth, more prudent use of resources and living within the biocapacity of our planet due to climate change
- Lack of public consultation
- Limited social benefits for the local community including concerns that the proposed shop will not be viable due to its size, location and planned ownership, and limited community facilities proposed to help establish social cohesion
- Loss of agricultural land and brownfield sites should be prioritised
- Contrary to planning policy, including policies OS2, OS4 and not an allocated site
- Impact on the amenity of neighbouring and nearby residents, such as noise and air pollution, and construction impacts
- Impact on health and wellbeing of residents who make use of Pigeon House Lane for sport and recreation
- Increase in crime rate
- Lack of affordable housing provision

2.3 General comments received include the following:

- Sympathetically designed housing providing investment into the local area is needed to support local facilities and prevent people moving out of the village due to a lack of housing supply.

2.4 Two Letters of support have been received:

- Development would benefit the village in many ways
- Provision of much needed housing
- Provision of shop
- The pre-school is underfunded, the school has limited numbers. Development will help village to thrive

2.5 Freeland Community Benefit Society (FCBS) made the following comments:

We do not wish to be seen to either support or object to this proposal. However I hope that you will find our views helpful when you consider this application. As you are no doubt aware, Freeland has been without a Village shop since the privately owned shop and Post Office closed in 2002. The Methodist Church was closed for worship in 2017 and following a survey of residents that indicated wide support for a shop and cafe, FCBS was formed to pursue the purchase of the Church with a view to re-purposing it as much need Village "hub" to be owned and run by the Community. WODC has granted permission for the Change of Use of the building to a shop and cafe and have refused two applications by the Methodist Circuit to convert it into a dwelling. To date the Circuit has not offered the Church for sale and have consistently refused to engage with us and so we do not know what their intentions in the matter are.

When we were first made aware of the Spitfire Homes proposal our reaction was that a purpose built, fitted out building would be an easier route for us than the one we have been pursuing. However following the recent public meeting the issue has become more complicated. We had assumed that Spitfire Homes were offering the building to the community i.e. FCBS or the Parish Council. However we understand from the presentation that the freehold of the building will be with the Witney Town Charities. While we have not approached the WTC and do not know the reason they wish to retain ownership of this part of the development, we assume that they are seeking to profit from a retail outlet and so it is likely that they will offer it on a commercial basis. Across the Country, Community run businesses are flourishing when commercial enterprises have failed and we do not believe that a commercial business is viable in Freeland and that the fate of a cafe and shop run on this basis would be the same as one that befell the old Freeland shop and more recently Farmoor store.

Whatever the other merits or otherwise of this proposed development FCBS do not support it, as we do not believe it offers the Community a viable shop and cafe as claimed. We would also suggest that even if the development were to go ahead to include a shop and cafe, this would not weaken the case for the Methodist Church being retained as a Community facility, for which there are many other potential uses.

2.6 Windrush Against Sewage Pollution WASP made the following comments:

- I. 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 Church Hanborough Sewage Treatment Work (STW) owned by Thames Water Utilities Limited (TW) to deal legally with the increased sewage generated by the proposed development.
3. The Flood Risk Assessment and Drainage Strategy (1171605.pdf) submitted in support of this application notes that the expected foul water flow generated from the site will be 3.7 l/s or 319.7 tonnes/day. The strategy further notes that emergency foul water storage capacity of 12.8 m³ (approximating to only 1 hour's flow) will be provided. All foul water will be discharged into TW's Church Hanborough STW.
4. TW responded to the application on 7 February 2023 noting that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. TW provided no comments regarding the ability of their Church Hanborough STW to legally accommodate the additional foul water generated.
5. Evidence gathered by WASP shows clearly that Church Hanborough STW is currently operating outside its permit conditions (i.e. illegally), a fact recently confirmed by TW who stated to West Oxfordshire District Council (WODC) that the works is only treating 88% of the required Flow to Full Treatment figure stated on its statutory permit. An account of 10 years of unpermitted early spilling was recorded in WASP's peer reviewed paper, with yet more examples in a WASP report.
6. In essence this means that Church Hanborough STW will, in breach of its statutory permit issued by the Environment Agency (EA), discharge untreated sewage to storm tanks and thence to the receiving watercourse at an incoming flow of 44l/sec rather than the permitted 50.5l/sec making its operation periodically illegal. Published EA Water Framework Directive data³ shows the receiving reach of the River Evenlode to be at POOR 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).
7. 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 Church Hanborough STW is included in this investigation.
8. In its recent updated responses to planning applications 22/01330/OUT: Land North Of, Witney Road, -, Long Hanborough, Oxfordshire, OX29 8FQ and 22/02498/OUT Witney Road North Leigh TW has acknowledged the inability of Church Hanborough STW to accommodate the increased foul water flow associated with both of these developments until suitable upgrade of the works is completed and has asked that a Grampian style condition preventing first occupancy until upgrade of the STW be imposed.
9. WASP contends that without the prior completed upgrade to ensure compliance with the legal permit standard at Church Hanborough STW, granting of this current development will simply endorse its present un-permitted and illegal operation, and will increase further the spilling of untreated and poorly treated sewage into the River Evenlode catchment.

10. A suitably worded Grampian style condition as put forward by TW in respect of applications 22/01330/OUT and 22/02498/OUT should therefore be applied to this current application.
11. TWUL has stated that the resolution of this self-acknowledged under-capacity issue will be addressed via the National Spill Reduction Programme. Although TW has recently provided a date of March 2025 for completion of necessary upgrade to Church Hanborough STW, the NSR programme has an end date of 2050 with no guarantee within this framework of when the necessary works to ensure permit compliance will be carried out.
12. If and when the upgrade is completed the works will merely be compliant with its present permit; there is presently no proposal for significant upgrade under either the National Spill Reduction Programme or the Water Industry National Environment Programme (WINEP) to allow for increased local development.
13. WASP contends that the planning authority and presumably by extension, a planning inspector 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.

3 APPLICANT'S CASE

3.1 The Planning Statement concludes as follows:

It has been demonstrated that the development is in accordance with Development Plan Policies H1, H2 and OS2 in terms of its location, even though it is outside of the Freeland village development boundary. The Council cannot demonstrate a 5 year land supply, evidenced in their Housing Land Supply Position Statement (November 2022), but in addition, as stated in the 'Five Year land supply statement' accompanying this application, the Council cannot meet the Development Plan period housing target (2021-2031), with a shortfall of 2,152 home and there is convincing evidence to demonstrate that the site is required to meet identified housing need.

Notwithstanding, the Council cannot demonstrate a five year supply of housing land and NPPF para 11d) and the presumption in favour of sustainable development is therefore engaged in this proposal, as is the same presumption that is embodied in Development Plan Policy OS2.

In accordance with Footnote 7 and NPPF para 202 the heritage harm alone has been weighed against the public benefits of the proposal, which are substantial and which are considered to outweigh the harm identified.

Further, there are no adverse impacts that would arise from granting permission that would significantly and demonstrably outweigh the benefits of the scheme arising.

It is therefore concluded that the proposed development: a) accords with the Development Plan, which enshrines the presumption in favour of sustainable development at Policy OS1, and b) fully accords with all requirements of paragraph 11. Planning permission should be granted for the development proposed, subject to reasonable and relevant conditions.

4 PLANNING POLICIES

EH9 Historic environment
EH11 Listed Buildings

EH13 Historic landscape character
EW10 Eynsham- Woodstock sub area
NPPF 2021
NATDES National Design Guide
DESGUI West Oxfordshire Design Guide
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
E2NEW Supporting the rural economy
E5NEW Local services and community facilities
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is for the development of 80 residential dwellings (Use Class C3), community shop/cafe (Use Class E), allotments and site access, plus open space, drainage, landscaping and associated engineering works.
- 5.2 The site is located on the south eastern edge of the village of Freeland and comprises an irregular shaped parcel of undeveloped grassland in the open countryside. It has a site area of approximately 5.3ha. and is located on the eastern side of Wroslyn Road, at its junction with Pigeon House Lane to the north. An existing site access point is located along Wroslyn Road, on the site's western edge. The Site has a largely flat topography, with a dip on the eastern edge at its lowest point. There are established hedgerows and trees around the full perimeter of the site. Residential development of various heights and designs border the Site to the north, Freeland Nurseries Garden Centre is to the west on the opposite side of Wroslyn Road and existing allotments about the Site to the south. There is open countryside to the east and further south.
- 5.3 There are a number of listed buildings within close proximity to the site including Freeland Chapel and Greystones both grade II listed buildings located on the corner of Wroslyn Road and Pigeon House Lane. The site also lies within the Wychwood Project Area.
- 5.4 Pre-application advice was provided in 2017 relating to a similar proposed form of development for 80 dwellings.

5.5 The adjacent former Methodist church has an extant planning permission (Reference 22/01956/FUL) for change of use to Class E (shop and café) and F2 (local community uses).

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

- Principle
- Layout, design and scale
- Impact on Landscape
- Impact on Heritage Assets
- Housing mix
- Accessibility/Highway Issues
- Flood Risk/Drainage/Water Supply
- Residential Amenity/Noise
- Trees/Biodiversity
- Sustainability/Climate Change
- SI06 Contributions

The principle of the development

The Development Plan

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 shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.

5.7 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages.

5.8 Freeland is classified in the Local Plan as a Village. It is one of the smaller villages in West Oxfordshire, with limited services and facilities. While the village does have a pub, church and village hall, there is not a shop or post office and the bus service is restricted. This is reflected in the Council's Settlement Sustainability Report (2016) which ranks Freeland 29th (out of 41 settlements) on an 'unweighted' basis and 28th (out of 41 settlements) on a 'weighted' basis due to a notable absence of key local facilities.

