

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 16th October 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 Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

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

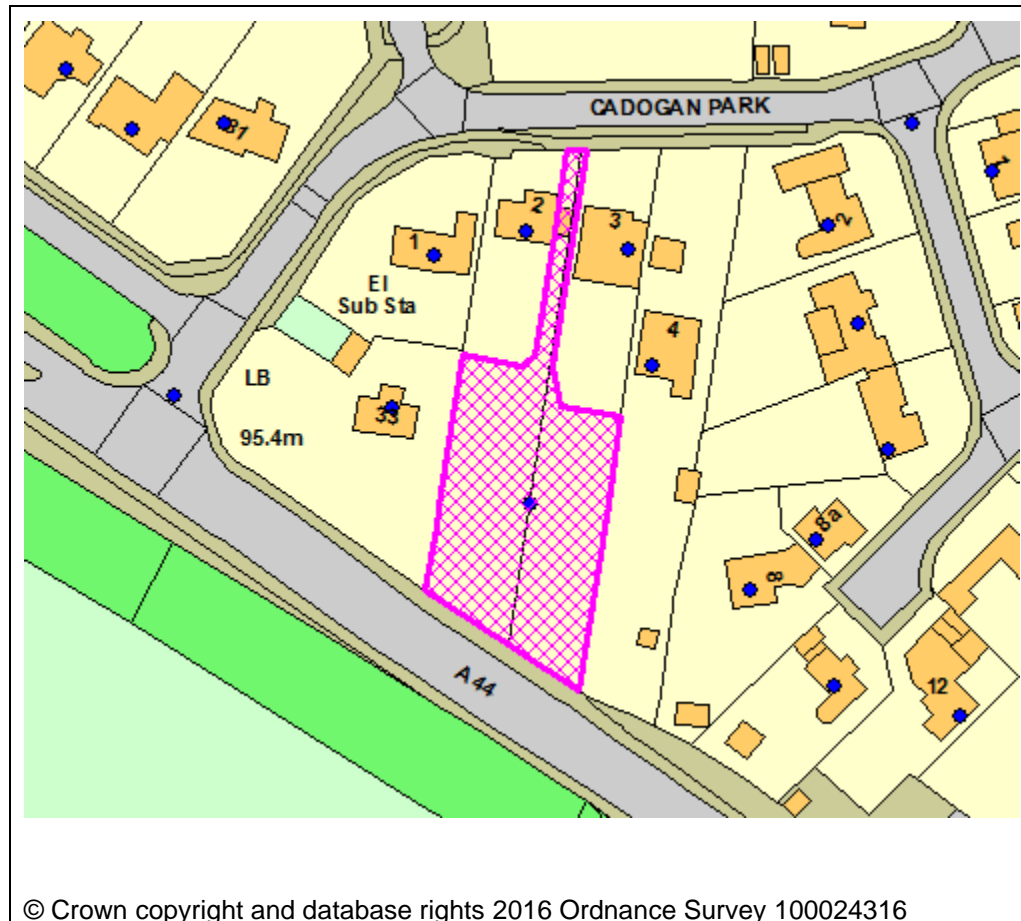
Please note that:

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

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
11-21	23/00921/OUT	Land South Of 2 And 3 Cadogan Park	Sarah Hegerty
22-40	23/01957/FUL	Threeways Bruern Road	James Nelson

Application Number	23/00921/OUT
Site Address	Land South Of 2 And 3 Cadogan Park Woodstock Oxfordshire
Date	4th October 2023
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Woodstock Parish Council
Grid Reference	445015 E 216448 N
Committee Date	16th October 2023

### Location Map



### Application Details:

Outline application with some matters reserved for the erection of a detached house and associated ancillary works including provision of access. (Amended plans).

**Applicant Details:**

Manoj Gujral  
Cadogan Park  
Woodstock  
OX20 1UW

**I CONSULTATIONS**

Parish Council	<p>31.05.23</p> <p>Woodstock Town Council objects to the application due to the following concerns:-</p> <ul style="list-style-type: none"><li>• That the existing mature trees on the site will be effected and may possibly be damaged by future building works.</li><li>• The existing trees in the vicinity of the proposal, on neighboring properties, may cause problems in the future to any new building on the site.</li><li>• The are concerns that the access to the site is narrow and that this may cause issues for larger vehicles accessing the property.</li></ul>
OCC Highways	<p>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</p>
Env Health - Uplands	<p>I have no objection in principle to the outline application but would ask for conditions to be attached to any consent given.</p>
WODC Drainage	<p>No objection subject to all comments above being taken on board and the surface water condition being adhered to in full.</p>
ERS Contamination	<p>I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>Review of the historical maps we hold suggest that the proposed development site is situated on an infilled pond. Infilled ponds have the potential to generate ground gas. Please consider adding a condition to any grant of permission.</p>
WODC Landscape and Forestry Officer	<p>The large Copper Beech tree growing in the garden of 4 Cadogan Park is a prominent and characterful specimen and adds to the leafy approach to the town. It is not affected by the TPO that includes other trees close-by, but we could justify including it in one if needs be. In order to ensure its future sustainability, we must establish that it would be compatible with its new surroundings.</p> <p>There is no tree survey data with the application and so we cannot verify the exact location, spread or stem diameters of the existing trees, nor verify the extent of Root Protection Areas (RPAs). If we take the RPA shown on the drawings as accurate, it demonstrates that there would be no working space around the proposed building,</p>

which would inevitably lead to encroachment and potential damage. As with all these cases, damage to roots is just one aspect. Of equal, or greater, significance is the physical relationship between new buildings and new uses and the location, scale and characteristics of existing large trees. In this case, the very large, dense and heavy beech will dominate the space around it.

We have no survey information regarding what look to be other large trees within the A44 protected belt. Some of these may be growing in the adjoining garden (33). RPAs should be shown for these, and the likely effects of having such large trees so close to proposed buildings in a relatively modest garden, on the south side of the building, should be taken into account. Is plausible that new occupiers would tolerate the shade, falling debris and fears about safety?

