

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 24th July 2023

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

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

Recommendations:

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

List of Background Papers

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

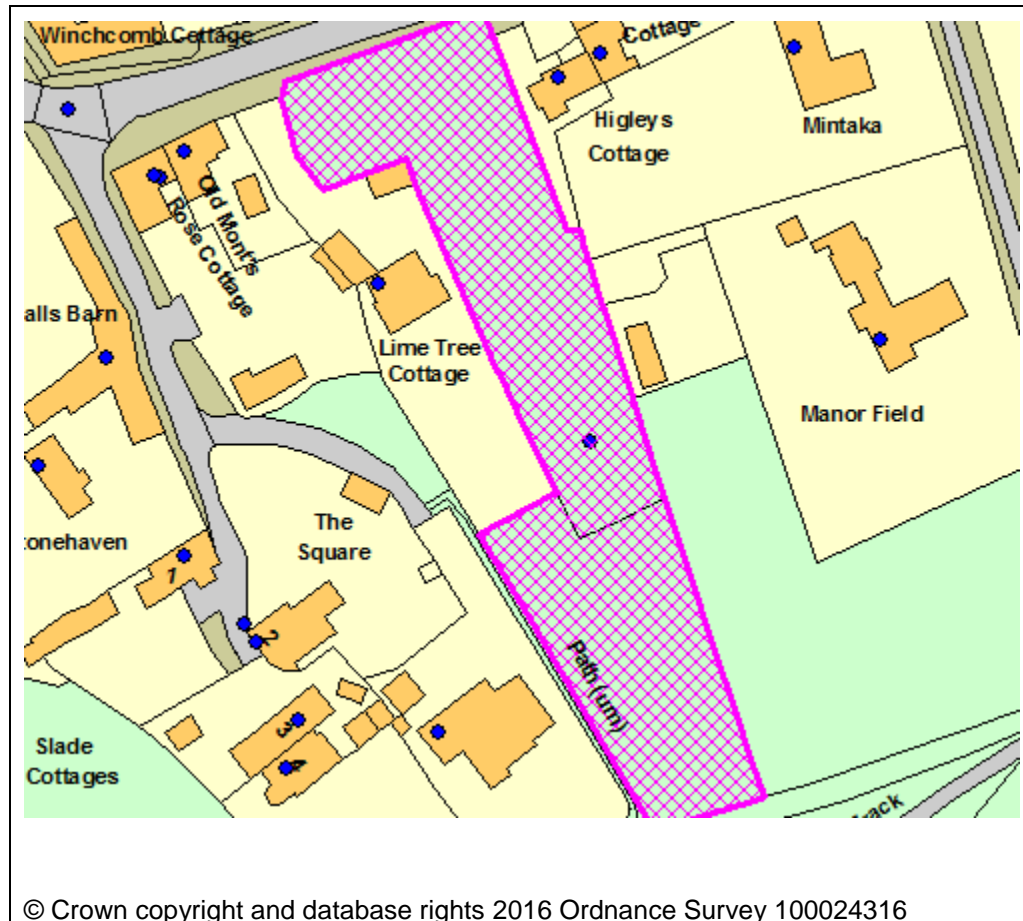
Please note that:

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

Item	Application Number	Address	Officer
13-36	23/00860/FUL	Land Formerly Known As The Square Church Enstone	James Nelson
37-45	23/01493/FUL	7 Hughes Close Charlbury	Mr Emile Baldauf-Clark

Application Number	23/00860/FUL
Site Address	Land Formerly Known As The Square Church Enstone Oxfordshire
Date	12th July 2023
Officer	James Nelson
Officer Recommendations	Approve subject to Legal Agreement
Parish	Enstone Parish Council
Grid Reference	438011 E 224922 N
Committee Date	24th July 2023

Location Map



Application Details:

Erection of a single dwelling

Applicant Details:

Mr Roger Burton
14 Edmonds Close
Upper Quinton
Stratford-Upon-Avon
CV37 8ST

I CONSULTATIONS

WODC Landscape And
Forestry Officer

The Arboricultural Feasibility Assessment rightly identifies the public amenity value of the trees at the site and their vulnerability, particularly during the course of construction activity. That said the Tree Protection Plan shows encroachment into the RPA of T005, an area recommended to be the minimum volume of soil required to maintain long-term viability of the tree. (AFA para 3.5-3.8).

Whilst not ideal, and if the principle of the development is to be supported, I recommend further examination of the design detail relating to the access point from the road and the alignment of the drive past T005 to reduce encroachment into the RPA.

As stated in AFA para 6.13, if planning permission is to be granted, a condition requiring the submission and approval of an Arboricultural Method Statement will be required.

Design and method details of the section of drive that passes through the RPAs of other trees along the route will need to be included in the AMS. As this will be the main route for construction traffic to the house, it will need to be of a specification capable of withstanding loading by heavy vehicles and will need to be constructed before any other construction activity takes place.

Whilst there is indicative information regarding proposed service runs, these are likely to change and the need to avoid passing through RPAs lost in the application documentation. I therefore recommend a specific planning condition requiring submission and approval of all service runs and drainage details in an attempt to avoid damage to RPAs.

Conservation And Design
Officer

No Comment Received.

Newt Officer

No Comment Received.

Historic England

No comment.