5.9 The application site is considered to be undeveloped land adjoining the built up area. Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages...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'.

5.10 Policy OS2 advises that villages would be suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these

communities. The Policy also sets out general principles for all development. Of particular relevance to this proposal is that it should:

- a) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- b) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c) As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- e) Conserve and enhance the natural, historic and built environment; and
- f) Be supported by all the necessary infrastructure.

National Policy/Guidance

5.11 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

5.12 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

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

5.14 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11(d) of the NPPF is engaged.

5.15 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed.

Layout/Design/Scale

5.16 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. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.17 The submitted Design and Access Statement (DAS) advises that the considered design solution required an outward looking scheme to provide surveillance, activity and an attractive frontage. Internally, the scheme takes the form of a loop road, from which several short drives/ cul de sacs take access. The DAS advises that a large green space has been located centrally within the scheme, this ensures that development does not dominate the street scape with the green infrastructure being omnipresent. This is not the case however, as the majority of the open space is located at the north eastern end of the site with an attenuation feature to the north. Higher density is concentrated in the centre of the scheme and along the northern section of the site, this gives way to lower density towards the edges of the development. A Community shop/ cafe is proposed to the northwest corner, adjacent to the site access from Wroslyn Road.

5.18 The layout is considered to be poor resulting in a more engineered, car dominant environment through the use of cul-de-sacs. Connected environments work best for all users and all modes of transport. The proposal fails to prioritise walking and cycling and pushes the majority of the open space to the periphery of the development with a small area of green space in the centre of the site and a small area to the rear of the proposed community shop/café. As such it is considered that the open space is not satisfactorily integrated into the landscape of the scheme and is poorly located for access by residents contrary to guidance in the National Design Guide. In addition the parking arrangements for the affordable housing units is poor in places with large rear parking areas offering limited or no surveillance and with limited planting to break up the areas of parking. Some spaces are also poorly related to the property they serve (e.g Plot 17). The Thames Valley Crime Prevention Design Advisor has also raised concerns that this development is not designed with sufficient measures to mitigate the risks of crime and antisocial behaviour, and for that reason is unable to support this application in its current form.

5.19 In terms of open space, pockets of open space are located around the site which includes:

- Allotment extension (20 plots) to the north of the existing allotments
- Wildlife habitat creation & new landscape planting
- Informal Play Area & equipped Local Area of Play
- Provision of sustainable urban drainage scheme through on-site attenuation basin / swale

What is the overall provision for POS inc: informal POS and Natural/semi natural areas? FIT requires 0.11ha of informal POS and 0.34ha of natural and semi natural open space.

5.20 The allotment extension proposed at the south west of the site would provide 20 new allotment plots in addition to the 36 existing plots. The extension is proposed adjacent to the northern boundary of the existing allotment and access would be provided from Wroslyn Road. The Planning Statement (PS) advises that internal footpaths would be provided in the site that would provide pedestrian links to the allotment extension. To the east of the allotment extension, will be an

informal play area and to the south of the informal play area a new wildlife habitat area will be created. The PS advises that this will comprise the enhancement of existing locally valuable habitats including semi-improved grassland, hedgerows and mature trees, new landscape planting to maintain and enhance green infrastructure and new opportunities for protected species.

5.21 The open space extends to the north eastern part of the site, where a sustainable urban drainage system will be provided, comprising a linear attenuation basin/swale feature to manage surface water runoff and surface water drainage on site. A pumping station is located in the north western corner of the site which will dispose of the foul water on site. To the rear of the community shop/café, a small section of open space is provided, within which a Local Area of play (LAP) is proposed to be provided. In terms of new play facilities, it is noted that the Parish Council has queried the need for such a facility given that there is an existing facility a short walk away in the main village recreational area which should be supported. The Parish Council suggest that S106 funding would be expected to enable the existing facility to be improved and to contribute towards its upkeep. The Parish Council also point out that connectivity between the site and the existing recreation area at the other northern corner of the site across Pigeon House Lane should be enabled to ensure compliance with policy E5.

5.22 In terms of House Types, a broad mix of two storey detached, semi-detached, terraced, maisonettes and bungalows are proposed. The buildings are regular plan forms with simple pitched roofs with occasional gable features. The DAS advises that the aesthetic is a modern interpretation of a traditional elevation with tall window openings, some full height and devoid of modern 'false' glazing bars which do not represent traditional window detailing. Entrance doors are traditional sizes, most have fanlights over. Mostly, storm canopies above entrance doors are muted glass projections with scrolled supports. Curved metal canopies with lattice type posts are present on feature homes and traditional stone door surrounds also provide a more traditional touch to other feature properties. Roofs are proposed in grey tiles and blue/ black slate with pointed verges. Eaves are clipped and roofline timber bargeboards are not proposed. Chimneys feature above roof tops although these are false and are absent of flued arrangements. Walling materials proposed are predominantly reconstructed stone of a colour and face finish to match local stone. Occasional ivory render features to peripheral blocks, with render and buff brick featuring in central areas. The proposed community shop/café is a pitched roof single storey building. The Parish Council consider that the proposed building designs are disappointingly unimaginative and at odds with the surrounding dwellings. They also query the lack of information regarding materials. Whilst the site is close to the more historic part of the village, Freeland does have a mix of dwelling styles and types where building materials are varied. The older (vernacular) properties tend to feature local stone, with stone dressings and slate roofs. Victorian period properties tend to feature red brick with stone dressings with later post-war properties in a mixture of buff brick and render. The materials detailed in the submitted DAS reflect the local materials used and samples of the materials could be controlled via condition.

5.23 The way boundaries are designed can have a significant impact on the character of a development, particularly the relationship between the built form and areas with public access. In most of the proposed site layout, the boundary treatment is identified as stone walling in the public areas, with close board timber fences used in private rear gardens. There are however, several plots where a timber fence is proposed adjoining public areas, which would be visually unattractive.

5.24 In the recent appeal for the extra care scheme on the opposite side of the road (Ref: APP/D3125/W/22/3293656) the Inspector described the character of Freeland as follows *Freeland is a modestly sized, traditional rural village, identified in the West Oxfordshire Design Guide as having a*

'Linear' and 'Dispersed' settlement pattern. I observed Freeland to be comprised of two distinct portions. The area known as The Green unfolds where the open countryside that characterises the route along Wroslyn Road from the south meets a loose-knit collection of detached properties in generous plots that are principally grouped around a small triangular green. Moving northwards along Wroslyn Road away from The Green there is a verdant punctuation where the instances of built form decrease, and the route is framed by the tree and hedgerow boundaries of undeveloped fields either side. Just past the driveway to Freeland House and north of Pigeon House Lane there is a transition to the main body of the settlement, distinguished by a more regular concentration of built form and a ribbon-like development pattern.

The discernible separation between the two distinct portions of Freeland is aided by undeveloped areas, numerous impressive trees, intermittent views towards the wider undeveloped countryside. The notable absence of street lighting at night reinforces a sense of tranquillity and rurality, which, together with an overall sense of spaciousness, underpins the form and local character of Freeland as a modestly-sized, distinctively rural village.

5.25 The proposed development could represent an additional 200 people, equivalent to an increase of approximately 12% of the village's population. The appeal Inspector took the view that a population increase of around 13% to the settlement could not be considered to be 'limited'.

5.26 As recognised in that appeal, the character of this part of Freeland is very different to that of the main village to the north which has developed in depth. Here the built-form is one of limited linear development along Wroslyn Road, comprising a mix of mainly detached properties ranging from single storey to two storey houses. The layout and form of the proposed development would be out of keeping with the more rural and dispersed character of this part of the village. The development would conflict with Policy OS2 of the Local Plan in that it would involve the loss of open land that makes an important contribution to the character of the area; would fail to form a logical complement to the existing scale and pattern of development and/or the character of the area; would fail to protect or enhance the local landscape and setting of the settlement and would fail to conserve and enhance the natural, historic and built environment. The proposed development would therefore be of poor design quality in conflict with Policy OS4 of the Local Plan and both national and local design guidance.

Impact on heritage assets

5.27 There are a number of listed buildings within close proximity to the site including Freeland Chapel and Greystones both grade II listed buildings located on the corner of Wroslyn Road and Pigeon House Lane. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses and Policies EH9 and EH11 of the Local Plan reflect these duties. Policy EH13 of the Local Plan also seeks to protect the historic landscape character of the district.

5.28 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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. 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.

5.29 The submitted Heritage Statement concludes as follows:

'It was concluded that the only two assets considered to be potentially sensitive to development within the site and so warrant detailed assessment were the Grade II Listed Chapel and Greystones to the north, beyond Pigeon House Lane. Detailed consideration of the Grade II Listed Chapel concluded that whilst there are heavily filtered views to the site from the curtilage of the asset and potentially its side windows, these were not designed views. The increased activity that may be perceptible within the site would not affect the heritage significance of the asset in light of the current and permitted use of the asset. Whilst the primary façade of the Grade II Listed Greystones faces towards the site, this was most likely to have been orientated to be appreciated from the road, and have views over the small garden area. It may once have had views to the wider landscape, but these are now heavily filtered. As such, the site is considered to make only a very minor contribution to the heritage significance of the asset through setting, and the change in outlook from the asset and increased perceived activity are considered to cause only very minor harm which would be less than substantial harm at the lowermost end of the spectrum. Whilst it is noted that, in accordance with case law, the harm to the Listed building should be afforded considerable importance and weight, it is also noted that this harm is not insuperable. Rather, this harm should be balanced against the public benefits of the proposed scheme, in line with paragraph 202 of the NPPF.'

