

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 5th February 2024**

### 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.

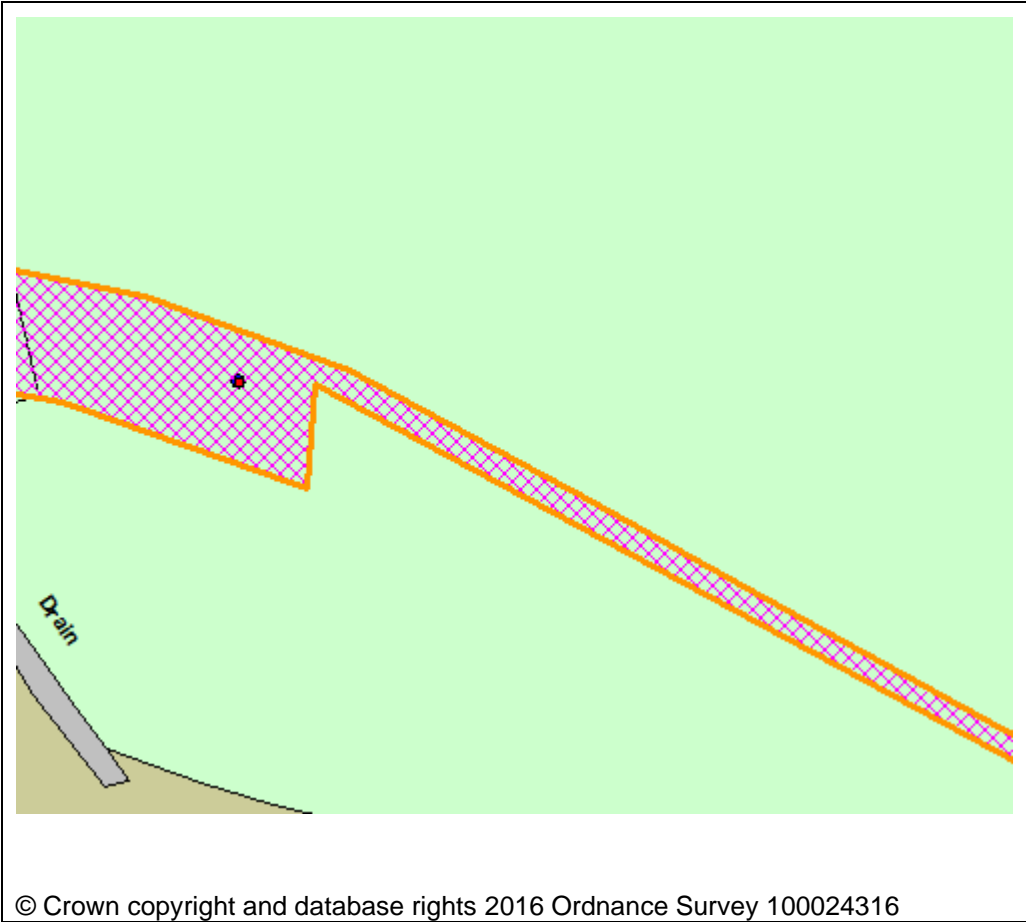
Please note that:

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>
	23/00083/FUL	Land To The North Of Rose Cottage Broughton Poggs	Esther Hill
	23/01182/FUL	Churchfields Care Home Pound Lane	Sarah Hegerty
	23/02231/FUL	Oakdene Wilcote Lane	Peter Morgan
	23/02297/FUL	Land Adjoining Dunlaoghaire Primrose Lane	Elloise Street
	23/02872/FUL	Barclay House 11 Burford Road	Esther Hill
	23/02917/FUL	Land South Of Ramsden Akeman Street	Joan Desmond
	23/02930/FUL	111 Manor Road Witney	Clare Anscombe

Application Number	23/00083/FUL
Site Address	Land To The North Of Rose Cottage Broughton Poggs Lechlade Oxfordshire GL7 3JH
Date	24th January 2024
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423346 E 204012 N
Committee Date	5th February 2024

**Location Map**



**Application Details:**

Removal of existing outbuildings. Erection of a stable building and associated hardstanding and access.  
(Amended)

**Applicant Details:**  
Mr And Mrs Cheauvea  
Old Rectory  
Broughton Poggs  
Lechlade  
Oxfordshire  
GL7 3JH

## **I CONSULTATIONS**

Parish Council

11.03.2023- Filkins and Broughton Poggs Parish Council objects to this application and ask for it to be called in.

This application raises a number of concerns due to the discrepancies within the Application for Planning, as listed below.

1. 3 Description of the Proposal - The definition is not clear, is the proposal for private use or commercial, Livery. This would effect ingress to the development.
2. 6 Pedestrian and Vehicle Access - Application states No new or altered access, currently grass and yet, under section 10, clearly states Vehicle access and hard-standing to be Compacted hardcore on geotextile membrane with wash Cotswold shingle surface.
3. 7 Waste storage and Collection - Application states no provision made. However, a number of horses will produce a large amount of waste bedding and manure. What is the proposal for storing this and removal of.
4. 10 Materials - Lighting, there is no mention of lighting on the application form. It is assumed that lighting will be required for internal use and for external, could external lighting be a distraction for vehicles on the A361 and B4477. Will an application for electric be made?
5. 11 Vehicle Parking - Application states N/A. Parking on the B4477 is not possible. However, given the vehicle access and hard-standing described in item 10 and the area of hard-standing as indicated of the site plan, parking is relevant.
6. 12 Foul Sewage - Application states foul sewage to connect to Mains Sewer, there is no main sewer. Is an application for mains sewer to be made and mains sewage brought into the development?
7. 13 Assessment of Flood Risk - A detailed submission regarding flood risk is attached with the application, which we feel we are not qualified to comment on. However, we would respectfully suggest that the proposed hard-standing for the development and the hard-standing access road will act as a holding barrier to any flood water until its capacity is reached causing a potential surge of flood water.
8. 15 Existing use - The application states that the current buildings and paddocks are in use as stables, feed room, hay store, tack room and machinery store. Incorrect, not used

for these as stated, only vehicle store. No equestrian use for some 5/10 years.

9. 16 Tree and hedges - Application states no tree or hedges, incorrect, trees and hedges evident.
10. The two site plans submitted with the application show one building which accords with the drawing showing plan and elevations of the proposed building. However and more concerning, the site plans attached with the Flood Risk assessment and the Drainage Strategy, clearly show two buildings which greatly increase the foot print and thus flood risk. How many buildings are proposed?

Conclusion - Given the extent and number of errors, inaccuracies within the application we are unable to support it in it's current form and as such we object.

Env Health - Lowlands

20.02.2023- I have no objection in principle.

WODC Drainage

20.09.2023- No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

If full planning permission is granted, could you please attach a condition.

OCC Highways

04.05.2023- 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 conditions

Parish Council

30.03.2023- In response to agents letter:

- a) Vehicle Parking and Hard Standing, Access Road - The application and comments continue to imply that the existing amenities are currently in use and have been for some time, not the case. However if this is the case why and where is the necessity to form a hard standing for parking and vehicle access road, given that it was not needed before. The comments state the hard standing is to be used for horse lorries, horse trailers and will be used for owners and their friends, family etc for temporary parking of vehicles. Our concern is that if permission is granted this could turn out to be permanent car park for horse lorries and horse trailers. How many will be allowed –
- b) Foul Sewage - Comments acknowledge that mains sewage is not available. Therefore the question still stands, How will

foul sewage from sinks, showers, washing machines etc be dealt with

- c) Discrepancy between two buildings or now one building - Comments state that a revised submission is to be made from two building to one building

Parish Council	30.10.2023- We see little reason to change our objection to this application and as such stand by the points raised on the two previously submitted applications.
Env Health Noise And Amenity	25.10.2023- Having looked at the new submissions, I have no objection in principal to this application in line with our previous comments.
WODC Drainage	24.10.2023- The only new drainage information that has been uploaded is a plan indicating the access track to be constructed with washed Cotswold shingle. I have no objection to this, but obviously a full s/w strategy is still required.
OCC Highways	26.10.2023- AMENDED PLANS  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
District Ecologist	17.01.2024- Further information is needed to assess the potential biodiversity implications:  The site falls within a Red impact risk zone for great crested newts as per the district licencing mapping, and the submitted preliminary ecological appraisal from 2022 has concluded an offence is likely with regards to great crested newts and the proposed development. Section 6.1.1 has outlined the options available to the applicant, either great crested newt presence/ likely absence surveys are undertaken during the optimal survey season (March-June) or the applicant can use the district level licencing scheme. This option would avoid the need for additional surveys, to use the district level licencing scheme, the applicant will need to contact NatureSpace. An enquiry can be made to NatureSpace via the following link: <a href="https://naturespaceuk.com/enquiry-form/">https://naturespaceuk.com/enquiry-form/</a>  Please can the applicant confirm to the Local Planning Authority which option they would like to proceed with by either submitting presence/absence great crested newts surveys or a certificate/report issued by NatureSpace confirming the development can be covered by the scheme and payment has been made.  If the above cannot be resolved, refusal is recommended for the following reasons:

Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire District's Local Plan Policy EH3, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

District Ecologist

20.12.2023- Recommendation:

Further information is needed to assess the potential biodiversity implications:

The application has not considered the potential impacts to biodiversity. After assessing this application, it is felt that the proposed site may offer potential for roosting and/or commuting or foraging bats, as well opportunities for other protected species such as nesting birds, hedgehogs, reptiles and amphibians. There are previous records for bats, grass snakes and hedgehog in the wider landscape. Furthermore there are habitats surrounding the site that may be negatively impacted by proposals and not been assessed, such as the brook, and the site is adjacent to a Local Wildlife Site. As a result, a preliminary ecological assessment (PEA), including a preliminary roost assessment (PRA) of outbuildings on site and any trees to be effected by works will need to be undertaken to assess the existing site for bat potential/evidence of bats. These surveys are required to determine whether bats and other protected and notable species are likely to be affected by the development, ensuring works are undertaken lawfully and preventing the applicant from unintentionally committing a wildlife offence.

If the PEA and PRA conclude bats are present or are likely to be present and could be impacted by the works, further bat surveys will need to be undertaken during the optimal survey season (May-September). All survey work must be completed by a suitably qualified and experienced ecologist, following best practice guidance as recommended by the Bat Conservation Trust (2023). If bats are found to be present, a suitable mitigation and compensation strategy will need to be submitted with the planning application, ensuring the Local Planning Authority can assess the proposal in light of the three

derogation tests in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

#### Great Crested Newts

I note that the site falls within the Red impact risk zone as per the district licence mapping scheme, which indicates that there are highly suitable habitats on site, with a high risk of great crested newts, and is within 100m of a pond. However, the Council's mapping system shows a main road between the pond and site that would act as a dispersal barrier, and the brook to the north of site would also create a barrier to GCN entering site. Therefore this constraint can be conditioned through West Oxfordshire's precautionary working method once the above further information is provided.

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

Insufficient information has been submitted, in particular, ecological survey information, assessment or mitigation to enable the Local Planning Authority to fully assess the extent to which species and habitats, including bats that are protected under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) or listed as species of Principal Importance in S.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (in particular Chapter 15); The Planning Practice Guidance; West Oxfordshire District's Local Plan Policy EH3, and ODPM Circular 06/2005. The Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Species and Habitats Regulations 2017 (as amended).

Conservation And Design  
Officer

31.03.2023- As you refer to, the proposed stables are relatively low lying and will replace existing stable buildings. I have no conservation objections.

## **2 REPRESENTATIONS**

2.1. No third party representation have been received.

## **3 APPLICANT'S CASE**

3.1 A number of supporting documents have been submitted with the application. The applicants Design and Access Statement is concluded as follows:



The proposed development is of appropriate design, scale and materials for the setting. The replacement of a collection of dilapidated timber outbuildings with one new building of reduce massing will tidy up the site and as such offers an improvement to the appearance of the site and a modest enhancement to the appearance of the conservation area.