OCC Archaeological Services

Thank you for consulting us on this application. The proposal site lies to the south of the historic centre of Church Enstone, where St.

Kenelm's Church has a Saxon origin. Historic maps show that the proposal site has not been developed in the relatively recent past, and so, it is possible that Medieval or earlier remains could survive on the site.

The Portable Antiquities Scheme records finds of a Medieval date c. 100-150m to the south of the site. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:

1. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

2. Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including 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 recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

If the applicant contacts us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

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 conditions:

- G28 parking as plan
- G11 access specification
- G25 drive etc specification
- G32 turning facility

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see Dropped kerbs | Oxfordshire County Council

WODC Drainage Engineers

No objection subject to surface water drainage condition.

District Ecologist

Acceptable subject to the following conditions:

Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

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

Enhancements/planting

No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles and great crested newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles and great crested newts are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 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.

The development shall be completed in accordance with West Oxfordshire District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To protect biodiversity in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Prior to the commencement of works, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or south-east facing elevations) and nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) within the new dwelling shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the dwelling, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.

REASON: To provide additional opportunities for roosting bats and nesting birds as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the revised National Planning Policy Framework, Policy EH3 of the local plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

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

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

Informatives:

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended).

West Oxfordshire District Council's Precautionary Method of Working document can be found here:

<https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>

Comments:

Habitats on-site provide suitable conditions, albeit limited opportunities for reptiles, amphibians, nesting birds, commuting badgers and foraging bats. As a result, works will need to adhere to West Oxfordshire District Council's precautionary method of working document. However, the level of detail within this document is not sufficient in this instance to ensure reptiles and great crested newts are safeguarded in the event one is discovered. Therefore, prior to the commencement of works, a precautionary working method statement will need to be submitted to the LPA, outlining

precautionary working methods to ensure reptiles and great crested newts are protected and the correct procedures to follow in the event if one is discovered, including a suitable receptor site for reptiles and compensatory planting.

The planning system should aim to deliver overall net gains for biodiversity as laid out in Chapter 15 of the revised NPPF and local plan policy EH3. The submitted report has made recommendations for suitable enhancement features however, submitted proposed plans have not incorporated these features. Therefore, the above enhancement condition is recommended. I am pleased to see the proposal incorporates habitat enhancements, including hedgerow and tree planting and wildflower areas. To ensure correct establishment and the inclusion of native species the above landscaping condition is recommended.

A lighting condition is recommended to ensure all external lighting is sensitively designed to minimise light spill towards retained trees, newly created wildflower meadow habitat and biodiversity enhancement features, including bird and bat boxes.

WODC Env Health - Uplands

Thank you for the opportunity to consult.

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

- I. The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.
- II. Prior to the commencement of the development, a short construction management plan showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.
- III. 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.

Parish Council

Enstone Parish Council objects to this planning application as it contravenes the OS2 and HS2 policies of WODC's Local Plan.

WODC Housing Enabler

No Comment Received.

WODC Housing Enabler

Having had the opportunity to review the application I am able

comment from a housing perspective: The proposed development size is below the threshold that would require an affordable housing contribution. The application includes a unilateral undertaking that ensures that the dwelling will be designed and occupied in accordance with the Self-build and Custom Housebuilding Act 2015. Self/custom build development provided by this application would make a meaningful contribution to the Council's requirement to provide adequate permissions to meet the demand.

2 THIRD PARTY REPRESENTATIONS

2.1 The application has attracted 35 comments in opposition to the scheme. The planning matters raised are summarised as follows:

- Contemporary design out of character to the existing, established dwellings in the village
- Inappropriate siting, scale and materials
- Loss of important open space
- Harm to setting of heritage assets/failure to submit a heritage statement
- Impact on views of the village from the south
- Inappropriate location for housing development in accordance with WOLP Policy H2
- Dangerous access
- Loss of greenfield land
- Lack of housing need
- Development would lead to coalescence with Neat Enstone
- Unilateral Undertaking would not ensure first occupiers remain for a specified time period
- Overlooking and disturbance matters
- Impact on local ecology

2.2 Each matter is addressed in the Planning Assessment.

3 APPLICANT'S CASE

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

3.2 'This is a proposal to construct a highly sustainable home with the minimum environmental impact over its whole life (conventionally 60 years). It is a Custom Build home to be occupied by the two applicants who will be closely involved in the design and delivery of the project. Roger Burton is a qualified architect, urban and Passivhaus designer with over four decades experience of designing and promoting low energy/low carbon design. A holistic approach will embrace the house itself, its materials and the site and its habitats which will be nurtured and maintained to improve their biodiversity.

3.4 The frontage of the site has several large trees the subject of TPOs and given the setting of this area with its surrounding group of listed buildings the development principle will be to restrict any impact on their setting in this top area of the site. There will be minimum development to

establish access and a vehicular route into and down the site with the existing grounds managed and maintained to enhance the setting and restrict any impact.