5.30 The Conservation Officer has commented that *The development scheme and design would be incongruous and too large-scale, and it would not preserve Freeland's historic landscape character. It would not resonate key features, nor respect the form and layout of the area, nor build on the pre-existing historic character (including e.g. street and building layouts). It would not respect the form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the area. It would neither conserve nor enhance the special historic character of its surroundings. Also, the development would have a harmful impact on the Freeland Chapel (list entry: 1053018) and Greystones (list entry: 1053017) - grade II listed buildings located on the corner of Wroslyn Road and Pigeon House Lane - by significantly and negatively altering their previously undeveloped rural setting that currently consists of hedgerow and trees bounding an open field which has formed part of the existing linear and dispersed character of Freeland's settlement since at least the 18th / 19th century (as evidenced in Oxfordshire's HLC and 19th century OS Mapping). Therefore, I raise an objection to the current proposal because it would not preserve the character, historic landscape character, and appearance of the area. Rather, it would have a harmful impact by infilling previously undeveloped rural land - eroding the historic linear and dispersed settlement pattern. Also, it would not preserve the setting of the Freeland Chapel and Greystones. The current proposal is contrary to P(LB&CA)Act 1990, NPPF Section 16, EH9, EH11 and EH13 and WODC Design Guidance. The harm I would identify the current proposal as being on the higher scale of 'less than substantial' harm.*

5.31 Paragraph 202 of the NPPF advises 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. The public benefits of the proposal include the provision of both market and affordable housing, community shop/café and economic benefits associated with job creation and the construction phases. Conversely, great weight should be given to the conservation of heritage assets, and any harm to a heritage asset must be given considerable importance and weight. It is considered that the public benefits do not outweigh the higher scale of 'less than substantial harm' arising in this case. As per the Framework, this in itself provides a clear reason for refusing the development.

5.32 In terms of archaeology, the applicant has submitted the report of the geophysical survey carried out on the site. The survey identified a curving anomaly which may be geological and a weak possible sub circular feature. The County Archaeological Officer has commented that these results will need to be investigated through a trenched evaluation, the first phase of a staged programme of archaeological investigation. Appropriate conditions are recommended accordingly.

Impact on Landscape

5.33 The site lies within the Wooded Estatelands landscape character type (Oxfordshire Wildlife and Landscape Study 2004) and the Evesham Vale Character Area (West Oxfordshire Landscape Assessment (1998)). The landscape type is described as semi-enclosed rolling vale farmland. It displays the characteristics of this landscape type.

5.34 The submitted Landscape and Visual Impact Assessment (LVIA) describes the sensitivity of the site's character as follows:

The site is considered to be of medium landscape value, due to its lack of defining landscape features beyond the boundary vegetation. The site's landform combined with the well-treed boundaries reduces its intervisibility with the wider landscape. Due to the limited intervisibility with the wider landscape and a noticeable connection with the adjacent settlement, the susceptibility to development is considered to be medium. The site is therefore considered to have medium sensitivity.

5.35 The LVIA concludes that the proposed development would introduce built form within the site, which would change the site wide landscape character. The site's boundary vegetation, which is a key component of the local landscape in landscape and visual terms, would be retained and enhanced as part of the scheme. Additional tree and hedgerow planting, as well as the retention of existing boundary features, would be in line with identified landscape management guidelines. Furthermore, this would be in keeping with the existing pattern of vegetation in the surrounding countryside and would maintain the visual screening provided by the boundary vegetation. While changes within the site and its immediate context would be noticeable, these would generally have a localised effect on landscape character and visual amenity.

5.36 The Council's Landscape Officer concurs with the Conservation Officer's comments regarding the harmful impact of the proposals, eroding the historic linear and dispersed settlement pattern. He also points out that these observations are reinforced in the recent Inspector's Appeal Decision Report regarding development adjacent to Freeland House. In addition, several concerns are raised in respect of the proposed layout in terms of insufficient space for landscaping and protection of trees. In terms of the appeal Inspector's comments, which are also highly relevant to this site, the Inspector noted *...the discernible separation between the two distinct portions of Freeland is aided by undeveloped areas, numerous impressive trees, intermittent views towards the wider undeveloped countryside. The notable absence of street lighting at night reinforces a sense of tranquillity and rurality, which, together with an overall sense of spaciousness, underpins the form and local character of Freeland as a modestly-sized, distinctively rural village.* This site forms part of that undeveloped area.

5.37 In conclusion, the proposed development would cause harm to the intrinsic character and quality of the site and wider locality and would result in the loss of what is currently an open undeveloped area. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape. As such the proposal would result in landscape harm and this is a matter that must be put into the planning balance to weigh against the proposal.

Housing Mix

5.38 In terms of the market housing, the proposed mix is as follows:

- 2 bed - 8 dwellings
- 3 bed - 11 dwellings
- 4 bed - 17 dwellings
- 5 bed - 4 dwellings

This accords with the requirements of Policy H4 of the Local plan which seeks to provide a good, balanced mix of property types and sizes

5.39 50% of the development (40 affordable homes) will be provided which will include 26 no. affordable rent and 14 no. shared ownership. The affordable housing mix is as follows: 1 bed - 7 dwellings

- 2 bed - 17 dwellings
- 3 bed - 14 dwellings
- 4 bed - 2 dwellings

5.40 The Council's Housing Enabling Officer has advised that *The site is within the high value zone and means a requirement under Local Plan Policy H3 - Affordable Housing to provide 50% of the completed dwellings as affordable housing. The Local Plan indicates that the Council will seek for 65% of the affordable housing as smaller 1 and 2 bed homes. The proposed mix shows that 1 and 2 bed homes make up 60% of the mix and I would therefore request that this element is increased to 65%. Discussions are on-going in respect of the proposed mix and Members will be updated at Committee.*

Accessibility/Highway Issues

5.41 The development is served by two new access points on Wroslyn Road. The principal access (northern access) will be created via a new T junction, formed as a bellmouth junction with a 5.5m access width and 6m corner radii on either side. This access point will act as the main access point onto the Site, serving 75 of the proposed 80 residential dwellings that are to be developed, as well as serving the Community Shop/cafe. There will be a new 2m footway along the eastern side of Wroslyn Road, to the north the principal access. The footway continues to the existing T junction at Pigeon House Lane.. The second access (southern access) is approximately 120m south of the principal access, along Wroslyn Road. This access will serve 5 no. dwellings.

5.42 A total of 215 car parking spaces (157 allocated, 11 unallocated and 47 garage spaces) are proposed to serve the residential dwellings across the Site which will serve at least 2 per dwelling. All dwellings will be provided with access to EV charging facilities. Cycle parking on site will be provided within the curtilage of each dwelling at a rate of one per bedroom. A total of 12 no. dedicated car parking spaces will be provided to serve the proposed community shop/café (Use Class E) including 3 no. electric vehicle charging points. A total of 10 no. cycle parking spaces will be provided for visitors in the form of five Sheffield stands at the front of the community shop/café and a minimum of two long stay cycle parking spaces will be provided for staff.

5.43 The submitted Transport Assessment (TA) concludes that the site has access to existing village services and amenities and is supported by suitable pedestrian infrastructure and public transport links for destinations further afield, including bus and rail and that approval of the planning application will not result in a severe or unacceptable impact upon the operation or safety of the surrounding local highway network.

5.44 OCC Transport object to the application on the following grounds:

- Insufficient information is provided to determine whether there are significant effects on the transport network (NPPF para 110b)
- There are no proposals to introduce cycle infrastructure on Wroslyn Road, therefore the proposals do not provide safe and suitable access for all users (NPPF 110b)
- Insufficient information to demonstrate safe and suitable access to the shop (NPPF 110b)
- Through over provision of car parking and insufficient cycle parking, the promotion of sustainable transport is limited (NPPF 104c and 110a)

Flood Risk/Drainage/Water Supply

5.45 A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The report concludes that the entirety of the site is confirmed to be within Flood Zone 1 and at low risk of flooding from all other potential flood sources considered. The Application is concluded to meet the requirements of the Sequential and Exception Tests. Preliminary surface and foul water drainage strategies have been prepared which demonstrate that the site can be satisfactorily drained without detrimental effects to third party land.

5.46 The Lead Local Flood Authority object to the application on the following grounds:

- Infiltration testing according to BRE 365 to be provided.
- Detailed drainage strategy to be provided.
- SuDS construction details drawing to be provided.
- Surface water catchment plan to be provided.
- Existing ditch ownership to be confirmed and consent to be provided to make drainage connection.

5.47 With regard to foul drainage, it is proposed that the site be served by a gravity system, draining to a new pumping station which will be located in public open space along the eastern boundary of the site. Emergency storage will be provided in an underground tank.

5.48 Thames Water (TW) has advised that with regard to foul water sewerage network infrastructure capacity, it would not have any objection to the planning application, based on the information provided. TW has identified an inability of the existing sewage treatment works infrastructure to accommodate the needs of the development and as such recommends a condition to ensure that all sewage work upgrades required to accommodate the additional demand to serve the development are completed. A condition is also recommended to ensure that all water network upgrades required to accommodate the additional demand to serve the development are completed.

Trees/Biodiversity

5.49 The submitted Arboricultural Report and Tree Condition Survey, concludes that the proposed development will result in minimal Arboricultural impacts. The assessment work concluded that the proposed development would require the removal of a single oak tree and two sections of the highway boundary hedgerow. This is to allow access to the site on the western boundary along Wroslyn Road.

5.50 Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity.

5.51 The Biodiversity Officer (BO) has commented that further information is needed to assess the potential biodiversity implications (see consultation section above) and has recommended refusal on the following grounds:

'Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient survey details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.'