- The development does not propose any change of use of the site.
- The siting of the development is broadly unchanged from the existing outbuildings.
- The visual impact on the open space within the conservation area is mitigated by the reduced massing of the proposed outbuilding relative to the buildings it replaces.
- The siting avoids any impact on the important open views across the site from the B4477 identified in the Filkins and Broughton Poggs Conservation Area Assessment.
- The development does not propose any change to the existing access to the site.
- The proposed development is compatible with its location within Flood Zone 3a.
- The proposed development will not result in harm to the ecology of the site.
- The inclusion of nesting boxes fixed to trees within the site will result in a net gain in biodiversity.

The proposed development complies with the relevant policies applicable to the site contained within The National Planning Policy Framework, West Oxfordshire Local Plan 2031, and The West Oxfordshire Design Guide. It is hoped that WODC Officers will be able to support the application to replace the existing outbuildings.

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH10 Conservation Areas

EH11 Listed Buildings

EH16 Non designated heritage assets

T4NEW Parking provision

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 The application seeks planning permission for the removal of existing outbuildings, the erection of a stable building and associated hardstanding and access (Amended) at Land To The North Of Rose Cottage, Broughton Poggs, Lechlade.

5.2 The application site relates to a parcel of land situated on the corner where the main access road into Broughton Poggs (the B4477) meets the A361. The application site measures approximately 750m<sup>2</sup> and forms part of a larger parcel (1 hectare) of amenity land and paddocks used in conjunction with The Old Rectory, Broughton Poggs. The site is served by an existing access from

the highway via a field gate on the B4477. On the southern boundary, the site is enclosed by a dry stone wall approximately 0.9m in height. The west boundary to the A361 features a well-established hedge and mature trees which screen the site from the public highway. The western half of the southern boundary to the application site is also screened by mature trees and a well-established hedgerow. The site is currently occupied by four timber frame outbuildings providing stables, feed store, machinery barn and general storage.

- 5.3 The site is directly north to properties Rose Cottage, Field House and Foxfield House. The site falls within the Filkins And Broughton Poggs Conservation Area and is within 100m of the grade II listed The Old Rectory and Broughton Poggs Mill. The site is also adjacent to locally listed property Foxfield House.
- 5.4 The application has been brought before Members of the Lowlands Sub Planning Committee as your officers recommendation is contrary to that of Filkins and Broughton Poggs Parish Council.
- 5.5 Amended plans to include the proposed drainage areas and the proposed access track have been submitted as part of this application. The description of development was also amended to include the proposed access track. Given amendments had to be made to the description of development and the red edged site area, the application was re advertised and consultees were re consulted.

#### *Relevant Planning History*

- 5.6 22/02164/FUL- Demolition of existing outbuildings. Erection of a single storey portal frame barn (steel) with profiled steel cladding- Withdrawn.  
The above application was withdrawn following officers concerns with the scale and design of the scheme proposed and the lawful land use of the site.

#### *Land use*

- 5.7 Concerns were raised as part of the previously withdrawn application regarding the lawful planning use of the site. The applicant advises that the land use is amenity land and paddock, used in conjunction with The Old Rectory, Broughton Poggs, GL7 3JH. The applicant has advised that the four timber outbuildings (two adjoining) on the land have been used as a stables, feed store, machinery barn and general storage and have been there for well over 20 years (Google Earth). Google Earth images also show that some type of fence enclosing a paddock area was present within the site from 1999 to 2019. Your officers are therefore satisfied that given the information provided the site does have a lawful equine use. As such, the proposed development does not propose any changes to land use.
- 5.8 Taking into account planning policy, other material considerations and the representations of interested parties, officers are of the opinion that the key considerations of the application are:

- The Principle of Development;
- Design, Scale and Form;
- Visual and Heritage Impact;
- Residential Amenity;
- Highways; and
- Other Matters

## **The Principle of Development**

5.9 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—  
a) the development plan, and  
b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.10 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the West Oxfordshire Local Plan 2031 unless material considerations strongly indicate otherwise.

5.11 The proposed stable building is to be sited on a parcel of land with an existing equine use. Therefore, the principle of development is considered acceptable subject to design and amenity issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

## **Design, Scale and Form**

5.12 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).

5.13 Proposed is the demolition of the existing outbuildings and the construction of a new stable building. The proposed stable building is to be situated towards the western boundary of the site, it is single storey in scale and contains 3 stalls, a feeding area, a heating and washing area and a utility space to house a washing machine and dryer. The proposed stable building is of a dual pitched roof design, it has an eaves height of 2.5m and an overall height of 3.875m. The proposed stable building is square in shape with a width and length of 11.45m. The proposed materials are pressure treated cladding to the elevations and a black onduline roof.

5.14 The design and scale of the proposed stable building is considered to be in keeping equine use of the site and buildings of this nature are not uncommon within the wider agricultural setting of the site. Your officers therefore consider the proposed scale, design and form of the stable building to be supportable and in accordance with policies OS2 and OS4 of the WOLP.

### **Visual and Heritage Impact**

5.15 The western boundary to the A361 features a well-established hedge and mature trees which screen the site from the public highway. However, in the winter month the building maybe partially visible. Given the difference in land levels and the height of the stable building, the stable building will be low lying within the landscape and is not considered to harm the visual amenity of the area when viewed for the A361. The stable building will be visible from the west (B4477), however given the scale and design of the stable building and that it will be set well away from the road, the building is not considered to give rise to any visual amenity issues and will be in keeping with the semi rural character of the area. The proposed access track through the site is to be finished in a Cotswold stone shingle, access tracks of this nature and design are not out of keeping with the character of locality and as such, the access track is not considered to give rise to any visual amenity issues.

### *Conservation Area*

5.16 The site falls within the Filkins And Broughton Poggs Conservation Area. Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard the proposed stable building would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

### *Non- Designated Heritage Impact*

5.17 The site is adjacent to locally listed property Foxfield House. Paragraph 209 of the NPPF states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.* Policy EH16 of the Adopted West Oxfordshire Local Plan states *When considering proposals that would affect, directly or indirectly, non-listed buildings, nonscheduled, non-nationally important archaeological remains or non-Registered Historic Parks and Gardens, as such assets are also irreplaceable, the presumption will be in favour of the avoidance of harm or loss. A balanced judgement will be made having regard to this presumption, the significance of the heritage asset, the scale of any harm or loss, and the benefits of the development. Proposals will be assessed using the principles set out for listed buildings, scheduled monuments and Registered Historic Parks and Gardens in Policies EH11, EH15 and EH14.*

5.18 Given the separation distance between the proposed stable building and the adjacent locally listed building and the design and scale of the proposed stable building which is in keeping with the semi rural character of the area, the proposed development is not considered to harm the significance

or setting of the non designated heritage asset. Your officers consider the proposed development to comply with policy EH16 of the WOLP and the relevant paragraphs of the NPPF 2023.

#### *Listed Buildings*

- 5.19 The application site is within 100m of the grade II listed The Old Rectory and Broughton Poggs Mill. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.20 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. In particular, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206). Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.21 With regard to the impact on the neighbouring listed buildings, the proposed stable building is not considered to obscure the historical architecture of the existing listed buildings, given its siting, scale, design and separation distance to the listed properties. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposed development would conform to policies EH10 and EH11 of the Local Plan and Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 5.22 The WODC Listed Building and Conservation Officer has been consulted on this application, they have advised that given the proposed stable building will be low lying and will replace the existing outbuildings, that they raise no objections to the proposed development.

#### **Residential Amenities**

- 5.23 Local Plan 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 West Oxfordshire Design Guide and NPPF paragraph 191.
- 5.24 With regard to the impact on neighbouring amenity, your officers consider that due to the siting of the proposed stable building and its separation distance to neighbouring residential properties, no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light, or noise and disturbance. The WODC Noise and Amenities Officer has been consulted on this application and has raised no objections.
- 5.25 In light of this assessment, officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP Policies OS2 and OS4.

## Highways

- 5.26 The existing gated access is to be retained. A 3m wide access track leading to the stable building is proposed, it is to be constructed out of compacted aggregate with a washed Cotswolds shingle surface and metal edging. The track surfacing is extended at the front of the building to provide a parking area.
- 5.27 OCC Highways have been consulted on the application and have raised no objections in regards to highways safety and convenience subject to conditions. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

## Other Matters

### *Biodiversity*

- 5.28 Policy EH3 of the Adopted West Oxfordshire Local Plan states that the Biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity.
- 5.29 A Preliminary Ecological Appraisal has been provided as part of this application. The site falls within a Red impact risk zone for great crested newts as per the district licencing mapping, and the submitted preliminary ecological appraisal from 2022 has concluded an offence is likely with regards to great crested newts and the proposed development. Section 6.1.1 has outlined the options available to the applicant, either great crested newt presence/ likely absence surveys are undertaken during the optimal survey season (March-June) or the applicant can use the district level licensing scheme. Your officers are waiting for the applicant to confirm whether they would like to submit the additional surveys or enter the district level licensing scheme. Should the impact to Great Crested Newts be addressed then the scheme is likely to be supportable in terms of biodiversity impact, subject to conditions.
- 5.30 Your officers therefore request that this application is delegated back to officers to approve subject to conditions once the above documents have been submitted and there are no further objections raised by the Biodiversity Officer.

### *Drainage*

- 5.31 Local Plan Policy EH7 states 'all sources of flooding (including sewer flooding and surface water flooding) will need to be addressed and measures to manage or reduce their impacts, onsite and elsewhere, incorporated into the development proposal'. The NPPF (paragraph 173) states 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere'.
- 5.32 The site lies within Floodzone 3 (high flood risk), however the vulnerability classification of the proposed development is water compatible and therefore can be supported within flood zone 3. Soakage testing has been carried out which demonstrates infiltration is feasible. An area of drainage field has been included as part of the surface water drainage strategy. The WODC Drainage Officer has been consulted on this application and has raised no objections subject to a condition for the final surface water strategy to be submitted prior to the commencement of the development. The

proposed development is therefore considered to comply with policy EH7 of the WOLP and the relevant paragraphs of the NPPF 2023.

#### *Parish Council Concerns*

5.33 Filkins and Broughton Poggs Parish Council have objected to the proposed development. Full copies of these comments can be found uploaded to the application file on the public access page of our website. The concerns raised related to the definition of development not being clear, the lack of information regarding waste storage and collection, no lighting details being provided, inaccuracies within the application form relating to trees, parking, works to access and foul sewage, flood risk issues and the use of the site not being equestrian for some 5-10 years. The applicant provided a response to the concerns initially raised by the Parish Council, and the Parish were re consulted and retained their objection. Your officers have summarised their remaining concerns and addressed their points below:

- The proposed area of hardstanding to the front of the stables could be used as a permanent car park for horse lorries and horse trailers.

5.34 The area of hardstanding to be used for vehicle parking has since been significantly reduced, this is shown on the amended site plans.

- Foul Sewage - Mains sewage is not available. Therefore the question still stands, How will foul sewage from sinks, showers, washing machines etc be dealt with.

5.35 A septic tank is proposed as part of this development.

- Discrepancy between two buildings or now one building - Comments state that a revised submission is to be made from two building to one building.

5.36 The initially submitted flood risk assessment incorrectly referred to the previously withdrawn application 22/02164/FUL and showed two buildings proposed. These documents have since been updated. Only one stable building is proposed.

5.37 Your officers have suggested a condition relating to the use of the stable and any external lighting.

5.38 Waste straw and other used absorbent bedding material and manure will be kept in a composter on the site, as it has been historically. The existing compost containment is no longer viable and a new composter is therefore required on site. The composter is to be located near to the stables where it is easy for collection by trailer, cannot drain into nearby fields and 10m away from the watercourses around the site. All horse manure, once well-rotted, is to be collected and used locally as soil fertiliser on local agricultural land. Details relating to the siting and specification of the composter has been secured by a condition.

#### **Recommendation**

5.39 In light of this assessment, the application is considered to accord with adopted West Oxfordshire Local Plan 2031 Policies OS2, OS4, T4, EH7, EH8, EH10, EH11 and EH16, the NPPF 2023 and the West Oxfordshire Design Guide 2016.