Whilst we would support the principle of filling the gap that has occurred in the A44 tree belt, I cannot see that this would come to fruition in practice. In order to restore similar tree cover, large growing species would be required. But, it is very unlikely that such trees would be allowed to reach maturity (and fulfil the desired objective) as they would dominate the useable garden space and shade out the house and areas of the garden that most occupiers would want to use for the usual domestic, outdoor activities.

Whilst the design of the house itself has been altered, it remains a bulky building and it would be a conspicuous, new addition to the scene along Oxford Rd, which fundamentally retains a soft and leafy character.

Conservation And Design  
Officer

No Comment Received.

Historic England

Thank you for your letter of regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

OCC Archaeological Services

The site lies in an area of archaeological interest, however, historic maps show that the gardens of 2 and 3 Cadogan Park were previously the site of a pond, and so there is little chance of survival of archaeological remains. There are no archaeological constraints to this scheme.

Parish Council

29.09.23

Although Woodstock Town Council has agreed that they have a neutral opinion on the application they would like to make the following comments:

- The Town Council would like a construction management

plan to be requested to ensure that noise, dust, mud on the road, parking of construction vehicles in the area and working hours are controlled to minimise the effect of the building works on the other residents in the area.

- The Town Council is also concerned with the trees on the site and how they will be affected by the proposal and how the proposal will effect the trees.

WODC Landscape and Forestry Officer

The trees form an essential part of the character of the site and its surroundings. Minor tweaks don't overcome the fundamental problem that to retain that character in a sustainable way, the scale of development would need to be substantially scaled back.

On the revised drawings, the footprint of the building looks to be identical to the original one. Replacing door openings with window openings and removing paving from the drawing does not address the underlying conflicts.

## 2 REPRESENTATIONS

### 2.1 3 Objection Comments received;

1. I am writing to register concerns about the proposed development on the Land South of 2 and 3 Cadogan Park. The rationale for wanting to exploit the land available in the rear gardens of 2 and 3 Cadogan Park is understandable. However, one must assume that at the time of building these houses, this amount of land was deliberately reserved to leave sufficient space and planting between the A44 and the residential properties to protect the leafy character of the area. It is my view that the proposed building will have a detrimental effect on the character of the area for nearby residents and on the A44 approach to Woodstock. The size of the building, its position close to the A44 and the relative height at which it will be built will make it quite conspicuous and out of character for those in nearby properties and make the current leafy approach on the A44 less attractive and characterful to Woodstock and the main gates to Blenheim Palace.

While the planting of new trees on the A44 boundary to reduce the impact is a welcome aspect to the proposal, it is difficult to see how this would work in practise. The building would still be visible from a wider range of angles than just from the bottom of the garden, particularly approaching from the south - and presumably it would take many years to achieve even a basic level of screening.

I also have concerns that, by setting a precedent, additional development in the immediate locality close to the A44 would be encouraged by the proposed building, to the further detriment of the character of the area.

2. We are concerned about over density of housing in a peaceful residential area of Woodstock. Garden noise has been increased by a previous development when a neighbour converted their garage into a house several years ago. There are many beautiful trees around the suggested site which might suffer root damage or be felled during the build. These trees are integral to the character and beauty of the area. We are also worried about the proposed entrance to the site. It is off the residential street, and it is very narrow thus awkward for construction traffic. It would cause much disruption to the residents with lots of mud and dust and would also cause disruption with parking. People park

here for the Palace and to go into Woodstock and will want to do this more so now there are parking restrictions. Also, this road is a busy thoroughfare for school buses and other public transport. There are many new up-market houses being built on designated sites around Woodstock there is no need over-fill which could set a precedence for even more such projects.

3. As boundary neighbours we object to this application. This is a unnecessarily large infill affecting numerous surrounding properties and the main through road into beautiful Woodstock. The loss of trees adjacent to our property (notably the large tree by the proposed parking area) will significantly affect the feel of our garden and outlook. Having four parking places put right next to our garden boundary will be disruptive and noisy. At the very least the parking should be reconsidered and the preservation of all medium/large trees adhered to.

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

The site is a rare opportunity to add housing within the existing envelope. Its obvious from the large housing schemes to the east, north and northeast that there is a demand for additional housing within Woodstock.

The existing development along Cadogan Park is typically large, detached houses. Over the years these have been extended and the gaps between diminished. Although number two and three Cadogan Park are large houses they do not require such big gardens and the land is therefore under utilised.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places.

OS4NEW High quality design.

H2NEW Delivery of new homes.

EH9 Historic environment.

EH10 Conservation Areas.

EH11 Listed Buildings.

EH14 Registered historic parks and gardens.

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

- 5.1 This application seeks outline consent with some matters reserved for the erection of a detached house and associated ancillary works including provision of access. (Amended plans). Landscaping matters remain reserved.
- 5.2 The application site is located in the rear gardens of 2 and 3 Cadogan Park in Woodstock. The southern boundary of the site is adjacent to the main A44/Oxford Road into Woodstock. The World Heritage Site, Blenheim Palace, its registered park and gardens and listed boundary wall, are located to the West on the opposite side of the A44.

5.3 The site falls outside of the Conservation Area and is not within the Cotswolds National Landscape (formerly known as Cotswolds Area of Outstanding Natural Beauty). There is a blanket Tree Protection Order (TPO) which protects the trees along the northern edge of the A44 adjacent to the site.

5.4 Planning application 04/1358/P/OP for the erection of a single dwelling in the rear garden of 3 Cadogan Park was refused for the following reasons:

1. The proposal would not comprise acceptable rounding-off, in that the proposed development would unacceptably harm the visual qualities of this attractive approach to Woodstock and would be likely to set an undesirable precedent for other similar sites where, in equity, further development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and appearance of the surrounding area. As such the proposal would be contrary to Policies H7, H12 and CO11 of the West Oxfordshire Local Plan and Policies H7, H2 and BE11 of the emerging draft Local Plan 2011.
2. The use of the vehicular access, which is the subject of a confirmed enforcement notice and is therefore unlawful, would introduce turning movements on a busy A class road to the detriment of the safety and convenience of occupants of the site and to road users in general. As such, the proposal would be contrary to Policy BE4 of the adopted West Oxfordshire Local Plan and Policy BE3 of the emerging draft Local Plan 2011.