Residential Amenity/Noise/Air Quality

5.52 The nearest residential properties are located to the west of the site, which front onto the opposite side of Pigeon House Lane. There is also a generous set back from the boundary with an existing landscaped boundary. In terms of internal layout, the development has adequate separation distances and as such Officers are satisfied that the proposed development will not detrimentally impinge on the residential amenities of the area in regards loss of privacy, overlooking, or loss of light, overbearing or overshadowing impacts. No objection is raised by the Environmental Health Team subject to conditions relating to agreement of a Construction Management Plan and potential contamination issues.

Sustainability/Climate Change

5.53 In terms of the Sustainability Statement submitted, the Council's Climate Change Officer has raised a number of queries relating to the need to meet the net zero carbon standards in the Sustainability Standards Checklist; achieving ultra-low energy demand; how embodied carbon emissions would be minimised; promoting active modes of transport and water consumption.

Summary of S106 contributions

5.54 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

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

5.56 Matters relating to the provision of recreation, play areas and open space will also be secured via the legal agreement together with required monitoring costs. In respect of play facilities it would be expected that a contribution would be paid towards improving existing facilities within the village. Arrangements for the provision of the proposed shop/café and its management would also be subject of a legal agreement.

5.57 Various on and off site contributions have been sought, as set out in the consultee responses. Those contributions are set out below;

OCC seeks:

£90,640 towards public transport services.

£1558 towards the cost of monitoring the Travel Plan

£25,000 towards public rights of way

Education and waste contributions are likely to be required but comments from OCC Education and Waste Management are still awaited.

5.58 In terms of health care, the NHS has requested a contribution of £75,708 towards primary care infrastructure funding.

Other Matters

5.59 The Parish Council has raised concerns regarding the lack of clarity/viability regarding the proposed shop, in particular its proposed ownership and operational model, which is critical to assessing its potential value and long term viability. This matter could however, be addressed through an agreed SI06.

Conclusion and Planning Balance

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

5.61 This is an undeveloped, greenfield site on the southern edge of Freeland. It is part of the rural setting of the village. The proposed development would not amount to limited development and fails to respect the village character and local distinctiveness, in conflict with Policy OS2 of the Local Plan.

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

5.63 The proposed development would have an urbanising effect on the setting of heritage assets. This would lead to a higher scale of 'less than substantial' harm to the setting and significance of the assets which is not outweighed by public benefits. As explained in the Framework, heritage assets should be conserved so they can be enjoyed for their contribution to the quality of life of existing and future generations and great weight should be given to the conservation of such assets. The harm arising in this case provides a clear reason for refusing the development.

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

6 REASONS FOR REFUSAL

- I. The proposed development is not limited development in an accessible location which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale or layout to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of

Freeland and would involve the loss of an important area of open space that makes a positive contribution to the character of the area. In addition, the proposed development would have an urbanising effect on the setting of heritage assets. This would lead to a higher scale of 'less than substantial' harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies OS2, OS4, H2, EH2, EH9, EH11 and EH13, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the National Planning Policy Framework 2021.

2. Insufficient information has been submitted to determine whether there are significant effects on the transport network and to demonstrate safe and suitable access to the shop; the proposals do not provide safe and suitable access for all users and through over provision of car parking and insufficient cycle parking, the promotion of sustainable transport is limited. As such, the proposed development conflicts with West Oxfordshire Local Plan 2011 Policies T1, T2 and T3 and the relevant paragraphs of the National Planning Policy Framework 2021.
3. Insufficient drainage information has been submitted to ensure that the development is adequately drained in order to reduce flood risk, in conflict with Policy EH7 of the West Oxfordshire Local Plan 2011 and advice in the National Planning Policy Framework 2021.
4. Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient survey details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework.
5. The applicant has not entered into a legal agreement to provide the required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5 and T3 and the relevant paragraphs of the NPPF.

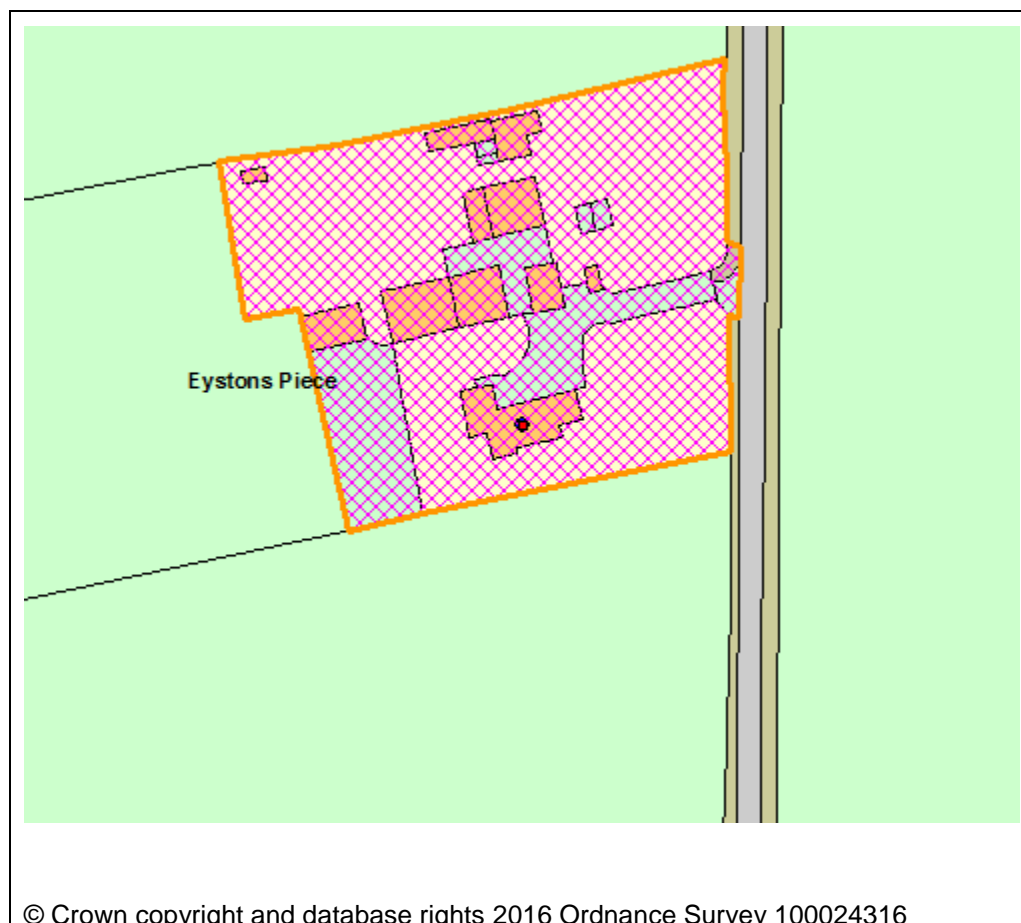
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 12th April 2023

Application Number	22/03540/FUL
Site Address	Eyston Piece Swinbrook Road Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6DU
Date	12th April 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	428124 E 216778 N
Committee Date	25th April 2023

Location Map



Application Details:

Demolition of existing dwelling and outbuildings. Erection of a replacement dwelling with outside pool and tennis court and associated landscaping.

Applicant Details:

Mr U Parmeggiani
Eyston Piece
Swinbrook Road
Shipton Under Wychwood
Oxfordshire
OX7 6DU

I CONSULTATIONS

WODC Env Health - Uplands	Mr ERS Pollution Consultation Thank you for the opportunity to consult. I have no objection in principle. Kind regards Karen Awre Officer Noise & Amenities
WODC Drainage Engineers	No Comment Received.
WODC Landscape And Forestry Officer	No Comment Received.
District Ecologist	No Comment Received.
Parish Council	No Comment Received.

2 REPRESENTATIONS

2.1 A total of 11 comments in opposition to the application have been received covering the following matters:

- Impact on protected species including owls;
- Replacement building excessive in scale;
- Out of keeping with local character;
- Removal of trees;
- Increased light pollution; and
- Highway safety issues arising from tennis court

2.2 Seven support comments have been received covering the following matters:

- Size and character appropriate in this location;
- Existing buildings unsightly;
- External lighting should be controlled to avoid spillage; and
- All necessary measure to protected ecology should be employed

3 APPLICANT'S CASE

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

It has been established that the principle of a replacement dwellinghouse in this location is acceptable.

The proposal devises a scheme that, whilst larger than the existing dwelling, would not be of an unreasonable scale given the potential benefits of the scheme and existing buildings proposed for removal.

The dwelling will be re-sited from the existing location to the site of the outbuildings, which is previously developed land.

The proposal will provide an upgraded dwelling to meet the needs of the applicants, which will also have a positive impact on the character of the area.

The architectural forms are appropriate for the site context and wider landscape and respect the historical architectural character of the area.

Landscaping works will be undertaken to enhance the visual amenity and landscape character of the area.

Appropriate parking space can be accommodated within the site area.

Overall the proposed development would be appropriate for the site in its context. The proposal would accord with the Development Plan in all respects.

4 PLANNING POLICIES

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the demolition of existing dwelling and outbuildings and erection of a replacement dwelling with outside pool, tennis court and associated landscaping at Eyston Piece, Swinbrook Road, Shipton-under-Wychwood.

5.2 The site lies to the south of the built up area of the village and is detached from built form to the north by an open field. The site is within the Shipton-under-Wychwood Conservation Area ("the CA") and Cotswolds Area of Outstanding Natural Beauty ("the AONB").

5.3 The existing dwelling is prominent on the approach to the village from the south on Swinbrook Road and built form on the site may be viewed from the south along Swinbrook Road and Fiddlers Hill.