5.40 However, the applicant still needs to address the impact to Great Crested Newts by either entering into the district licensing scheme or providing additional surveys. Therefore, your officers are recommending that Members grant officers delegated authority to approve the application, subject to the outstanding biodiversity matters be satisfactorily addressed in accordance with the conditions outlined below and any further conditions the Biodiversity Officer considers necessary.

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

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

4. 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. 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. 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.

6. The stable building hereby approved shall not be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site



curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

7. Details of any external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction commences. Development shall be carried out in accordance with the approved details and thereafter permanently maintained as agreed. No further lighting shall be thereafter installed.

Reason: In the interests of visual amenity and in accordance with Local Plan Policy EH8.

8. The stables hereby permitted shall only be used for purposes in connection with and incidental to the use of the land in association with The Old Rectory, Broughton Poggs and shall not be used for the purposes of a livery or riding school or any other commercial purposes.

REASON: To prevent an unsuitable use in this location.

9. All contaminated bedding, straw, wood pellets and manure from the stable(s) shall be stored in a constructed compound, suitable trailer or composter and shall be covered with a suitable solid lid, the details of which and its siting shall be agreed in writing by the Local Planning Authority before the stable(s) are occupied. There shall be a minimum separating distance of 30 meters between the manure storage facility to the nearest neighbouring dwelling facade. The manure compound shall be emptied when full and its contents removed from the site, and shall not be disposed of by burning on the site. Manure shall not be burnt on site.

Reason: To safeguard the amenities of nearby residents and the surrounding area and to prevent pollution of the environment in accordance with Local Plan Policy EH8.

#### INFORMATIVES :-

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

- 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)
- I. 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.

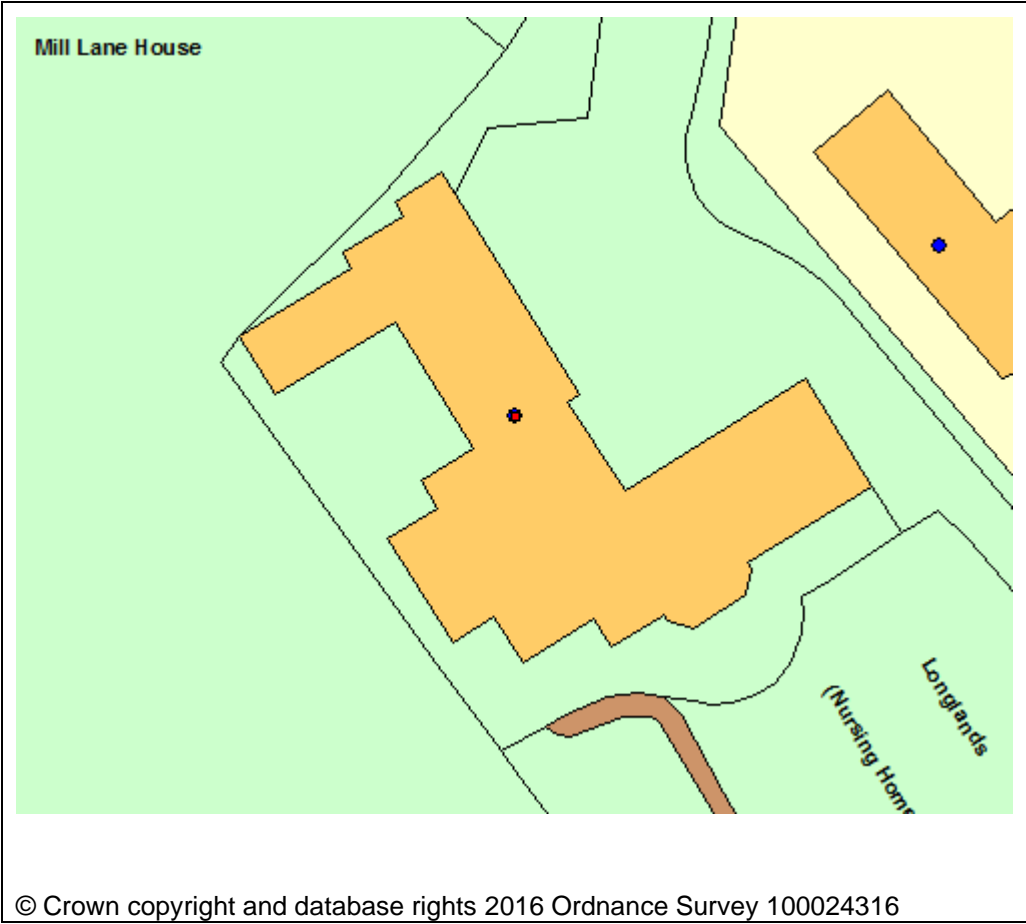
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 24th January 2024

Application Number	23/01182/FUL
Site Address	Churchfields Care Home Pound Lane Cassington Witney Oxfordshire OX29 4BN
Date	24th January 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Cassington Parish Council
Grid Reference	445448 E 210515 N
Committee Date	5th February 2024

**Location Map**



**Application Details:**

Erection of a two storey detached key worker nurses accommodation block and associated works

**Applicant Details:**

Mr R Sideras

Churchfields Care Home  
Pound Lane  
Cassington  
Witney  
Oxfordshire  
OX29 4BN

## I CONSULTATIONS

District Ecologist	More Information Required
Env Health - Lowlands	No objection to this proposal.
ERS Contamination	<p>Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.</p>
District Ecologist	Objection - More information required
WODC Drainage	No objection subject to all comments above being taken on board and the surface water condition being adhered to in full.
Conservation And Design Officer	No Objection
OCC Highways	Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the condition:
Thames Water	Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.
Historic England	Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
Parish Council	<p>Overview</p> <p>Whilst Cassington Parish Council remains sympathetic to both a local business and the need for provision of care home spaces for an ageing population we find the justifications for this development inadequate. The accommodation itself is of the most basic in nature (bedrooms for single occupants with shared bathrooms, kitchen and living space) albeit with a building of improved appearance compared to the previous application. Parking space provision seems inadequate and the location of such a block in Cassington is</p>

questionable given limited local amenities and the social and other needs of residents. We also find that the location of such a build on greenbelt land is not justified given other development of affordable homes in the area and it certainly is not providing the types of affordable family or single homes needed for purchase as outlined by residents of Cassington during recent surveys. The property build does not conform to Cassington Neighbourhood Plan Policy CAS8 with respect to net-zero build. The biodiversity assessment is inadequate. We find limited references to Cassington Neighbourhood Plan policy CAS5 on the local development code.

#### Statement of Housing Need

5.1 Makes the case that transport options from nearby towns are severely limited which means that the services are unusable for staff. We contend that this statement is incorrect. There is a regular bus service from Witney / Carterton along the A40 and a more regular service stopping at Eynsham, 20 minutes walk from Churchfields. Furthermore, the establishment of a new Park and Ride at Eynsham along with a new bus stop for Cassington East means that there will be regular buses into and out of Oxford. Paragraph 1.5 is clearly an overstatement of the current situation and pays no heed to the future situation.

3.1 Makes the case that a potential area for rental of properties, Kidlington is 1 hour 13 minutes walk from Churchfields. They do not mention the possibility of cycling this route which would be much faster (~25 minutes).

#### 4.0 Current Housing policy

Whilst this document focuses on the need for balanced provision of housing in the WODC District it does not refer in anyway to the existing policies and plans with respect to where development is being directed nor to existing new build or proposed developments including the Salt Cross development of 2200 or more houses including a requirement for 50% affordable housing.

Development is being directed at a number of population centres, such as Eynsham and Witney, with some development taking place in rural centres such as Long Hanborough. Villages like Cassington are expected to fulfil a small part of the needs via unallocated housing. Following Guidance from the Cassington Neighbourhood Plan housing should be provided on the basis of being infill housing with a bias towards smaller affordable family homes as requested by residents and consistent with the NPPF. It is also important to consider that the whole village is washed over by the Green Belt. We ask whether the development of such a large building in the village on greenbelt land is appropriate.

We would also comment that whilst the requirement for the property is for nursing staff the text for Section 4 and Section 6 of the Statement of Housing Need leaves us wondering whether this development is solely for workers at Churchfields or whether it will be open to rent by other people?

Also, the basis of provision to nursing staff is not clear. Will they be charged a full commercial rent?

Given the current financial situation of the business it would seem that this rental property is also aimed at bringing in a secondary stream of income to the company.

Finally, whilst the case is made that nurses at Churchfields are paid moderately above the average wage for care home staff it is very clear, even by admission, that this is not a living wage for Oxfordshire. We are concerned that lack of affordability for living in the county is therefore being used as an argument to build the proposed property.

#### Strategic Planning Policy Statement

4.5 - The Strategic Planning Policy Statement is correct, this is not a conventional building and is not suitable for development in Cassington, a village washed over by greenbelt.

4.6 and 4.7 - Surveys undertaken by both the Parish Council and by the Committee for the Neighbourhood Plan indicate a need for limited affordable housing, particular family homes. This proposal does not fulfil this requirement, instead being targeted at single workers. This is emphasised by the fact that the accommodation comprises bedrooms with shared bathroom, kitchen and living room areas. This is not what would be expected even in a normal flat or 1-2 bedroom house.

4.9 An existing garage does not represent PDL as it is a temporary structure.

5.4 We find the language here confusing. This development is not meeting the housing needs identified by the residents of Cassington. It does meet the needs of single workers requiring accommodation to work in Churchfields. However, the statement: "...meet the needs of a range of a particular group(s) having regard to specific local needs." is again suggestive that this accommodation will be open to others working outside of Churchfields. If so, the applicants should be just honest about the intended use of the accommodation.

7.1 It is not our understanding that a final decision on the configuration of the A40 development has been made. Furthermore, even if widening of the road does not take place now, it may be required in the future.

7.2 We find this paragraph completely unrealistic. Do the applicants and their consultants really believe that residents will not travel elsewhere and require private vehicles to do so? Given that Cassington is a very small village with limited amenities (essentially two pubs, a school and a church but no shops or other entertainment) we find it highly likely that residents will need to regularly travel in and out of the village for purposes of shopping, entertainment and visiting friends and relatives.

3 Provision of 5 parking spaces for 9 residents therefore seems inadequate. We do not want to see more vehicles being parked on the roads of the village causing inconvenience to other residents.

9.2 We completely disagree with respect to impact on Oxfordshire's greenbelt and certainly disagree that this development is neutral with respect to greenbelt. Oxfordshire's greenbelt is under severe pressure from both housing, industrial and (now) solar development. Any development on remaining greenbelt has to be considered seriously. In our view this development does not fulfil housing needs identified by residents in the village and is solely for benefit of Churchfields Nursing Home and its owners. Yes, there is a consideration here for key workers accommodation, but this needs to be examined in the context of the suitability of Cassington as a place of residence for such workers (does it fulfil their social and other needs?) and the substantial residential developments in the immediate area including of affordable homes.

#### Sustainability Statement

We find this to be wholly inadequate. Cassington Neighbourhood Plan Policy CAS8 calls for zerocarbon build. To remind the applicants this includes:

- A. All development must be 'zero carbon ready by design' to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping.
- B. Wherever feasible, all buildings should be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m<sup>2</sup>/year. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area.
- C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a Post Occupancy Evaluation Report to the Local Planning Authority within a specified period, unless exempted by Clause B. Where the Report identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged.
- D. All planning applications for major development are also required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment, using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.

- E. An Energy Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the energy hierarchy. Designers shall evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.

4 Given the locality of the building it would be suitable for ground / air heat pump technology, solar panels, insulation and glazing measures appropriate to net-zero build. We note that the NPPF states at paragraph 148 that:

"The planning system should support the transition to a low carbon future in a changing climate...it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions..." (Plan emphasis).

Given the size of this development and the fact that it will be occupied by low-income workers emphasises the need for low running costs of the building with result to heating etc.

#### Noise Assessment

With respect to noise, because of the very close location of the property to the A40 internal noise will exceed recommended levels if the windows are open for ventilation. A noise survey has recommended measures including the use of noise reducing building materials and a ventilation system to allow the property to be ventilated with the windows closed. This does not seem to represent a particularly comfortable location for a residential property.

