

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th June 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

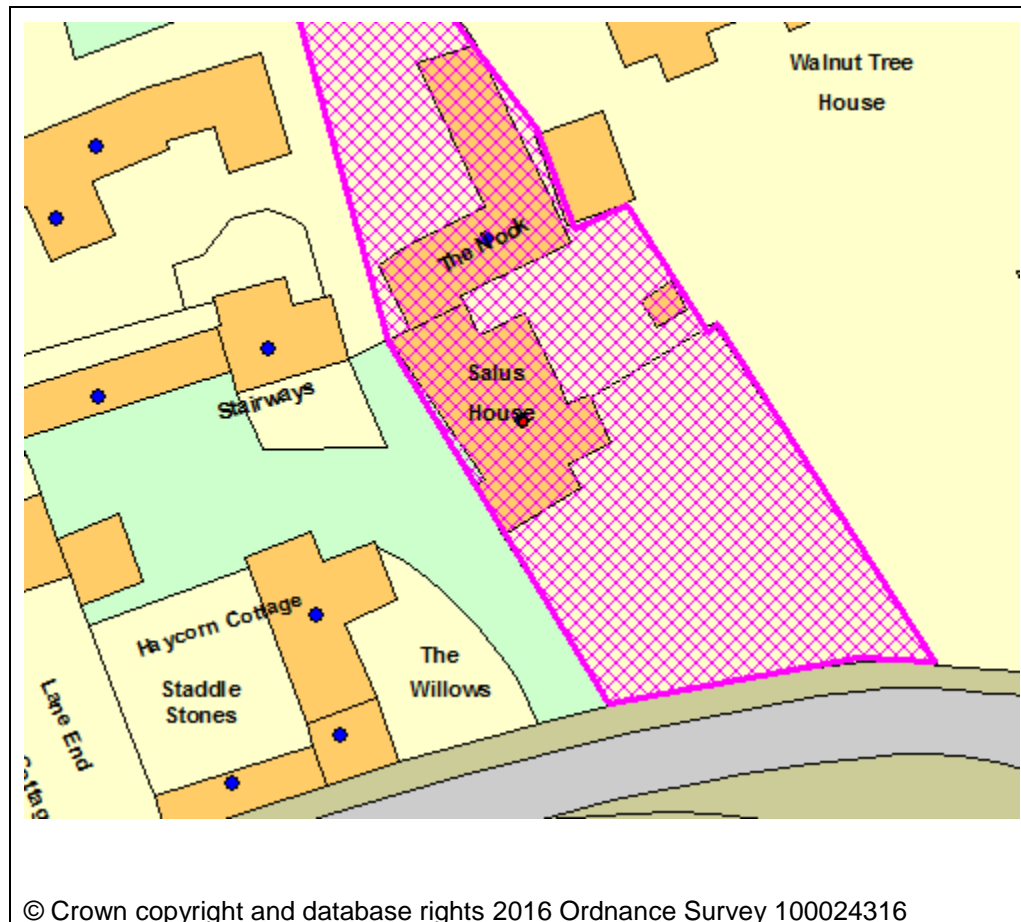
Please note that:

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

Page	Application Number	Address	Officer
15-25	22/03113/HHD	Salus House Milton Road	Clare Anscombe
26-31	22/03114/LBC	Salus House Milton Road	Clare Anscombe
32-51	22/03408/FUL	Leafield Technical Centre Langley	Joan Desmond
52-59	23/00598/HHD	High Ridge 46 High Street	Mr Emile Baldauf-Clark
60-72	23/00603/FUL	The Homestead Frog Lane	James Nelson
73-84	23/00643/FUL	Dean Mill Dean	James Nelson

Application Number	22/03113/HHD
Site Address	Salus House Milton Road Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6BD
Date	24th May 2023
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427676 E 218121 N
Committee Date	5th June 2023

Location Map



Application Details:

Erection of garden room extension with flue and associated works, and fenestration alterations (amended description) (amended plans)

Applicant Details:

Mr Craig Satchwell
Salus House
Milton Road
Shipton Under Wychwood
Chipping Norton
Oxfordshire
OX7 6BD

I CONSULTATIONS

WODC Env Health - Uplands

WODC Drainage Engineers

District Drainage Engineer No objection subject to conditions.

We highly recommend that infiltration tests are undertaken at the earliest opportunity in order to determine the most appropriate surface water drainage system unless proof of prior tests can be submitted or existing drainage system clarified. However, if no further information is provided, please notify the applicant that a pre-commencement condition will be required.

District Ecologist

Acceptable subject to the following condition:

The development shall be completed in accordance with all measures outlined within West Oxfordshire's Precautionary Method of Working document. All recommendations shall be implemented in full 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.

Conservation And Design
Officer

Reconsultation - 11.05.2023

The amended drawings are fine.

No objections to the proposal - subject to D11, E12, E17 and Condition E13 - Record Drawing (minimum 1:20 scale) for the east elevation showing the stack and former door / window.

District Ecologist	Reconsultation- 11.05.2023 - No additional comments to make.
WODC Drainage Engineers	No Comment Received.
WODC Env Health - Uplands	<p>Reconsultation - 24.04.2023</p> <p>With regards to the above application, the outlet of the flue is less than the 2m from the nearest weathered surface (garden room roof). This is contrary to the statutory guidance provided in Approved Document J - Combustion Appliances and Fuel Storage Systems, which specifies that this distance should be at least 2.3m. Please refer to Section 2.10, 2.11 and Diagram 17 of the attached.</p> <p>To comply with The Building Regulations 2010, the location of the outlet of the flue shall be amended to comply with aforementioned document.</p>
Parish Council	No Comment Received.
Parish Council	<p>Shipton under Wychwood Parish Council Objection</p> <p>Whilst our previous grounds for objection have been partially addressed and mitigated by the new Heritage and Drainage Reports, we still object on the following grounds:</p> <ol style="list-style-type: none"> 1. Noise pollution - we believe that the sound intensity of the pool pump would be 65-90decibels, similar to a motorbike. This is due to be sited within 1m of the boundary with the neighbours in Walnut Tree House, directly adjacent to their outdoor seating area. 2. Light pollution - the application has no lighting plan and its impact on the Cotswolds AONB Dark Skies CE5 Policy is therefore unknown. 3. Risk of flooding - we support WODC's statement that further information regarding the drainage is required, as historically, water flows through this property and onto the road, causing problems in freezing conditions. The swimming pool area is not fully on existing hard standing so the impermeable area will be increased

Conservation And Design
Officer

Objection

The Garden Room element of the proposal is insupportable. I consider that proposal will not preserve the character of this listed building including the existing and legible linear plan-form of the principal listed building. The proposal will harm the architectural, historical (illustrative) archaeological (evidential) significance of this listed building.

The location of the garden room will obscure the very interesting existing east elevation currently characterised by the wide stack and a blocked door opening; compromising its integrity. The proposal affects the most historic element of the building associated with it formerly being a hall house with solar; there is still evidence / features from the 16-17th century and later 19th century - this is of high architectural and historical significance. While the re-opening could introduce a historic circulation route - I do not consider this to be a heritage benefit - the structural intervention necessary to open a historically blocked door - not only has the potential to harm historic fabric, but it will harm the legibility and evidential value and significance of this building. The images below show existing features of interest and the proposed extension and how it will obscure the highly significant east elevation.

Furthermore, the applicant has not sufficiently demonstrated that this proposal has any public benefit. Nonetheless, I do not consider there to be any public benefit, the building is not at risk and its optimum viable use is not dependent on this proposal. Therefore, I raise an objection to this proposal.

Alteration to the Lean-to.

With regard to the alterations the c.19th lean-to, although I could support the alteration from window to door - I do wonder if this room could be modified slightly to create the required garden room at this location instead. Apart from the sash window - the other window / door are fairly modern - therefore, there is a potential to create a wider opening in the modern window to French door / bi-folds so that room can be repurposed.

The proposed swimming pool would be positioned within the courtyard formed by the converted shelter and the east-west range on the northern side of the listed building. Swimming pools are a very residential features, and not associated with historic farmyard settings; a swimming pool at this location would be incongruous, and would harm the character of the listed building and its views into and out from.

2 REPRESENTATIONS

- 2.1 Two representations have been received from neighbours objecting to the proposed development. One objection was raised specifically in relation to the swimming pool and pump room, but the application has now been amended to remove these elements. However, for completeness, the material reasons for objection to this planning application that have been raised are listed below:
- Noise and visual amenity impact on neighbouring residents, specifically as a result of the swimming pool pump room;
 - No justification for the swimming pool;
 - Impact on the tranquillity of the Cotswolds AONB through light pollution;
 - Failure to conserve and enhance local biodiversity; and
 - Impact on surface water drainage.

3 APPLICANT'S CASE

- 3.1 The applicant's agent has submitted a covering letter which sets out the merits of the application. It states that planning permission was previously granted for a side extension to the property - but was not implemented at the time and that this is in an identical location to this proposal and therefore is a key precedent in the planning history of the building. This included the re-opening of the former door on the east elevation.
- 3.2 A Heritage Statement has also been submitted which concludes that proposed development would sustain the significance of the heritage asset, and conserve the special architectural and historic interest of the buildings fabric, features, appearance and character.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH12 Traditional Buildings

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

- 5.1 The application relates to an existing Grade II Listed Building located in the village of Shipton-Under-Wychwood. The application site falls within the Cotswolds Area of Outstanding Natural

Beauty (AONB) and Shipton-Under-Wychwood Conservation Area. Walnut Tree House lies to the north-east and the property of Elmdene lies to the east. To the south are further residential dwellings.

- 5.2 The proposed development comprises a single-storey extension to the east side of the property with flue and associated works, and fenestration alterations to the boot room.
- 5.3 The application is before members as the Parish Council's views are contrary to the view of the Planning Officer.

Background Information

- 5.4 The application is a resubmission of an earlier application which was withdrawn in May 2022 under reference 21/04012/HHD and 21/04013/LBC.
- 5.5 The Planning Officer considered that the garden room element could not be supported as the proposal could harm the architectural, historical archaeological significance of the listed building and a Heritage Statement had not been prepared. The applicant was advised to withdraw the application to allow for pre-application discussions and to prepare a Heritage Statement to further understand the significance of the building.
- 5.6 A Heritage Statement has now been prepared and submitted with the application.
- 5.7 During the course of the current application and following advice from the Conservation and Design Officer, the application has been further amended to remove the swimming pool and pump room and a glazed link inserted between the existing building and extension. A further 21-day period of consultation was carried out to allow for further representations.
- 5.8 Other relevant planning history is as follows:

WV94/1369 - Construct swimming pool games room gym pump room & changing rooms. Approved. 11th January 1995. The application was not implemented.

04/1508/P/FP - Erection of single storey extension to provide sun room to side elevation. Approved. 7th September 2004.

10/0088/P/FP - Erection of garden room to side elevation with gallery in roof space above, including insertion of front dormer window. Approved. March 2010.

- 5.9 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:
 - The Principle of Development;
 - Impact on Heritage Assets;
 - Design, Siting and Form;
 - Impact on Residential Amenity;
 - Impact on the Cotswolds AONB; and
 - Impact on Ecology and Biodiversity.

- 5.10 These are explored in turn below.

Principle of Development

- 5.11 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the Local Plan 2031 adopted in September 2018.
- 5.12 The site lies in Shipton-under-Wychwood which is a 'village' under the settlement hierarchy of the Local Plan. Policy OS2 (Locating development in the right places) states that villages are suitable for limited development which respects village character and local distinctiveness. Further, all development should meet the general principles of policy OS2 which includes forming a logical complement to the existing scale and pattern of development and/or the character of the area and conserving and enhancing the historic environment.
- 5.13 Policy H6 is also supportive of changes to existing housing, including extensions, which respect the character of the surrounding area and will not unacceptably affect the environment of people living in the area.
- 5.14 The use of the proposed extension relates to the existing residential use of the dwelling. Therefore, the principle of the development is considered to be acceptable. Notwithstanding this, other material considerations are considered below.

Impact on Heritage Assets

- 5.15 In terms of impact on the Listed Building, Policy EH11 seeks to conserve and enhance the special architectural or historic interest of a Listed building, in terms of fabric, features, appearance or character. Paragraph 199 of the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 202 then goes on to state 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. Officers are also required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.16 The heritage significance of Salus House is largely derived from the historical contribution of the building as a former hall house with solar and the architectural contribution of the linear plan-form of the principal listed building and east elevation which is characterised by a wide stack and a blocked door opening.
- 5.17 Following consultation with the LPA's Conservation and Design Officer, the proposals have been amended to introduce a frameless glazed link between the existing east elevation and new extension to pull the proposal away from the property, allowing greater expression of the side gable and producing a more subservient design. The Conservation Officer has reviewed the amended plans and has no objection, subject to conditions. This includes a condition requiring a

drawing to be submitted for the east elevation showing the stack and former door/window before any demolition or stripping out takes place to ensure that an accurate record is maintained of the works to the Listed Building. Therefore, Officers are satisfied that the proposal would not cause harm to the significance of the Listed Building.

- 5.18 In terms of impact on the Conservation Area, policy EH10 relates to Conservation Areas more generally, and again the provision is to conserve and enhance. Officers are also 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. The Conservation Officer has no objection to the development. Therefore, Officers are satisfied that the proposal would not cause harm to the significance of the Conservation Area and the proposal is therefore acceptable in heritage terms.

Design, Siting and Form

- 5.19 Policy OS4 (High-quality design) of the Local Plan relates to design and states that new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings. Development should also have regard to the West Oxfordshire Design Guide (WODG) (2011-2031).

- 5.20 The proposed single-storey extension is to be constructed of a slate roof, air dried oak frame with windows and doors left natural to weather. As the proposed materials would complement the existing host building, the proposed materials are considered to be acceptable.

- 5.21 In terms of the form and design of the proposed extension, the WODG seeks to ensure that extensions to existing buildings are secondary and do not compromise the form of the original building. The proposed garden room extension is stepped down from the ridgeline of the host building and stepped in sufficiently so as to not compromise the form of the existing building. Therefore, the proposal is considered to reflect the form and scale of the original dwelling in accordance with policy OS4 of the Local Plan and the WODG.