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

Relevant Planning History

W78/1292- Established use certificate for non-agricultural use of dwelling. Appeal allowed.

W2001/1147- Loft conversion including formation of dormer windows, erect single storey side extension. Approved

5.5 The host dwelling is therefore an unfettered residential dwelling and has not been subject to an agricultural tie since the determination of application W78/1292.

Planning Considerations

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

- Principle;
- Siting, scale and appearance;
- Landscape and visual impact;
- Impact upon heritage assets;
- Ecological and arboricultural impact;
- Neighbourliness; and
- Highways Impact

Principle

Development plan

5.7 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 this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP").

5.8 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. The application site is detached from the village of Shipton-under-Wychwood and would be considered within the open countryside for the purposes of Policy OS2.

Policy OS2 states *inter alia*:

"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 on to outline a series of general principles with which new development should accord. Those relevant in this case are that new development should:

- *Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*
- *Form a logical complement to the existing scale and pattern of development and/or the character of the area;*
- *As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;*
- *Not be at risk of flooding or likely to increase the risk of flooding elsewhere;*
- *Conserve and enhance the natural, historic and built environment; and*
- *In the AONB, give great weight to conserving landscape and scenic beauty*

5.10 In terms of replacement dwellings specifically, Policy H2 provides broad support for the principle of replacement dwellings on a one-for-one basis in open countryside locations.

5.11 This is expanded upon in Policy H6, which outlines dwellings of no historic or architectural value may be replaced provided:

"The character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building."

5.12 Officers consider that the existing dwelling and modern barns are not of any particular historic or architectural value and therefore, the principle of development to replace the existing house is acceptable subject to the application demonstrating accordance with the specified criteria of Policy H6, the general principles of Policy OS2 and the WOLP when read as a whole.

Siting, Scale and Appearance

5.13 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).

5.14 The proposed dwelling would be set centrally in the site to the north of the existing dwelling and in place of a range of modern agricultural buildings. The main block of the dwelling would be set over a T-plan with a single storey outriding limb connecting to a one and a half storey garage building with living space above. Whilst the proposed built form would exceed the footprint of the existing dwelling, the total footprint of built form would fall from 702sqm to 430sqm due to the removal of five modern farm buildings. In terms of height, the proposed dwelling would reach 8.8 metres (m) in height with an eaves height of 5.2m but would be cut into the ground by around 2m, ensuring that the dominant ridge would be only 1m higher than the existing dwelling AOD.

5.15 In terms of appearance, the dwelling would read as a high quality farmhouse displaying a distinctly vernacular character. Locally characteristic forms would be employed such as steeply dual pitched roofs, gables and low eaves heights as well as materials commonplace in the CA and AONB such as natural Cotswold stone walling and roofs with some blue slate. The variation in form and massing

and set down outriding limbs would be well related to and clearly distinguished from the main block, reducing its perceived massing and appearing as phased additions typical of isolated farmhouses. The proposed design is therefore considered to demonstrate high quality and locally informed design in accordance with the requirements of WOLP Policy OS4 and Section 12 of the NPPF. The application is therefore considered acceptable in terms of siting, scale and appearance.

Landscape and visual impact

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 EH1 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 WOLP Policy H6 also requires that proposal for replacement dwellings do not erode the character and appearance of the area.

5.20 In terms of the existing landscape character of the area, the application site lies within the 'Wychwood Uplands' Character Area as identified in the West Oxfordshire Landscape Assessment 1998 ("the WOLA") and within the 'Open Limestone Wolds' landscape type. The WOLA is listed in the supporting text to WOLP Policy EH2, and forms a material consideration in this assessment. This landscape type is characterised by smoothly rolling farmland with large arable fields and an elevated, open and exposed upland character with high intervisibility.

5.21 In terms of the site itself, the existing dwelling is of no architectural or historic merit and is not locally characteristic in design or form. Further, the agricultural buildings to be removed are of very low quality and despite their agricultural character, contribute negatively to the appearance of the area.

5.22 The proposed replacement buildings would be sensitively designed in a vernacular style using materials and forms characteristic of dwellings within the AONB and would not extend beyond the existing envelope of the site. Further, the buildings would be sunken into the sloping land, reducing their perceived massing and the when taken as a whole, the proposals would result in a significantly reduced building footprint across the site.

5.23 The Cotswolds AONB Management Plan 2018-2023 ("the MP") recognises that darkness at night is one of the key characteristics of rural areas. Policy CE5 of the MP states that proposals that are likely to impact on the dark skies of the AONB should have regard to these dark skies, by seeking to (i)

avoid and (ii) minimise light pollution. Measures should be taken to increase the area of dark skies in the AONB by (i) removing and (ii) reducing existing sources of light pollution. WOLP Policy EH8 is also relevant and states:

'The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where (i) the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light (ii) the elevations of buildings, particularly roofs, are designed to limit light spill (iii) the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation'.

5.24 Officers note the concerns of local residents with regard to potential external lighting causing light pollution but consider that this can be adequately controlled through planning condition to ensure that external lighting is minimal and floodlighting for the proposed swimming pool and tennis court is avoided.

5.25 Therefore, the proposal would ensure that the character and appearance of the area is not eroded, as required by WOLP Policy H6, and that landscape and scenic beauty in this part of the AONB would be conserved. The application is therefore considered acceptable in landscape and visual impact terms.

Impact upon heritage assets

5.26 Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment.

5.27 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. WOLP Policies EH9 and EH10 are directly relevant to the application with regard to the impact of the proposal upon the setting of the CA.

Main elements contributing to the significance of the CA

5.28 The site lies within the CA. The boundary of this designation extends beyond the built-up area to take in open fields and other undeveloped land at the edges of the settlement, including the application site. The heritage significance of the village is derived largely from its architectural and

historic interest as a traditional Cotswolds village with its soft edge contributing to its rural character and understanding of historic relationship with agriculture.

Contribution of the site to the significance of the CA

5.29 The application site itself does not contribute to the architectural significance of the CA, as the existing built form is modern and of little quality. Its historic contribution is also minimal as the farmstead is a C20 addition to the village although is characteristic of the importance of agriculture in the village. Officers consider that the fields surrounding the site are significant in providing a rural and soft edge to the village and the open landscape character of the locality means that the site is sensitive to development.

Impact of the scheme upon the significance of the CA

5.30 The proposal would result in the removal of all C20 built form which does not positively contribute to the heritage significance of the CA and is harmful to its current appearance. The proposed building would read as a high quality vernacular farmhouse with relatively low building heights and cleverly designed massing giving the impression of a building that has evolved over time. It is therefore considered that the application would preserve and enhance the CA in this location and is acceptable in heritage terms.

Ecological and arboricultural impact

5.31 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Policy H6 also requires that replacement of existing dwellings results in no harmful impact on ecology or protected species.

5.32 The LPA's ecologist has reviewed the scheme, which has been supplemented by an updated ecology report following concerns raised by third parties regarding the impact upon barn owls. The ecologist's comments read:

"The submitted bat report has ascertained the likely absence of roosting bats from the main dwelling and 5 outbuildings associated with Eyston Piece. After reviewing the assessment of each building and accompanying photographs, it is felt the assessment is satisfactory. The main dwelling does not provide suitable access points to permit crevice dwelling bat species. The 5 outbuildings provide unsuitable conditions for example, internal lighting, external light penetration and corrugated or unlined roofs. These features provide fluctuating environmental conditions, providing unsuitable conditions for roosting bats and as a result, the project ecologist has confirmed the buildings hold negligible potential to support bat roosts.

5.33 The submitted report identified a barn swallow nest in outbuilding 2 and barn owl pellets in outbuilding 5. Section 4 of the consultancy report has outlined appropriate mitigation and compensation proposals for barn owl that will need to be adhered to and incorporated into the development. The above enhancement condition is recommended to ensure suitable compensatory swallow nesting sites are available post-completion and the development delivers a biodiversity net gain in accordance with paragraphs 174, 179 and 180 of the revised NPPF."

5.34 Therefore, subject to the conditions listed in Section 6 of this report, the application is considered acceptable from an ecological perspective.

5.35 The proposal will necessitate the removal of several low quality trees as detailed in Section 5 of the submitted arboricultural report. The majority of the trees to be removed are contained within the site and are not considered to positively contribute to the character and appearance of the area and significant screening would be retained along the northern, eastern and southern boundaries. The application is therefore considered acceptable in arboricultural terms subject to the works being carried out as specified in the submitted report.

Neighbourliness

5.36 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 WOLP Policy OS4, NPPF Paragraph 130(f) and the West Oxfordshire Design Guide.

5.37 The application site is located in an isolated open countryside location with no directly neighbouring properties. The proposed development would therefore result in no material impact upon the residential amenity of third parties.

Highways impact

5.38 WOLP Policy T2 states that all new development "will be required to demonstrate safe access and an acceptable degree of impact on the local highway network". The proposal does not seek to alter the existing access to the site and would provide adequate levels of parking. Officers therefore consider that the proposed development would accord with WOLP Policy T2 and is acceptable in highways impact terms.

Other matters

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

Replacement dwelling policy

5.40 WOLP Policy H6 outlines that replacement of dwellings with no architectural value may be permitted where the proposed building would not harm the appearance of the area, local ecology and are of reasonable scale to the original building. In this case, this report has found that the proposed development would not harm the character and appearance of the area and would result in modest benefits to local ecology. The question of what increase in scale may be considered reasonable is not defined in the WOLP and is a matter of fact and degree to be determined on a case-by-case basis. Therefore, site context plays a vital role in the assessment of whether an increase in scale is reasonable.