Parish Council

Further comments:

Housing need - The National Planning Policy Framework states that local planning authorities should regard the construction of new buildings as inappropriate in the green belt, with a few specific exceptions. In paragraph 144, the framework explains that "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the green belt. It goes on to state that 'very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Unfortunately, the Government's Planning Practice Guidance Note offers little in the way of clarity as to what constitutes "very special circumstances". This had led to disparity in Planning Inspectorate



decisions as they decide on a case by case basis what the very special circumstances are, and whether they outweigh the harm to the green belt. However, in 2014, a written ministerial statement was issued stating that unmet housing need was not in itself likely to constitute a very special circumstance.

Whilst we acknowledge that Oxfordshire lacks affordable housing, we contend that allowing unrestrained building on greenbelt land is not the answer. Failing to uphold green belt planning law will accelerate the destruction of the county's natural habitat and will not provide housing in the right density or locations needed to solve the current supply problem. Taking the above points into consideration we do not support the view that housing need constitutes a special circumstance in this instance.

Accessibility - We are not aware of the shift patterns (start/finish times) upon which you partly base your case for approval. However, we challenge your assertion that it is unreasonable for staff to walk 20 minutes to and from a bus stop at the start and finish of their shifts, on the basis that this is the norm for other workers in Cassington who work in comparable professions, most notably within the Oxford City hospital network.

Net Zero Build - The Parish Council gives its full support to any detailed building proposal that addresses the need to move to net zero, such as the indication in this instance that a ground source heat pump will be incorporated into the build. However, we are not persuaded by the remainder of the narrative, which indicates that the applicants "intend" or will "consider" building designs which move towards the need for a net zero build, as neither of these equate to "will". As a minimum, we would expect to see a detailed description/specification of measures / design features to be incorporated into the build in order to ensure that this property meets with the guidelines, partially or wholly in the Cassington Neighbourhood Plan.

Ecological Appraisal - We note from the separate report produced for this appraisal, that all fieldwork associated with it was undertaken for one day only at the end of August, 2023. This we consider unsatisfactory, particularly in terms of the time of year when the site visit was conducted and we therefore question why a more suitable date(s) was not selected? Given the limited amount of time devoted to the site visit and the inappropriate time of year in which the site visit took place, we are not surprised that little evidence for the majority of taxa which separate ecological surveys linked to the provision of the Cassington Green Plan, undertaken throughout the spring of 2021, was found. With that in mind we wish to alert you to the following from those surveys, which we believe has significant bearing on the acceptability of the proposal.

Birds - It is worth noting that the Green Plan surveys indicated that the overall footprint of Cassington village is of high local bird conservation value, with 6 species identified under the 2006 NERC Act principle species list (Swift (*Apus apus*), Reed bunting (*Emberiza schoeniclus*), House sparrow (*Passer domesticus*), Bullfinch (*Pyrrhula pyrrhula*), Starling (*Sturnus vulgaris*) Song thrush (*Turdus philomelos*), the number rising to 7, if Fieldfare (*Turdus pilaris*) - a common winter visitor to the village grassland and hedgerow habitats - are included.

The village provides an important breeding site and feeding ground for three nationally declining bird species. First, the swift, which has seen more than a 50% decline in the last 20 years. As a consequence, it is Amber listed and is denoted as being in long-term breeding decline. Part of the reason for that decline has been the removal of appropriate nest sites (old buildings being removed or refurbished) in tandem with loss of foraging habitat adjacent to nest colonies, such as is provided by the aerial space above grassland habitats. Second, the house sparrow, which is experiencing similar levels of decline, albeit over a slightly longer time frame (40 years). The house sparrow is red listed and denoted as being in rapid long-term breeding decline. Despite this, good numbers of the species can be found within the village grounds and adjacent housing (gardens), where they congregate in the remnant hedgerows and bramble patches present. These remnant habitats are also an important site for the third species - the starling, whose numbers have declined markedly across much of the UK since the early 1980s and has continued ever since. Long-term monitoring by the British Trust for Ornithology shows that starling numbers have fallen by two thirds in Britain and because of this is red listed as a bird of high conservation concern.

Bats - Bats in and around the village use a variety of landscapes or habitats throughout the year as they feed, roost and travel. They use hunting grounds or foraging habitats to find food and commuting habitats to travel between roosts and foraging habitats. Bats are known to roost in several village buildings, but they also forage in the variety of green spaces available to them. In reference to this it is important to note that bats use linear features, namely hedgerows, to commute from one area of the village to another. These features act as navigational landmarks and can also provide some protection from predators.

Three bat species - Common pipistrelle (*Pipistrellus pipistrellus*), Soprano pipistrelle (*Pipistrellus pygmaeus*) and Brown long-eared (*Plecotus auritus*) were encountered in the Green Plan surveys via heterodyne bat detectors throughout the village environs, and there is a likelihood that other species will be encountered from time to time. The conservation of bats within the village is reliant on the delivery of several factors, namely the provision of roosting

opportunities, the availability of foraging and commuting habitat and the appropriate management / protection of existing roosts and areas. These factors are amply catered for within the footprint of the village, particularly in the form of the mature trees for roosting and the high incidence of foraging and commuting habitat available throughout. It is important to note that all UK bat species and their roosts are protected under national and European law.

Reptiles and amphibia - Reptiles are encountered in Cassington village, notably slow worms, (*Anguis fragilis*), with common lizard (*Zootoca vivipara*) and grass snakes (*Natrix helvetica*) occasionally sighted. All these species are protected in the UK under the Wildlife and Countryside Act, 1981 and are Priority Species under the UK Post-2010 Biodiversity Framework.

Amphibians detected within the village footprint include the common toad (*Bufo bufo*) (protected in the UK under the Wildlife and Countryside Act, 1981 and Priority Species under the UK Post-2010 Biodiversity Framework) and the common frog (*Rana temporaria*) (protected under the UK Wildlife and Countryside Act, 1981). Several wetland areas contained within the village have been evaluated for their potential as great crested newt (*Triturus cristatus*) habitat, using the NatureSpace Habitat Suitability Index (HSI) concluding that St. Peters School is a highly suitable location for their presence. This was subsequently confirmed by field surveys which revealed the species both in the recently reinstated wildlife pond within the school and in several suitably located refugia. The great crested newt is a protected species in the UK under schedule 5 of the Wildlife and Countryside Act, 1981, and in Europe under the European Union Directive on Natural Habitats and Wild Fauna and Flora. Section 9 regulations of the Wildlife and Countryside Act, 1981 protect the great crested newt at all life stages, from eggs to mature adults, stating it is illegal to kill, harm, capture or be in possession of parts of individuals; disturb, damage or obstruct access to breeding sites, areas of shelter or habitats; and/or partake in any form of trading in this species.

#### Concluding remarks

Cassington Parish Council continues to challenge the need to build in the green belt based on our observations above. Please do not hesitate to contact us if you wish to discuss the planning application further.

District Ecologist

The Ecological Appraisal confirmed there are some mature trees on site that provide moderate to high suitability for roosting bats and the site also offers an assemblage of suitable habitats for commuting and foraging bats. An endoscope inspection was carried out on the mature ash with high potential for roosting bats and found no evidence of bats at the time, however, as a precaution, the ecologist

has recommended that three bat boxes are installed prior to commencement of works to house any rescued bats that may be found during felling of trees and has therefore been conditioned for. The ecologist has also recommended that the tree is soft felled under ecological supervision as a precautionary measure. In addition, best practice guidelines have been recommended for lighting within the PEA. Therefore the above compliance condition is recommended.

The PEA makes a number of suggestions for biodiversity enhancements, however, no plans have been provided to support these, therefore the above enhancement condition is recommended to ensure that these enhancements are secured as part of the development.

Furthermore, the report concluded that the site and surrounding habitats offered opportunities for foraging and commuting badgers as well as sett creation within site. In addition, hedgerows, scrub and log piles on site also offer refuge habitat for reptiles and habitat for hedgehogs. Though no evidence of these species was found on site during the survey, construction works should follow West Oxfordshire's precautionary working method document to ensure these species are safeguarded.

The ecological report concluded that habitats on site were highly suitable for nesting birds, and bird boxes are located on the trunks of several existing trees. To safeguard nesting birds during vegetation clearance and construction, a precautionary working method statement is recommended.

A lighting condition has also been recommended to ensure that any proposed external lighting is sensitively designed and is not directed towards areas of habitat that are important roosting, commuting and foraging habitats for bats and badgers.

There are proposals for the planting of screening through mature trees and hedgerow, however no plans have been provided to support this proposal, therefore the above landscaping condition is recommended to ensure that any planting secures a net gain for biodiversity.

The site also falls into the Red impact risk zone for great crested newts as per the district licence mapping. As stated above, a report from NatureSpace has been submitted, indicating that the applicant is making use of the council's District Licence scheme and the Newt Officer has provided comments. Therefore I defer comments regarding great crested newts to the Newt Officer.

## **2 REPRESENTATIONS**

2.1 5 Objection comments received. Full details can be viewed on the website. Summary as follows:

- Application is riddled with mistakes and generalities
- Good public transport
- Poor access
- Negative impact on the conservation area,
- Highway safety concerns
- Endorse Parish Council objections
- Housing Need seems inadequate
- Noise pollution

## **3 APPLICANT'S CASE**

The application premises is a residential and nursing care home situated just south of the village of Cassington, capable of providing care services for up to 35 persons. The operation provides residential and nursing care for elderly males and females offering respite and convalescence, as well as long term nursing and dementia care in a safe, comfortable and happy environment.

In recent years, the business has faced a number of significant challenges, made worse by events such as Brexit and Covid-19, which have resulted in a national shortage of the qualified and experienced staff required to maintain the high standards of care provided. Currently, the operation requires 48 staff, of which 21 (50%) are from a BEM (Black and Ethnic Minority) background.

The business has suffered from a declining trading position in recent years, to where it currently suffers from an operating loss, which along with the above challenges presents a real threat to its medium-term survival.

West Oxfordshire has high property prices, both for sales and letting, which are well beyond the means of most workers in the care sector. The village of Cassington is very picturesque and highly desirable. Moreover, public transport options from nearby towns are severely limited, particularly as a result of post pandemic bus timetable changes, which mean that the services are now unusable for staff and effectively unavailable.

## **4 PLANNING POLICIES**

CASSNP Cassington Neighbourhood Plan  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
EH10 Conservation Areas  
DESGUI West Oxfordshire Design Guide  
NPPF 2023

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

## **5 PLANNING ASSESSMENT**

The application seeks permission for the erection of a two storey detached key worker nurses accommodation block and associated works

## **Background Information**

The application is brought before Members of the Lowlands Area Sub Planning Committee following the objection to the scheme by Cassington Parish Council.

The site lies on the north side of the A40 trunk road to the south of the village of Cassington (which under the settlement hierarchy within the supporting text of policy OS2 is identified as a village), and within the Cassington Conservation Area and the Green Belt. To the south, east and west there are largely undeveloped areas of land. Land levels in the vicinity are generally flat but the site slopes gently down to the A40. There are a large number of mature trees at the site, which assist in screening it from external views.

The site is occupied by a two-storey building which is the existing residential carehome which is located in the northern part of the site, and finished in cream rendered walls and a tiled roof. The building has had the benefit of previous extensions over the years.

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 of Development
- Impact on the Heritage Assets
- Siting, Design, Massing and Visual Impact on the Green Belt
- Biodiversity

## **Principle**

### *Development Plan*

In October 2023 the Levelling-Up and Regeneration Act ("LURA") received royal ascent. The LURA replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- (a) the development plan, and
- (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP and CNP unless material considerations strongly indicate otherwise.

Policy H2 of the WOLP states that:

*New dwellings will be permitted at the main service centres, rural service centres and 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.*
- *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.*

In this instance whilst the proposed is not a dwelling the use is for residential accommodation which is linked to an existing employment use, therefore the final bullet point applies in this case.