Impact on residential amenity

- 5.22 In considering residential amenity, there are residential dwellings to the south and east. Policy OS2 (Locating development in the right places) and policy EH8 (Environmental protection) seek to ensure that new development does not give rise to unacceptable levels of noise or disturbance and that the amenity of existing occupants is maintained.

- 5.23 Two representations have been received from neighbours objecting to the proposal on amenity grounds. However, both refer to the swimming pool and pump room as an area for objection, both of which have now been removed from the application.

- 5.24 The extension is to be used for residential use. The proposed single-storey extension is to be constructed of glass bi-fold doors. The extension will sit just over a metre away from the boundary of Walnut Tree House at its closest point. Walnut Tree House itself is set back from the far eastern extent of the extension by just over 5 metres in a north-eastern direction. Given the separation distance between the extension and neighbouring property, that any views of the extension from the house itself will be oblique, the proposed use and the presence of existing

intervening vegetation, officers do not consider that the proposal would be harmful to the amenity of occupants of Walnut Tree House by way of light pollution, noise, overlooking, loss of privacy or overbearing.

- 5.25 In terms of air quality, the Environmental Health officer has requested that the outlet of the proposed flue is adjusted to meet statutory requirements for combustion appliances. This has been addressed and so the development is now considered to be acceptable in this regard.
- 5.26 In terms of impact on the residents of Elmdene, Officers acknowledge that there are windows that would face towards the proposed extension. An objection comment has raised concerns regarding the impact of light from the extension on the amenity of occupants. However, due to intervening vegetation along the eastern boundary of the site and the separation distance, Officers consider that any impact from light pollution, noise, overlooking, loss of privacy or overbearing would be minimal and not significant enough to warrant a refusal of the application.

Impact on the Cotswolds AONB

- 5.27 The proposed development, by reason of its use, location and existing vegetation surrounding the site, is considered to conserve the natural beauty, landscape and countryside of the AONB, including its wildlife and heritage, in accordance with policy EH1 of the Local Plan. It is considered that due to intervening vegetation along the boundaries of the site, the impact of any emitted light on tranquility and dark skies would be minimal and not significant enough to warrant a refusal of the application.

Impact on Ecology and Biodiversity

- 5.28 Policy EH3 (Biodiversity and geodiversity) seeks to protect and enhance biodiversity in the district as well as achieve an overall net gain in biodiversity. The Biodiversity and Countryside Officer has been consulted and they have no objection subject to the development being completed in accordance with all measures outlined within West Oxfordshire's Precautionary Method of Working document to ensure nesting birds, reptiles, amphibians, hedgehogs and badgers are protected.
- 5.29 There are records of Great Crested Newts in the surrounding area. However, areas to be affected comprise of hardstanding and amenity grassland which provide negligible/suboptimal potential for great crested newts. Therefore, it is unlikely that areas to be affected will support great crested newts however, given the relative close proximity, precautionary mitigation should be adhered to. Subject to the above, the development is considered to comply with policy EH3 of the Local Plan.

CONCLUSION

- 5.30 Taking into consideration planning policy, third party representations and other relevant material considerations, the development complies with the main relevant policies OS2, OS4, H6, EH1, EH2, EH3, EH8, EH9, EH10, EH11 and EH12 of the West Oxfordshire Local Plan (2011-2031), the West Oxfordshire Design Guide and the relevant provisions of the NPPF.
- 5.31 Therefore, the application is recommended for approval, subject to conditions.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

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

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

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

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

- 4 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.

- 5 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.

- 6 A detailed record drawing for the east elevation showing the stack and former door/window to a scale of not less than 1:20 indicating clearly the elements to be removed or relocated, shall be submitted to and approved in writing by the Local Planning Authority before any demolition or stripping out takes place.

REASON: To ensure that an accurate record is maintained of the works to the Listed Building.

- 7 The development shall be completed in accordance with all measures outlined within West Oxfordshire's Precautionary Method of Working document. All recommendations shall be implemented in full 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.

- 8 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

9 Following the approval of the Written Scheme of Investigation referred to in condition 8, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

INFORMATIVES :-

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Notes to applicant

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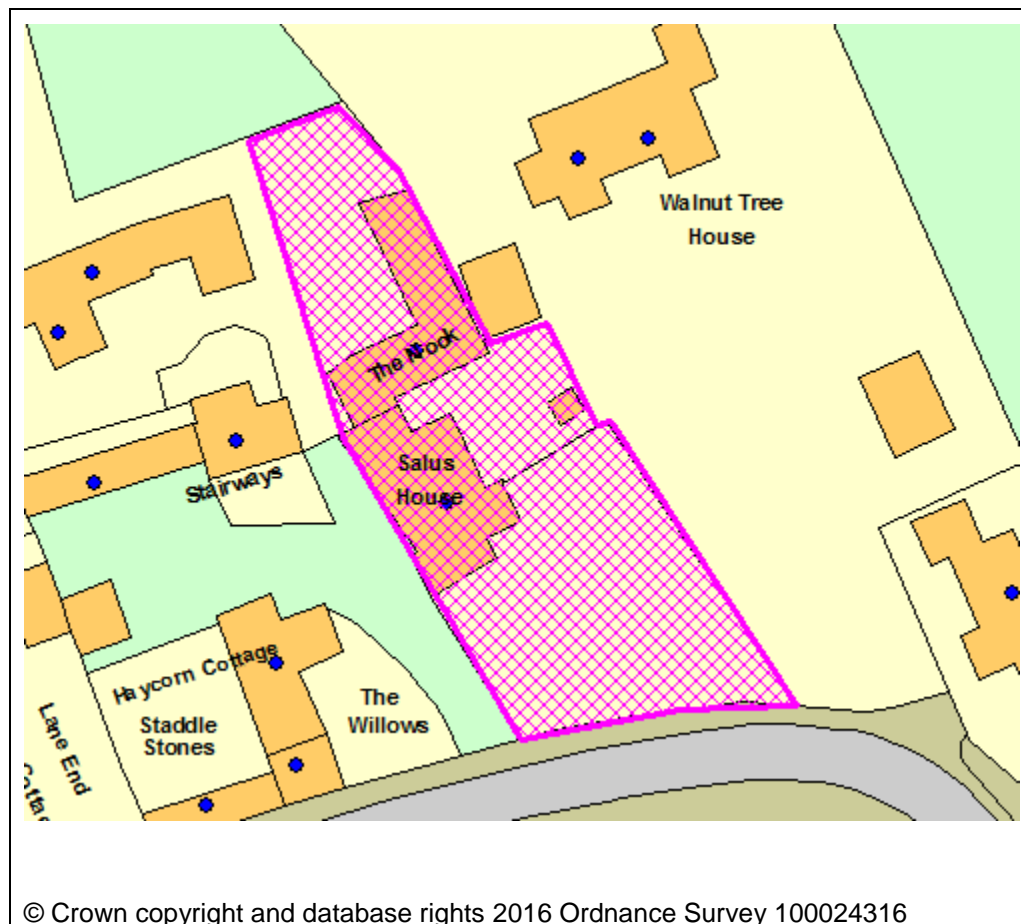
Contact Officer: Clare Anscombe

Telephone Number:

Date: 24th May 2023

Application Number	22/03114/LBC
Site Address	Salus House Milton Road Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6BD
Date	24th May 2023
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427676 E 218121 N
Committee Date	5th June 2023

Location Map



Application Details:

Erection of garden room extension with flue and associated works, and fenestration alterations (amended description) (amended plans)

Applicant Details:

Mr Craig Satchwell
Salus House
Milton Road
Shipton Under Wychwood
Chipping Norton
Oxfordshire
OX7 6BD

I CONSULTATIONS

Conservation And Design
Officer

Reconsultation - 11/05/2023

The amended drawings are fine.

No objections to the proposal - subject to D11, E12, E17 and Condition E13 - Record Drawing (minimum 1:20 scale) for the east elevation showing the stack and former door / window.

Parish Council

Reconsultation - 24.04.2023

The Parish Council found this to be a poorly presented proposal, with no reasoning given for proposed changes. Therefore, it was difficult to make a properly considered decision.

However, in line with the Senior Conservation Design Officer, Parish Council feel that the garden room could be damaging to the rest of the building. This is of significant concern because Salus House is the second oldest building in the village, after the church, and should be treated appropriately.

Conservation And Design
Officer

The Garden Room element of the proposal is insupportable. I consider that proposal will not preserve the character of this listed building including the existing and legible linear plan-form of the principal listed building. The proposal will harm the architectural, historical (illustrative) archaeological (evidential) significance of this listed building.

The location of the garden room will obscure the very interesting existing east elevation currently characterised by the wide stack and a blocked door opening; compromising its integrity. The proposal affects the most historic element of the building associated with it formerly being a hall house with solar; there is still evidence / features from the 16-17th century and later 19th century - this is of high architectural and historical significance. While the re-opening could introduce a historic circulation route - I do not consider this to be a heritage benefit - the structural intervention necessary to open a historically blocked door - not only has the potential to harm historic

fabric , but it will harm the legibility and evidential value and significance of this building. The images below show existing features of interest and the proposed extension and how it will obscure the highly significant east elevation.

Furthermore, the applicant has not sufficiently demonstrated that this proposal has any public benefit. Nonetheless, I do not consider there to be any public benefit, the building is not at risk and its optimum viable use is not dependent on this proposal. Therefore, I raise an objection to this proposal.

With regard to the alterations the c.19th lean-to, although I could support the alteration from window to door - I do wonder if this room could be modified slightly to create the required garden room at this location instead. Apart from the sash window - the other window / door are fairly modern - therefore, there is a potential to create a wider opening in the modern window to French door / bi-folds so that room can be repurposed.

The proposed swimming pool would be positioned within the courtyard formed by the converted shelter and the east-west range on the northern side of the listed building. Swimming pools are a very residential features, and not associated with historic farmyard settings; a swimming pool at this location would be incongruous, and would harm the character of the listed building and its views into and out from.

Parish Council

No Comment Received.

2 REPRESENTATIONS

2.1 Two representations have been received from neighbours objecting to the proposed development. One objection was raised specifically in relation to the swimming pool and pump room elements which, following amendments, have now been removed from the application. No other comments have been received which include reasons for objection that would be a material consideration to this listed building consent application.

3 APPLICANT'S CASE

3.1 The applicant's agent has submitted a covering letter which sets out the merits of the application. It states that planning permission was previously granted for a side extension to the property - but was not implemented at the time and that this is in an identical location to this proposal and therefore is a key precedent in the planning history of the building. This included the re-opening of the former door on the east elevation.

3.2 A Heritage Statement has also been submitted which concludes that the proposed development would sustain the significance of the heritage asset, and conserve the special architectural and historic interest of the buildings fabric, features, appearance and character.

4 PLANNING POLICIES

NPPF 2021

EH11 Listed Buildings

EH9 Historic environment

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks Listed Building Consent (LBC) for the 'erection of garden room extension with flue and associated works, and fenestration alterations (amended description) (amended plans)' at Salus House, Milton Road, Shipton-under-Wychwood.

5.2 The property is a Grade II Listed Building (listed as 'Lane House Farmhouse') dating from around the 15th century.

5.3 Since the Parish Council has made comments objecting to the application which are contrary to your Officers recommendation, the application is brought before the Uplands Planning Sub-Committee for consideration.

5.4 The proposal includes:

- The removal of the existing door on the east elevation and the window on the north elevation
- The insertion of a window with stone sill on the east elevation. Infilling of opening with stone to match the existing. The removal of a small area of rubble stone on the north elevation to create french doors
- Erection of a single-storey extension with a double pitched roof
- Insertion of frameless glazed link between the eastern elevation of the building and new extension
- Insertion of matt black flue on the proposed extension

Impact upon the Listed Building

5.5 LBC 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.

5.6 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.

5.7 A heritage statement has been submitted which provides an assessment of the significance of Salus House and the 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 Salus House (listed as 'Lane House Farmhouse'), which is Grade II listed.

5.9 The heritage significance of Salus House is largely derived from the historical contribution of the building as a former hall house with solar and the architectural contribution of the linear plan-form of the principal listed building and east elevation which is characterised by a wide stack and a blocked door opening.

5.10 Following consultation with the LPA's Conservation and Design Officer, the proposals have been amended to introduce a frameless glazed link between the existing east elevation and new extension to pull the proposal away from the property, allowing greater expression of the side gable and producing a more subservient design. The Conservation Officer has reviewed the amended plans and has no objection, subject to conditions. This includes a condition requiring a drawing to be submitted for the east elevation showing the stack and former door/window before any demolition or stripping out takes place to ensure that an accurate record is maintained of the works to the Listed Building.

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

Recommendation

5.12 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/REASONS FOR REFUSAL

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 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.

5 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.

6 A detailed record drawing for the east elevation showing the stack and former door/window to a scale of not less than 1:20 indicating clearly the elements to be removed or relocated, shall be submitted to and approved in writing by the Local Planning Authority before any demolition or stripping out takes place.

REASON: To ensure that an accurate record is maintained of the works to the Listed Building.