5.5 This decision was subsequently dismissed at appeal. The Planning Inspector concluded that the new vehicular access would breach the green space and significantly diminish the impact of the enclosures and planting along this part of the road, which would result in harm to the character and appearance of the area and setting of Blenheim Palace. The Inspector goes on to state that the provision of a dwelling in this location would not reflect the established pattern of development in the immediate locality.

5.6 The Inspector recognised that the more recent development in this area have frontages facing onto Cadogan Park rather than the Oxford Road and that the existing buildings in this area are set back from Oxford Road beyond long rear gardens and are not prominent or visible from the road, maintaining the integrity of the approach to Blenheim Palace. Officers note that although the Inspector made these comments almost 19 years ago this remains true of the pattern and character of development along this part of Oxford Road today.

5.7 An Enforcement Notice was also served in 2005 (EN485) as without planning permission a new vehicular access was formed onto the A44. The notice required the closing of the access via the removal of the gates and rebuilding of the low dry-stone wall to match that which sits either side of the new gap. This notice was appealed and the Planning Inspector dismissed the appeal and upheld the notice.

5.8 The application is before members today as the local member Cllr Cooper called the application in for the following reasons:

- Impacts on the Tree's
- One of the site owners is a previous employee of the District Council
- Traffic Management during construction

5.9 Also the Officers recommendation differs from the view taken by the Town Council.



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:

- Principle
- Impacts on Heritage Assets
- Impacts on TPO Trees
- Siting, Design and Massing

### **Principle**

5.11 Woodstock is defined in the West Oxfordshire Local Plan 2031 as a rural service centre. Policy H2 states that new dwellings will be permitted on undeveloped land within the built up area of Woodstock provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. Policy OS2 sets out that 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;
- 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.

### ***The Development Plan***

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

### ***National Policy/Guidance***

5.13 Notwithstanding Local Plan policies, officers must also take national policies into consideration. The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant. 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: o 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 o any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

5.14 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1-year supply. However, in a recent appeal at Land north of Cote Road, Aston for the erection of 40 affordable homes, the LPA agreed that the housing land supply position is somewhere between 2.56 - 3.14 years. As such, the provisions of paragraph 11 of the NPPF is engaged and the housing shortfall is significant.

5.15 It should be noted however, that the Local Plan is now more than 5 years old and in such cases the NPPF advises that, unless strategic housing policies have been reviewed and found not to require updating, the 5YHLS position should instead be calculated on the basis of the Government's standard method. The result of this is that the Council will calculate its housing land supply position on the basis of the standard method rather than the stepped housing trajectory of the Local Plan. An updated position statement will be published in October on this basis. However, this application is due to be heard by Members of the Uplands Area Planning Sub-Committee on October 16th and the updated position statement is unlikely to be published prior to this date.

### **Siting, Design, Massing and Impact on TPO Trees**

5.16 The proposed site plan indicates the dwelling be sited approx. 47m south of Cadogan Park, 16.5m from the A44 and approx. 5m from the TPO Tree belt. However, given the location of the site, officers are of the opinion that the provision of a large new dwelling would fail to respect or form a logical complement to the existing pattern of development in the vicinity of the site which, as mentioned above, is characterised by properties facing on to Cadogan Park and Crecy Walk with long gardens backing onto Oxford Road ensuring a low key buffer between the road and the built form.

5.17 While there is a break in the thick established tree/landscaping belt along this part of the Oxford Road, due to the unauthorised works which were carried out to create a new access in this location prior to the Enforcement Notice being issued in 2005, there is relatively new planting establishing itself set behind a characterful dry stone wall, which was rebuilt in accordance with the Enforcement Notice. Further, the erection of a new dwellings in this prominent location close to the road with the associated domestic paraphernalia would have an adversely transformative impact on the street scene.

5.18 The siting of the proposed dwelling also raises concerns as noted by the Landscape Officer who stated:

*as stated in the Tree Constraints plan and survey T19 is a 19m high lime tree. Its canopy extends approximately 5m to the north. At its closest point, the proposed building would be approximately 2.5m from it. Whilst the corner of the building is very tight in relation to the Root Protection Area, of greater*

*concern is the close juxtaposition between the large, dense, and sticky tree and the building, and the conflicts this will bring in terms of liveability. The proposed floor plans for the single storey kitchen element show large areas of glazing and several doors onto an extensive paved area wrapping around the rear of the building. This relationship is poor and would put the future of T19 at considerable risk.*

- 5.19 The Blenheim Park Green Corridor is referred to throughout the Design & Access Statement. It recognises the significance of the substantial tree belts that line the A44 and the contribution they make to the character of this important approach to the town.
- 5.20 Whilst the objective to reinforce this corridor is to be applauded, the scale and design of the proposals are such that this objective is unlikely to be met. The close proximity of development to existing important trees is likely to adversely affect them. The prospect of new tree planting of large species to achieve succession in the belts, within the 15m wide strip, looks to be remote in practice. It seems highly unlikely that occupiers of the property, restricted to the east by the dominant Copper beech, would nurture new large trees in an area of approximately half of the useable garden space and allow them to grow to maturity, particularly as the garden is south facing.
- 5.21 As identified in the appeal the tree belt provides an attractive approach to Woodstock and Oxford Road which the Inspector recognised is an important approach route to Woodstock and to Blenheim Palace and its Park, a World Heritage Site. He noted that on the northern side of the approach is a low stone wall, with a hedge set behind it. He pointed out that this part of the road is characterised by continuous vegetation along both sides the landscaped and enclosed approach road is important because it enhances the impact of the ornate gate to the Palace and the open parkland that lies beyond. He particularly commented upon the importance of the continuity of the landscaping along the northern side of the road. One of the iterations submitted by the applicant indicates the shadowing that the existing tree's would cast upon the proposed dwelling by Tree T19 and T20 as identified in the tree constraints plan. The scale of this shadow is quite significant and supports the Landscape Officer's concerns that a new dwelling in this location would put undue pressure on the Green belt and any future occupants of the dwelling are unlikely to maintain any new planting to the heights that are required to form a continuous line of vegetation and trees. Officers consider that given the scale and position of the dwelling both in relation to the pattern of development and also the TPO tree belt, that the proposed dwelling fails to comply with policy in this regard.
- 5.22 Notwithstanding the, in principle objection, on siting, the applicant has made amendments to the scheme to try and overcome some of the concerns raised by officers. These includes detaching the garage from the dwelling and moving it to the front, altering the fenestrations front and rear to make the dwelling more balanced and to try and address the concerns raised in regards to the tree belt.
- 5.23 Officers consider that the proposed dwelling in terms of design is comparable to the surrounding dwellings and is acceptable in this regard.