The applicant has submitted various information in regards to addressing the housing need in the form of a STATEMENT OF HOUSING NEED and also in responses to points raised by the Parish Council.

Having fully assessed and considered the information submitted by the applicant, officers are minded to agree that the proposed Keyworker accommodation responds to an identified need. The nurses and carers employed at the site do not follow a 9-5 shift pattern which therefore limits the use of public transport or other sustainable modes of transport such as cycling. This limitation then dictates the location which they can live and given the rental and purchase prices of the local area means that the buying or renting a property in the immediate is likely to be beyond the means of care workers employed at the site. Therefore, the principle of development is considered to be acceptable.

### **Impact on Heritage Asset**

The Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

In particular, paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset - such as a Listed Building, or Conservation Area - great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 206).

The Conservation Officer has commented as follows:

*In conservation terms I have no objection with the principal of this building at this location.*

A concern was raised in regards to the internal design and space provided to the future occupants of the building which has been discussed further in the report.

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.

Officers consider that the less than substantial harm arising in this case is outweighed by the public benefit of the provision of Key Worker Accommodation.

### **Siting, Design, Massing and Visual Impact on the Green Belt**

The applicant engaged with the council through the pre application process and alterations were made to the submitted design, form and massing of the building following this process.

Also following the comments made by the Conservation Officer the internal layout was altered to allow a lower ratio of the bedrooms using one bathroom with the provision of ensuite facilities to some of the bedrooms.

Considering first the siting, officers raised concern within the pre application process given the proximity of the building to the A40. The applicant submitted a noise report analysing the proposed scheme in relation to the A40 and the Councils ERS Team were consulted as part of the application process.

No objection has been raised by the ERS team (subject to condition) and officers are satisfied that the proposed scheme will not give rise to negative noise impacts on the futures occupants of the building.

Considering next the design.

The Cassington Conservation Area Appraisal document states

"Architectural character and quality of buildings: The buildings of Cassington are typically vernacular, and are characterised by their small scale and their simple form and detailing."

Similarly the Cassington Neighbourhood Plan Design Codes identifies that the site is within the Nucleated Core of the Village and goes on to identify the materials that are considered acceptable in this area.

Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area.

Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.

The submitted design is consistent with both the care home and the wider context of the area in regards scale, design and the proposed materials of stone under a slate tile roof is considered to be compliant with the Cassington Neighbourhood Plan Design Codes and the overall architectural character of the area and is therefore acceptable.



Thirdly officers must consider the impact on the Green Belt. As noted above the site sits within the greenbelt and forms part of an area of undeveloped green space which extends westwards into the open countryside. As stated within the NPPF and reiterated within the planning statement submitted by the application: Paragraph 152 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, the exceptions to this include the following:

- Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

Officers have already established that there is a housing need for Key Workers employed by this site therefore the harm to the Green Belt with the construction of a new building is outweighed by a Very Special Circumstance. In addition, Officers also consider that given the location of the building set away from the eastern boundary which is also in line with the eastern elevation of the Care Home to the north and the A40 to the immediate south the building does not extend the built form further east than existing into the Green Belt therefore limiting the impact further.

### **Biodiversity**

The biodiversity of the site was also a key consideration for this application. The Council's Biodiversity Officer raised initial concerns and requested further information to be submitted. Following further survey work and the subsequent information submission the Biodiversity Officer has raised no objection subject to conditions attached to the permission in relation to Bats, Great Crested Newts and more general biodiversity enhancements across the site. Officers therefore consider this acceptable in this regard.

### **Other Matters**

In many of the objection comments received from neighbours the access to the site during the construction phase was raised as a concern which officers share given the restricted and narrow nature of the access. Officers have attached a condition requiring a Construction Management Plan to be submitted to ensure that the impacts are minimised.

### **Conclusion**

In light of the above assessment officers consider that the proposal is acceptable in accordance with policies of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016, Cassington Neighbourhood Plan and the NPPF.

## **6 CONDITIONS**

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

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

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

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

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

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

4. The Key Worker nurses living accommodation hereby permitted shall only be occupied by staff employed at the Churchfields Care Home.

REASON: This application has only been permitted in the special circumstances of the proposal and to comply with the relevant housing and environmental policies of the West Oxfordshire Local Plan 2031 and the NPPF.

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 approved Statement shall be adhered to throughout the construction period and shall provide for:
  - I. The parking of vehicles for site operatives and visitors
  - II. The loading and unloading of plant and materials
  - III. The storage of plant and materials used in constructing the development
  - IV. The erection and maintenance of security hoarding including decorative displays
  - V. Wheel washing facilities
  - VI. Measures to control the emission of dust and dirt during construction
  - VII. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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. All glazing to the property shall be in accordance with the recommendation given in the acoustic report submitted by FI:Acoustics in support of this application and retained as such thereafter.

Reason: To ensure the well being and comfort of proposed occupants.

7. Prior to commencement of the development, details of a minimum of three Chillon Woodstone bat boxes shall be submitted to and approved by the local planning authority. The submitted details shall include the location of the bat boxes, their heights and aspects and shall be installed in accordance with the approved details prior to the commencement of the development and permanently retained thereafter.

REASON: To ensure that bats 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 180, 185 and 186 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.

8. The development shall be completed in accordance with the recommendations in:  
Endoscope inspection report (Churchfields Care Home, Pound Lane, Cassington, OX29 4BN, Cherryfield Ecology letter, dated 27th November 2023)  
Bat mitigation and lighting recommendations in Table 17 of the consultancy report (Ecological Appraisal, Cherryfield Ecology, 8th September 2023)  
West Oxfordshire District Council's Precautionary Method of Working document.

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 bats, badgers, reptiles and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Protection of Badgers Act 1992, Circular 06/2005, paragraphs 180, 185 and 186 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.

9. Before development takes place, details of the provision the following biodiversity enhancements shall be submitted to the local planning authority for approval:

- integrated bat roosting opportunities (minimum two bat boxes/ bat tubes integrated into the walls of each new dwelling positioned no lower than 4m above ground level on south/south-west elevations);
- integrated nesting opportunities for birds (swift bricks and house sparrow terraces integrated into the walls of each new dwelling, no lower than 3m above ground level, on north/north-east facing elevations);
- externally mounted small bird boxes, affixed to existing mature trees on site, now lower than 2m above ground level, facing north/north east direction;
- Insect boxes located in a sheltered location within site, positioned facing a southerly direction;
- Permeable opportunities for hedgehogs (13cm x13cm gaps/holes within any close-board fencing for each dwelling).

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, nesting birds, reptiles, amphibians and hedgehogs as a biodiversity enhancement, in accordance with paragraphs 180, 185 and 186 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.

10. No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for nesting birds 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 nesting birds 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 180, 185 and 186 of the National Planning Policy Framework (Chapter 15), 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.

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 180, 185 and 186 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. Within three months of the date of consent, 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.

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 180, 185 and 186 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.

13. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR112, or a 'Further Licence') and with

the proposals detailed on plan "Churchfields Care Home: Impact plan for great crested newt District

Licensing (Version 1)", dated 28<sup>th</sup> November 2023.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-ORI 12, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

14. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-ORI 12, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

15. No development hereby permitted shall take place except in accordance with Part I of the Great Crested Newt Mitigation Principles, as set out in the District Licence WML-ORI 12 (or a 'Further Licence':

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat,
- installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML-ORI 12, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

16. Before above ground building work commences, a schedule of materials 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.

17. 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.

18. Prior to First Occupation details of cycle parking for the key worker accommodation should be submitted to and approved in writing by the local planning authority. The accommodation shall not be occupied until the cycle parking/ storage or other buildings have been provided in accordance with the approved details. The cycle parking areas so approved shall thereafter be permanently retained and kept available for cycle parking.

REASON: In the interests of promoting sustainable transport.

19. 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.

#### INFORMATIVES :-

1. It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.  
It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.  
It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority (which permits the development to proceed under the District Licence WML-ORI 12, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.  
It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and

(in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

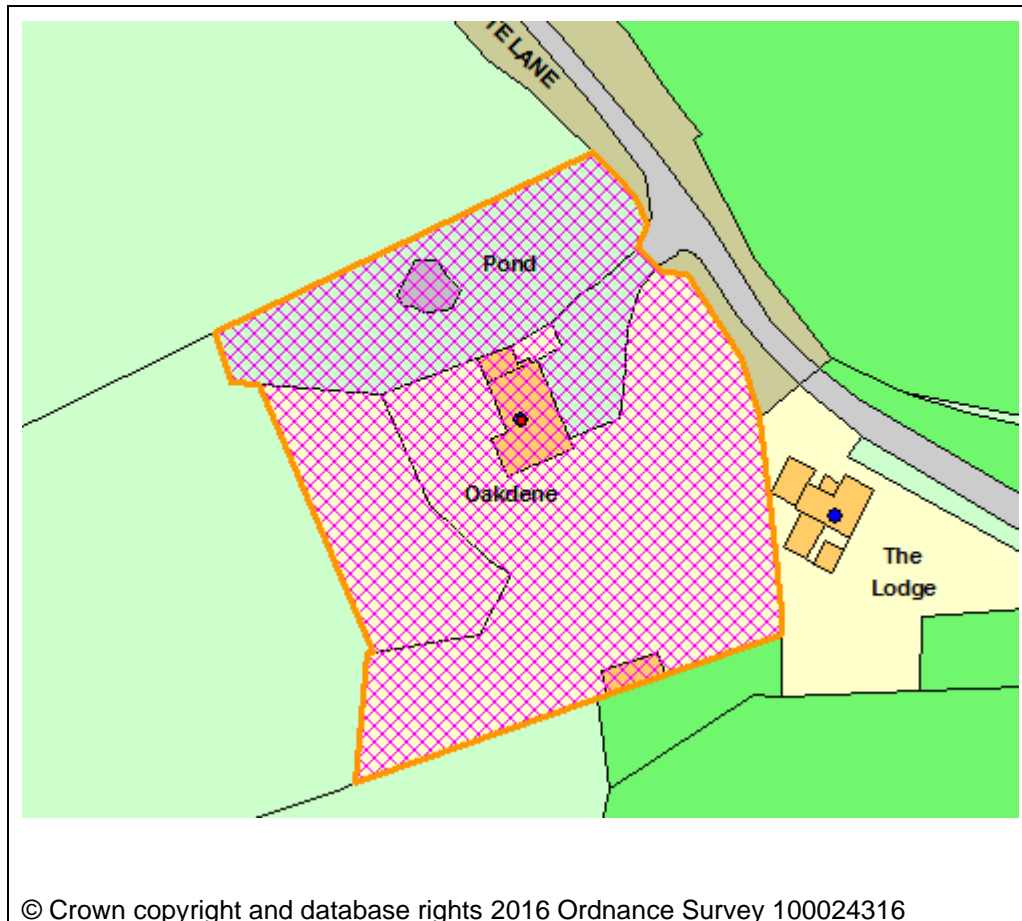
2. If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. If the discovery 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.

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/>

**Contact Officer:** Sarah Hegerty  
**Telephone Number:** 01993 861713  
**Date:** 24th January 2024

Application Number	23/02231/FUL
Site Address	Oakdene Wilcote Lane Ramsden Chipping Norton Oxfordshire OX7 3BA
Date	24th January 2024
Officer	Peter Morgan
Officer Recommendations	Approve
Parish	Ramsden Parish Council
Grid Reference	436118 E 215306 N
Committee Date	5th February 2024

### Location Map



### Application Details:

Removal of existing dwelling. Erection of a dwelling with garage and garden barn and associated landscaping (Amended)



**Applicant Details:**

Christopher Aust  
Oakdene  
Wilcote Lane  
Ramsden  
Chipping Norton  
Oxfordshire  
OX7 3BA

**I CONSULTATIONS**

Conservation And Design Officer	<p>Looks generally OK now - certainly in terms of height and volume.</p> <p>I would prefer all dormers rather than a mix of rooflights and dormers, which gives a tidier roofscape. And it still tends to fall unresolvedly between barn and domestic, but not refusably</p>
WODC Drainage	<p>No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.</p>
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.</p> <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 conditions.</p>
Env Health - Lowlands	<p>I have no objection in principle. I recommend conditions.</p>
District Ecologist	<p>Requested additional information - see full comments on file</p> <p>The Local Planning Authority has a statutory duty with regards to European Protected Species and must be confident that a license can be obtained from Natural England for works to proceed lawfully and that the three derogation tests can be met.</p>
Parish Council	<p>Ramsden Parish Council objects as the proposal on the following grounds</p> <ol style="list-style-type: none"><li>1. The building footprint is significantly larger than the existing building</li><li>2. The plot sits at the top of the Ramsden valley (140m contour) This area combined with land to the north of Wilcote Lane drain to the rear of the residential properties along Lower End. During flash flooding (two floods since the major flood of 2007) this area is a major contributor to the water flow to both the front and rear of the Lower End properties. The increased footprint and hardstanding proposed at the development may increase the speed and</li></ol>

volume of water runoff. An evaluation of the flooding risk is recommended.