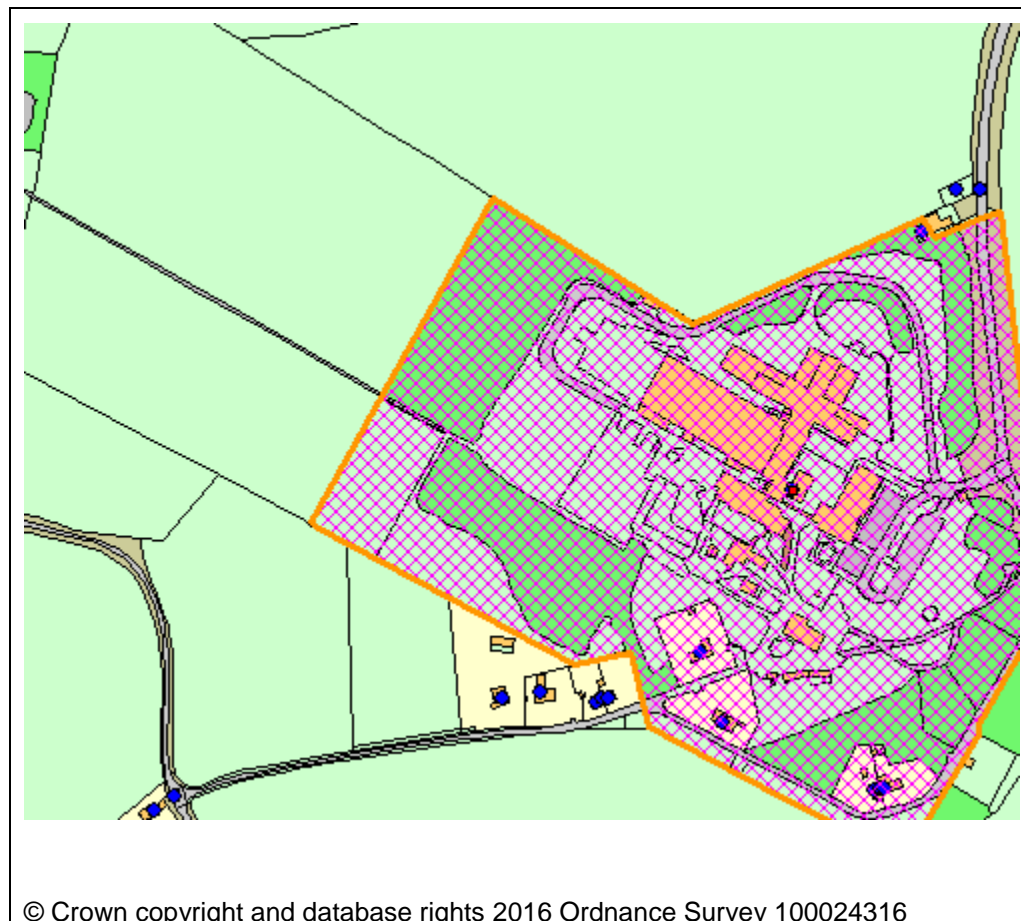
Contact Officer: Clare Anscombe

Telephone Number:

Date: 24th May 2023

Application Number	22/03408/FUL
Site Address	Leaffield Technical Centre Langley Oxfordshire OX29 9EF
Date	24th May 2023
Officer	Joan Desmond
Officer Recommendations	Approve
Parish	Leaffield Parish Council
Grid Reference	430180 E 215462 N
Committee Date	5th June 2023

Location Map



Application Details:

Partial demolition of existing buildings and development of a holiday park comprising short stay holiday accommodation units and associated leisure facilities through redevelopment and refurbishment along with landscaping, boundary treatment, access, parking, drainage, services and plant. Conversion of Building F to form 2 X 4 bedroom dwellings (Class C3).

Applicant Details:

Hutchinson
23-25 Great Sutton Street
London
EC1V 0DN

I CONSULTATIONS

Parish Council	No Comment Received.
Major Planning Applications Team	No Comment Received.
Major Planning Applications Team	No Comment Received.
Environment Agency	No Comment Received.
Thames Water	No Comment Received.
District Ecologist	No Comment Received.
WODC Env Health - Uplands	<p>ERS - Pollution - No objection in principle to this application. I would ask for conditions similar to the following to be attached to any consent granted:</p> <p>1: No work shall take place until a Construction Management Plan has been submitted to, and approved by, the Local Planning Authority. The plan shall include, but not be limited to, details on how dust and noise are to be controlled and minimised during any demolition and construction.</p> <p>2: Any fixed plant and machinery shall be selected and installed such that it does not increase the background noise level by more than 5dB(A) when measured at any point along the boundary of the premises.</p> <p>ERS - Contamination - Recommend contamination conditons.</p>
WODC Business Development	No Comment Received.
CPRE	No Comment Received.

Health And Safety National No Comment Received.

Newt Officer No Comment Received.

2 REPRESENTATIONS

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

2.2 19 Letters of objection and comment:

- Application Details are Inconsistent
- Transport and Highway Safety concerns
- Limited sustainability and significant potential impacts on the local area.
- Impacts on ecology
- External Lighting needs to be controlled
- Noise concerns
- Harm to rural character and appearance - Strongly object to the planned density and construction materials.
- Flooding concerns
- Neighbourliness - Concerns have been raised about the scale of the development and the closeness to residents on the boundary of the site and the potential for overlooking of those properties, particularly given the removal of some large trees and first floor balconys serving the development.
- All avenues and alternatives have not been investigated fully
- The site contains some buildings of historical importance from the early days of wireless and more should be done to protect these for the regions and the nation.
- The current buildings offer themselves to a perfectly feasible research and technical centre, despite the obvious state of cosmetic repair and this should not be dismissed readily

2.3 12 letters of support:

- Well considered and much needed proposal to reuse this derelict site, with potential benefits the local community and landscape setting.
- This scheme would provide extra business for the village shop and pub, and perhaps employment chances for local young people, without impacting visually on the attractive heart of the village .It would not stretch local services such as the village school.
- A foot and cycle path would benefit the whole community as it would provide a safe link between Leaffield village (and its footpaths) and the bridleway next to the site.
- Support the application if light and noise pollution and privacy are addressed through conditions.

2.4 Evenlode Catchment Partnership (ECP) - The submission focusses solely on the ability of Finstock Sewage Treatment Works (STW) owned by Thames Water Utilities Limited (TWUL) to deal legally with the increased sewage generated by the proposed development. The Flood Risk Assessment and Drainage Plan accompanying the application notes that the development will discharge foul water into 'two main 'spine' foul pipes converging on the pumping network at a rate of 13.3 l/s'. From here the foul water will discharge to a rising main that extends across the fields to Leaffield where it connects to a

public sewer. It is believed that this sewer ultimately discharges into Finstock STW and thence locally to the River Evenlode. Data obtained by ECP under the Environmental Information Regulations (EIR) shows that the permitted Flow to Full Treatment (FFT - the volume that has to be treated in the STW before spilling of untreated sewage into the River Evenlode can legally take place) for Finstock STW is 17 l/s. Submissions by TW to the EA show that untreated sewage was spilled from Finstock STW for 199 hours in 2019 and 306 hours in 2020. ECP contends that the stated discharge of foul water of 13.3 l/s from the development to Finstock STW will nearly double its present FFT figure, and will lead to a significant increase in the time that the works spills untreated sewage into the River Evenlode, and may lead to breaches in compliance with the works statutory Environment Agency (EA) permit. TW has included Finstock STW in the present Water Industry National Improvement Programme (WINEP) - period 2019-24. Improvements agreed with the EA include the imposition of a 15 mg/l permit standard for ammonia. Using the foul water pumping rate data supplied as part of this application, ECP contends that without a prior completed upgrade of Finstock STW and potentially the sewer network serving it, there is a significant risk of increased and potentially illegal discharge of untreated sewage to the River Evenlode.

ECP contends that the planning authority MAY take the advice of the statutory water company (TWUL) with regard to foul system and sewage treatment works capacity, but in the face of contrary evidence presented to them, does NOT HAVE to. This belief is based on counsel's advice and case law.

3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

The site is a highly prominent brownfield site that has been vacant since the Caterham FI team went into administration in 2015. The Site is in dire need of repurposing to secure a viable alternate use. The application proposals represent an appropriate and efficient use of previously developed land that would deliver a number of economic, social and environmental gains. The significant planning benefits arising from this scheme can be summarised as follows:

- It will provide a high-quality holiday accommodation development to support West Oxfordshire's status as a UK holiday destination;
- It will be highly attractive and result in a significant betterment compared to the existing industrial built form associated with the sites' former use;
- It will deliver 116 jobs once the development is operational in addition to construction jobs and at least 159 further jobs through multiplier impacts;
- It will generate at least £2 million for the local economy directly through visitor, staff and resident expenditure;
- A variety of job roles including managerial and highly skilled positions as well as on the job training and apprenticeship opportunities, to offset existing unemployment and directly benefit local people;
- It will promote healthy lifestyle including walking, cycling and swimming;
- It will provide significant ecological benefits through the restoration of the site; and
- The delivery of four bedroom homes to contribute towards the Council's housing requirements and help address significant needs for family sized units.
- The proposals will give rise to substantial Biodiversity Net Gains to the benefit of the natural environment.

In view of the above, we consider that the Application is a highly sustainable form of development, demonstrating compliance with the key policy considerations and the general aims of the NPPF. Accordingly the application benefits from the presumption in favour of the grant of planning

permission afforded by Paragraph 11(c) of the NPPF.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

E3NEW Reuse of non residential buildings

E4NEW Sustainable tourism

E6NEW Town centres

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH8 Environmental protection

EH9 Historic environment

EH13 Historic landscape character

BC1NEW Burford-Charlbury sub-area

NPPF 2021

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

5.1 This application seeks consent for the partial demolition of existing buildings and development of a holiday park comprising short stay holiday accommodation units and associated leisure facilities through redevelopment and refurbishment along with landscaping, boundary treatment, access, parking, drainage, services and plant. Conversion of Building F to form 2 X 4 bedroom dwellings (Class C3).

5.2 The proposed development comprises the following principle elements:

- The provision of 51 units of holiday cabins;
- 8 barn style cabins;
- The conservation of an existing building into two loft houses;
- The delivery of a number of guest facilities including an indoor swimming pool, spa and treatment room, indoor events space, a restaurant and bar; and
- Staff facilities including reception, staff room and offices

5.3 Leafield Technical Centre is located within the open countryside, to the west of the village of Leafield. It comprises a former radio transmission station and motorsports centre featuring 6 main buildings on site as well as several cottages. The 6 main buildings are all located within close proximity to one another and within the centre of the Site. The Site is organised as a campus-style development consisting of industrial facilities and headquarter offices. The Site covers an area of approximately 11 hectares and the existing buildings comprise a total gross internal area of 13,506sqm.

5.4 The site is located both within the Cotswolds Area of Outstanding Natural Beauty and the Wychwood Project Area. A public right of way follows the access road to the site from Leaffield Road and continues to the west towards Langley Farm.

Background Information

5.5 The planning history of this site is extensive, the later relating to queries over its lawful use, as follows:

5.6 W95/0033 - The use of the site for automotive research and development, alterations and extension, gatehouse, road and car parking, alterations to entrance and demolition of existing bungalows - Approved 11/05/95. This was subject to a condition restricting the use to automotive research and development under Class B1(b) (now Class E)

5.7 Two requests for a determination as to whether the prior approval of the LPA is required for the change of use of B1(a) offices to 159 dwellings under Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (15/03516/PN56 & 15/04168/PN56) were refused in 2015 and 2016. Part of the refusal reason related to its lawful use for Class B1(b).

5.8 Alongside this planning application, a Prior Notification for Demolition has been submitted and approved on the 13th April 2022 for the demolition and safe removal of waste of:

- Link building between Buildings 2 and 3;
- Link building between Buildings 5 and 6; and
- Single storey side extension to Building 2.

5.9 The site was last occupied by Caterham FI team but has been unoccupied since 2015.

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

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

Principle

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

Redevelopment of the Site

5.12 Leaffield Technical Centre is a former radio station which has most recently been used as a motorsports centre. There are a significant number of buildings, hardstanding and infrastructure remaining on Site, which means that the Site is constituted as previously developed land. Policy OS1 of the Local plan seeks to deliver sustainable development, which includes maximising the use of previously developed land provided it is not of high environmental value. In this case, the site lies within the Cotswolds AONB.

5.13 Whilst the NPPF encourages making effective use of land including the use of brownfield sites, this is principally directed towards suitable sites such as those within settlements. The NPPF also supports sustainable rural tourism and leisure developments which respect the character of the countryside and the use of previously developed land is encouraged where suitable opportunities exist. The redevelopment of the Site for holiday accommodation would result in the use of previously developed land by redeveloping a degraded and derelict site.

5.14 In terms of the main relevant policies of the Local Plan these are detailed below. Policy OS2 states that within the open countryside development will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for non-residential development that is regarded as appropriate will include:

- o Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting, with preference given to employment, tourism and community uses;
- o Proposals to support the effectiveness of existing businesses and sustainable tourism.
- o Proposals for residential development will be considered under policy H2.

5.15 The particular general principles of Policy OS2 relevant to this case include the requirement that development:

- (i) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- (ii) Form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- (iii) Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- (iv) As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- (v) Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- (vi) 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;
- (vii) Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- (viii) Conserve and enhance the natural, historic and built environment;
- (viii) In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development.

5.16 Policy E1 (Existing employment sites) states that:

Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses. Non-employment uses on employment sites will be refused except in the following circumstances:

- where it can be demonstrated that the site or premises are not reasonably capable of being used
- or redeveloped for employment purposes; or
- where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
- where the proposed use includes community, leisure, or retail uses which are complementary
- and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
- where substantial community benefits would be achieved by allowing alternative forms of development.

In terms of bullet point 1, the marketing evidence submitted confirms that there have been extensive efforts to secure a new owner for the site over a 5 year period. This has included failure to complete disposal of the site on 8 separate occasions, before the sale to CABÜ in 2022.

5.17 The supportive text to policy BC1 covering the Burford-Charlbury sub-area explains that Leaffield is a significant isolated employment site with a long association with motorsport.

5.18 Policy E3 supports the re-use of non-traditional buildings in the open countryside where re-use would address a specific local need which cannot be met in an alternative way. This is provided that the following criteria are met:

- o the general character and form of the building(s) are not harmful to the surroundings; and
- o the scale and type of use is suitable to its location and will not result in excessive alteration(s) or extension(s) to the host building

5.19 Policy E4 seeks to support tourism and leisure development which utilises and enriches the natural and built environment. In the open countryside, new tourism and visitor facilities may be justified in certain circumstances such as where:

- o the nature of the tourist and visitor facility is such that it could not reasonably be located within or close to Service Centres and Villages; or
- o the proposal will re-use an appropriate building in accordance with Policy E3
- o In the Cotswolds AONB should conserve and enhance the landscape quality and biodiversity of the area and support the objectives of the Cotswolds AONB Management Plan and Sustainable Tourism Strategy.