- 3.5 The requirement is for a new home has been designed to achieve 'carbon neutral' based on Passivhaus, providing a healthy environment with low operational costs, achieved by the construction of an efficient, highly insulated and airtight envelope, with controlled mechanical ventilation and heat recovery (MVHR) and the incorporation of appropriate renewable technologies.
- 3.6 The size scale of the proposed new dwelling at two storeys is similar to that of Tilia Cottage nearby although the roof configuration will give a lower ridge height, calculated as 1.5m lower than a conventional twin pitch roof. It will have a smaller footprint than that of Barnslade immediately adjacent.
- 3.7 The house might be described as contemporary in design in that it responds to the pressing environmental demands of our time, and the decades to come, to reduce our carbon footprint. Of a simple, compact form over two storeys, it gives a good surface area to volume ratio and therefore favours a low energy performance. This also minimises the total of construction materials utilised.
- 3.8 The design is further characterised by overhanging eaves to the roof, a detail which will provide solar shading to limit the potential for summertime overheating, deeper on the southern face (although the orientation does give late afternoon sun to the North facing elevation in mid Summer). These also admit low angle sun in Winter to contribute to the heating load.
- 3.9 To maintain the low impact, low carbon philosophy (see Low Carbon Construction below) finishes are to be of locally sourced sawn timber cladding to the walls - the timber laid horizontally with three different width boards and with rebated joints, evocative of a traditional barn, with a preservative treatment of natural pine tar glaze. This is combined with coated zinc detailing and a slate grey clay tiled roof, consistent with the common use of slated roofs in the village (e.g. the Manor House). The windows themselves are timber framed with colour-coated aluminium facings (RAL 7033 Zementgrau) for long life and negligible future maintenance. The outbuilding will have similar finishes including timber cladding and a tiled roof.
- 3.10 No development is considered possible on the front section with the exception of works to create an access road. This area of the site will be managed, as noted in Section 10, limited to the enhancement of the existing grassland with some supplementary planting - bulbs and wildflowers. The western boundary will be provided with an iron fence as that existing on the frontage.
- 3.11 There are currently two historic access point onto the site, the first on the North West corner, currently un gated, and a second midway along the frontage where gates were provided in the boundary railings. Both these routes into the site have been considered but the root structures of the four trees subject to TPOs mean that extensive root protection would need to be provided. It is proposed therefore that the access is moved to the east where impingement on the root structure is limited, visibility is available in both directions on Bicester Road for vehicles emerging and the route into the site, up an incline and therefore below the general existing level of the site which will have the minimum visible impact'.

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

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH11 Listed Buildings

CN2 Chipping Norton sub-area Strategy

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of a single dwelling at Land Formerly Known as The Square, Church Enstone.

5.2 The site is bordered to the east and west by residential dwellings and the northern part of the site abuts Bicester Road (B4030). There is no vehicular access to the site off the B4030. Three Grade II listed buildings lie in close proximity to the site, which is laid to grass and is largely bounded by mature vegetation and trees, three of which are protected by Tree Protection Orders ("TPOs"). The northern part of the site is delineated by estate rail fencing with stone walling and fencing to the east and west.

5.3 The application site is in Flood Risk Zone 1.

5.4 The application is brought before Members as the officer recommendation differs from the position of the Enstone Parish Council.

Relevant planning history

W95/0163- Erection of one dwelling and alteration to existing vehicular access, existing vehicular access. Refused.

5.5 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;
- Impact on heritage assets;
- Neighbourly amenity;
- Highways/access;
- Ecology/tree matters; and
- Planning obligations (s.106)

Principle

Development Plan

5.6 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").

5.7 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. Church Enstone is not identified as a village within the settlement hierarchy (table 4b) and the West Oxfordshire Design Guide ("the WODG") (an adopted Supplementary Planning Document) describes Church Enstone in Section 5 as a "small village" with a "distinctive, compact form, and lies just to the north of Enstone". Officers therefore consider that for the purposes of policy OS2, Church Enstone should be considered a small village and separate from the village of Enstone.

5.8 WOLP Policy OS2 outlines that:

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2."

5.9 WOLP Policy H2 sets out the District's housing need over the plan period dictates that:

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

- "Where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;

- Where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- Residential development of exceptional quality or innovative design;
- New accommodation proposed in accordance with policies specifically for travelling communities;
- Accommodation which will remain ancillary to existing dwellings;
- Replacement dwellings on a one for one basis;
- Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met; and
- On sites that have been allocated for housing development within an adopted (made) neighbourhood plan."

5.10 In officer's view, a proposed dwelling in this location would not meet any of the above criteria of Policy H2 and the proposal therefore would conflict with WOLP Policy H2.

5.11 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; and*
- *Conserve and enhance the natural, historic and built environment."*

5.12 As the proposal seeks consent for a custom build dwelling, WOLP Policy H5 is also relevant to the principle of development. H5 outlines 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 including Policies OS2, H2 and E3."

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 11d) of the NPPF are engaged.

Conclusions on the principle of residential development

- 5.17 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.

Siting, scale and appearance

- 5.18 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".
- 5.19 Section 12 of the 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".

- 5.20 The proposed dwelling would be sited in the southern portion of the irregularly shaped and deep plot, with access track connecting the dwelling to the B4030 via a proposed access. The two-storey dwelling itself would be 14 metres (m) in width with a depth of 8.6-13m. The roof would measure 8.8m to the ridge and 5.8m to the eaves. In terms of form, the building would be duo-pitched with a gently sloping and angular zinc standing seam roof to the rear. The form and material pallet, including timber cladding, zinc and solar panels, convey a distinctly contemporary character, having been designed to achieve 'Passivhaus' standards with regard to energy efficiency and embodied carbon. A grey tiled roof and aluminium coated windows would be employed.
- 5.21 A timber double garage would also be constructed adjacent to the eastern site boundary of simple duo-pitched form and appearance. In terms of landscaping, the submitted plans indicate that an informal, paddock type design would be used in the northern part of the site with more formal garden space to the south.
- 5.22 The impact of the proposed development upon the character and appearance of the area and nearby heritage assets will be considered in the following sections of this report.