3. The roof ridge height is significantly higher than the existing building.
4. The proposed materials and finishes are incompatible with the architectural language and characteristics of the village. There is particular about the large scale fenestration on the western elevation.
5. On a non planning matter the Parish Council is concerned about the management of the construction phase of the development as Wilcote Lane is narrow residential lane and incompatible with large vehicles. The developer should be required to ensure that all materials and contractors vehicles can be retained / parked within the site perimeter at all times. There should be a sufficient lorry turning circle within the site so that large vehicles can enter / leave the site in a forward gear.

Parish Council

Ramsden PC

The applicant has made some positive changes against the objections PC raised but we still have concerns / observations.

#### 1. Building Footprint

It is acknowledged that the building footprint has been reduced but not that significantly. The Council's concern is not one of over development but the impact a larger footprint and associated hardstanding may have on potential surface water runoff to Lower End during flash flooding.

#### 2. Flooding

It would be helpful if the applicant commissioned a report that examined the concerns raised in point (1)

#### 3. Ridge Height

It is acknowledged that the applicant has reduced the height of the roof ridge below the level of the existing property

#### 4. Design & Materials.

It is noted that the west elevation (as seen from Lower End) has been redesigned. However, the large ground floor and end gable ground and first floor fenestration still seems inappropriate against a cotswold village architectural vernacular.

The removal of most of the timber cladding is noted. The "burnt" wood finish to the garden room cladding is not seen as a typical local cotswold building material.

#### 5. Construction Management

The concerns raised in the Council's previous comment about construction management during the building process remain.

WODC Landscape And  
Forestry Officer

No Comment Received.

District Ecologist

No objection subject to conditions

## **2 REPRESENTATIONS**

2.1 7 letters of representation were received in objection to the original application submission. The application proposal was revised to the current submission. However, objections were not rescinded.

The following summarises grounds for the objections:-

- Design makes no attempt to fit in with Cotswold vernacular
- No short-term rentals with absent landlords.
- Development of scale will result in flooding
- Conservation area appraisal highlights the view from Lower End up this valley as a "significant view", and it therefore should be protected.
- This new structure will be visible from the Lower End, especially during the winter months.
- The amount of glass panelling on the rear elevation, when lit up, will be very noticeable.
- There is no internal detail for the garden room on the plan. What will this be used as?
- There is a possibility of light pollution from this house as it is set high up in the village in an area designated as an outstanding view within an Area of Outstanding Beauty.
- External lighting should be kept to within acceptable limits as it is destined to dwarf the surrounding houses and be very visible from Lower End.

## **3 APPLICANT'S CASE**

3.1 The Design and Access statement is concluded as follows:

This Design & Access Statement document has been produced to demonstrate the proposals for a development at Oakdene, Wilcote Lane, summarised by the following key ideas:

- A sensitive response to the site. By carefully considering the orientation and placement of building masses, the site can elevate its surroundings and optimise its inherent qualities.
- A celebration Cotswold architecture paired with contemporary design. This has been achieved through the form and materiality, as it emulates the local vernacular prominent in Ramsden Village.
- A strong relationship between house and garden that enhances the whole site. The considered placement of spaces on the site has established a
- improved the connection between the main house and the landscape.
- Pursue a sustainable design by incorporating environmentally conscious ideas such as renewable energy sources, solar shading, robust thermal envelope and harmonising with its natural surroundings.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

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

## 5 PLANNING ASSESSMENT

### Background Information

5.1 Planning permission is sought to replace an existing single dwelling. The existing dwelling is a large, circa 1950s modern dwelling, one and one-half storeys in height with a steeply sloping dual-pitched roof. The dwelling is set back from the highway within a very generous plot that is bounded to the northwest and east by mature boundary vegetation, trees and foliage. A makeshift carport is attached to the western elevation, and there is an assortment of derelict wooden outbuildings that are dishevelled in their appearance located along the eastern boundary. Whilst the entrance onto the site from Wilcote Lane to the north is densely wooded, in contrast, the rear of the site is open in character and affords long views south towards the village of Ramsden, the southern boundary is enclosed using post and rail fencing, and the land beyond comprising paddock, lies within the enquirer ownership. The proposal would involve the demolition of the existing dwelling to erect a modern dwelling of contemporary vernacular. The proposed dwelling would comprise three parts forming a collection of modern barn-like structures forming the main dwelling on roughly the same footprint as the existing house, a garage located to the northeast of the main dwelling and an outbuilding located to the east of the main dwelling.

5.2 The site does not lie within a designated area.

### 5.3 *Relevant Planning History*

There is no relevant planning history

### Principle of Development

5.4 In October 2023, the Levelling-Up and Regeneration Bill ("LURB") received royal assent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C), which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a. the development plan, and
- b. any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.5 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

5.6 Policy H6 of the local plan seeks to manage changes to existing housing in order to maintain sustainable communities and a high-quality environment in accordance with the following principles, including "proposals to replace an existing permanent dwelling which is not of historical or architectural value will be permitted on a one-for-one basis, provided the character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species, and the replacement dwelling is of a reasonable scale relative to the original building".

5.7 Policy OS2 also provides the General Principles to which all development must adhere, these require that development: -

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- 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;
- In the Green Belt, comply with national policies for the Green Belt

5.8 Regarding the principle of development, the existing dwelling is not of historical or architectural merit and, as such, the proposed development is considered acceptable in principle subject to compliance with other policies of the Local Plan.

### **Siting, Design and Visual Impact**

5.9 The application proposal has been revised to reduce the height and scale of development The replacement dwelling is 1 and ½ storeys in height and comprises 3no gabled-dormer windows to the rear and 2no to the front of the dwelling. The design comprises front and rear gable projections. The replacement dwelling is marginally taller than the existing dwelling by approximately 300mm. However, the length and width are greater than the existing dwelling, although proportionate to the scale of the site.

5.10 The redevelopment incorporates a two-bay garage in front of the dwelling and a single-storey outbuilding to the rear of the garage. The outbuilding measures approximately 19 metres in length and 7 metres in depth. The outbuilding and garage comprise dual-pitched roofs measuring 4 meters to ridge height. The materials of construction include the house and garage finished using a local stone facing with an appropriate roof tile to be specified, and the outbuilding finished in burnt timber cladding.

5.11 Policy OS4, which seeks to achieve a High-Quality Design and states that "new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings...". Paragraph 130b of the NPPF require 'policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.' This tripartite design comprises a rectilinear form, which is characteristic of the area, and the materials of construction would be acceptable. The scale of development is also acceptable since the existing dwelling and assortment of outbuildings would constitute a very similar footprint. Furthermore, the scale of the site would mean that the existing dwelling has considerable scope

using permitted development rights. These can be removed as a result of this development to control future development within the site.

- 5.12 Regarding the appearance, the proposed dwelling is considered to be acceptable given the materials of construction, the rectilinear form and the overall height. The fenestration is also considered acceptable.
- 5.13 The current dwelling is modern and outdated and lacks architectural merit. The proposed development will provide a visual uplift in the site's appearance and will remove some unattractive outbuildings. The landscaping scheme will add to the overall appearance of the site, and to preserve the general appearance of the area, traditional materials, such as local stone-facing material, will be used in the construction of the proposed dwelling.
- 5.14 Glimpses of the site are provided from High Street, Ramsden. However, these will be minor cursory glimpses since High Street is located over 300m to the southwest of the site, and there are mature woodland areas and established hedgerows within the intervening landscape.
- 5.15 The application proposal is, therefore, considered to be of an acceptable size, scale and design and would not detract from the character and appearance of the site and that of the surrounding area. The proposed development would accord with Policies OS2, OS4 and H6 of the Local Plan (2031).

#### **Impact on Neighbouring amenity**

- 5.16 Careful consideration has been given to the residential amenity concerns that may arise from the proposed development. The proposed dwelling would occupy the existing footprint but is marginally taller. Wilcote Lane culminates at the entrance to The Hays, a large country House situated in extensive parkland /grounds. The main dwelling house is over 150 metres east of the application site beyond dense woodland. The nearest dwelling is the historic lodge house known as The Lodge, which is located 50 metres to the east of the application site. Given the size and siting of the proposed dwelling it is considered that there would be very limited impact on the neighbour amenity.

#### **Highways**

- 5.17 OCC Highways have been consulted on the application and have raised no objections in regard to highway safety and convenience. On this basis, the scheme is considered acceptable and to comply with policy T4 of the West Oxfordshire Local Plan.

#### **Biodiversity enhancements**

- 5.18 A Preliminary Ecological Appraisal (PEA) of the Site identified the presence of Potential Roost Features within the main residential building. The presence of ponds within 250 m of the Site was also identified as a potential constraint, surveys of the ponds were undertaken. Although, the project ecologist concluded that GCN are unlikely to be living on site, in the unlikely event that GCN or reptiles are present, the Precautionary Working Method for GCN and reptiles outlined within the PEA is deemed satisfactory.
- 5.19 Similarly, precautionary working methods for nesting birds, as recommended within the PEA, is also included in the compliance condition. The dwelling was classed as having moderate potential to support roosting bats due to lifted flashing and missing tiles on the western aspect of the roof. Therefore, two nocturnal bat surveys were required to determine the potential impacts to roosting bats and any mitigation measures required. The outbuildings were classed as having negligible bat roost potential and were not surveyed.

- 5.20 No evidence of roosting bats was recorded during the surveys. However, due to the rural location and evidence of foraging and commuting bats within the area, a lighting condition would be reasonable and necessary to avoid indirect disturbance to foraging and commuting bats present within the garden and surrounding areas.
- 5.21 The PEA states that two integrated bat boxes for crevice-dwelling bats will be located at the apex of the gable ends. However, little detail has been provided on their appearance and the proposed locations were deemed unsuitable, and instead externally mounted bat boxes suitable for crevice dwelling bats be fixed to mature trees retained on site suitably. This change is included as an enhancement condition.
- 5.22 Further enhancements include Swift bricks as these features are 'universal' and utilised by a number of other bird species of conservation concern, such as House Sparrow and Starling.
- 5.23 The revised roof plan would include a green roof as part of the development. Therefore, the above green roof enhancement condition is recommended to ensure appropriate species and establishment details secure a net gain. Furthermore, the proposed ground floor plan shows new stepped-planted terracing. Therefore, the landscaping condition is also recommended to ensure that any landscaping is designed to enhance the site to the benefit of biodiversity.

## **Other Matters**

### **Drainage**

- 5.24 WODC Drainage has no objection to the scheme, subject to conditions.

### **Ramsden Parish Council objections**

- 5.25 The parish council objects to the application proposal. However, the Parish Council does not object to the principle of development, overdevelopment, or the general design but rather technical matters where the relevant consultees do not object to the application proposal, subject to appropriate conditions.