5.20 In terms of the proposed residential element of the scheme, Policy H2 states that:

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

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings; or
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

5.21 It should be noted however, that given the Council's lack of a 5 year housing land supply, reduced weight can be given to the housing policies of the Local Plan and the housing element of the scheme would fall to be determined under paragraph 1(d) of the NPPF which states that permission should be granted unless:

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

5.22 On the basis of the policies outlined above and given the evidence submitted that the site has been extensively marketed over a significant period of time and that there is no demand for traditional Class B/E employment uses or development an alternative form development is considered to be justified in accordance with Policy E1. The proposed tourism use will involve the redevelopment of previously developed land and includes the reuse of existing buildings in accordance with Policy E3. The proposal also includes the redevelopment of an existing building (Building F) into two C3 dwellings. Whilst the suitability of this building for staff accommodation has been queried, the agent has advised that 'this building has been allocated for residential use because they are simply too big to serve any practical function as part of the holiday offer and are essentially superfluous. Additional staff accommodation is not needed and in any event the level of renovation required means that residential use for sale is the only viable proposition. It is a small amount of residential in an area where there is a small concentration of other residential properties so the sustainability implications are very minor.' Given the lack of a 5 year housing land supply, the benefit of the provision of two dwellings (albeit limited) are also recognised.

5.23 The other issue relates to the scale of the proposed development, given its isolated location within the Cotswolds AONB, which is addressed in more detail below. The detail of the proposal is also assessed against the general principles of Policy OS2 of the Local Plan and other material considerations below.

Siting, Scale, Design and Form

5.24 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policy OS2, as detailed above, sets out general principles for all development including that it should be proportionate and appropriate in scale to its context having regard to the potential cumulative impact of development in the locality. Policy OS4 of the Local Plan encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the recently published National Design Guide.

5.25 The proposals are for 59 holiday units alongside supporting facilities and will result in a reduction in net total floorspace. A number of the existing buildings are to be converted, thus reducing the amount of newly constructed development. The proposed site plan indicates the site being sub-divided into six distinct character areas which are described below.

5.26 Character Area IA is located in the north-eastern part of the Site and currently consists of the access road to the gate lodge, guests car park and ponds either side of the access bridge to the central reception building. The access road and gate lodge will be retained with tree planting on the approach and feature trees to mark the arrival point at the site entrance. The existing car park will be extended to provide 55 guest car park spaces as well as disabled spaces.

5.27 Character Area IB will be the central point of the holiday complex. It will contain the on-site facilities including the reception, shop and restaurant (Main Building), the swimming pool and Spa and will

act as the heart of the development. In addition, there will be an Engineers Studio, an outdoor socialising area, 21 staff car parking spaces, as well as several refuge and storage rooms. Several of the on-site facilities will be located within retained buildings. The Main Building will be located within Building C, the Swimming Pool will be within the Old Transmitter Hall (Building D) and the Engineers Studio will be in Building E.

5.28 Character Area 2A is located to the west of Character Area 1B and will consist of new build holiday accommodation, including the new studio, comprising one, two and three bedroom cabins. The cabins would have painted timber clad walls with a corrugated aluminium roof.

5.29 Character Area 2B relates to the south eastern part of the site, where the Barnhouses are to be located, which are the larger 2 storey cabins that are set within generous grounds. The Barnhouses are to be timber clad with stone feature walling with a standing seam clad roof. The existing road in this area would be modified and a separate entrance, connecting the western access road to Leaffield Technical Centre with the road south of Potters Cottage introduced.

5.30 Character Area 3 is a small area located in the Southern part of the site, wedged between Character Area 1B and 2B. Building F, a former industrial building, is proposed to be converted into two separate four bedroom C3 dwellings with their own parking and gardens.

5.31 Character Area 4 is described in the Design and Access Statement as an area of woodland and meadow, for use by guests. This area of the Site is intended to allow guests to reconnect with nature and enjoy peaceful walks through the woodlands and meadow, and is located along the western front of the site. The proposals include a planting strategy for trees, wildflower and lavender planting, which will be accessible via an informal footpath network. The Biodiversity Officer has advised however, that there should be no public footpath through the woodland due to likely disturbance to badgers. As such it has been agreed that access through the woodland to the meadow area is to be removed from the scheme. There is considered to be no issue with access to the wildflower or lavender planting areas. A condition restricting public access to the woodland area has been recommended.

5.32 The Planning Statement advises that a core objective has been to retain as many existing buildings as possible, which allows the historic character of the Site to be conserved and enhanced. In addition to the refurbishment of existing buildings, a consistent material palette is proposed for the new built element to ensure a holistic design approach that delivers a high-quality development with good detailing to reflect local character. The proposed project will seek to incorporate the principles of a circular economy into the architecture and design. Renewable energy within the scheme consists of some of the new cabins will utilising air source heat pumps to heat the cabins.

5.33 In light of the above assessment, your officers are satisfied that the siting, layout, design, scale and form of the proposed development is appropriate, would function well for its intended use, represents good design and would respect the character, context and appearance of the wider area.

Impact on the Cotswold AONB

5.34 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty.

5.35 This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the AONB. The Cotswolds Conservation Board has been consulted and hasn't raised any detailed comments or objections, but they have set out the legal framework in which decisions in the AONB should be made.

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

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

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

5.38 The Cotswolds have been designated as an AONB (National Landscape) to conserve and enhance natural beauty. Natural beauty incorporates various criteria, including landscape quality, scenic quality, tranquillity, natural heritage and cultural heritage. Within the context of the Cotswolds AONB, the aspects of its natural beauty that make the area distinctive and that are particularly valuable.

5.39 The judgement as to whether or not a planning application qualifies as major development therefore depends, to a large degree, on whether or not the development would have the potential to cause a significant adverse impact on the natural beauty of the Cotswolds AONB by virtue of its nature, scale and / or setting. Potential impacts on the special qualities of the Cotswolds AONB are of particular importance.

5.40 The Cotswolds National Landscape Board have prepared detailed guidance, including a thorough checklist that can be used to help decision makers determine whether or not a proposal is major development within the AONB in accordance with footnote 60 of the NPPF.

5.41 In this case, your officers have used this guidance to come to the conclusion that the proposals do not constitute major development in the AONB taking into consideration a number of factors including the nature and scale of the development proposed, the context of the site and the impact it would have on the natural beauty and any special qualities of the AONB that are of particular importance. In this respect, it is noted that the proposals would remove the majority of the large buildings of significant footprint and bulk and replace them with a collection of predominately single storey holiday villas set within heavily landscaped grounds. At present, the existing buildings measure 13,506 m² (GIA) and the proposed development will lead to a significant reduction in floorspace to 7,824 m² (GIA), equating to only 58% of the existing floorspace.

5.42 As the application is not considered to be major development in the AONB, consideration is given to paragraph 176 of the NPPF (and policy EH1 of the WOLP) which states that great weight should be given to conserving and enhancing landscape and scenic beauty of the AONB. The accompanying Landscape and Visual Impact Assessment (LVIA) concludes that the scheme will result in beneficial effects on site character that will improve the visual character of the Landscape Character Area through the delivery of the proposed landscape strategy and demolition of the existing large buildings. In turn, the LVIA concludes that the development would result in no affect on the overall character of the AONB. From a visual perspective, the site's boundary vegetation is a noticeable component of the

views across the local landscape. The extensive vegetation effectively screens the site from views. The undulating landform restricts mid-range and long-distance views so that there is limited visibility of the site beyond the middle distance. The submitted Landscape Strategy seeks to retain and enhance existing vegetation, meadow and grassland across the Site and includes an avenue of tree planting on the approach to the site and feature trees at the entrance to create a sense of arrival.

5.43 In this case, given the nature of the existing site, and the siting and scale of the proposed new development, your officers are satisfied that the proposed new development would not result in any unacceptable intrusion or harm to the tranquillity or scenic beauty of the AONB landscape. The proposed layout and landscape strategy would ensure that the proposed development is visually contained.

Accessibility/Highway Issues

5.44 In terms of accessibility, the NPPF advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes as this can help to reduce congestion and emissions, and improve air quality and public health. However, it recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

5.45 The PS advises that the Site is approximately a 20-minute walk away from Leaffield Village and from the 210 bus route that connects Leaffield with Milton-Under-Wychwood and Witney - the largest town in the District. Whilst the PS concludes that the development is an appropriate scale and is accessible to local services and transport, this is not the case when taking into account relevant guidance on 'Walkable Neighbourhoods' that indicates that 800m (10 mins walk) is the recognised standard walking distance.

5.46 A Travel Plan (TP) is submitted with this application. The TP outlines a package of measures to deliver and prioritise sustainable transport measures. This includes a travel information point, regularly updated travel information, bike and accessory discounts for staff, shuttle bus services and car sharing opportunities for staff.

5.47 In respect of the TP, OCC has expressed concerns about the level of sustainable, active travel options available to residents, staff, and visitors. It is likely that without substantial mitigating measures (such as the proposed shuttle bus) that the car will become the default mode for travel to and from the site. A further full TP is recommended, which would be subject of a condition.

5.48 The existing site access will be retained from Leaffield Road which acts as the main route through the site from main entrance to the car park and main reception area. A secondary site access is located to the rear of the holiday park at the southern end of the site access road where it meets with an unnamed road connecting Asthall Leight to Shipton-under-Wychwood. The secondary access point acts as an emergency access only for vehicular access.

5.49 The existing car park will be retained for use by the development and a total of 73 parking spaces will be provided for guests to comprises 60 communal spaces (with 9 electric vehicle charging points and a further 9 passive spaces for future charging points) and 5 dedicated disabled parking bays. The barn style lodges will be provided with 2 on-plot spaces each. Parking for staff, maintenance and deliveries are located around the site. A total of 86 cycle parking spaces will be provided for the Holiday Resort. All cycle parking is provided in the form of 'Sheffield' stands around the Holiday Resort.

5.50 The submitted Transport Statement concludes that the proposed development represents a sustainable tourism offer on an existing brownfield site, which will have a beneficial impact on the local highway network compared to the established lawful use. The proposals should therefore be considered acceptable by the Council on transport and highway grounds.

5.51 OCC Transport has commented that the applicant is proposing to install a westbound stop and provide funds for an eastbound stop. Whilst this is welcomed, it is noted that this is 800m from the site itself which will be of limited value. The site is therefore remote from conventional public transport options. It is recommended that provision is made for a bus stop on the site itself, with buses looping around the car park, to enable this to be at least a useable option. The applicant has indicated his willingness to provide such a bus stop but requests that it is noted that a private shuttle bus is on offer for visitors and staff. Issues have also been raised in respect of the provision of transport for guests and staff and its workability. Given that a shuttle bus would need to be provided by a licensed operator, OCC has requested further discussion with the applicant as to how the development's travel needs could be incorporated into a wider public service. Notwithstanding this OCC applies a standard charge for non-strategic development which would be used either for retention and/or enhancement of bus services in the vicinity of the site, or incorporated into the cost of a jointly developed transport service.

5.52 OCC Transport also requested further details in respect of road layout and street lighting. The agent has provided further details and OCC are satisfied that given the site's location; 5mph speed limit and private use, the proposed road layout is acceptable. The agent has also confirmed that the access road will remain private and there will be no requirement for adoptable street lighting. OCC Transport raise no objection to the application subject to appropriate highway conditions and S106 contributions (as detailed below).

Drainage/Flood Risk

5.53 The Application is accompanied by a Flood Risk Assessment (FRA) which identifies that the site is located within Flood Zone 1 meaning that the Site has a less than 0.1% annual probability of river or sea flooding. The report confirms that the proposed surface drainage system will not put the development or the surrounding area at risk of flooding and confirms that the Site is operating a SuDS compliant solution to surface water draining which will be enhanced and continued with the proposals. A foul drainage network has also been identified that upgrades the current system and will be able to accommodate the holiday resort.

5.54 Further information has been submitted to address queries raised by the Lead Local Flood Authority (LLFA) with confirmation that the application includes a fully designed strategy, which is appropriate for a full application. Whilst the LLFA has reiterated this concern, it is Officer opinion that an appropriate drainage condition would address this issue.

5.55 In respect of Foul drainage, the submitted Drainage Strategy advises that where possible, the existing foul drainage network has been used but as all the new cabins have to be connected to the foul drainage network there is an extensive new foul drainage piped network proposed to be installed. The existing pump station and storage will be reviewed as part of the detailed design to ensure that it is sufficiently robust to accommodate the proposed development. Thames Water has recommended a condition requiring the submission and approval of foul water drainage details. In terms of proximity to the Thames Water Sewage Pumping Station, the agent has advised that liaison has taken place with TW prior to the application to determine what assets are available and in terms of foul sewers, it is

understood that the closest adopted foul sewer is in Leafield and that the site has a historic connection to this sewer.

5.56 In response to the comments of the Evenlode Catchment Partnership (ECP), the agent has advised that the pump station can be designed to have storage so that the flow can have a controlled steady discharged rate. This could potentially be managed in such a way as to avoid peak sewer flow periods if necessary. As part of the detailed design work for the site, the existing pump operation will be reviewed for its effectiveness at dealing with the demand of the proposed development.

Residential Amenity

5.57 Section 12 of the NPPF seeks to achieve well-designed places and paragraph 130 sets out that places should promote health and well-being, providing a high standard of amenity for existing and future users. This advice is reflected in Policies OS2 and OS4 of the Local Plan which seek to ensure that new development does not have a harmful impact on the amenity of existing occupants.

5.58 Whilst the site lies in open countryside, there are a number of properties that adjoin the site on its south and western ends. The occupier of No 1 Langley has raised concerns relating to loss of privacy from the proposed balcony to serve 'The Lofts' conversion scheme. The proposed balcony would however, directly look out onto Character Area 2 B of the holiday park and the building is sited well over 30m from the nearest boundary of this residential unit. In terms of concerns raised in respect of noise, the Environmental Health Officer has recommended a condition to control potential noise and dust nuisance.

Trees/Biodiversity

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

5.60 The proposed development will result in the loss of two trees of moderate quality, and eight trees of low quality. In order to mitigate for the loss of these items and to ensure succession to the existing tree stock, new planting is recommended.

5.61 Following the submission of further ecological and Biodiversity Net Gain information, the Council's Biodiversity Officer raises no objection to the application subject to appropriate conditions.

Summary of S106 contributions

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

5.63 OCC seek:

£69,113 towards public transport services.

£1558 towards the cost of monitoring the Travel Plan

£45,000 to secure off-road link to Leafield and PRow.
Provision of on-site bus stop

Conclusion

5.64 In light of the above assessment, your officers are of the opinion that the development is acceptable on its planning merits and compliant with relevant policies of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

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

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

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

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

4 The roof(s) of the building(s) shall be covered with materials, 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.

5 Details of the paint colour for the external timber cladding shall be submitted to and approved in writing by the Local Planning Authority and all works shall accord with the approved details.