5.41 In this instance, the proposed design exhibits a significantly larger footprint than the original dwelling but the use of varied form and lowered land levels ensure that the height and perceived massing of the dwelling would be minimised. Furthermore, the proposal would secure the removal of unsightly modern agricultural buildings and their replacement with a high quality, locally characteristic

dwelling, which would enhance the visual appearance of the site. Therefore, given the proposed replacement dwelling is considered reasonable in terms of scale.

Conclusion

5.42 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, H6, T2, EH1, EH2, EH3, EH8, EH9 and EH10, the West Oxfordshire Design Guide 2016 and NPPF 2021. The application is therefore recommended for conditional approval.

6 CONDITIONS

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

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

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

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, AA, and B shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the special character of the area.

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

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

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

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

6. 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.

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

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

8. Prior to the first occupation of the dwelling hereby permitted, the existing dwelling located within the site, currently known as Eyston Piece, and the agricultural barns shown to be removed on plan 364-007/A dated 12/2022, shall have been demolished and permanently removed from the site.

REASON: Permission is granted for a one for one replacement only.

9. Prior to the installation of any external lighting to serve the proposed dwelling, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed, including the type of lighting. All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: In order to minimise light pollution in the Cotswolds AONB.

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

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

11. The development shall be completed in accordance with the arboricultural method statement prepared by Apical Arbor and dated December 2022. All the recommendations shall be implemented in full unless otherwise agreed in writing by the LPA.

REASON: To ensure that retained trees are protected during construction.

12. The development shall be completed in accordance with the recommendations in Section 4 of the consultancy report (Bat Survey Report, Cotswold Wildlife Surveys, dated 22nd March 2023). All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To ensure nesting birds are protected in accordance with the Wildlife and Countryside Act 1981 (as amended), 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.

13. Before development takes place, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and barn swallow nest cups shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.

REASON: To provide additional roosting features for bats and nesting opportunities for birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District local plan 2011-2031, and section 40 of the Natural Environment and Rural Communities Act 2006.

14. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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

INFORMATIVES :-

- The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
 - Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)

- 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/>

Notes to applicant

1. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
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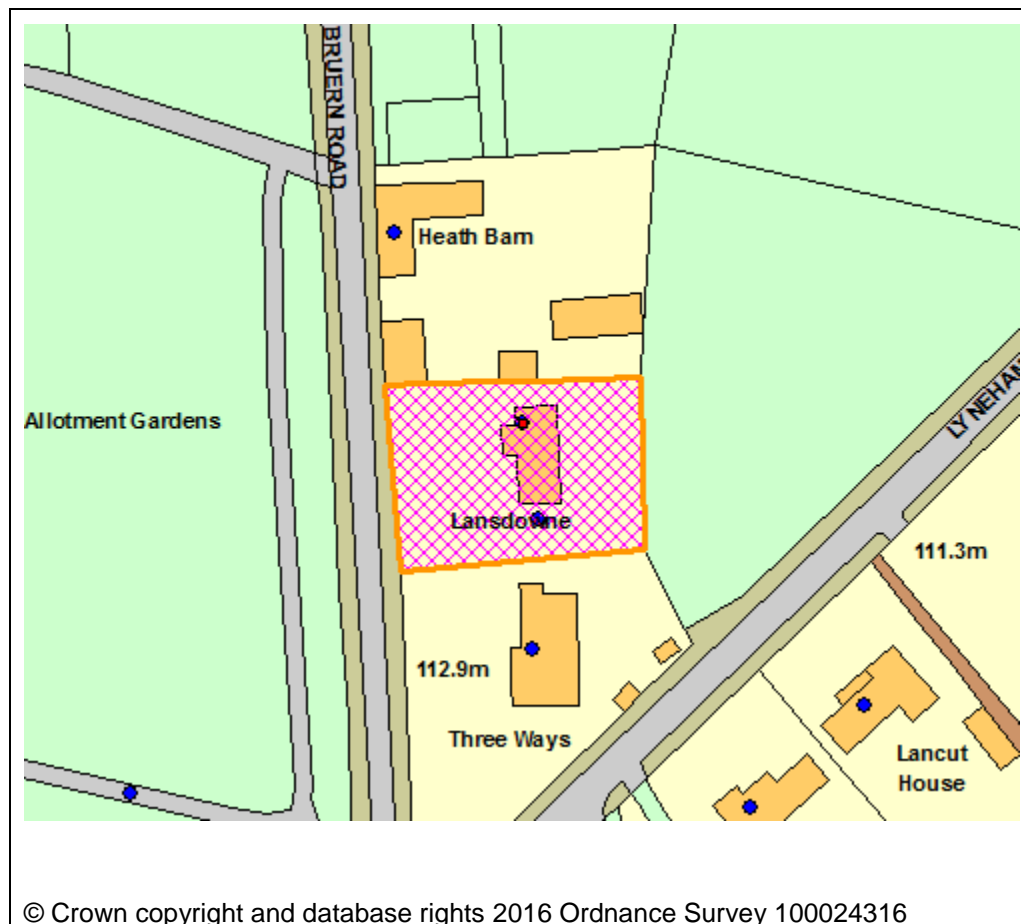
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 12th April 2023

Application Number	23/00008/FUL
Site Address	Lansdowne Bruern Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LL
Date	12th April 2023
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426457 E 218832 N
Committee Date	25th April 2023

Location Map



Application Details:

Erection of two detached garages.

Applicant Details:

Mr And Mrs Jill And John Fox
Quartern
The Heath
Milton Under Wychwood
Oxfordshire OX7 6LG

1 CONSULTATIONS

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.

Parish Council

No Objection.

2 REPRESENTATIONS

2.1 One objection comment has been received citing the following grounds:

"The addition of two detached garages into the front gardens of the houses to replace the integral garages of the original plan fails to preserve or enhance the character and/or appearance of Bruern Road . It will over develop the plot and is not congruent with the semi rural edge of the village of which Bruern Road forms part.

The Planning Inspector allowed the building proposed in APP/D3125/W/21/3283756 and commented to justify her decision- "the spacious and verdant qualities of the site would be retained", "when seen from the road the development would still allow for some glimpses of greenery" " the dwellings would retain a sense of spaciousness to the frontage" " there would be limited change to the most prominent part of the site adjacent to the road". This proposal deviates from the local policies which were previously taken into account and given weight by the Inspector in reaching her decision , namely H6 and OS2.

Subsequently WODC refused Application No 22/00482FUL which would have introduced a second driveway, as "too urbanising on the low key semi rural character and appearance of Bruern Road where the edge of the village meets open countryside ".

The new garages are proposed to be perpendicular to and end on to Bruern Road and accessed via garage doors facing towards the properties. They will be approximately 1.75 metres from Bruern Road and approximately 8.5 metres from the properties reducing the distance between road and built form from approximately 16.5 metres to 1.75 metres.

The front space will be extremely overdeveloped with the backs of garages so close to Bruern Road. It will accumulate additional built form at the front of the site .This is detrimental to both the site and the wider area of Bruern Road as the proposed hedge will not screen them from view .

The Design and Access statement states that the owners' cars will be housed in the garages (unlikely) and that the driveways will accommodate an additional two vehicles each.

The view from the Bruern Road will be the backs and roofs of the two garages, a new centralised driveway with driveways branching off to the two houses, piers, gravel paths and potentially four vehicles in the front gardens. This will result in a visually prominent urban view.

By their siting and scale the garages will result in a cramped and overly prominent form of development and will harm rather than enhance any green space. All the other properties on both sides of Bruern Road are set further back in their plots (with the exception of a converted heritage barn) and retain a sense of spaciousness."

3 APPLICANT'S CASE

3.1 The applicant has submitted a Design and Access Statement in support of their case, it is summarised below.

"The proposed garages have been carefully designed to respect their setting and have been sited so they make best use of the site, being end on to the street and facing the respective houses. Their design is complementary to the character and appearance of the two properties and surrounding setting and modest in size. They will be screened by the existing and supplemented native hedgerow to Bruern Road and are sufficient distance from the houses and neighbouring properties so as not to give rise to levels of harm in terms of appearing overbearing. There is ample space to the frontage of the properties to accommodate the garages whilst still maintaining a good level of green space and a more rural appearance.

They reflect the built style, siting and material finish of several other similar structures in the locality including: a double garage that was erected in the front garden, as part of planning permission for what is now Heathwold, a detached house at the junction of Church Road with The Heath, to the south of Lansdowne (Council Ref:10/1625/P/FP). Ref:10/1625/P/FP); a detached double garage at Pebblebrook House, some 50 yards south of Heathwold on the east side of Church Road; and the immediately adjacent, timber clad stable block fronting Bruern Road at neighbouring Heath Barn. Also of note are double garages built to the frontage of 2 properties in a small cluster of houses some 400m to the north of Lansdowne. 'Woodlands' has an oak framed open fronted, timber clad double garage and "Bruern End" has a prominent block built double garage.

Planning permission was also, and more recently, granted for a three and a half bay, 4 metre high oak framed garage in front of The Old Coach House, Lyneham Road, located, like Lansdowne, on the northern outskirts of Milton under Wychwood. (Council Ref:22/00163/HHD). Here the principle of the proposed development within the residential curtilage, to the front of the property, was considered acceptable, despite it being acknowledged that the large open garage would be visible in the street scene and prominent from Lyneham Road, especially so since the entire front boundary hedgerow was removed prior to planning. Due west of Lansdowne it is also within the Cotswold Area of Outstanding Natural Beauty.

It is considered that the two proposed garages comply with the relevant West Oxfordshire Local Plan Policies OS2 on Locating Development in the Right Places, OS4 on High Quality Design, EHI on the Cotswolds AONB, T4 on Parking Provision, the West Oxfordshire Design Guide and the relevant paragraphs in the NPPF".