## **Conclusion**

- 5.26 The proposed replacement dwelling is considered to be of an appropriate size, scale, siting and design that would not adversely impact the character and appearance of the site, the surrounding area or neighbouring amenities. Therefore, taking into account the above matters, the proposal is considered acceptable on its merits. It is compliance with the policies of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS/REASONS**

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

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

4. 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, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to

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

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

6. The development shall be completed in accordance with the recommendations in following documents:
  - Section 7 of the consultancy report (Bat Emergence Surveys & Great Crested Newt Surveys, 4 Acre Ecology Limited, 19th July 2023)
  - Proposed Site Plan Rev B (Drawing no. 863-PL-103-B, GPAD Ltd, 9th August 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 bats, nesting birds, great crested newts and reptiles 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 180, 185 and 186 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.

7. Prior to the installation of any 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 180, 185 and 186 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

8. Before development takes place, details of the provision of the following ecological enhancements shall be submitted to the local planning authority for approval:
  - Externally mounted bat roosting features (two bat boxes affixed to suitably mature existing trees on site, positioned no lower than 4m above ground level, facing in a south/south-west direction);
  - Integrated nesting opportunities for birds (minimum of two swift bricks on north/north-east facing elevations, no lower than 4m above ground level and as close to eaves as possible);
  - Externally mounted nesting opportunities for birds (minimum of two small bird boxes, affixed to suitably mature existing trees on site, positioned no lower than 3m above ground level, facing in a north/north east direction); and
  - Opportunities for invertebrates (Four invertebrate boxes, placed in sunlit/lightly shaded areas on site)

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 180, 185 and 186 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. No development shall take place (including any demolition, ground works, site clearance) until a 'green roof construction and management scheme' has been submitted to and approved in writing by the local planning authority. The content of the scheme shall include, but not necessarily be limited to, the following:
  - a. Purpose and objectives;
  - b. Detailed design and working methods necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c. Timetable for implementation;
  - d. Persons responsible for implementing the works;
  - e. Initial aftercare and long-term maintenance; and
  - f. Annual monitoring for first 5 years following completion and remedial measures.

The works shall be carried out strictly in accordance with the approved scheme within 12 months of completion of the development hereby approved, and shall be retained and managed according to the approved scheme thereafter.

REASON: To provide full installation details of the proposed green roof system, which could create wildflower meadow habitat as a biodiversity enhancement in accordance with paragraphs 180, 185 and 186 of the revised NPPF and Policy EH3 of the Local Plan 2011-2031.

10. Prior to the commencement of works, 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 native 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.

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 180, 185 and 186 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 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. Where asbestos is found on site, the report will include steps and procedures for the removal of Asbestos Containing Materials (ACMs).

REASON: To preserve the residential amenity of residents living nearby

12. 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: In the interest of residential amenity of residents living nearby

- 13 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.

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

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

#### INFORMATIVES :-

1. If a protected species (such as any bat, great crested newt, dormouse, 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.
2. 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)

Soakaways should be designed to withstand a 1 in 30 year + 40% climate change event, with a minimum 1m clearance between the base and water table at all times. They should be sited a minimum of 5m from any building and a minimum of 2m from all site boundaries.

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 year + 40% cc, based on proposed ground levels and directing runoff away from neighbouring properties

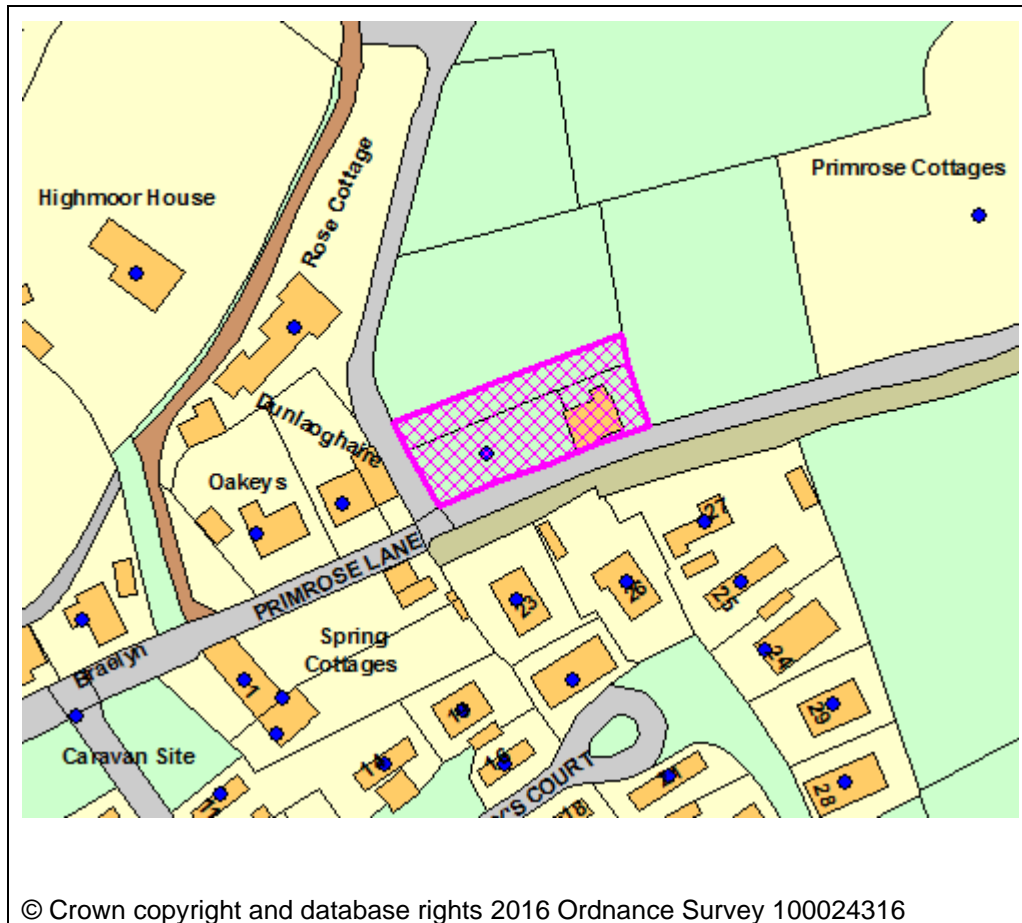
**Contact Officer:** Peter Morgan

**Telephone Number:** 01993 861653

**Date:** 24th January 2024

Application Number	23/02297/FUL
Site Address	Land Adjoining Dunlaoghair Primrose Lane Weald Bampton Oxfordshire
Date	24th January 2024
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	431307 E 202792 N
Committee Date	5th February 2024

### Location Map



### Application Details:

Proposed new dwelling to replace redundant stables and store, to create holiday let (amended plans)

**Applicant Details:**

Mr A Smart  
1 Primrose Cottage  
Primrose Lane  
Weald  
Bampton  
OX18 2JA

**I CONSULTATIONS**

Parish Council

18.09.23 - Objection -

- 1) This would set a precedent for further development.
- 2) This is in a Conservation Area and is not in keeping with the local rural location.
- 3) We are not happy that this proposed development sits in flood zone 2.
- 4) It is noted that the stables are currently in use and not redundant, as the application states.

WODC Drainage

The submitted FRA is very short (only 4 pages) and is more applicable for an extension, which does not apply here. Due to the history of flooding in Bampton, a full FRA should be submitted which addresses all possible sources of flooding to the site. Until this has been provided, further drainage comments cannot be made.

District Ecologist

I have been looking at the above application, and wondered if you have a copy of the Landscape Drawing that has been included on the last page of the Design and Access statement?

It's difficult to tell what the section on Biodiversity Net Gain says, as well as other annotations on this drawing. If this is not currently available, please could the applicant send this through as a separate document that is clearer to read?

18.10.23 - The Proposed Drawing No. 02 shows plans for one Schwegler bat box on the eastern elevation and one Schwegler ISP Sparrow terrace to be installed on the western elevation. Whilst the bat box is not in an optimal location, as ideally bat boxes should be installed on south/south west elevations, it does provide some opportunities for the species and is best placed in comparison to other elevations which have significant glazing. The above compliance condition has been recommended to ensure that these roosting and nesting features are provided.

I note that the site falls within an Amber impact risk zone for Great Crested Newts (GCN) as per district licence mapping. Given the size of development and the sub-optimal habitat on site for GCN, it is unlikely that GCN will be a constraint. However, there are previous records of significant newt populations in the wider landscape, therefore a precautionary working method statement is

recommended to ensure that GCN are protected during construction.

Although the bat survey concluded that the stables hold negligible potential for roosting bats, the report considered the surrounding houses and buildings to offer roosting potential for bats, with the wider landscape having good potential for foraging and commuting bats. Therefore, the above lighting condition is recommended to ensure that any external lighting is sensitively designed.

Whilst I am pleased to see that the applicant has given consideration to the planting of native trees, shrubs and pollinators, plans have not been provided to show the details of species to be planted, their management or maintenance, to support the Landscape Drawing provided. Therefore the above landscaping condition is recommended.

Env Health - Lowlands

Mr ERS Pollution Consultation Thank you for the opportunity to consult.

I have no objection in principle. I recommend 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 (CMS) 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. If found to be required, the CMS report will include, steps and procedures for the removal of Asbestos Containing Materials (ACMs).

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.

iv) The accommodation is conditioned for use solely as an holiday let with a reasonable limit on the maximum length of stay,

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

Kind regards

Karen Awre  
Officer

## Noise & Amenities

OCC Highways

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

Recommendation:

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

- G28 parking as plan

Conservation And Design Officer

No objections subject to changes

OCC Highways

Primrose Lane is a private lane and not public highway.

I cannot demonstrate that the proposal, if permitted, would cause such harm as to warrant the refusal of the application for reasons of highway safety and convenience.

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

Parish Council

Proposed new dwelling to replace redundant stables and store, to create holiday let at Land Adjoining Dunlaoghaire Primrose Lane Weald.

Our previous comments (1-4 below) remain unchanged:

Objection -

- 1) This would set a precedent for further development.
- 2) This is in a Conservation Area and is not in keeping with the local rural location.
- 3) We are not happy that this proposed development sits in flood zone 2.
- 4) It is noted that the stables are currently in use and not redundant, as the application states.



Additionally, in our opinion the changes made to the application are sufficient to warrant a whole new planning application, not a revision.

We are not happy with the contents of the flood risk assessment. Our historical knowledge suggests that previous flood prevention measures carried out in 2007 would not take away from the fact that this area is in a flood plain and still floods.

As a stable the building is open which allows water to flow in and out, this would not be the case with a house.

We note that 12 residents have all objected and the parish council supports these objections.

Conservation And Design  
Officer

No objections.

WODC Drainage

Further to my previous comments, a full FRA has been submitted, which states -

- The Environment Agency flood mapping does not correlate with the actual levels across the site. The proposed building is in flood zone 1, when the topographical survey and flood mapping is adjusted to the actual ground levels on and around the site.
- The building floor level will be 600mm above the 1%AEP flood level, therefore no additional protection measures are required. However, given the proximity of the fluvial flooding and the recent flooding history, it would be prudent to include flood resilience measures.
- Access and egress will be onto Primrose Lane to the south of the site which is in flood zone 1. The owner is registered with the Environment Agency flood warning scheme to ensure early notification of flood events in the area.
- All new drainage will incorporate SuDS to reduce the flow rates off-site.

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 at least 5m from any building and a minimum of 2m from any property 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 year + 40% cc, based on proposed ground levels and directing runoff away from neighbouring properties.

WODC Landscape And  
Forestry Officer

No Comment Received.

## **2 REPRESENTATIONS**

2.1 The following comments have been received from interested parties objecting to the application:-

- Harm to the Conservation Area
- Would set a precedent in the local area for further housing.
- Concerns with flooding
- No benefit to West Oxfordshire
- Loss of amenity to neighbouring properties
- Does not conserve the locality and the rurality
- Access road is challenging
- Site not identified for housing in the WOLP.
- Building not previously a dwellinghouse.
- New building is significantly larger than the existing stables.

Photographs of waterlogged field have also been submitted as neighbouring comments.  
Photographs of Google Street View of the past 20 years to show evolution of the stables.