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

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

Reason: in the interest of highway safety.

7 Before the development permitted is commenced, excluding demolition, details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Cycle areas shall thereafter be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport

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

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

9 No work shall take place until a Construction Management Plan has been submitted to, and approved by, the Local Planning Authority. The plan shall include, but not be limited to, details on how dust and noise are to be controlled and minimised during any demolition and construction. All works shall accord with the approved details.

Reason - To protect the residential amenity of nearby properties

10 No development shall take place until a desk study, including site walk over, has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. No development shall take place, excluding demolition until a site investigation has been completed. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

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

11 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

12 Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

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

13 Prior to development above slab level, a detailed surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable);
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems

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

14 No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority. 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, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason - Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents

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

- i. Risk assessment of potentially damaging construction activities;

- ii. Identification of 'biodiversity protection zones', including measures to safeguard retained trees, woodland and traditional orchard habitat;
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- iv. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- v. Precautionary working method statements for the following species: breeding birds, reptiles, amphibians, including great crested newts, commuting and foraging bats, and badgers and their setts;
- vi. The times during construction when specialists ecologists need to be present on site to oversee works;
- vii. Responsible persons and lines of communication;
- viii. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- ix. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- x. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

REASON: To ensure that protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 16 An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved, excluding demolition. The plan shall include, but not necessarily be limited to, the following information:
- i. Details of planting such as, hedgerows, species-rich grasslands, tree planting, scattered scrub and emergent and aquatic planting;
 - ii. Details of pond creation, ensuring the design benefits native wildlife;
 - iii. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
 - iv. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
 - v. Details of integrated bird and bat boxes, barn owl nest boxes, reptile hibernaculum, deadwood, bee bricks;
 - vi. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance.
 - vii. Details of restricting public access through the woodland.

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

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

17 A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved, excluding demolition. The Plan shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed, including locations shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including ensuring the delivery of on-site biodiversity net gain;
- iv. Appropriate management options for achieving the aims and objectives;
- v. Prescriptions for all management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- ix. Timeframe for reviewing the plan;
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

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

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

19 The occupation of the holiday accommodation units hereby permitted shall be limited to holiday purposes only. None of the units are to be used at any time as permanent accommodation or as a primary place of residence. The owner shall provide upon request by the District Council a list of all persons who in the twelve (12) month period leading up to the date of such a request have occupied one or all of the units (such list is not to be unreasonably withheld or delayed).

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

20 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

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

21 Any fixed plant and machinery shall be selected and installed such that it does not increase the background noise level by more than 5dB(A) when measured at any point along the boundary of the premises.

Reason: In the interests of residential amenity

22 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.

23 Prior to above ground works commencing, details of the air source heat pumps to be installed in new cabins (to include specifications and where on the plot they shall be installed) shall be submitted to the Local Planning Authority for approval. The approved air source heat pumps shall be installed for the new cabins prior to the first occupation of the units hereby approved.

REASON: In the interests of energy efficiency

24 Before the development hereby authorised is brought into use, fast EV charging points shall be installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

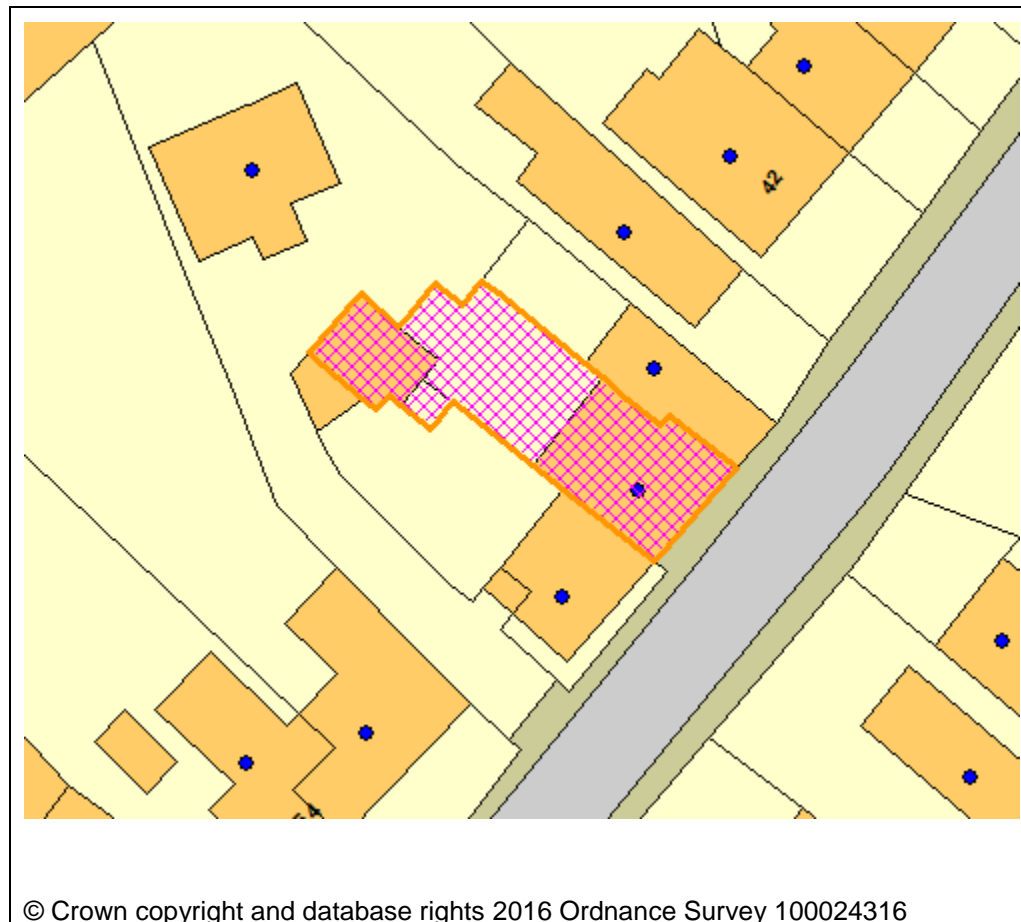
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 24th May 2023

Application Number	23/00598/HHD
Site Address	High Ridge 46 High Street Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LE
Date	24th May 2023
Officer	Mr Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426316 E 218131 N
Committee Date	5th June 2023

Location Map



Application Details:

Repair and rebuild of outbuilding to provide a home working and recreational space (Revised scheme)

Applicant Details:

Mr And Mrs O Earley
24 Stanbridge Road
Putney
London
SW15 1DX

1 CONSULTATIONS

OCC Highways

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

Recommendation:

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

Conservation And Design
Officer

No Comment Received.

Parish Council

Mrs L Jacques The PC have received emails from the owner outlining their goal to improve the space behind their property and replace a dilapidated building. While that would undoubtedly be an improvement on the current building, the view of Councillors is that the latest application does not meet that goal in an acceptable way. The proposed build work would still overlook neighbouring properties and therefore the view of the PC still stands. The PC therefore voted to OBJECT to this planning application.

2 REPRESENTATIONS

9 objection comments were received to the original design

Since the design was updated to omit the window 7 further objections were received which mainly comprise of comments stating their original objections still stand. These objections are summarised as follows:

- Overlooking and loss of privacy to neighbouring properties.
- Character of the area will be fundamentally altered
- Car parking issues along High Street are to exacerbated
- The proposal would result in an increase in noise and light pollution
- Increase in footfall and vehicular traffic
- The outbuilding is to be used as extra accommodation for the main property which is already being rented out as a holiday let.

- The property is used as a holiday let and there are concerns that the proposal will increase the impact on neighbouring residents. This puts into question the use described in the application as a home-working space.
- There are several issues and inaccuracies with the submission of the application itself, involving the ownership of the outbuilding.
- The development is to create an additional dwelling to be used separately from the main dwelling.

3 APPLICANT'S CASE

A Design and Access Statement formed part of the application submitted. It raised several points which are summarised as follows:

The existing garden building is in very poor structural condition and in need of significant repair to prevent further dilapidation. To the northeast elevation, given feedback from both the HM Planning Inspector (APP/D3125/D/22/3308195) and West Oxfordshire planning department we have removed the existing window within revised plans. This will prevent any possibility of overlooking of neighbouring properties and is a significant improvement over the current structure. We will rely upon opaque windows and roof lights to provide natural lighting to the space.

The appearance of the proposed construction will be in keeping with the existing house and its surroundings. The proposal causes no harm to the neighbouring houses and the distance between properties will be maintained. Any potential overlooking has been mitigated through removal of an existing window and including obscure glass to any other windows.

The proposed design is a high-quality, sustainable, and robust, providing our family with an efficient long-term solution providing a home working and recreational space. The scale of the design is appropriate, unobtrusive, and sensitive to its context whilst providing continuity between new and old structural elements.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EHI Cotswolds AONB

H6NEW Existing housing

T4NEW Parking provision

NPPF 2021

DESGUI West Oxfordshire Design Guide

NATDES National Design Guide

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

5 PLANNING ASSESSMENT

5.1 This application seeks planning permission for the renovation of an existing outbuilding to provide ancillary home working and recreational space at High Ridge, 46 High Street in Milton under Wychwood. The proposal is not within a Conservation Area but is located within the Cotswold Area of Outstanding Natural Beauty.

5.2 Amended plans have been submitted removing the window on the north eastern elevation from the proposal following your officers concerns about overlooking arising from the previously refused scheme.

Relevant Planning History

5.3 20/01116/HHD: This application was for the replacement of the existing outbuilding with a single-storey garden room. It would have involved the demolition of the building and the addition of a structure with metal cladding at a greater height and massing than the existing one. It was recommended for approval by your Officers but overturned and refused by Members of this committee.

5.4 An appeal was lodged against this decision and the Planning Inspectorate dismissed the appeal. The key points raised in the appeal decision are as follows:

- Lengthy submissions have been made by the Council with regards to the use of the property and, in particular, questioning whether a change of use has occurred. However, the purpose of this appeal is to consider the application as refused by the Council, which in this instance was solely for the removal of the existing workshop and its replacement with a garden room. I have therefore determined the appeal on this basis.
- The proposals would result in a development that would be of a greater scale, bulk and height than the existing building. The changes would be especially harmful to the residents of No 50, whose main entrance and front patio face directly towards the appeal site, along with the residents of No 48, where part of the appeal site lies at the end of their garden. As a result of its relationship with neighbouring properties, the proposed development would therefore represent a visually intrusive, overbearing and overshadowing form of development.
- Whilst the proposal would be likely to increase the level of activity within the garden, I do not consider that this would increase to such a level that it would generate significant additional noise or disturbance to nearby residents, to justify withholding planning permission on this ground alone.
- Whilst the proposal would create additional residential accommodation in the form of a garden room, it would not increase the overall number of bedrooms at the property and therefore would not generate the need for any additional parking spaces. Furthermore, the existing parking space on site would be retained. As a result, the proposal would not lead to an unacceptable impact on highway safety.'

5.5 22/00524/HHD: This application was for a similar scheme to that now proposed to repair and rebuild the outbuilding to provide a home working and recreational space. It was recommended for approval by your Officers but overturned and refused by Members of this committee.

5.6 An appeal was lodged against this decision and the Planning Inspectorate dismissed the appeal. The key points raised in the appeal decision are as follows:

- The main issue is the effect of the proposed development upon the living conditions of occupiers of neighbouring houses, with particular regard to privacy.

- I understand that the proposed side window is an amendment to the original scheme made at the Council's suggestion. Nonetheless, whereas the height of the existing window prevents overlooking into No 44, the proposed relocated window would be transparent, larger, and with a significantly lower cill. Even though it is described by the Council as a high level window, it would be possible to look directly from it into the side windows at no 44, albeit their lower half would be partly obscured by the low retaining wall. Because of the relatively short distance between the windows, the loss of privacy to the occupants of No 44 would be unacceptable
- I have had regard to representations raising concerns over increased noise and disturbance and limited car parking provision. I agree with the Council, and the Inspector's comments in the previous appeal decision at the site that the modest increase in activity associated with the proposed use would not lead to a detrimental impact on neighbours' living conditions and as such they do not add to my reasons for dismissing the appeal. Land ownership issues raised remain a civil matter rather than a planning matter.

5.7 Your officer's note that a number of the concerns raised relate to the alleged use of the property as a holiday let, however, this cannot form part of the decision making process in relation to this application. The Planning Inspector took the same view when considering the original application for the replacement building, stating that a decision should be made based on the proposal as submitted within the application. In this case, the application is seeking consent for the repair and alterations to an existing outbuilding to provide a home working and recreational space to serve the host dwelling (Use Class C3).

Principle

5.8 The principle of providing additional ancillary accommodation within an already established residential property is considered acceptable subject to consideration against the provisions of the adopted West Oxfordshire Local Plan 2031, the National Planning Policy Framework and other relevant material considerations such as design amenity and highways safety.

Siting, Design and Scale

5.9 The outbuilding, the subject of this application, is located at the rear of the garden of High Ridge. The present building is subservient and secondary in its relationship with the primary building, however, it is evidently in a poor condition and a state of disrepair.

5.10 The proposals seek to retain the existing structure with repair works and the addition of a modest lean-to extension which will replace an existing shed. It has a width of 6m, a maximum height of 3m and a length of 9.5m when including the proposed cedar clad lean-to extension which will form a wood store and new entrance from the rear garden. This additional cedar addition is slightly bigger than the existing shed. Given that the scale, massing and form of the outbuilding will remain unchanged, other than the new lean-to addition, which is only 2m x 1.5m in footprint, your officers consider that the development will retain a similar relationship as existing appearing as an appropriate, secondary outbuilding serving the main dwelling.

5.11 There are a number of roof lights and windows proposed to be introduced and removed on the outbuilding but these are considered to be appropriate in design terms and will ensure that the secondary character of the outbuilding is retained.

5.12 Indeed, your officers consider these proposals would respect the character and appearance of the existing site and would repair and improve the existing structure which is currently dilapidated and fails to positively contribute to the visual amenity of the area.

Visual Amenity

5.13 The proposal is located to the rear of High Ridge, 46 High Street. The site sits between several other residential properties, most notably number 50, but also numbers 44 and 48. All of these properties have a clear view of the current building but it will not be visible from the main High Street.