Impact upon the character and appearance of the area

- 5.23 WOLP Policy OS2 requires new development to 'form a logical complement to the existing scale and pattern of development and/or the character of the area'. The provisions of Policy OS4 and Section 12 of the NPPF as outlined above are also directly relevant with regard to the impact of the scheme upon the character and appearance of the area.
- 5.24 In order to assess the impact upon the character and appearance of the area, it is first necessary to identify the existing character and appearance of the site and its immediate context. The village itself is described in Section 5 of the WODG as having 'a distinctive, compact (nucleated) form' in an 'open wold' setting.
- 5.25 In terms of the site itself, the 'pinched' shape and length of the plot creates some sense of separation between the north and south of the site. When viewed from the north, the site displays a paddock-like appearance with the protected group of mature Cedar trees dominating the north of the site and providing a significant positive contribution to the character and appearance of the area. The land is currently undeveloped and largely laid to grass creating a spacious and verdant character when viewed from the north. The southern portion of the site, where the proposed built form would be located, has a more enclosed feel created by mature vegetation and boundary treatments but offers glimpsed views into the open countryside to the south.
- 5.26 The proposed dwelling would be sited in excess of 100m from the northern boundary of the site, separated by open green space, albeit dissected by an access drive which snakes along the eastern edge of the site, seeking to minimise impact upon root structures (as will be discussed later in the report). Officers consider that due to this design approach, the pinched shape of the plot and the set back from the road, the proposed development would retain the spacious and verdant character and appearance of the site when viewed from the north and would not read as the loss of an area of open space, subject to appropriate landscaping and boundary treatments.

5.27 The proposed dwelling would be visible in the approach to the village from the south along a Public Right of Way running adjacent to the western edge of the site. However, by virtue of the delineation of the plot, mature boundary vegetation, and existing dwellings to the west, the proposed dwelling would not read as an intrusion into open countryside. The proposal would therefore respect the nucleated settlement pattern of the village and is therefore considered to form a logical complement to the established pattern of development.

5.28 The proposed dwelling in terms of scale, massing and height would read as comparable to existing dwellings in the locality however, the form, materials and detailing would read as a distinct contrast to the largely vernacular appearance of existing built form in the village. However, your officers consider that given the dwelling would be set deep in the plot, thereby retaining the spacious and verdant character of the northern portion of the site, and would read as a logical addition in terms of siting, scale, massing and height, the proposed development would result in a neutral impact upon the character and appearance of the area.

Impact on heritage assets

5.29 The application site sits within close proximity to the following three Grade II listed buildings:

- Tulip Cottage, Manor Cottage and Higleys Cottage (adjacent to the east);
- The Manor House and West Manor (opposite the site to the north of the B4030); and
- Rose Cottage (approximately 10m to the west of the site)

5.30 As such, the proposal exhibits the potential to affect the setting of the identified buildings. Therefore, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that when 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.

5.31 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building, 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.

Importance of setting to the significance of the heritage assets

5.32 The NPPF defines setting as 'the surroundings in which a heritage asset is experienced'. The setting of an asset is capable of making a positive, neutral or negative contribution to the significance of an asset.

5.33 The listed buildings adjacent to the site all occupy prominent locations within Church Enstone, which can be described as a typical Cotswold village (albeit outside of the AONB) with a medieval core, and a Norman Church (St Kenelm). The overriding feature of the village is the

use of local limestone, stone walls, stone/natural slate roofs and gardens enclosed by dry-stone walls, which characterise the immediate setting of the listed buildings.

Contribution of the site to the setting of heritage assets

5.34 The application site itself occupies a central position within the village with listed buildings concentrated around the north of the site. The open, spacious and verdant appearance of the northern portion of the site, including mature trees, contributes positively to the low-density and rural character of the village, which in turn forms a positive contribution to the setting of identified heritage assets.

5.35 Officers consider that the southern portion of the site appears more detached from the built form around the north of the site and the relationship with listed buildings is diminished due to the separation distances and intervening built form and vegetation.

Impact of the scheme upon the setting of heritage assets

5.36 Your officers consider that the proposed design would result in a neutral impact upon the setting of adjacent heritage assets. The concentration of built form in the southern portion of the site and retention of an informally landscaped northern portion of the site would ensure that the open, spacious and verdant setting of listed buildings would be preserved. Whilst the proposed dwelling would be partially visible from the north of the site, the proposed separation distances to listed buildings would ensure that their rural setting would be adequately preserved. The proposal is therefore considered to accord with local and national policy and legislation with regard to heritage assets.

Neighbourly Amenity

5.37 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.