## **Heritage Impact**

- 5.24 As the site sits within close proximity to Blenheim Palace, its listed walls and is on the approach to the main entrance into the WHS, and is within the setting of the Woodstock Conservation Area, 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. Further, 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.

5.25 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.26 In this case, in light of the above assessment, by reason of its prominent location and the pressure the scheme puts on the green belt which has maintained its integrity on the approach into Woodstock and the WHS, the proposed residential development of the site is considered to have an unacceptable transformative impact on the character and appearance of the area which would result in less than substantial harm to the detriment of the setting and significance of the designated heritage assets.

5.27 Paragraph 202 of the NPPF 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 including, where appropriate, securing its optimum viable use. In this case, there are no discernible public benefits of the scheme that would outweigh the harm identified to the heritage assets. The benefit of the proposed additional planting along some parts of the southern boundary would be minimal compared to the harm caused by the new access and loss of existing wall and planting along here. Further, the provision of one new dwelling towards the Council's 5 year housing land supply is considered to be a low level of benefit which again would not outweigh the harms identified to the significance of the World Heritage Site and its associated heritage assets.

## **Highways**

5.28 This scheme sees the removal of the garage currently serving No 2 Cadogan Park in order to provide the vehicular access for the site. The parking for No 2 alongside the new dwelling is provided within the frontage of the new dwelling and to the rear of No 2 and 3 Cadogan Park. Whilst this is an unusual arrangement the site is considered to be in a sustainable location in the Town of Woodstock and allows for adequate parking serving both properties albeit detached from No 2 and therefore acceptable in this regard.

5.29 The Local Highway Authority has not raised any objections to the creation of the new access in highways safety terms, subject to the imposition of a condition.

## **Residential Amenities**

5.30 With regard to the impact on residential amenity, the proposed dwelling is sited between 30 and 35m away from the rear of No 2 and 3 Cadogan Park and 27m from the rear of No 4 and is broadly line with No 33 Oxford Road. Officers therefore consider that there are no amenity impacts by way of loss of light, overshadowing or overbearing impact as a result of the proposal.

## Conclusion

In light of the above assessment, the proposal is considered to result in adverse harms to the character, pattern and appearance of the area, with particular harm to the street scene along the Oxford Road and the setting of designated heritage assets including the Woodstock Conservation Area and the WHS, Blenheim Palace and its listed boundary walls. The less than substantial harm identified would not be outweighed by any discernible public benefits contrary to paragraph 202 of the NPPF. Further, with particular reference to paragraph 11(d) of the NPPF, your officers are of the opinion that the demonstrable harms identified to the setting of the protected heritage assets provide a clear reason for refusing the development proposed.

## 6 REASONS FOR REFUSAL

1. The proposal, by reason of its nature, location would fail to form a logical complement to the existing grain, character and appearance of the area, unacceptably harming the visual qualities of the attractive street scene approach into Woodstock, its designated Conservation Area, and the Blenheim Palace World Heritage Site. The development would fail to conserve or enhance the setting of the designated heritage assets and there are no discernible public benefits which would outweigh the medium level of less than substantial harm identified. With particular reference to paragraph 11(d) of the NPPF, the demonstrable harms identified to the setting of the protected heritage assets provide a clear reason for refusing the development proposed, and these harms would not be outweighed by the low level of benefit that the provision of only one dwellings would contribute towards the current shortfall of housing supply in the district. As such, the development is contrary to policies OS2, OS4, H2, EH9, EH10, EH11, and EH14 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide, the Woodstock Neighbourhood Plan and the relevant provisions of the NPPF; in particular paragraphs 202 and 11(d).
2. Given the siting and massing of the proposed dwelling It has not been sufficiently demonstrated that the proposed development would not detrimentally impact the health of the TPO trees immediately adjacent to the site. As such, the development is contrary to policies OS2, OS4 of the West Oxfordshire Local Plan 2031, and the NPPF 2023 in particular Para 174.

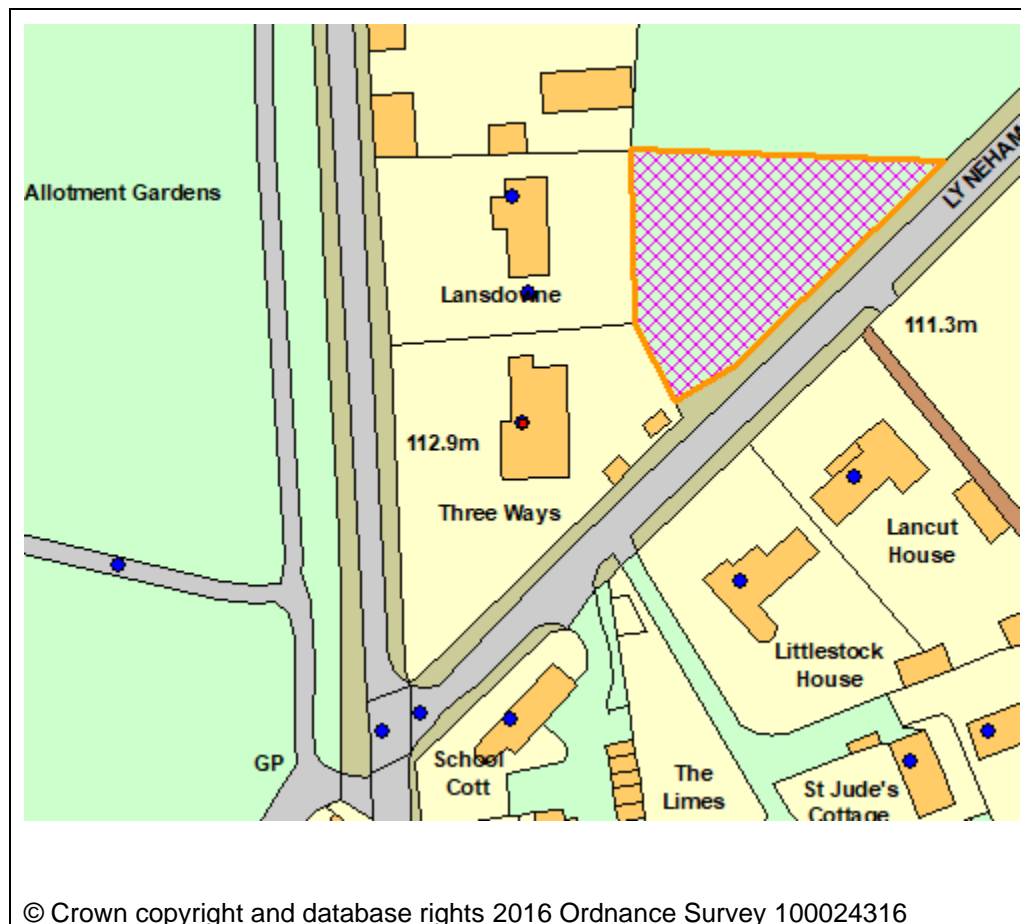
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 4th October 2023