5.14 In light of its siting to the rear, and given that the development will not be significantly different to that which already exists, other than the addition of the small lean-to within the rear garden of the site and some fenestration, your officers are of the opinion that the development will respect the character and appearance of the area and will not detrimentally impact the visual amenity of the wider street scene, in accordance with policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 and the West Oxfordshire Design Guide.

AONB Impact

5.15 The proposal falls within the Cotswold AONB, a nationally designated location due to its Landscape character. For sites located within the AONB, great weight should be given to conserving and enhancing the landscape and scenic beauty per the provisions of paragraph 176 of the NPPF, which is duly reflected in Policy EHI of the Local Plan.

5.16 In this case, given its siting within the built up residential area in Milton under Wychwood, the development would not have any visual impact beyond its immediate setting and will therefore not result in any harm to the landscape and scenic beauty of the Cotswold AONB. The Planning Inspector came to the same conclusion when considering the previously refused application on this site. As such, the application is considered to be acceptable in these terms.

Residential Amenity

5.17 Your officers are of the opinion that the impact on residential amenities is one of the key considerations of this case. Several objections have been raised with regard to the overlooking that would arise from the proposal, especially to neighbouring properties at 44, 48, 50 and 50a.

5.18 Your officers note that the Planning Inspector raised concerns about the impact on neighbours in the consideration of the previous scheme, most notably the impacts upon residents of No.44. However, through negotiations with the applicants, the existing window on the north-eastern elevation is to be removed. Such works can be secured via a condition requiring the works to be completed prior to the development being brought into use. This would remove any amenity issues relating to the occupants of No.44 .

5.19 In this case, given that the proposed development will not result in any increase in the height of the building, and the only additional massing is the proposed lean-to extension, which replaces an existing shed, has a modest footprint and is single storey, your officers do not consider that the

development will be overbearing, nor will it result in any undue loss of light to the detriment of neighbours over and above that which already exists.

5.20 Overall, in light of the above assessment, your officers are satisfied that this development meets the requirements laid out in policies OS2 and H6 of the Local Plan and will not result in any adverse impacts on the amenity of neighbouring residents.

Noise and Disturbance

5.21 There have been several objections to this application, many focused on the noise and light pollution that the development would generate and the impact that this would have on neighbouring residents. Officers note the conclusion made by the Planning Inspector in the consideration of application 22/00524/HHD which states:

"I agree with the Council, and the Inspector's comments in the previous appeal decision at the site, that the modest increase in activity associated with the proposed use would not lead to a detrimental impact on neighbours' living conditions and as such they do not add to my reasons for dismissing the appeal".

5.22 Given that the same ancillary use is proposed in this application, and that the building already exists and will have an existing window removed and it can be used for ancillary purposes without the need for planning permission, officers agree with the Planning Inspector and are of the opinion that the provision of ancillary accommodation within an existing residential garden, within a built up residential area, will not result in any adverse levels of noise and disturbance to the detriment of neighbours.

5.23 As such, the application is considered to be acceptable in these terms in accordance with policies OS2 and H6 of the West Oxfordshire Local Plan 2031.

Highways Impacts

5.24 Residents have raised a number of concerns about parking in relation to this proposal. OCC Highways have been consulted on this application and have no objection to the proposal. Furthermore, the Planning Inspector found the previous proposal acceptable in these terms. Therefore these proposals meet the requirements of policy T4 of the Local Plan.

Other Matters

5.25 Another matter raised by local residents relates to the ownership of the outbuilding and the potential for a separate title to be sold independently. Matters of land ownership and rights of access are considered to be a civil matter and are not material planning considerations. In this application, the outbuilding is considered to form one planning unit alongside the primary dwelling, and this has been represented as part of the conditions of the development which ensure that outbuilding is only used as accommodation ancillary to the occupation of High Ridge. The Planning Inspector backs this up in their report stating: "Land ownership issues raised remain a civil matter rather than a planning matter."

Conclusion

5.26 Taking into account the above matters, the proposal is considered acceptable on its merits and complies with the West Oxfordshire Local Plan policies OS2, OS4, EH1, H6 & T4, The West

Oxfordshire Design Guide 2014, the relevant provisions of the NPPF and other relevant material considerations. Therefore, it is recommended for approval subject to the conditions listed below.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

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

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

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

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

4 The outbuilding hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this location would be unacceptable in principle and on visual, amenity and highways safety grounds failing to comply with policies OS2, OS4, H2, H6 and T4 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF.

5 That prior to the development as approved being brought into use, the existing window on the north eastern side elevation of the outbuilding shall be removed and made good in matching limestone colour render.

Reason: To safeguard privacy in the adjacent properties.

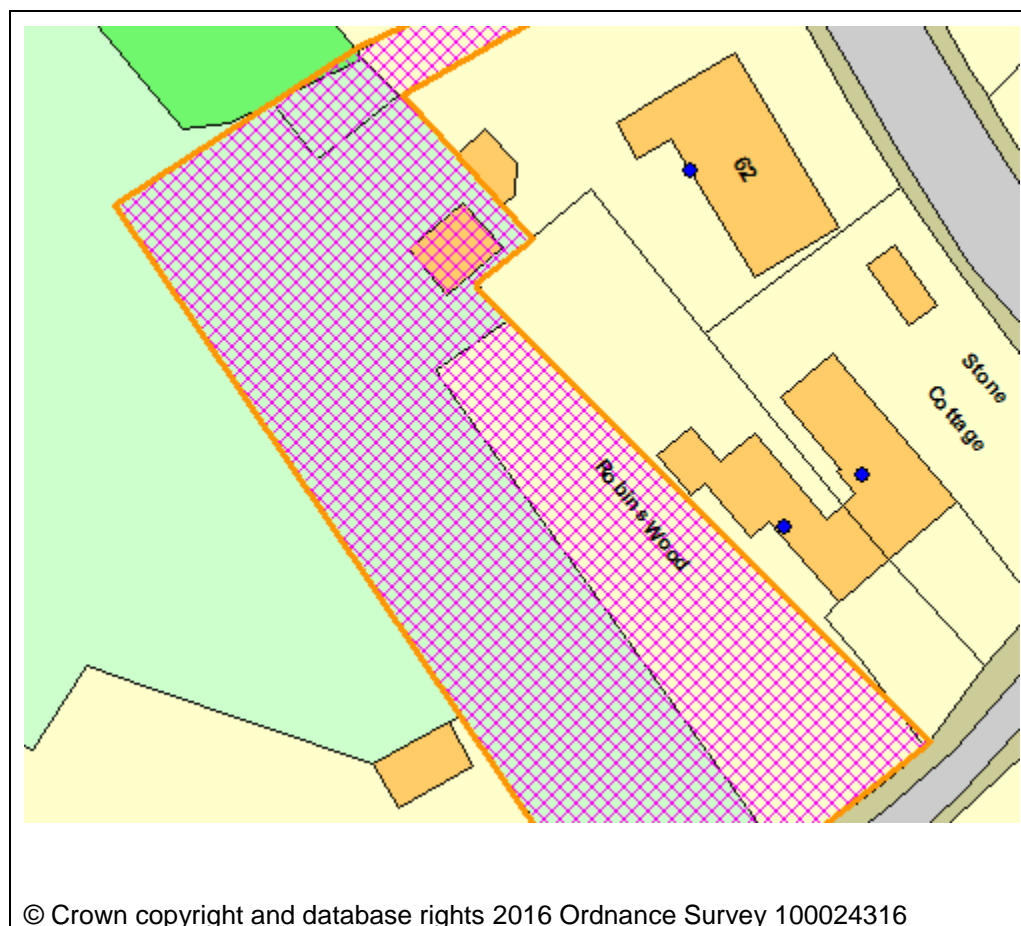
Contact Officer: Mr Emile Baldauf-Clark

Telephone Number:

Date: 24th May 2023

Application Number	23/00603/FUL
Site Address	The Homestead Frog Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JZ
Date	24th May 2023
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426700 E 217878 N
Committee Date	5th June 2023

Location Map



Application Details:

Erection of two detached dwellings and associated works

Applicant Details:

Mr Jones
The Homestead
Frog Lane
Milton Under Wychwood
OX7 6JZ

I CONSULTATIONS

Parish Council

No Objection

Highways Agency - TR 108

No Comment Received.

WODC Drainage Engineers

No objection subject to condition.

Infiltration may not be feasible due to the soil type suggested for the postcode - this will need to be determined with soakage testing. If adequate, soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times. They should be sited at least 5m from any building and at least 2.5m from the site boundary.

If infiltration is not feasible, on-site attenuation will be required prior to discharge to the Thames Water foul sewer at a rate not exceeding existing Q_{bar}/a lower rate specified by them, and with their consent/confirmation of capacity.

All surface water should be contained on site for all storm events up to and including 1 in 100 year + 40% cc without property flooding.

An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties

WODC Env Consultation Sites

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

Review of the historical maps we hold suggest that the site has remained undeveloped over time. The information submitted with the application states that the site is a residential garden.

I have no objection to the proposed development and will not be requesting a condition.

WODC Env Health - Uplands

Thank you for the opportunity to consult.

I have no objection in principle. I would suggest the following conditions:-

1. Prior to the commencement of any work, the applicant shall submit to, and have approved by the Local Planning Authority, a construction management plan. The plan shall include among other details, measures to be taken to minimise disturbance from noise, dust, site lighting and prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

2. The acoustic design of all new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014.

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

OCC Highways

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

Recommendation:

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

- G28 parking as plan

District Ecologist

Section 4.8 of the submitted report states 5 veteran orchard trees will need to be felled to facilitate the proposal. The applicant has since clarified that no orchard trees are to be lost. Any loss of orchard habitat would not be supported furthermore, these trees exhibit moderate bat roosting potential and therefore, further survey work would be required prior to any permission granted. As the applicant has clarified these trees will be retained, I have no objections however, if this is not the case, biodiversity should be re-consulted for additional comments.

The submitted ecological report has confirmed habitats on-site are that of common and widespread habitat types, providing limited opportunities for protected/priority species. However, surrounding habitats that provide a good level of connectivity to the proposed site including woodland and traditional orchard habitat provides suitability

for a diverse assemblage of species. Therefore, the above WODC precautionary method of working document is recommended to ensure common amphibians, nesting birds and terrestrial mammals are safeguarded from the development. In addition, the site falls within an amber impact risk zone as per district licensing mapping, surrounding ponds were not surveyed but habitats on-site were noted to be of limited value to great crested newts. In addition, the site provides limited opportunities for reptiles but their absence has not been ascertained through phase 2 surveys. As a result, the submitted report has recommended the implementation of reasonable avoidance measures to ensure reptiles and great crested newts are safeguarded from the development - this is an acceptable approach.

Traditional orchard habitat located at the north-eastern extent of the survey area provides foraging opportunities for a diverse assemblage of species, namely European protected bat species and nationally protected badgers. In addition, the orchard trees were assessed to offer moderate potential for roosting bats. Therefore, any external lighting should be sensitively designed to minimise light spill towards this habitat. In addition, light spill should not be permitted towards the woodland block, boundary hedgerows or proposed biodiversity enhancement features.

2 THIRD PARTY REPRESENTATIONS

2.1 One third party comment has been received in support of the application from a neighbour, it reads:

"This project has been sympathetically designed. Although the proposed houses will be sited quite close to our property, we consider that they should cause no adverse impact to us or to the neighbourhood in general. Accordingly, the proposals carry our full support".

3 APPLICANT'S CASE

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

3.2 The proposals are not believed to contravene any local policies . Access is Via The Sands believed to introduce a 20mph speed restriction, currently providing access to 61 and 61 B and 62 with an overage to the proposal and will provide two additional self build dwellings for the village.

3.3 Existing trees and hedging to be retained, All new hedges shown to be native hedging. A landscaping scheme will be implemented for the site incorporating hard landscaping for paths/parking and soft landscaping for the gardens.

3.4 The scheme is designed to be appropriately understated and Document 'O' ready for all self-build requirements, Future Homes Standard aspiration, Heavily insulated PH 15 timber walls and roof with Natural stone finish to match vernacular, Photovoltaics set flush to Cardinal slate roofs, Heavily insulated north elevation, Triple glazing throughout, South glazing to Living rooms for passive solar gain, Air Source Heat Pumps, Bio disk filtration, All rooms located for maximum connection to the

surrounding environment, Rainwater Harvesting, Smart Home Systems, Biomass heating & carbon filter Chimneys, Electric charging units for EV's, Part 'L' environmental performance.

3.5 As of 1st April 2020 there were a total of 682 registrations on the West Oxfordshire Self-build and Custom Housebuilding Register. The council has admitted that to date they are under delivering on plots against the registrations (target). Policy H2 Delivery of New Homes in the 2018 West Oxfordshire Local Plan states new dwellings at Villages will be found acceptable on "undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs". Self build is an identified housing need which is not being met and the site lies adjacent to the existing built form of Milton Under Wychwood therefore a self build proposal at this location should be found acceptable. Policy H5 Self and Custom Build housing in the 2018 West Oxfordshire Local Plan states that "proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan."

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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH7 Flood risk

BC1NEW Burford-Charlbury sub-area

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of two detached dwellings and associated works at The Homestead, Frog Lane, Milton-under-Wychwood.

5.2 Whilst in common ownership with and adjacent to 'The Homestead', the application site comprises a broadly rectangular parcel of undeveloped paddock land between The Homestead and residential development to the east. The site would utilise an existing access off 'The Sands'.

5.3 The site lies wholly within the Cotswolds Area of Outstanding Natural Beauty ("the AONB") and Flood Risk Zone I.

5.4 The application is brought before Members as the officer recommendation differs from the position of the Milton-under-Wychwood Parish Council.

Relevant Planning History

5.5 There is no planning history directly relating to the application site. The Homestead itself has hosted numerous planning applications in recent years including domestic extensions/alterations (21/04067/HHD and 22/02743/HHD), a proposed garage building (initially refused under 22/01019/HHD with a reduced scheme later approved 22/02397/HHD) and a material change of use to extend the domestic planning unit (22/01133/FUL).

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

- Principle;
- Siting, scale and appearance;
- Impact upon the character and appearance of the area and the AONB;
- Neighbourly amenity;
- Highways impacts; and
- Ecology matters

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

5.8 The Milton-under-Wychwood Neighbourhood Plan remains in draft phase having recently been out for consultation, its policies are therefore afforded very limited weight.