5.38 The proposed dwelling would be roughly aligned with 'The Barnslade' to the west. By virtue of the separation distances from the proposed dwelling to other properties sharing a boundary with the wider site, no other dwellings would be materially impacted by the proposal, as the construction of a driveway is not considered to result in any material impact by way of disturbance. The proposed dwelling would avoid windows in the west side elevation and would ensure a separation distance of 9m. Whilst a rear balcony is also proposed, its oblique angle in relation to The Barnstead and separation distance would ensure that no material overlooking impacts would result from its addition. No material overbearing or loss of light impacts are identified.

5.39 In terms of disturbance during construction, the Council's Environmental Health Officers have requested that a short construction management plan is submitted prior to the commencement of the development. A condition on internal noise standards and working hours is also recommended. Officers consider that internal noise levels are Building Control matters and therefore do not meet the test of relevance to planning. Given the proximity of neighbouring dwellings and rural, residential character of the area, a condition requiring a brief construction

management plan would be reasonable, necessary and relevant. In light of this restriction, further controls on working hours for a scheme of this scale is considered overly onerous.

5.40 Officers are therefore satisfied that the proposal would not unacceptably affect the amenities of neighbours.

Highways/access

5.41 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". Objection comments raise the issue of unsafe access to the site.

5.42 In terms of accessibility, Policy T3 requires "all new development will be located and designed to maximise opportunities for walking, cycling and the use of public transport". Whilst Church Enstone is identified as a 'small village' in the WOLP, the site does sit in close proximity to Enstone, which hosts a range of services, amenities and transport links. The villages are connected by a range of footpaths including along the B4030.

5.43 Further, the Highways Authority have raised no objection to the application and stated that, subject to conditions, the proposal will not have a significant detrimental impact, in terms of highway safety and convenience, on the adjacent highway network. Officers are therefore satisfied that there are no highways/access impacts that would warrant refusal of the application.

Ecology/tree matters

5.44 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Chapter 15 of the NPPF also outlines that the planning system should aim to deliver overall net gains for biodiversity.

5.45 The LPA's ecologist has reviewed the scheme, which has been supplemented by an ecology report, and concluded that 'habitats on-site provide suitable conditions, albeit limited opportunities for reptiles, amphibians, nesting birds, commuting badgers and foraging bats', necessitating precautionary working measures to be adopted during construction.

5.46 The submitted report has made recommendations for suitable enhancement features however, submitted proposed plans have not incorporated these features. Therefore, ecological enhancement condition are recommended. The proposal also incorporates habitat enhancements, including hedgerow and tree planting and wildflower areas. To ensure correct establishment and the inclusion of native species (as well as in the interests of visual amenity) a landscaping condition is recommended.

5.47 A lighting condition is also recommended to ensure all external lighting is sensitively designed to minimise light spill towards retained trees, newly created wildflower meadow habitat and biodiversity enhancement features, including bird and bat boxes. The application is therefore considered acceptable in ecological terms.

5.48 In arboricultural terms, the application includes an Arboricultural Feasibility Assessment, which correctly identifies the public amenity value of trees (particularly those subject to TPOs) within the site and their vulnerability during construction. The proposed driveway has been designed to minimise intrusion into the Root Protection Areas ("RPAs") however, would include some

encroachment. The Council's Landscape and Forestry Officer has raised no objection to the scheme subject to detailed plans relating to the design and construction method of the driveway and dwelling as well as service routes to be submitted to and approved by the LPA prior to commencement. Therefore, subject to these conditions, officers are satisfied that the trees shown to be retained will be protected during the construction process.

Planning obligations

- 5.49 The applicant has submitted a Unilateral Undertaking (legal agreement) seeking to secure that the applicant has had primary input into the final design and layout and will be the initial owners and occupiers of the dwelling in accordance with the legal definition of self-build and custom housebuilding contained in The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Officers consider that securing that the proposed development through planning obligation is necessary to ensure that the scheme may be considered custom build housing for the purposes of WOLP Policy H5 and national policy and guidance.
- 5.50 The legal agreement is currently under review by the Council's legal team however, officers are satisfied that the initial owner of the home will have primary input into its final design and layout. Officers also note that the legal definition of self-build and custom housebuilding does not require the initial occupier to remain in occupancy for a specified period of time or for the dwelling to be a sole place of residence. Therefore, subject to the agreement of the Council's legal team, officers consider that the proposed planning obligation is a suitable mechanism for securing that the proposal would contribute towards the supply of self-build and custom housebuilding.

Other Matters

- 5.51 The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. 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

- 5.52 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.
- 5.53 In terms of the public benefits arising from the scheme, the proposal would provide a unit of custom build housing. Following appeal decision (PINs ref: 3274197), the LPA accepts that is unable to demonstrate that it has met its statutory duty with regard to provision of custom and self-build plots. The Self-build and Custom Housebuilding Act 2015 introduced a duty on local

authorities to keep a register of individuals, and associations of individuals, who wished to acquire serviced plots of land to bring forward for self-build/custom build projects. Councils are required to have regard to those registers when carrying out planning functions. The Housing and Planning Act 2016 provided a duty that Councils must give 'suitable' planning permissions to meet the demand for SBCH. The Planning Practice Guidance ("the PPG") states registers are likely to be material considerations in decisions involving proposals for application involving self-build/custom build housing. Therefore, although the contribution to the self and custom build housing supply would be relatively small, the shortfall, statutory duty, and the economic and social benefits associated with increased self and custom build housing should cumulatively attract significant weight in the planning balance.