Application Number	23/01957/FUL
Site Address	Threeways Bruern Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LL
Date	4th October 2023
Officer	James Nelson
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426459 E 218794 N
Committee Date	16th October 2023

### Location Map



### Application Details:

Erection of a bungalow with detached garaging and associated works (amended plans).

**Applicant Details:**

Mr David van de Poll  
Threeways  
Bruern Road  
Milton Under Wychwood  
Chipping Norton  
Oxfordshire  
OX7 6LL

**I CONSULTATIONS**

Parish Council

Milton-under-Wychwood Parish Council (MUW PC) met on 16 August at which meeting this application was considered. Three members of the public at the meeting expressed their views and said that they would make them known to WODC directly. In considering the application the MUW PC consulted with WODC and following that consultation had in mind the following specific policies: - Local Plan Policy H2 concerning the delivery of new homes in villages like MUW. That policy states that new homes can be built on undeveloped land adjoining the built-up area, where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs. The PC does not consider that there is convincing evidence that it is necessary to build in that location to meet identified housing needs - Local Plan Policy OS2 which sets out principles development should adhere to, one of which is does it form a logical complement to the existing scale and pattern of development and the character of the area. The proposed development will be on a field behind existing houses on Bruern Road and will be accessed from the Lyneham Road. No other property is accessible in that stretch of the Lyneham Road until Heath Farm some 500m further along, so the proposed development does not form a logical complement to the existing pattern - Local Plan Policy EH1 concerns development in the Cotswolds AONB where great weight is given to conserving and enhancing the natural beauty, landscape and countryside in the Cotswolds AONB. Major development is not permitted other than in exceptional circumstances. This is not a major development, but neither will it lead to conservation or enhancement of the natural beauty, landscape and countryside. The Local Plan also refers to windfall development noting that within the Cotswolds AONB, windfall housing proposals on undeveloped land adjoining built up areas will be particularly closely scrutinised and will only be supported where there is convincing evidence of a specific local housing need such as needs identified through a neighbourhood plan or affordable housing needs specific to a particular settlement, for example through a rural exception site. The MUW PC has not seen convincing evidence that this development meets any of those needs. - Finally, WODC advised that they will consider the design and access to the proposal and impacts on heritage, landscape, ecology and the amenity of neighbours. The application provides extensive

information on the design, access and ecological front, but it was clear at the PC meeting that owners of adjacent houses on the Bruern Road are not happy about the prospect of one of those properties being overlooked by the proposed development, having an adverse impact on their amenity. Taking account of all the foregoing considerations the Parish Council objects to the proposed development.

#### WODC Drainage

No objection subject to condition.

Although rainwater harvesting is welcomed, infiltration should be considered for the disposal of surface water, although the soil type and susceptibility to groundwater flooding are noted. Soakage testing will be required to check for the feasibility of using soakaways. If infiltration is 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 2m from the site boundary.

The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event without building flooding.

An exceedance flow plan should be provided for storm events in excess of 1 in 100 yr + 40% cc, based on proposed ground levels and directing runoff away from neighbouring properties.

#### Env Health - Uplands

I have no objection in principle subject to conditions.

#### 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.

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
- G32 turning facility

#### District Ecologist

No objection subject to conditions.

Section 5 of the EIA report makes recommendations for precautionary working methods for reptiles, badgers and hedgehogs as well as the protection of retained hedgerows. In addition, I note



that the site falls within an amber impact risk zone for great crested newts (GCN), with the Council's mapping system showing a previous record for GCN less than 30m from site. As most of the work will be contained to grassland that would be unsuitable habitat for GCN, the precautionary working method outlined Appendix 3 should be adopted. Therefore, the above compliance condition is recommended to ensure that precautionary mitigation is implemented.

I am pleased to see that consideration has been made to enhancements for bats and nesting birds on proposed plans, however, there is a slight discrepancy between the EIA report and plans with regards to nesting bird features. There is reference to the installation of a sparrow terrace in the EIA report, however the location of a swift box has been shown in the Proposed Location & Layout plans. I feel it would be more suitable for integrated swift bricks to be installed, as these are a 'universal' nest box, used by a range of nesting bird species, including house sparrows which are a red-listed species, as well as other nesting birds such as house martins and starlings.

I would recommend that the bat box be installed on a suitable mature tree instead of the proposed location (Drawing No. 7610-04) on the new build. The current proposed location of the bat box is directly above a window and in close proximity to the new garage which may block flight lines for bats and therefore reducing the likelihood of the bat box being used. If it is not possible to externally mount a bat box to a mature tree on site, it should instead be moved to a location on the new build with no glazed windows, no light spillage, on southern elevations and with clear paths to existing trees and hedges.