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EHI Cotswolds AONB

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 The application seeks consent for the erection of two detached garages at Lansdowne, Bruern Road, Milton-under-Wychwood.

5.2 The site is within the Cotswolds Area of Outstanding Natural Beauty ("the AONB").

5.3 This application is brought before Members of the Uplands Area Planning Sub-Committee due to the conflict between the officer recommendation and the view of the Milton-under-Wychwood Parish Council, who have offered support for the scheme.

5.4 The demolition of the bungalow and erection of two new dwellings on this site under reference 21/01229/FUL was refused by Uplands Planning sub-committee but allowed at appeal by the Planning Inspector in 2021.

5.5 Permission has since been refused for the creation of a second access under application 22/00482/FUL and subsequently granted under reference 22/02200/FUL for a replacement vehicular and pedestrian access. Following the approval of 22/03038/S73, the integrated garages approved under reference 21/01229/FUL can be converted to additional living space.

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

- Principle;
- Siting, design, form and impact upon the character and appearance of the area;
- Impact on the AONB;
- Highways; and
- Residential amenities

Principle

5.8 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 (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP"). The Milton-under-Wychwood Neighbourhood Plan remains in draft phase and carries limited weight.

5.9 Given that the use of the land as two dwellinghouses is established following application 21/01229/FUL, further development to serve this use is considered acceptable in principle subject to the application demonstrating compliance with the WOLP with particular regard to the following general principles stating 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;*
- *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;*
- *Conserve and enhance the natural, historic and built environment; and*
- *In the AONB, give great weight to conserving landscape and scenic beauty*

5.10 This will be assessed in the following sections of this report.

Siting, design, form and impact upon the character and appearance of the area

5.11 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). The general principles of Policy OS2 and Policy H6 require new development to respect the existing character of the area and not involve the loss of any feature that makes an important contribution to the character or appearance of the area.

5.12 The proposed garage buildings would be sited forward in the plot, adjacent to Bruern Road. The buildings would be set over a footprint of 6.5 metres (m) by 4.7m with a shallow pitched hipped roof reaching 3.3m in height. The garages would be oak boarded with roof tiles to match the host dwellings. The garages are not locally characteristic in form due to the low-pitched roof forms but would appear subservient in terms of scale to the host dwellings.

5.13 Turning to the impact of the proposal upon the character and appearance of the area, it is first necessary for officers to identify the existing character and appearance of the locality. In the inspector's decision report pertaining to application 21/01229/FUL, the inspector identified the 'spacious and verdant qualities of the site' as defining characteristics, which that proposal sought to retain. The inspector commented on the importance of 'retaining a sense of spaciousness to the frontage' and that 'there would be limited change to the most prominent part of the site adjacent to the road'. The application site also displays a semi-rural character and appearance due to its verdant qualities and edge of village location.

5.14 The current proposal would extend the proposed built form forward in the plot and adjacent to Bruern Road in the most visually prominent part of the site. The additional built form and siting of the garage buildings would erode the spacious and open frontage to the site, which officers consider are defining characteristics of the application site which application 21/01229/FUL successfully sought

to retain, and would be tantamount to incremental creep leading towards the over development of the plot. Therefore, the proposal would result in an adverse urbanising and transformative impact on the spacious, semi-rural character and appearance of site. The application would therefore fail to respect the existing character of the area and would not form a logical complement to the existing scale and pattern of development in the locality, in conflict with the general principles of OS2 as well as Policies OS4 and H6 and Section 12 of the NPPF.

Impact on the AONB

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

5.16 WOLP Policy EH1 states:

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

5.17 Paragraph 176 of the NPPF states:

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

5.18 The proposed development would result in localised harm to the character and appearance of the streetscene. However, the proposed development would be limited in scale and result in no appreciable impact upon landscape and scenic beauty in the AONB.

Highways

5.19 WOLP Policy OS2 and T2 state that new development should be provided with safe vehicular access. 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).

5.20 The proposal would not affect the existing access to the site or materially change its use. The scheme would also retain sufficient parking space for occupiers and visitors. Therefore, the application is considered acceptable in highways impact terms.

Residential amenities

5.21 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 and the West Oxfordshire Design Guide.

5.22 The proposed development would give rise to no material impact with regard to overlooking, loss of light or overbearing impacts due to the scale and nature of works proposed. Further, the application is considered to result in no material impact upon third parties in terms of noise and disturbance.

Conclusion

5.23 This assessment has found that the proposal would fail to comply with policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, and the relevant provisions of the NPPF with regard to design. Officers consider that the lack of harms identified with regard to impact upon the AONB, highways and the amenity of neighbours are neutral impacts and the absence of harm should not weigh in favour of the scheme. The application is therefore recommended to Members for refusal.

6 REASONS FOR REFUSAL

- I. The proposed garage buildings sited adjacent to Bruern Road would result in an overly prominent addition which would erode the spacious, semi-rural character and appearance of application site. As such, the proposal fails to respect the existing character of the area and would not form a logical complement to the existing scale and pattern of development in the locality, resulting in harm to the character and appearance of the area in conflict with Policies OS2, OS4 and H6 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and Section 12 of the NPPF.

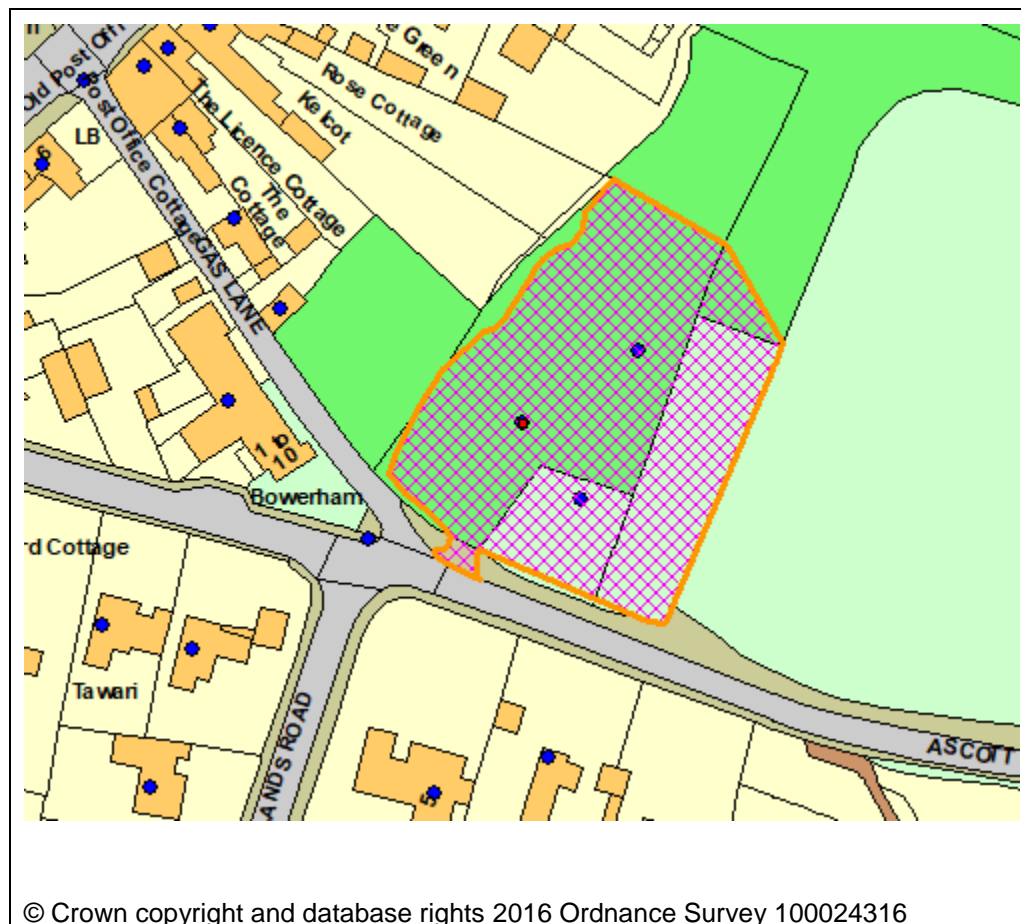
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 12th April 2023

Application Number	23/00165/S73
Site Address	Land North Of Gas Lane And Ascott Road Shipton Under Wychwood Oxfordshire
Date	12th April 2023
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427959 E 217796 N
Committee Date	25th April 2023

Location Map



Application Details:

Variation of condition 2 of planning permission 20/00991/FUL to allow design changes to Plot 1 including replacement of approved garage door with a window and erection of a single storey garage extension.

Applicant Details:

Mr Conor O' Brien
Land North Of Gas Lane And Ascott Road
Shipton Under Wychwood
Oxon

1 CONSULTATIONS

OCC Highways	Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the amended dwelling layout previously approved 20/00991/FUL
Parish Council	No Comment Received.

2 REPRESENTATIONS

2.1 One third party comment from a neighbour has been received in opposition to the scheme, it reads:

I supported the building of these 2 houses with the proviso that they were built 10 metres from the edge of this very large site. This would keep them more in keeping with the houses on the other side of the road which are a minimum of 15 metres from their boundaries with Ascott Rd. I do not object to turning the present garage into a liveable room but I do object to building a garage on the Ascott Rd side of Plot 1 which will bring the house closer to the edge of the property and out of keeping with houses opposite.

3 APPLICANT'S CASE

3.1 A planning statement has been submitted in support of the application, the key points of which are summarised below.

"The plans submitted under this S73 application seek to amend the design of Plot 1 under Condition 2 (approved plans) of consent ref 20/00991/FUL. A modest single-storey extension is proposed on the southern (side) elevation of the dwelling to provide a garage to serve the property.