5.54 The proposal would also lead directly to ecological enhancements, which would not otherwise be realised. However, this should be awarded very limited weight given the scale of the proposal. The lack of harms identified with regard to the impact of the proposal upon the character and appearance of the area, heritage assets, neighbourliness, highways, and other matters are neutral impacts and do not weight in favour of the scheme.

5.55 In terms of adverse impacts, the proposed development would not accord with the housing locational strategy of the WOLP (Policy H2 and therefore Policy H5), by virtue of its location within a 'small village'. However, given that the site lies in relatively close proximity with, and good accessibility to, the larger village of Enstone, as well as Policy H2 being 'out-of-date' due to the LPA's housing land supply position, officers consider that this conflict should attract only limited weight.

5.56 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, the public benefits arising from the scheme would outweigh the harms and therefore the proposed development amounts to sustainable development and is recommended to Members for approval subject to legal agreement and the conditions as set out in Section 6 of this report.

6 CONDITIONS

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

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

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

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

3. No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles and great crested newts has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles and great crested newts are protected in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 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.

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

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

5. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include, 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.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

6. Prior to the commencement of development, including site clearance, an Arboricultural Method Statement, prepared in accordance with BS5837:2012, shall be submitted to and agreed in writing by the local planning authority. The Arboricultural Method Statement shall contain, but not necessarily be limited to, the following details:

- Detailed drawings of the access drive to serve the proposed dwelling
- A Method statement detailing the process and timings of constructing the access drive
- Identify areas for the storage of materials, including the procedure for the drop-off of materials
- Identify areas for the parking of contractors during the entire course of development

The agreed details shall be implemented in full, and according to the agreed timeframes, during the entire course of the development hereby approved unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the protection of trees during the course of development in the interests of public amenity.

7. Prior to the commencement of development, including site clearance, detailed drawings showing all the service routes to serve the dwelling hereby approved, shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented in full unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the protection of trees during the course of development in the interests of public amenity.

8. Prior to the erection of external walls, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

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

REASON: To ensure a safe and adequate access.

10. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for nocturnal wildlife;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route.

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

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

11. Prior to the erection of external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or south-east facing elevations) and nesting opportunities for birds (e.g. house sparrow terraces, starling boxes, swift bricks or house martin nest cups on the north or east-facing elevations) within the new dwelling shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the dwelling, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.

REASON: To provide additional opportunities for roosting bats and nesting birds as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the revised National Planning Policy Framework, Policy EH3 of the local plan and Section 40 of the Natural Environment and Rural Communities Act 2006.

12. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

REASON: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

13. Following the approval of the Written Scheme of Investigation referred to in condition 12, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including 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 recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2021).

14. Prior to first occupation of the dwelling hereby approved, a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected shall be agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.

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

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

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

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

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

16. The development shall be completed in accordance with West Oxfordshire District Council's Precautionary Method of Working document. All the recommendations shall be implemented in full, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To protect biodiversity in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended), Protection of Badgers Act 1992, Circular 06/2005, paragraphs 174, 179 and 180 the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

17. The dwelling hereby approved shall not be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

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

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

19. The dwelling hereby approved shall not 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.

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
 - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

- Updated Planning Practice Guidance on Flood Risk and Coastal Change, published on 25th August 2022 by the Environment Agency - <https://www.gov.uk/guidance/flood-risk-and-coastal-change>.
 - Non-statutory technical standards for sustainable drainage systems (March 2015)
2. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended). West Oxfordshire District Council's Precautionary Method of Working document can be found here: <https://www.westoxon.gov.uk/planning-and-building/wildlife-and-biodiversity/biodiversity-specifications/>
 3. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see Dropped kerbs | Oxfordshire County Council.

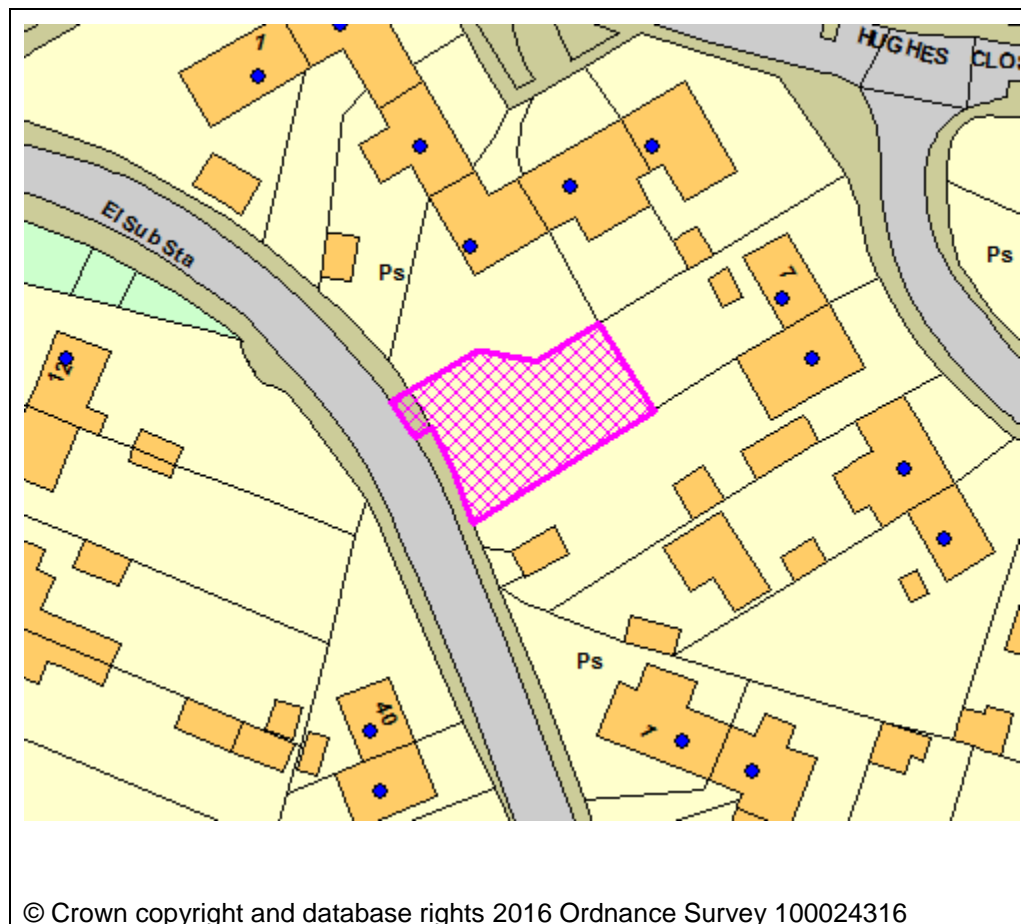
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 12th July 2023