In addition, the proposed location & layout plans (Drawing No. 7610-05) makes reference to hedgehog homes being installed within both individual areas of biodiversity improvements shown on plans, and two hedgehog homes are recommended as an enhancement in Table 7.1 of the EIA report, however, these are not shown on any plans.

Advice on hedgehog homes can be found on the British Hedgehog Preservation Society's website;

<https://www.britishhedgehogs.org.uk/hedgehog-homes/>

The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 174, 179 and 180 of the revised NPPF and local plan policies EH3, therefore the above enhancement condition is recommended.

Table 7.1 of the EIA report and the Proposed Location & Layout plans refer to the planting of new fruit trees, native hedgerow and wildflower meadows, however, specifications have not been provided, nor management and maintenance plans to support this. Therefore, the landscaping condition is recommended.

Though the EIA concluded that species poor grassland habitat within the development area provides limited foraging opportunities for bats, the eastern boundary hedgerow does offers foraging and commuting opportunities. In addition, there are previous records for common and soprano pipistrelle and brown long-eared bats in the wider landscape. Therefore, the above lighting condition is recommended to ensure that any external lighting is sensitively designed.

## **2 THIRD PARTY COMMENTS**

2.1 25 comments in objection to the application have been received, raising the following planning matters:

- Pressure on local infrastructure/highways
- Precedent
- Impact upon ecology
- Landscape impact/incursion into open countryside
- Impact on village character
- Conflict with Neighbourhood Plan
- Relates poorly to pattern of development
- Lack of need
- Overlooking
- Loss of important open space
- Inaccurate/unclear plans
- Scale of proposed dwelling
- Precedent of 2014 application
- Garage amendments insignificant

2.2 Four comments in support of the application have been received covering the following:

- Moderate scale
- Locally appropriate design
- Maintain local ecology
- Housing need
- Retention of hedge

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted a Planning Statement in support of their case as well as Design and Access Statement. The full documents are available to view on the Council's website with the key points of the Planning Statement summarised below.

### ***Planning Statement***

3.2 The following Statement has been prepared by DS Planning Services (the agent) on behalf of Mr and Mrs van de Poll (the applicants) to accompany the submission of a full planning application for the erection of a new bungalow and associated double garage, which would be constructed to high energy performance standards, on land adjacent to Threeways, Bruern Road, Milton-under-Wychwood. The application follows pre-application advice provided by West Oxfordshire District Council on 23rd March 2023, under planning reference: 23/00446/PREAPP.

3.3 The site lies on the edge of the village of Milton-under-Wychwood and comprises a triangular parcel of land to the rear of Threeways. The site comprises a paddock and is currently accessed via a field gate off the Lyneham Road, whilst the bungalow at Threeways benefits from two

vehicular accesses, one off Bruern Road, and a second access off the Lyneham Road (just to the south-west of the field access).

- 3.4 The site is bounded by residential development to the west, along Bruern Road, and by a continuous line of residential development along the southern side of Lyneham Road, which extends north-eastwards beyond the line of the application site. To the north of the site is an open field.
- 3.5 The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 3.6 The application proposals relate to the erection of a single-storey dwelling, with associated two-bay garage building. Generous garden areas are provided, together with a parking and turning area on-site.
- 3.7 The dwelling is a modest bungalow providing two bedrooms and an internal floor area of 156.8m<sup>2</sup>, whilst the proposed garage would provide space for the parking of two cars, with a floor area of 38m<sup>2</sup>.
- 3.8 The dwelling and garaging have been designed as single-storey structures to minimise their impact on this edge of settlement site.
- 3.9 The dwelling has been orientated within the site to address the Lyneham Road and to reflect the pattern of development on the southern side of that road. The existing access is to be utilised and the garaging is sited adjacent, together with porous hardstanding to enable vehicles to park and turn on-site. Garden space is provided to the front, side and rear of the dwelling, with generous areas of land within the north-east and north-west sections of the site given over to planting to improve biodiversity within the site. Planting and post and rail fencing is proposed to define the northern and western boundaries of the site, whilst the eastern/southern boundary is delineated by an existing mature indigenous hedgerow.
- 3.10 The dwelling is to be constructed in natural Cotswold stone, with natural blue slates to the roof. Windows and doors are to be painted timber, with the proposed glazed element on the north-west gable finished in powder coated grey aluminium. The garage building is proposed to have a natural Cotswold stone base, with the walls constructed in horizontal oak cladding. The garage doors will be roller shutters, finished in powder coated grey aluminium. An array of solar panels is proposed on the south-west roofslope of the garage.
- 3.11 Extensive planting is proposed within the site to improve biodiversity, including sections of land within the north-east and north-west corners of the plot. New native species to be planted along the western and northern boundaries, with the introduction of a traditional post and rail fence along the northern boundary to delineate the site.
- 3.12 Access is proposed via the existing field gateway directly off the Lyneham Road.
- 3.13 Local Plan policies allow for new residential development on undeveloped land adjoining the village, subject to compliance with other policies in the Plan. It has been demonstrated that the application proposals are characteristic of the local area in terms of their scale, form and detailed design and reflect the pattern of development in the locality.

- 3.14 The proposed development has been sensitively located within the site to ensure that ample space is provided around the dwelling to maintain a sense of openness in this edge of village location. Substantial planting is proposed within the site to ensure that the development integrates with its surroundings and conserves the character and appearance of the AONB.
- 3.15 The proposed development can be implemented without having an unacceptable impact on highway safety and provides adequate parking for the dwelling.
- 3.16 The dwelling has been sympathetically sited and designed to ensure that the development would not harm the amenities of the occupants of adjacent dwellings and the garden area to be associated with the dwelling is commensurate with the size and nature of the property.
- 3.17 In light of the above, it is concluded that the development as proposed, complies with all relevant Development Plan policies and the guidance set out within the NPPF. It is therefore respectfully requested that the Council grants planning permission for the development.