5.9 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. In this regard, Milton-under-Wychwood is identified as a 'village' in Table 4b where limited development may be suitable provided village character and local distinctiveness are not undermined. Policy OS2 also contains a set of general principles with which new development should comply including all development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;

- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- 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;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty.

5.10 Policy OS2 goes on to outline that proposals for residential development will be considered in accordance with the locational housing strategy contained in WOLP Policy H2. Policy H2 states that new dwellings may be permitted in villages in the following circumstances:

- On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;
- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2; and
- 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.

5.11 The site is neither previously developed nor allocated for housing development in the development plan. In officer's opinion, the proposed site layout ensures that the dwellings adjoin the built up area of the village as opposed to being within the built up area of the village. This is because The Homestead and the paddock surrounding it, which shares visual characteristics with the open countryside to the south, are beyond the formal edge of the settlement as defined by the strong tree belt to the rear of The Sands. In this context, The Homestead appears as an outlying dwelling that is outside of the formal settlement edge and the application site appears as outside of the settlement boundary.

5.12 In such circumstances, Policy H2 requires 'convincing evidence to be present to demonstrate that the development 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 WOLP, in particular the general principles in Policy OS2'. WOLP Policy H1 outlines that the Burford-Charlbury sub-area will accommodate 774 homes over the plan period and does not preclude windfall development. As such, the proposal would accord with the aims of H1. Therefore, the application is acceptable in principle

subject to the development being necessary to meet identified housing needs and accords with the general principles of Policy OS2 listed above.

National Policy/Guidance

5.13 The National Planning Policy Framework ("the 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.

5.14 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 the 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 the Framework taken as a whole.

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

5.15 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).

5.16 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.

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

Conclusions on the principle of residential development

5.18 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 providing clear reason to refuse the development.

Siting, scale and appearance

5.19 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, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings'.

5.20 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). Paragraph 130 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. Paragraph 134 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.

5.21 The site would be subdivided to provide two plots sited roughly on a north-south alignment taking access from the north east corner of the site. Turning areas and garages would be integrated within the plots with private amenity space. In terms of scale, Plot 1 would be comprised of a main block of one and a half storeys set over a footprint of 13 metres (m) by 7.5m with attached garage projecting to the north. Plot 2 would be of similar footprint albeit with the main block taking a two-storey form reaching 8m in height and an added side element.

5.22 The dwellings would employ duo-pitched forms with set down, cross gabled garages, dormer windows and be constructed of natural stone with timber joinery and a reconstituted stone slate roof. Both dwellings would be oriented to face south, with Plot 2 fronting Frog Lane and aligned with Stone Cottage and Robins Wood to the east. The impact of the proposals upon the character and appearance of the area is considered in the following section of this report.

Impact upon the character and appearance of the area and the AONB

5.23 The site is located within the AONB. Section 85 of the Countryside and Rights of Way Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. This duty is enshrined in the general principles of WOLP Policy OS2 as well as Policy EH1, which states:

'In determining development proposals within the 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'.

5.24 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'.

5.25 The general principles of WOLP Policy OS2 also require all development to 'be of a proportionate and appropriate scale to its context', 'form a logical complement to the existing scale and pattern of development and/or the character of the area' and 'as far as is reasonably possible protect or enhance the local landscape and the setting of the settlements'. WOLP Policy OS4 also states that development should enhance the character and quality of the surroundings.

5.26 Officers also consider that the West Oxfordshire Landscape Assessment 1998 ("the WOLA"), is a material consideration in the assessment of this proposal. The WOLA is listed in the supporting text to WOLP Policy EH2, which states at paragraph 8.6 that the WOLA should: "be used to inform development proposals and to ensure they respect the distinctive landscape character areas".

5.27 In order to assess the impact of the proposal upon the character and appearance of the area and the AONB, it is first necessary to identify the existing characteristics of the site and its context. In terms of the existing landscape character of the locality, the application site lies within the 'Upper Evenlode Valley' Landscape Character Area (LCA). The WOLA outlines that the 'Upper Evenlode Valley' LCA 'is characterised by heavy clay soils and a strong landscape structure' with a 'gentle topography' and 'generally open, expansive character'. The WOLA also lists Milton-under-Wychwood as a 'key settlement' with its southern edge displaying the landscape characteristics including 'a mixture of small scale pasture and medium scale arable' with the 'boundary between the urban area and countryside complicated by the dispersed nature of the settlement'. Visually, the southern edge of the village is characterised by 'medium to low intervisibility' with views 'limited by intervening vegetation'. In terms of key sensitivities, the WOLA states that there is a need to 'strengthen landscape structure' and 'soften (the) urban edge in key places'.

5.28 The application site itself forms the eastern portion of a grassed area of land that wraps around The Homestead on all but the south side. In officer's assessment, the application site contributes positively to the soft, informal edge of the village, creating a visual break between the formal village edge to the north and east and 'The Homestead' which reads as an outlying dwelling, separate from the built up area of the village. The site therefore displays an open and spacious character, which in officer's opinion, provides a significant positive contribution to the setting of the village.

5.29 The proposed development would result in the infill of the open space separating The Homestead from the formal edge of Milton-under-Wychwood and therefore, by virtue of its nature, affect the character of the site, with its rural character being replaced by a residential development. Whilst the siting of the proposed dwellings and landscape and visual characteristics of the area would ensure that the dwellings would not be prominent in long views towards the settlement from the south, in officer's view, this would cause an urbanising effect resulting in the loss of the established open, spacious and informal edge of the village. As such, officers consider that the proposal would negatively affect the setting of the village, the character and appearance of locality and landscape and scenic beauty in the AONB.

Neighbour Amenity

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

5.31 The application site shares common boundaries with The Homestead, Robins Wood, 61b and 62 The Sands. Due to the orientation of the proposed dwellings, officers consider that the residential amenities of 61b The Sands would be unaffected by the proposals.

5.32 Plot 1 would be sited to the rear of 62 The Sands and given the height, massing and proposed separation distance (23-26m), officers consider that no material harm would result upon the occupiers of 62 The Sands. Plot 1 would be sited in excess of 40m north of The Homestead and therefore would not affect existing occupiers by way of overlooking, overbearing, loss of light or disturbance.

5.33 Plot 2 would be sited between Robins Wood and The Homestead. The siting and massing of the building as well as the orientation of the proposed built form would ensure that no overbearing or loss of light impact would result from the proposal. The proposed fenestration arrangement would not lead to direct overlooking of habitable rooms or private amenity space of neighbours and is therefore

considered acceptable. Therefore, your officers consider that the proposed development accords with local and national policy with regard to neighbourliness.

Highways Impacts

5.34 WOLP Policy OS2 states that new development should be provided with safe vehicular access. 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".

5.35 The proposed development would utilise an existing safe access and be served by adequate parking areas to meet the Highway Authority's parking standards. The application is therefore acceptable in terms of highway impact.

Ecology

5.36 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.

5.37 The application has been furnished with an ecological report, which has confirmed habitats on site are that of common and widespread habitat types, providing limited opportunities for protected/priority species. However, surrounding habitats provide a good level of connectivity to the site, including woodland and traditional orchard habitat, providing suitability for a diverse assemblage of species. Therefore, precautionary working methods are required to ensure common amphibians, nesting birds and terrestrial mammals are safeguarded from the development.

5.38 In addition, the site falls within an amber impact risk zone as per district licensing mapping, surrounding ponds were not surveyed but habitats on-site were noted to be of limited value to great crested newts. Further, the site provides limited opportunities for reptiles but their absence has not been ascertained through phase 2 surveys. As a result, the submitted report has recommended the implementation of reasonable avoidance measures to ensure reptiles and great crested newts are safeguarded from the development- this approach is considered acceptable by the LPA's ecologist.

5.39 Traditional orchard habitat located at the north eastern extent of the survey area provides foraging opportunities for a diverse assemblage of species, namely European protected bat species and nationally protected badgers. In addition, the orchard trees were assessed to offer moderate potential for roosting bats. Therefore, in the event of an approval, any external lighting should be sensitively designed to minimise light spill towards this habitat and light spill should not be permitted towards the woodland block or boundary hedgerows.

5.40 Officers have also sought clarification regarding the felling of 5 veteran orchard trees referenced in Section 4.8 of the submitted report. The applicant has since clarified that no orchard trees are to be lost. Officers consider that these trees exhibit moderate bat roosting potential and therefore, further survey work would be required prior to any permission granted. However, the applicant has confirmed that these trees would be retained. Therefore, subject to conditions, the proposal would result in a neutral impact upon biodiversity.

Other Matters

5.41 The site lies within Flood Risk Zone I 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. 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 should the application be approved.

Conclusion and Planning Balance

5.42 This assessment has found that the proposal would not accord with the relevant policies of the WOLP and relevant material considerations. However, the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. 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.

5.43 In terms of the public benefits arising from the scheme, the proposed development would make a very small contribution to housing supply in the area. Officers acknowledge the very limited economic and social benefits associated with the creation of a two additional units of residential accommodation and consider that these benefits should be awarded very limited weight given that the scheme would provide just two additional units of housing. The applicant's Design and Access Statement references that the proposals should be considered under WOLP Policy H5 as self-build housing and that contribution towards the supply of self-build units should further weight in favour of the scheme due to the LPA's shortfall in this respect (as discussed at appeal ref: APP/D3125/W/21/3274197). However, the applicant has provided no evidence or delivery mechanism to ensure that the proposed dwellings would meet the statutory definition of self-build and custom housebuilding provided by the The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Officers are therefore not satisfied that the initial owner of the home will have primary input into its final design and layout and therefore, officers cannot ascribe positive weight in the planning balance on the basis that the scheme would contribute to the supply of self-build and custom housebuilding in the District.

5.44 Nevertheless, the public benefits of the scheme must be weighed against the harm to public interest by virtue of harm to the landscape and scenic beauty of the AONB and the character and appearance of the area, as identified above. Officers note that as per the NPPF, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. As a further consideration, harm to the character and appearance of the area is also not in the public interest and the conflict with development plans policies in this regard must weigh against the proposal. The lack of harms identified with regard to neighbourliness, highways, ecology and other matters are neutral impacts and do not weight in favour of the scheme.

5.45 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 NPPF that protect AONBs provide clear reasons for refusing the development.

6 CONDITIONS/REASONS FOR REFUSAL

1 The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. By virtue of its siting and design, the proposed development would result in the loss of an important area of open space that makes a positive contribution to the character and appearance of the area and the soft, informal edge of the village in this location. This urbanising effect would result in a significant harmful impact on the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. As such, the proposed development would conflict with Policies OS2, OS4 and EHI of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF.

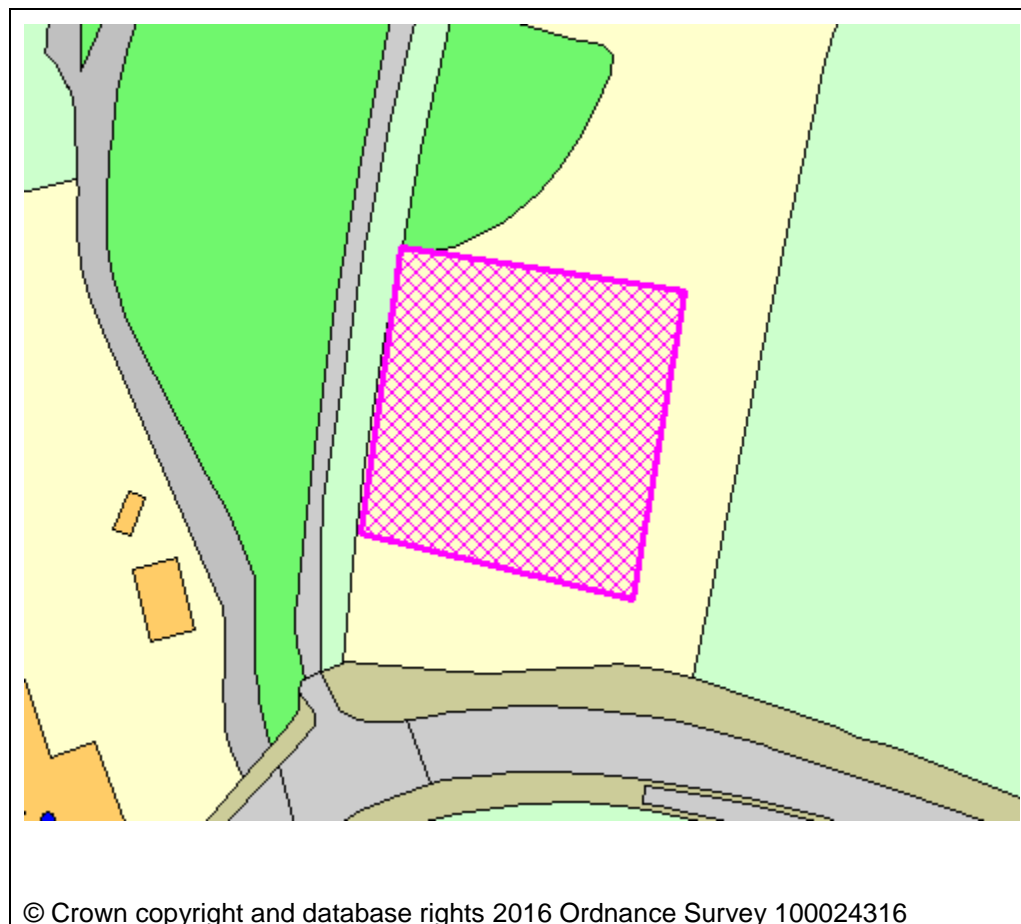
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 24th May 2023

Application Number	23/00643/FUL
Site Address	Dean Mill Dean Chipping Norton Oxfordshire OX7 3JX
Date	24th May 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Spelsbury Parish Council
Grid Reference	434345 E 222177 N
Committee Date	5th June 2023

Location Map



Application Details:

Construction of detached building comprising workshop, covered parking and storage.