Application Number	23/01493/FUL
Site Address	7 Hughes Close Charlbury Chipping Norton Oxfordshire OX7 3ST
Date	12th July 2023
Officer	Mr Emile Baldauf-Clark
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436183 E 218937 N
Committee Date	24th July 2023

Location Map



Application Details:

Erection of detached dwelling and widening of existing dropped kerb (amended plans)

Applicant Details:

Lee Dingwall
Laurel Cottage
Foxburrow Lane
Crawley
Witney
Oxfordshire
OX29 9TS

I CONSULTATIONS

Parish Council

Charlbury TC has no objection to this planning application.

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 conditions:

- G28 parking as plan
- G11 access specification

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see Dropped kerbs | Oxfordshire County Council

The proposed access may need protection from parked vehicles in the form of white lines or cross markings - these may be added at a later date at the applicant's expense

WODC Drainage Engineers

I can approve the proposed s/w drainage strategy, which just needs to be implemented in accordance with the submitted details.

WODC Env Health - Uplands

Mr ERS Pollution Consultation I have no objection in principle. I suggest the following conditions:

i) The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.

ii) Prior to the commencement of the development, a short construction management plan showing how noise and dust is to be minimised and controlled during site clearance and construction. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

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

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

Kind regards

Karen Awre
Officer
Noise & Amenities

2 REPRESENTATIONS

One third party comment have been received from the Charlbury Conservation Area Advisory Committee stating that they had no objection to the proposed new dwelling. They did raised concerns regarding the headroom within the staircase and use of fences on the remaining boundaries.

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 proposed dwelling is designed as a small 2-bedroom home. The site access and dropped kerb is to be widened to provide 2 parking spaces on the driveway. A garden and patio is provided at the rear of the property for private amenity.

In summary, this application is for a modestly sized home which has already been approved under a previous outline application. The design has been carefully considered so it sits attractively and subserviently within the streetscape. The dwelling will be a positive addition to Charlbury and will provide a new home for the community.

4 PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
T4NEW Parking provision

EH1 Cotswolds AONB
EH7 Flood risk
EH10 Conservation Areas
DESGUI West Oxfordshire Design Guide
NATDES National Design Guide
CHANP Charlbury Neighbourhood Plan
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks consent for the erection of detached dwelling and widening of existing dropped kerb at 7 Hughes Close in Charlbury. The site is located within the Cotswold Area of Outstanding Natural Beauty and the Charlbury Conservation Area.
- 5.2 The application is brought to the uplands planning sub-committee as the applicant is related to an elected member of the District Council
- 5.3 Amended plans have been submitted, following officers concerns regarding the original proposals inclusion of a flat roof dormer which has been replaced with a gable end extension.

Relevant Planning History

19/03068/OUT - Erection of detached dwelling - Approved
21/00014/OUT - Erection of detached dwelling - Approved

- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- The Principle of Development
 - Siting, Design and Form
 - Impact on Conservation Area
 - Impact on Area of Outstanding Natural Beauty
 - Residential Amenities
 - Highways
 - Drainage and Flood Risk
 - Pollution and;
 - Other Matters

Principle

- 5.5 The principle for a single dwelling in this location has already been established. However, in terms of the principle of development, Charlbury is categorised as a rural service centre in the settlement hierarchy set out in the West Oxfordshire Local Plan 2031. Policy H2 states that new dwellings will be permitted in rural service centres 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. The site seeks to develop on a parcel of land which is a former garden at the rear of the existing property (7 Hughes Close) which adjoins Sturt Close and therefore the principle of the

development is acceptable subject to compliance with Policy OS2 and other policies of the Local plan, as detailed below.