#### **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  
EH1 Cotswolds AONB  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH8 Environmental protection  
BC1NEW Burford-Charlbury sub-area  
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 bungalow with detached garaging and associated works at Threeways, Bruern Road, Milton-under-Wychwood.
- 5.2 The site comprises a triangular parcel of undeveloped agricultural land to the north of Lyneham Road. The site is bordered by residential development to the south, east and west, with open countryside to the north. The site lies within the Cotswolds National Landscape ("the CNL", formerly the Area of Outstanding Natural Beauty) and Flood Risk Zone 1.
- 5.3 The application has been amended to reduce the scale and massing of the proposed garage building.

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**

14/1104/P/FP- Erection of detached dwelling. 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;
- Layout, Scale and Appearance;
- Impact upon the Character and Appearance of the Area and the CNL;
- Neighbourly Amenity;
- Highways Impacts; and
- Ecology Matters

### **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 comprised of the West Oxfordshire Local Plan 2031 ("the WOLP") and The Milton-under-Wychwood Neighbourhood Plan ("the NP"), which was made in June 2023 with 92% of voters in favour of the plan.

5.7 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 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.'

5.8 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.'

5.9 The site is neither previously developed nor allocated for housing development in the development plan. In officer's opinion, the proposed dwelling would adjoin the built up area of the village as opposed to being within the built up area of the village. 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 Policies H1 and BCI outline 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 in accordance with the WOLP subject to the development being necessary to meet identified housing needs and accords with the general principles of Policy OS2 listed above.

5.10 With regard to the NP, whilst it does not engage with strategic level policies, it contains relevant policies with regard to the impact of the proposal upon the character and appearance of the area and design matter. As a starting point, Policy CHI relates to village character. The application site lies within Area B (Upper Church Road and the Bruern and Lyneham Roads). The NP states that:

"Any proposal for planning permission in this area should be sensitive to the setting of the Church of SS Simon and Jude and its adjoining former Schoolroom, these all being listed buildings. Any enhancements to existing properties should not erode off-street parking provision to keep these roads as free of parked cars as they are at present. Any infill or 'demolish and replace' development should maintain current densities. The quiet nature of these roads should be maintained to conserve the peaceful environment enjoyed by churchgoers, allotment holders, and visitors to the churchyard and the burial ground".

5.11 Policy CH1 states, *inter alia*, that:

"New buildings should be set back from the building line, in keeping with this common feature throughout the Parish, with adequate provision of front gardens to contribute to the continued "greening" of the street scene, and to minimise urbanisation of the village... Any new development should retain natural features, mature trees, existing hedges, watercourses, and characteristic Cotswold stone boundaries to properties, leave buffers for planting and have edges that are visually "soft" as well as being permeable to wildlife to ensure biodiversity net gain".

5.12 NP Policy CH2 relates to key views stating:

"Development proposals should protect and where practicable enhance the key views identified at Figure 11. In particular, the design of new development should respond positively to the landscape and architecture along the sight lines and ensure that the key historic features within the area's landscape character and heritage are safeguarded".

5.13 The supporting text (pg. 40) outlines that the northern edge of the village (in which the site is located) displays the following characteristics:

"Visual: moderate to high intervisibility across open land - around Heath Farm for example; good distant views in most directions; views into and out of the urban edge filtered by mature vegetation.

5.14 Key sensitivities and considerations: need to strengthen landscape structure to bind together the urban edge; need to resist any further changes which will make settlement more dispersed in character".

5.15 The proposal is therefore expected to comply with the above NP policies, which will be fully assessed below.

### **National Policy/Guidance**

5.16 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.

5.17 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 NPPF 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 NPPF taken as a whole.

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

- 5.18 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).
- 5.19 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. More recent appeal decisions identify the supply as much lower, between 2.56-3.14 years (PINs Ref. 3317512). As such, the provisions of paragraph 11d) of the NPPF are engaged.
- 5.20 In respect of bullet point i), detailed above, these policies include those seeking to protect national landscapes, which are addressed in detail later in the report.

**Conclusions on the principle of residential development**

- 5.21 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 NPPF that protect areas or assets of particular importance.

**Layout, Scale and Appearance**

- 5.22 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'.
- 5.23 NP Policy CH1 requires building in this area to be 'set back from the building line, with adequate provision of front gardens to contribute to the continued "greening" of the street scene, and to minimise urbanisation of the village'. CH1 also seeks the retention of existing hedges for visual, landscape and ecological reasons.
- 5.24 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'.
- 5.25 The proposed dwelling would be set back in the plot and front Lyneham Road. The building would be single storey in height (5.5m) and take a duo-pitched form with two gables projecting to the front elevation. The building would be set over a T-plan. The proposed double garage building takes a duo-pitched form and has been reduced in scale following officer concerns. The proposed dwelling would be constructed of Cotswold stone under a natural slate roof with painted timber



and powder coated grey aluminium windows and doors. The garage would be timber under a natural slate roof. A parking and turning area would be provided as well as front and rear amenity space. The access to the site would remain in its existing location.

5.26 In terms of layout, the proposed dwelling and garage building would be well set back from the Highway, allowing the retention of the mature boundary hedgerow that fronts Lyneham Road and retaining a low-density, spacious character in line with NP Policy CH1. In terms of scale and form, the buildings would be modest in height and employ locally characteristic forms and materials such as duo-pitched gables and local stone. The amended garage building is considered sufficiently subservient to the host dwelling and would be set back from the building line, thereby achieving a secondary and recessive appearance. The application is therefore considered acceptable in terms of layout, scale and appearance.

### **Impact upon the Character and Appearance of the Area and the CNL**

5.27 As detailed above, the site is located within the CNL. 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 CNL. This duty is enshrined in the general principles of WOLP Policy OS2 as well as Policy EHI, 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'.

5.28 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'.

5.29 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.

5.30 NP Policy CH2 is also relevant and seeks to protect key views in the area. Whilst the application is distantly visible in views into the village from the north east, views of the site are filtered through established vegetation and contextualised by adjacent residential development. CH2 identifies that at the northern end of the village, key sensitivities and considerations include the 'need to strengthen landscape structure to bind together the urban edge' and the 'need to resist any further changes which will make settlement more dispersed in character'.