A previous s73 application (ref 22/02235/S73) for the variation of condition 2 (approved plans) of planning permission 20/00991/FUL to allow design changes was refused in November 2022.

These revised proposals have addressed Officer's concerns by omitting proposals for the outbuilding and providing a revised design for the single storey extension to Plot 1. Specifically, the lean-to, hipped roof form has been replaced with a pitched roof which better reflects (but remains subservient to) the form of the existing dwelling.

Officers also previously expressed concerns regarding the resulting separation distance between the proposed side extension on Plot 1 and Ascott Road, which the Officer's Report stated would be reduced from 10.5m to 5.8m. Based on the width of the proposed garage at 3.4m, this application clarifies that the separation distance between the property on Plot 1 and Ascott Road would be 8.3m (measured to the edge of the carriageway).

The proposed extension to Plot 1 respects the character of the surrounding area by utilising traditional materials to match those on the approved development and its wider setting, namely Cotswold stone, timber and stone roof slates. The pitched roof form of the extension itself is in keeping with the design of the dwellings on Plot 1 and 2 and typical architectural characteristics of properties in the surrounding area.

The modest scale of the proposed development responds to its context by maintaining and reflecting the spaciousness and positioning of existing dwellings within their plots that is characteristic of this part of the village and Conservation Area.

In accordance Policies OS2 and OS4, the extension will be constructed using traditional materials that are in keeping with the site's context and the character of its wider setting. The scale and form of the extension reflects the architectural characteristics of surrounding properties and its siting and design will preserve the character and appearance of the Shipton Conservation Area and wider Cotswold AONB, in accordance with policies EH1, EH9 and EH10".

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

T4NEW Parking provision

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks consent for variation of condition 2 of planning permission 20/00991/FUL to allow design changes to Plot 1 including replacement of approved garage door with a window and erection of a single storey garage extension at Land North of Gas Lane and Ascott Road, Shipton-under-Wychwood.

5.2 The site is within the Shipton-under-Wychwood Conservation Area ("the CA") and Cotswolds Area of Outstanding Natural Beauty ("the AONB").

5.3 This application is brought before Members of the Uplands Area Planning Sub-Committee due to Member call in.

5.4 In December 2020, planning permission was granted subject to legal agreement under application ref: 20/00991/FUL ("the 2020 consent") for:

Erection of two detached dwellings together with associated landscaping and alterations to existing vehicular access (amended plans).

5.5 The 2020 application has been subject to amendments. In July 2022 application 22/01389/S73 was approved allowing:

Variation of condition 2 of planning permission 20/00991/FUL to allow the addition of a dormer window to Plot 1 and ensuite and dormer window to Plot 2 (part-retrospective)

5.6 Subsequently, application 22/02235/S73 was refused. This sought consent for:

Variation of condition 2 (approved plans) of planning permission 20/00991/FUL to allow design changes.

5.7 The proposed variations included an extension sited on the southern elevation of plot 1 (as proposed under the current application) as well as a detached outbuilding. Application 22/02235/S73 was refused on a delegated basis on the following grounds:

The proposed outbuilding and addition to plot 1, by reason of their siting and scale, would result in a cramped and overly prominent form of development, and an over intensification of the site, which would fail to preserve or enhance the character and appearance of the streetscene and Conservation Area. Further, it has not been sufficiently demonstrated that the proposed new outbuilding would not result in any harm to the protected trees on the site. There are no discernible public benefits which would outweigh the less than substantial harm to the Conservation Area identified. As such, the application fails to comply with policies OS2, OS4, H2, EH3, EH9 and EH10 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF; in particular paragraph 202.

5.8 This application seeks to amend the 2020 consent to vary condition 2, which reads:

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.

5.9 The proposal seek to amend the approved plans to allow the following design changes:

- Conversion of garage into living accommodation; and
- Erection of side extension

Planning Considerations

5.10 Section 73 of the Town and Country Planning Act 1990 applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. The Act states that the Local Planning Authority (LPA) shall consider only the question of the conditions subject to which planning permission should be granted and may grant consent subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally. If the LPA decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, permission should be refused.

5.11 An application under Section 73 is therefore an application for planning permission and the decision maker must have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the 1990 Act provides that the 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 planning impacts of the proposed variations are therefore considered against the adopted West Oxfordshire Local Plan 2031 (WOLP).

- 5.12 The regulations set out that the LPA can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Officers will therefore consider whether the planning impacts of the proposed design changes accord with the provisions of the local development plan and relevant material considerations. This assessment will then consider whether the conditions attached to the 2020 consent need to be carried forward, if any further conditions need to be attached to any new consent or whether planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, and if so refuse the application.
- 5.13 The principle of development is established following the 2020 consent and therefore, taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the proposed design and material changes would have the potential to give rise to potential impacts regarding the following matters:
- Siting, design and form;
 - Impact upon the character and appearance of the CA; and
 - Impact upon the AONB

Siting, design and form

- 5.14 WOLP Policy OS4 states, "High design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality". Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that "good design is a key aspect of sustainable development" (Para. 126) and "development that is not well designed should be refused, especially where it fails to reflect local design policies" (Para. 134).
- 5.15 The proposed single storey extension would be sited adjacent to the southern side elevation of plot one. It would take a dual pitched form set over a footprint of 3.4 metres (m) x 6.4m and be constructed in natural Cotswold stone under a reconstituted stone slate roof with timber joinery. The existing garage door would be replaced with a casement window. The proposed development would extend the built form 3.4m closer to the highway than currently approved.
- 5.16 Previous application 19/01474/FUL was refused on the grounds that plot I (which sat at the front of the site adjacent to Ascott Road) was too contrived and prominent to the detriment of the visual amenity of the streetscene and the CA. In response to this, the plans submitted under ref: 20/00991/FUL proposed a smaller dwelling, which was 0.5m lower than that of the refused scheme, and the gross internal floor area was reduced from 243 sq m to 155 sq m. In addition, Plot I was also moved 6m further into the site so it would lie approximately 10.3m away from Ascott Road.
- 5.17 The effect of the proposed development would therefore result in built form on the site extending significantly closer to Ascott Road than the current scheme. In officer's opinion, this would undermine the open and spacious character of the site that the 2020 consent sought to retain. This would lead to a cramped and contrived appearance, restricting views along Ascott Road. Therefore, by virtue of its siting, the proposed extension is not considered acceptable in design terms.

Impact upon the character and appearance of the CA

- 5.18 Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment.
- 5.19 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 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. WOLP Policies EH9 and EH10 are directly relevant to the application with regard to the impact of the proposal upon the setting of the CA.

Main elements contributing to the significance of the CA

- 5.20 The application site lies within the CA, which extends over the entirety of the village including areas of green space both adjoining, and within the settlement. The heritage significance of the village is derived largely from its architectural and historic interest as a traditional Cotswolds village.

Contribution of the site to the character and appearance of the CA

- 5.21 The application site itself has been recently developed and therefore contributes little in terms of architectural or historic significance. However, prior to development, the site was an open area of green paddock and the approach taken under the approved 2020 scheme sought to create spacious frontages in order to retain a sense of openness. This approach was also considered to respect the character and appearance of neighbouring residential development to the south along Ascott Road, which is well set back from the road, further contributing to a spacious and open character.

Impact of the scheme upon the character and appearance of the CA

- 5.22 Whilst the proposed scheme would not directly affect features of architectural or historic significance, the proposal would lead to an intrusion of built form significantly closer to Ascott Road. The proposed extension would therefore undermine the spacious and open character of the site and surrounding area, failing to respect the existing architectural character and appearance of the locality. The proposed extension would therefore result in harm to the character and appearance of the CA.
- 5.23 In this case, the harm would be localised, limited and less than substantial but would nevertheless be contrary to WOLP Policies OS2, OS4, H6 and EH10, guidance contained in the NPPF and the West Oxfordshire Design Guide, which require development to respect the existing character of the

area and preserve or enhance the character or appearance of Conservation Areas. Any harm to the significance of a designated heritage asset requires justification and, in accordance with paragraph 202 of the Framework, must be weighed against the public benefits of the proposal. In this case, there would be modest benefits arising from short-term employment during its construction. However, such benefits are very limited in nature and would not outweigh the harm to the character and appearance of the CA, to which great weight should be attributed.

Other matters

5.24 The proposed design changes by virtue of their nature and scale would give rise to no material impact with regard to neighbourliness, highways, ecological, drainage or other planning matters.

Conditions

5.25 The 2020 consent was subject to 18 planning conditions including condition 2 which this application seek to vary. This assessment has found that the proposed extension would result in material harm to the character and appearance of the CA in conflict with WOLP Policies OS2, OS4, H6 and EH10. Officers therefore consider that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted and as required by Section 73 of the Town and Country Planning Act 1990, permission should be refused.

Conclusion

5.26 In light of the above assessment, the application is considered to conflict with WOLP Polices OS2, OS4, H6 and EH10, Section 12 of the NPPF 2021 and the West Oxfordshire Design Guide. The application is therefore recommended to Members for refusal.

6 REASONS FOR REFUSAL

1. The proposed extension to plot 1, by reason of its siting and scale, would result in a cramped and overly prominent form of development, which would undermine the spacious and open character of the site and surrounding area, thereby failing to preserve or enhance the character and appearance of the streetscene and Conservation Area. There are no discernible public benefits, which would outweigh the less than substantial harm to the Conservation Area identified. As such, the application fails to comply with Policies OS2, OS4, H6, and EH10 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and Section 12 of the NPPF.

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 12th April 2023