Applicant Details:

Mr James Buchan
Dean Mill
Dean
Chipping Norton
Oxfordshire
OX7 3JX

I CONSULTATIONS

Parish Council

Spelsbury Parish Council wish to register their objection to the above planning application. The Council is concerned about this application, which appears to have the same footprint as the previous application 22/01497/FUL. Although this new application is now for a single storey building it still gives the impression of being excessively large and unnecessarily intrusive in the landscape. The Council believes that the size and siting of the building is out of keeping with the area, and is not in line with Policy OS2 (West Oxfordshire Local Plan) as it would not be appropriate for a rural location or respect the intrinsic character of the area.

WODC
Drainage
Engineers

It is noted from the submitted flood risk assessment that a previous application has had confirmation from the Environment Agency that development with a FFL of 99.00 mAOD will in fact be outside of the functional flood plain and therefore be considered as flood zone 1.

There is still a risk of surface water flooding, particularly along the western side of the site, therefore we would recommend that the following resilience and resistance measures are implemented, as shown below:

Flood Resistance Measures:

Flood Guards or Flood Doors for doors with thresholds at ground level;
Self-closing air bricks; and
Non return valves/pumps.

Flood Resilience Measures:

Resilient construction eg. porous plaster, tiled floors, raising electrics.

Further information can be found by accessing the following links:

- EA Flood Maps for Planning: <https://flood-map-for-planning.service.gov.uk/>
- More detailed information regarding flood depths and velocities can be found on the EA website: <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map?eastng=355730.69&northing=195678.98&address=10090651711&map=SurfaceWater>

Surface Water Drainage

It is noted that attenuation prior to controlled discharge has been considered, however results of a ground report are pending and if this proves that infiltration may be viable then we will need to see this considered in the first instance, in line with the SUDS hierarchy.

If there is evidence of good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with guidance notes shown below.

Notes regarding soakaway location and design:

- Soakaways should be designed with a minimum clearance of 1m from base to water table at all times of year.
- Soakaways must be >5m from any structure and >2m from the boundary.
- If soakaways are viable it is important that they are positioned at a lower elevation to the property or neighbouring property, in case of exceedance. If this is not possible due to site restrictions, it is vital that they are located at a depth whereby the invert level of the inlet pipe is lower than the threshold level of the property. Landscaping must then be considered to route water away from any vulnerable property in an exceedance event.
- Individual, geocellular soakaways are recommended for ease of maintenance and reduced footprint, and are particularly effective if the groundwater level is found to be within 1m of the soakaway inlet pipe.
- Silt traps are essential for ease of maintenance.
- If soakaways are located beneath a carparking/turning area, they will need to have adequate clearance and the design will need to be suitable for the additional loading.
- During the construction phase it is important not to compact ground where soakaways are proposed.

If infiltration is not viable, onsite attenuation will be required prior to controlled discharge to the Coldron Brook with prior approval of the land owner at a rate not exceeding the Q_{bar} Greenfield Runoff or lower. The headwall may be subject to Land Drainage Consent, which is a separate process to Planning Application.

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.

It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.

We highly recommend the use of permeable or granular construction on access routes and hardstandings.

We would like to see water butts/rainwater harvesting being incorporated into the proposed surface water drainage system if possible.

OCC Highways

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

highway network

Recommendation:

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

Conservation And Design
Officer

No objections.

Environment Agency

We have reviewed the Flood Risk Assessment (FRA), reference Version 2.01, dated 10th February 2023. We have no objections to the proposed development. The site is shown to be within Flood Zone 3. The applicant has undertaken HEC-RAS modelling, which shows that flows are contained within the bank during the 1% flood with a 35% allowance.

WODC Building Control
Manager

No Comment Received.

2 THIRD PARTY REPRESENTATIONS

2.1 No third party comments have been received in relation to this application.

3 APPLICANT'S CASE

3.1 The application has been furnished with a Design and Access Statement, the main points of which are summarised below.

3.2 Dean Mill is a Grade II Listed watermill and mill house dating from the 18th century with 20th century additions, set in a holding of some 15ha of arable land and mill ponds.

In January 2022, planning permission 21/00531/FUL was granted for a security lodge adjacent to the entrance gate. This lodge replaces an existing double garage at that location that is the only available covered storage on the property. It has not been used for car parking for some years, being utilised for safe storage of vintage motor bicycles and general house items.

Whilst the Mill House is substantial in area, it is generally open in plan, with defined zones for everyday living that do not allow for areas of general storage. Its setting, surrounded on three sides with rising land or race water, precludes outbuildings such as garages or maintenance and storage sheds.

All parking takes place in front of the Mill House, to the detriment of the setting of the house. A level area of land, half way along the driveway, is used for restoration or maintenance of vehicles, in the open air and covered as necessary with tarpaulins, as is various agricultural plant at locations over the estate. Feed for the animals is stacked on the area where the building is proposed, together with other plant and materials.

It was necessary to establish a suitable location for the new building and the proposed site was considered the only area appropriate, being divorced from the Mill House both physically and visually. The contours of the land and the existing planting mean that the house cannot see or be seen from the proposed site and there is a distance in excess of one hundred metres between them. The proposed location is entirely screened when entering the main drive with established laurel planting and hedging and trees form the road boundary to the rear.

The form of the building is a traditional three-sided courtyard, as shown on the drawing. The height of the ridge is kept to a minimum for its purpose and is constant for all three elements. Traditional agricultural materials are proposed for the walls and roof.

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

H6NEW Existing housing

T2NEW Highway improvement schemes

T4NEW Parking provision

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 This application seeks consent for the construction of detached building comprising workshop, covered parking and storage at Dean Mill, Dean. The host dwelling is a substantial Grade II listed building, originally a mill and mill house, south of the small village of Dean.

5.2 The application site is located within the Spelsbury, Taston and Dean Conservation Area ("the CA") and the Cotswolds Area of Outstanding Natural Beauty ("the AONB"). The south-west corner of the site is within Flood Risk Zones 2 and 3 and the site borders a Local Wildlife Site ("the LWS") to the north and west.

5.3 The application is brought before Members due to Spelsbury Parish Council objecting to the application.

Relevant Planning History

09/1455/P/FP- Erection of replacement garage with ancillary accommodation above (refused).

10/0314/P/FP- Erection of detached garage with self contained flat above (approved).

16/02333/FUL- Erection of detached garage with self contained flat above (approved).

21/00531/FUL- Construction of detached security lodge together with associated works (approved).

22/01497/FUL- Construction of detached building comprising workshop, covered parking and storage (refused).

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

- Principle;
- Siting, design and form;
- Impact upon heritage assets;
- Impact on the AONB;
- Neighbourly amenity;
- Highways impacts;
- Drainage/Flooding; and
- Ecology

Principle

Development Plan

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

5.6 WOLP Policy OS2 (locating new development in the right places) provides the starting point in the assessment of the principle of development. OS2 states that development in small villages will be limited to that 'which requires and is appropriate for a rural location and which respects the intrinsic character of the area'. The general principles of OS2 should also be met, notably that development should:

- Be of a proportionate and appropriate scale to its context;
- 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;
- Conserve and enhance the natural, historic and built environment; and

- In the AONB, give great weight to conserving landscape and scenic beauty

5.7 Your officers consider that the provision of an ancillary domestic building in this open countryside location would be 'limited' development and is therefore acceptable in principle subject to demonstrating compliance with the general principles of OS2 listed above and assessment of the visual, heritage, landscape, neighbourliness, highways, drainage and ecological impacts of the scheme against the WOLP when read as a whole.

Siting, design and form

5.8 The general principles of Policy OS2 state that all development should 'be of a proportionate and appropriate scale to its context' and 'form a logical complement to the existing scale and pattern of development and/or the character of the area'.

5.9 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, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings'.

5.10 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). Paragraph 130 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. Paragraph 134 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.

5.11 The proposed building would be sited approximately 65 metres (m) south of Dean Mill, to the west of its access off Chadlington Road. The building would be set over an L-plan measuring 23m by 20m and housing a range of parking/storage/workshop facilities. At its ridge, the building would reach 3m in height, using a shallow pitched roof and cut into the hillside to minimise its perceived massing. An agricultural character would be created through the use of form as well as the proposed materials which would include Cotswold stone, untreated larch cladding and a dark grey, profiled steel roof. The impact of the proposal upon the character and appearance of the locality is considered in the following sections of this report.

Impact upon heritage assets

5.12 The general principles of WOLP Policy OS2 require new development to conserve and enhance the historic and built environment and as far as is reasonably possible protect or enhance the local landscape and the setting of the settlements. Policy EH9 outlines that 'all development proposals should conserve and/or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets'.

5.13 As the proposed building is within the setting of the nearby listed building, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses.

5.14 Within the CA, 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.

5.15 Section 16 of the NPPF (Conserving and enhancing the historic environment) is also an important material consideration in this assessment and states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a 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, EH10 and EH11 are directly relevant to the application with regard to the impact of the proposal upon designated heritage assets.

Impact upon the setting of Dean Mill

5.16 In order to assess the effect of the works upon the heritage significance of the listed host dwelling, it is first necessary to identify its significance. The application has been furnished with a heritage statement, which briefly charts the historical development of Dean Mill. The C18 building originally formed a Watermill and Mill house and has been amalgamated to form a single dwelling with 20th century additions. The significance of the building itself is therefore largely derived from its historic and architectural interest.

5.17 The NPPF makes clear that heritage significance derives not only from a heritage asset's physical presence, but also from its setting. In this case, the listed building sits in a valley bottom setting, contained by ponds and well-established vegetation to the west with open paddocks rising to the east contributing to a loose-knit and isolated rural character. Officers consider that the landscape setting of the Mill forms an integral part of its significance due to the historic use of the building and relationship with the surrounding landscape.

5.18 The application site lies around 65m to the south of Dean Mill and thereby exhibits the potential to affect its setting. The proposed building has been significantly reduced in height compared to the refused scheme (from 5.3m to 3m to the ridge) and would be cut in to the sloping ground. The perceived height and massing of the building would therefore be minimised. Further, the low-key agricultural form and design of the building would read as secondary and subservient to the Mill, ensuring that the loose-knit, rural setting of the listed building would be retained. Officers therefore consider that the proposed building would result in a neutral impact upon the heritage significance of Dean Mill.

Impact upon the character and appearance of the CA

5.19 The heritage significance of the CA is charted in the Spelsbury, Taston and Dean Conservation Area Character Appraisal ("the Appraisal"), which is a material consideration in this assessment. The appraisal outlines that Dean has a long history dominated by agricultural production with around 80 households at the end of the 11th century. Historically, Dean was located within the Wychwood Forest and the appraisal notes that its dispersed form is typical of a settlement that was established within the

forest. This dispersed and loose-knit character means that Dean shares a close relationship with the surrounding landscape with no strongly defined edge.

5.20 The vernacular agricultural nature of architecture in the locality, including building materials and form, is recognisable throughout the CA with elements from a more formal architectural vocabulary being largely absent. The built form recognisable today (including Dean Mill) developed in the C17 and C18 with little C20 alteration as the population of the CA dropped significantly.

5.21 Dean Mill and the wider application displays these characteristics and therefore forms a positive contribution to the character and appearance of the CA.

5.22 In terms of the impact of the proposal upon the character and appearance of the CA, as outlined above, existing built form would be unaffected and the height and design of the proposed building would ensure that the loose-knit and rural character of the application site would be retained. Officers therefore consider that the scheme would preserve the character and appearance of the CA.

Impact on the AONB

5.23 The site is located within the AONB. Section 85 of the Countryside and Rights of Way Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. This duty is enshrined in the general principles of WOLP Policy OS2 as well as Policy EH1, which states:

5.24 'In determining development proposals within the 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'.

5.25 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'.

5.26 The application site exhibits an enclosed and intimate landscape setting due to the topography of landscape. Your officers consider that its landscape context as well as the siting of the building in close proximity to existing built form, low-key agricultural appearance and its modest height would ensure that the proposal would ensure that its prominence in the landscape would be minimal highly localised thereby resulting in a neutral impact upon landscape and scenic beauty in the AONB.

Neighbour Amenity

5.27 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.

5.28 Due to the relative isolation of the proposed building in relation to neighbouring properties, the proposal would result in no discernible effect upon the amenity of neighbours by way of overlooking, disturbance, loss of light or overbearing impact.

Highways Impacts

5.29 WOLP Policy OS2 states that new development should be provided with safe vehicular access. The proposed development would utilise the existing access to the site and any associated increase in vehicular movements is likely to be negligible. As a result, in no material impact in upon the adjacent highway network is identified. Further, the Highways Authority have raised no objection to the scheme. The application is therefore acceptable in this regard.

Drainage/Flooding

5.30 The application site lies partially within Flood Risk Zones 2 and 3 and a Flood Risk Assessment ("the FRA") has been provided in support of the application. The FRA confirms that the EA have confirmed that the proposed building would be located outside of the functional floodplain and in Flood Risk Zone 1. However, the LPA's drainage officers have confirmed that the site remains susceptible to flooding and as such, a full surface water drainage strategy will be required to ensure flood risk is adequately managed prior to the commencement of development. Therefore, subject to condition, the application is considered acceptable in drainage terms.

Ecology

5.31 The application site is partially surfaced with hardstanding and offers very limited potential for supporting protected species, this was confirmed during officer's site visit. The application would therefore result in a neutral impact upon local ecology.

Other Matters

5.32 The application site lies adjacent to a Public Right of Way, which runs through the applicant's land ownership. The proposed building would be sited to ensure that the public right of way would be unaffected by the proposal.

Recommendation

5.33 In light of this assessment, the application is considered to accord with WOLP Policies OS1, OS2, OS3, OS4, H6, T2, T4, EH1, EH2, EH3, EH7, EH9, EH10 and EH11, relevant paragraphs of the NPPF and the West Oxfordshire Design Guide and is therefore recommended to Members for approval.

6 CONDITIONS/REASONS FOR REFUSAL

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

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

4 The roof(s) shall be covered with profiled metal sheeting 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.

5 The building hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this location would be contrary to the housing locational strategy of the West Oxfordshire Local Plan 2018-2031.

6 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 (National Planning Policy Framework and Planning Practice Guidance). If the scope of surface water drainage is not agreed before works commence, it could affect either the approved layout or completed works

INFORMATIVES :-

0. 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
- The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire (1.2 December 2021)
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- CIRIA C753 SuDS Manual 2015

Notes to applicant

1 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
- The local flood risk management strategy published by Oxfordshire County Council, as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
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Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 24th May 2023