5.31 In terms of the existing character and appearance of the area, residential development in this part of the village is characterised by detached dwellings set in generous plots. The area displays a spacious and verdant character due to the relatively low density of built form and intervisibility with surrounding countryside.

5.32 The application site itself, whilst reading as a relatively small triangular wedge with residential development on two sides, does provide a positive contribution in landscape and visual impact

terms to the rural, soft edge to the village by virtue of its open, verdant appearance, undeveloped character and strong boundary hedgerow.

5.33 As such, the proposed development would lead to a slight incursion into the open countryside beyond the existing envelope of the village. However, the proposed dwelling would appear well related to existing built form to the south and west and therefore would not make the settlement more dispersed in character. Further, given the single storey height of the building, locally characteristic design, spacious plot, retention of boundary hedge and proposed planting along the site's northern edge, the proposal would not, on balance, result in any material harm to the character and appearance of the area or landscape and scenic beauty in the CNL.

### **Neighbourly Amenity**

5.34 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.

5.35 The application site shares common boundaries with Lansdowne (now two dwellings) and Three Ways to the west. The proposed dwelling would be single storey in height and would be sited in excess of 20m from neighbouring dwellings. Further, the offset orientation of the proposed dwelling compared to neighbours would ensure that no direct overlooking of habitable rooms or private amenity spaces would occur. The single storey scale of the dwelling and garage building would ensure that no loss of light or overbearing impacts would occur. Officers are therefore satisfied that no material neighbourliness impacts would result from the scheme.

### **Highways Impacts**

5.36 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".

5.37 The proposed development would not alter the position of the existing access, would provide ample parking space on-site as well as turning capacity. As a result, the Highways Authority and officers are satisfied that the proposal would result in a neutral impact upon highways safety and convenience.

### **Ecology**

5.38 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. The planning system should aim to deliver overall net gains for biodiversity as laid out in paragraphs 174, 179 and 180 of the NPPF.

5.39 The LPA's ecologist has been consulted on the application, which is supported by an Ecological Impact Assessment, which recommends precautionary working methods for reptiles, badgers and hedgehogs as well as the protection of retained hedgerows. The site falls within an amber impact risk zone for great crested newts ("GCN"), with the Council's mapping system showing a previous record for GCN less than 30m from site. As the application site comprises largely grassland (unsuitable habitat for GCN) the precautionary working methods outlined are considered acceptable.

5.40 The application includes proposals for enhancements for bats and nesting birds. However, the proposed locations and specifications are considered unsuitable by the LPA's ecologist. As a result, such details will be sought through condition. Therefore, the LPA's ecologist has raised no objection to the scheme subject to planning conditions as recommended and the application is considered acceptable from an ecological perspective.

### **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 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. I I 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 This assessment has found no significant planning harms to areas or assets of particular importance that would provide clear reason for refusing the development and as such, the 'tilted balance' as directed by NPPF Para. I I d(ii) is engaged whereby any adverse impacts resulting from the proposal must be balanced against the benefits and permission only refused where the adverse impacts would 'significantly and demonstrably outweigh the benefits'.

5.44 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 one additional unit of residential accommodation and consider that these benefits should be awarded very limited weight given that the scheme would provide just one additional unit of housing. The proposal would lead to the provision of ecological enhancements, however given the scale of the scheme, this benefit should be awarded very limited weight.

5.45 Conversely, this assessment has found that the proposal would accord with the provisions of the development plan (WOLP and NP) and would not lead to significant harms in terms of design, landscape and visual impact, highways and other matters. In this context, your officers consider that there are no adverse planning impacts that would significantly and demonstrably outweigh the benefits and as such, the application is recommended to Members for conditional approval.

## 6 CONDITIONS

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

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

2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 18.09.2023.

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

3. Prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan 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.

4. The external walls of the dwelling shall be constructed with natural Cotswold stone, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.

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

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

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

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

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

7. 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.

8. Prior to the erection of external walls, details of the provision of the following enhancement features shall be submitted to the local planning authority for approval:
  - One integrated bat box positioned away from glazed windows and in a southerly elevation or one externally mounted bat box on a suitably mature tree on site.
  - Two swift bricks incorporated within external walls of the development, under eaves or across a vertical wall away from windows, on Northeast elevations.
  - Log piles or open compost heap in soft landscaping areas.
  - Two hedgehog boxes installed against a fence or hedge, with the entrance facing away from a North or Northeast direction.

These will include a technical drawing showing the types of features, their locations within the site and their positions. The approved details shall be implemented within 3 months of the completion of the development hereby approved and thereafter permanently retained.

REASON: To provide additional opportunities for roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. Prior to the erection of external walls, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as species rich planting of native trees and native hedgerow and wildflower 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 sooner.

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

10. 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, West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority. The strategy will:
  - a. Identify the areas/features on site that are particularly sensitive for 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), West Oxfordshire District's Local Plan Policy EH3 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. The existing hedge along the south-eastern boundary of the land shall be retained at a height of not less than 1.5 metres and that any plants which die shall be replaced in the next planting season with others of a similar species and shall be retained.

REASON: To safeguard a feature that contributes to the character and landscape of the area.

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

REASON: Control is needed in order to prevent overdevelopment of the plot and the character and appearance of the area.

14. 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.

15. 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.

16. The development shall be completed in accordance with the recommendations in Section 5 and Appendix 3 of the consultancy report (Ecological Impact Assessment, Swift Ecology, 29th June 2023). All the recommendations shall be implemented in full, according to the timescales laid out in the recommendations, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently retained.

REASON: To ensure that species and habitats 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, Policy EH3 of the West Oxfordshire District 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. 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.

#### INFORMATIVES:-

1. If a protected species (such as any bat, great crested newt, hedgehog, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery can be dealt with satisfactorily by the implementation of biodiversity mitigation measures that have already been drawn up by your ecological advisor and approved by the Local Planning Authority then these should be implemented. Otherwise a suitably experienced ecologist should be contacted and the situation assessed before works can proceed. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works.

If bats or evidence of bats is found at any stage of development, the applicant is advised to stop work and follow the advice of a professional ecologist.

2. Please note If 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.

3. 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)).
  
4. 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/>

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