5.6 Notwithstanding the 'in principle' support for this development, the NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date (Identified in footnote 8) and that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or where policies that are most important for determining the application are out-of-date, permission should be granted unless:

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

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

Siting, Design and Form

5.8 The site, a former part of the rear garden of 7 Hughes Close, adjoins Sturt Close to the south and includes an existing dropped kerb. The site has a maximum width of roughly 16m with a depth of around 19m. The dwelling is to a 1.5 storey dwelling of a simple form with a smaller gable extension on the north eastern elevation. The dwelling is to sit on the southern corner of the plot aligned with the boundary with Sturt Close and the neighbouring property to the south east. The property is to include 3 windows on the first floor one in each of the gable ends, with the one located in the side gable to serve the bathroom and be obscurely glazed. An obscurely glazed roof light is proposed on the north eastern roof slope above the stairs. The walls of the dwelling are to be constructed of brick with tiles proposed for the roof. Grey/black UPVC is proposed for the windows and doors on the property. The site is to include 2 off street car parking spaces located in front of the front door to the east of the dwelling. The existing dropped kerb at the site is to be extended to facilitate access to the two parking spaces. The front boundary of the property along Sturt Close is to be a combination of a 1.2m post and rail timber fence and a low level box hedge. The remaining boundaries are to be 1.8m panelled fences. An area of patio is proposed to the rear of the property and is to be constructed of paving slabs. The garden area is to be located to the north east of the dwelling and is to be a lawn. An area of garden bed with mixed garden plants and shrubs is to be located to the north of the dwelling between the garden and parking area.

Impact on Conservation Area

5.9 The site is located within the Charlbury Conservation Area and officers are required to consider 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.

As the site lies in an area which adds no great enhancement to the conservation area, officers are of the opinion that the proposed dwelling, given its design, layout and scale would preserve the character and appearance of the area, despite being clearly visible along Sturt Close.

Impact on Area of Outstanding Natural Beauty

5.10 Paragraph 176 of the NPPF requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. In this case, given the built up residential context of the site, the proposed development will not have any visual impact beyond its immediate setting and will therefore conserve the landscape and scenic beauty of the Cotswold AONB.

Residential Amenities

5.11 In terms of residential and neighbouring amenity, policy OS2 of the Local Plan and paragraph 130(f) of the NPPF state that development should provide a high standard of amenity for existing and future users. The dwelling has a rough internal living space of 110sqm putting the dwelling well above the minimum space standards required for 2 bedroom 2 storey dwelling as set out in the Technical Housing standards. Officer's not whilst the external amenity space of the property is fairly small, it is considered that the proposed would be sufficient for the occupiers of the dwelling and would not harm the amenity of any future occupiers. However, given this concern Officer has sought to restrict the permitted development rights at the property in order to protect the future occupiers of the dwelling.

5.12 In terms of the impact on neighbours, officers note that whilst there may be an impact on the occupants of the property to the north east (7 Hughes Close) and to the north (4 Sturt Close) given the proposal for first floor windows. In terms of the impact upon 4 Sturt Close given the first floor window to serve the bathroom, officers have sought to condition this window to be obscurely glazed to avoid any overlooking. In terms of the amenity impacts on the occupiers of 7 Hughes Close, whilst there is considered to be some overlooking from the first floor bedroom window into the rear garden, given the separation distance of over 20 metres between the rear elevations both dwellings, that this impact is not considered to harm the occupiers.

Highways

5.13 The Local Highway Authority has been consulted on the application and have stated that they do not object to the proposal subject to conditions being imposed, requiring the parking on the site to be built and retained in the location shown on the plans as well as the means of access between the site and highway to be agreed by the LPA prior to the occupation of the dwelling. Therefore, in this regard the proposal is considered acceptable and complies with policy T4 of the Local Plan 2031.

Drainage and Flood Risk

5.14 The WODC Drainage Officer has been consulted on this application and has raised no objection, subject to the proposed being implemented in accordance with the surface water drainage strategy attached to the application. Therefore, in this regard, the proposal is considered acceptable and complies with policy EH7 of the Local Plan 2031.

Pollution

5.15 Environmental Health Officers have been consulted on this application who have not objected to the proposal subject to a prior to pre-commencement condition being applied for a construction management plan to be provided alongside a restriction limiting the hours of work.

Other matters

5.16 Officers consider it appropriate to restrict the Permitted Development rights at the property given the limited size of the plot and to control any future development at the property and protect the amenity. Therefore, a condition has been added restricting these rights at the property.

Conclusion

5.17 Therefore taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, H2, T4, EH1, EH7 and EH10 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF, The Charlbury Neighbourhood Plan and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

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

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

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

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

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

5. The window and door frames shall be recessed from the face of the building to match windows and doors on the existing building.

REASON: To ensure the architectural detailing of the building reflects the established character of the existing building.

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

REASON: To ensure a safe and adequate access.

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

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

8. The surface water drainage shall be implemented in accordance with the surface water drainage strategy received by the LPA on the 29.05.23.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

9. 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.

10. Before first occupation of the dwelling hereby permitted the first floor north west facing bathroom window shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property.

11. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include, 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.

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

12. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within

the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the NPPF 2021, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

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

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

Notes to applicant

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

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

For further guidance, please visit:

<https://www.westoxon.gov.uk/media/ay3nzn2/sustainability-standards-checklist-feb-2023-v2.pdf>

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

Contact Officer: Mr Emile Baldauf-Clark

Telephone Number:

Date: 12th July 2023