2.2 The following comments have been received from interested parties supporting to the application:-

- The stables could be rented out and the use could be intensified
- It has it's own off road parking
- Building would be more pleasing than the current structure and the opposite caravan park.
- Photos did not show water where the dwelling would site
- It would not set a precedent

2.3 The following comment has been received from interested parties neither supporting or objecting to the application:-

- Just to be noted that we've recently had a significant leak of sewage in our back garden that Thames Water accepted responsibility for after confirming that the drains along Weald were blocked. This is the fourth/fifth time that such a significant leak has taken place with our garden being flooded with sewage as a result.

## **3 APPLICANTS CASE**

3.1 A design and access statement has been submitted as part of this application and can viewed in full on our website.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH10 Conservation Areas  
EH11 Listed Buildings  
E4NEW Sustainable tourism  
E3NEW Reuse of non residential buildings  
NPPF 2023  
DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 The application seeks planning permission for proposed new dwelling to replace redundant stables and store, to create holiday let (amended plans) at Land Adjoining Dunlaoghaire, Primrose Lane, Weald.

5.2 The application is brought before Members of the Lowlands Sub Committee as Bampton Parish Council have objected to the proposed scheme and their views are contrary to the Officers views.

5.3 The application site relates to a set of stables and open land within the residential area of Weald on the outskirts of Bampton.

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:

- Principle of Development
- Siting, Design and Visual Impact
- Conservation Area
- Impact on Neighbouring amenity
- Flood Risk
- Highways
- Other Matters

### **Principle of Development**

5.5 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.6 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

5.7 In this case, the development plan is the West Oxfordshire Local Plan 2031 ("the WOLP"). Section 38ZA clarifies the meaning of "national development management policy" as:  
(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.  
At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

## **Development Plan**

5.8 As per Policy OS2 (Locating Development in the Right Places) it refers to the settlement hierarchy which splits the district in different classifications. Officers have considered that the proposed site is within Weald and which would be classed as being under small villages, hamlets and open countryside within the settlement hierarchy. However it is important to note that the proposed site is located within the Bampton Conservation Area and is approximately 400m away as the crow flies from the centre of Bampton and would be a 10 minute walk. Your Officers have considered as part of this application it is logical to firstly consider the proposed development against policies OS2 and E4 of the WOLP.

5.9 Policy OS2 (Locating development in the right places) of the Local Plan states 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, subject to meeting the general principles of policy OS2. It goes on to state that proposals for sustainable tourism are regarded as appropriate in the open countryside.

5.10 Policy E4 (Sustainable Tourism) encourages new tourist and visitor facilities within or close to Service Centres or Villages and reuse appropriate existing buildings wherever possible. The proposal is considered to meet this requirement as the site is located close to the village of Bampton, which is listed as a village in the Local Plan settlement hierarchy. Officers consider that this holiday let is a new building and it has been justified that the existing building is not suitable for reuse and is not worthy of retention.

5.11 The proposed new dwelling to replace redundant stables and store, to create holiday let is therefore considered acceptable subject to compliance with Policy OS2 and following further assessment in regards to the impact on the design and siting, Conservation Area, Flood Risk, parking provision, highway safety and residential amenity being carefully considered against Local Plan policies.

## **Siting, Design and Visual Impact**

5.12 The proposal is to be sited in the same position as the existing stables which is the north eastern corner of the site. The existing stables are 8m long, 7.5m wide with an overall height of 3m. The proposed building is to be 11.4m long, 6.5m wide with a maximum height of 6.5m.

5.13 The ground floor is to consist of a living sitting area, a kitchen, downstairs WC and a utility. The first floor is to consist of 3 bedrooms with one ensuite and one family bathroom. The Western elevation is to face along the main road and is to have a blank face with 2 rooflights. The northern elevation is to have a set of bifolding doors and a door with a juliet style balcony. The eastern elevation is to have two small pitched roof dormers and one larger pitch which is to be highly glazed with a main entrance door. There are also to be a set of double doors and an additional window. The southern elevation is to have a small pedestrian door to the hallway and a timber stable door on the first elevation with a juliet style balcony. The proposed materials to be used on the building are reclaimed red pan tiles, oolitic natural lime stone walls and horizontal timber feather edged boarding to the elevations and powder coated aluminium doors and windows. There will be a new 5 bar timber gate in the existing vehicular access and there will be gravel hardstanding for parking for the holiday let.

5.14 Policies OS2 and OS4 are relevant to be considered for the proposed application. Policy OS2 focuses on development being located in the right places and states that "all development should form a logical complement to the existing scale and pattern of development and/or the character of the area". Policy OS4 states that "new development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and where possible enhance the character and quality of the surroundings. This also links with Section 12 Paragraph 130 b which states policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. The NPPF also makes reference to local planning authorities preparing design guides and therefore it is important to also take regard of the West Oxfordshire Design Guide as a supplementary planning document. The design guide states "As an overarching principle, the scale, form and character of the original property should be sympathetically reflected in any proposed changes" it also states "New buildings and extensions should be well designed in themselves, and in sympathy with the character of the area. They should respect the form, siting, scale and massing of the surrounding buildings. New development should incorporate existing features of importance, such as trees, hedgerows, ponds, stone walls, paths and tracks. Views within, into and out of Conservation Areas are also protected, and should be carefully assessed, with new development designed to ensure that these are not harmed."

5.15 Officers consider that the proposal is of a modest height for a holiday let and follows the pattern of development in this location. There has been some form of structure in this location since at least 1840 and the Conservation Officer considers that there was a dwellinghouse with a potential range and outbuildings here previously. The proposed building has a plain façade on the roadside and is commensurate with the existing building. Officers consider it is of a modest plan form and is well designed with balanced windows. It has been considered that the proposed holiday let will enhance the locality and the Conservation Area, and will comply with Policies OS2 and OS4 of the WOLP 2031.

5.16 The proposed new dwelling to replace redundant stables and store, to create holiday let, would be visible on the street scene, however as assessed, the proposed building would not give rise to any adverse impacts in regards to visual amenity. The building is well-designed and commensurate with the locality and represents a high quality design.

### **Impact on Conservation Area**

5.17 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16

'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

5.18 In this regard the proposed new dwelling to replace redundant stables and store, to create holiday let would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. Officers consider that as the proposed holiday let makes a positive influence on the Conservation Area and would not result in any harm. The current stables are an amalgamation of buildings not adding any benefit to the Conservation Area. This proposal is of high quality design and it has been evidenced through historic maps that there have been structures at this location since at least 1821. The Conservation Officer has no objections to the proposed siting and design of the holiday let following the revised plans in which the orientation was changed so that the flanking wall along the roadside is relatively blank and would not detract from the Conservation Area.

5.19 Officers consider that there is no harm had to the Conservation Area as a result of the new building and that the proposed would comply with Policies EH10 of the WOLP and Paragraph 16 of the NPPF.

### **Impact on Neighbouring Amenity**

5.20 Given the nature of the new building, Officers are of the opinion that the proposed works would not give rise to any adverse impacts in regards to neighbouring amenity. The proposal is 30m away from Dunlaoghair and 40m away from Rose Cottage. There is an access road between the properties in which would reduce the concerns of overlooking or loss of privacy to neighbouring properties. The majority of the windows are sited on the western elevation and again would have a sufficient distance to not raise concerns with overlooking or loss of privacy. Due to its siting, Officers have no concerns with the building resulting in loss of light or being overshadowing.

5.21 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

### **Highways**

5.22 OCC Highways have been consulted on the application due to the addition of parking provision for the building and have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

### **Flood Risk**

5.23 WODC Drainage Engineers have been consulted on the application due to the proposed siting of the building being within Flood Zone 2. A Flood Risk Assessment has been submitted as part of this application which was completed in November 2023.

5.24 The WODC Drainage Engineers acknowledged that the site is located within Flood Zone 2 as part of their mapping, and that the surface water susceptibility is very low risk in this location and that the application site itself was not affected by flooding in 2007 but other properties in this location were flooded. They also note that there is no mapped watercourse within 20m of the site boundary.

5.25 The comments made by the Flood Risk Engineer are that they acknowledge that the EA flood mapping does not correlate with the actual levels on the site and that the proposed building is in flood zone 1 when the survey and mapping is adjusted to the actual ground levels on and around the site. They have also acknowledged that all new drainage will incorporate SuDS to reduce the flow rates off site.

5.26 Based on the information provided, it has been suggested that a full surface water drainage scheme shall be submitted prior to the commencement of development to ensure that flooding is not exacerbated in the locality in which Officers consider acceptable in this location.

5.27 It has been acknowledged that photographs have been submitted by objectors to the scheme with concerns of surface water flooding in the locality and the surrounding fields of the proposed building. However these were taken during times of unusually high rainfall and based on the information submitted as part of the application and the opinions of the WODC Drainage Officer we do not have reason to believe that the proposed building would result in flooding in other locations and as a result would not be contrary to Policy H7 of the WOLP 2031.

### **Biodiversity**

5.28 Due to the rural location of the proposed site and the surrounding listed buildings it was appropriate to consult with the WODC Biodiversity Officer. A preliminary Bat survey and Landscape drawings were submitted as part of the proposed application. The WODC Biodiversity Officer commented to state that they note that the site falls within the Amber Impact Risk zone for the great crested newts however due to the scale of development, it has been considered that it is unlikely that GCN would be a constraint on the site but as there are previous records of GCN in the locality a precautionary method statement is to be conditions to ensure that they are protected during construction.

5.29 The bat survey was submitted as part of this application in which it identified that the current stables hold negligible potential for roosting bats and the report considered the surrounding houses have potential for roosting bats and therefore the bat & bird boxes are to be secured by a compliance condition and the relevant lighting condition to be placed on the application to ensure that any external lighting is sensitively designed.

5.30 Details of the landscaping scheme were not submitted in relation to the types and species in this location and therefore an appropriately worded landscaping condition is required.

5.31 In light of the above information, it has been considered that the proposed works are to comply with Policy EH3 of the WOLP.

### **Other Matters**

5.32 Bampton Parish Council have been consulted on this application twice due to the changes in design for the Holiday let and they have objected both times. They state that they consider that the proposal would set a precedent for further development. Officers have detailed within the report, that it would fall within the pattern of development in this location and any future applications would be considered on their own merits. Officers acknowledge the Parish Council concerns that the development is not in keeping with the local rural location. However, the Conservation Officer has no objections to the scheme, the site is opposite an existing static caravan site and fundamentally it is a

modest building that would not result in harm in this location. Officers also note that there are objections to the proposed development sitting in Flood Zone 2 but do not consider this to be a reason for refusal as discussed in the report above. In planning policy terms, the stables are not considered worthy of retention and in this location a holiday let would be an appropriate use with the appropriately worded conditions in place. The changes made to the application involved the re-orientation and some design changes which have been considered by officers as appropriate in this location and in any event, and a full reconsulation was undertaken. Officers are satisfied that the changes were published in the correct manner.

## **Conclusion**

5.33 Taking into account the above matters, the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, EH3, EH7, EH10, EH11, T4 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF 2023.

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

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

4 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 The development shall be completed in accordance with the Proposed Drawing No.02 (APH Associated Ltd, October 2022). 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 bats and nesting birds 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

6 No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for 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 amphibians 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 2011-2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7 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.

8 Prior to any development above slab level, 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.

9 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

10 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods. The owner shall provide upon request by the District Council a list of all persons who in the twelve (12) month period leading up to the date of such a request have occupied the holiday let (such list is not to be unreasonably withheld or delayed).

REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation. Longer stays and second home use more akin to residential use are not likely to provide the same benefits from associated recreational activities in the area than tourism development, as supported by policy E4 of the West Oxfordshire Local Plan 2031.

11 A short Noise Management Plan (NMP) shall be submitted to the Council prior to use of the building. The NMP shall include strict noise rules laid down at time of bookings around acceptable behaviours, shouting/raised voices and policies to deal with any complaints.

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

12 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.

13 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.

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

14 Hours of 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.

15 Prior to the commencement of the development, a short construction management plan (CMS) 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. If found to be required, the CMS report will include, steps and procedures for the removal of Asbestos Containing Materials (ACMs).

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

INFORMATIVES :-

- I. If a protected species (such as any bat, great crested newt, dormouse, 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.

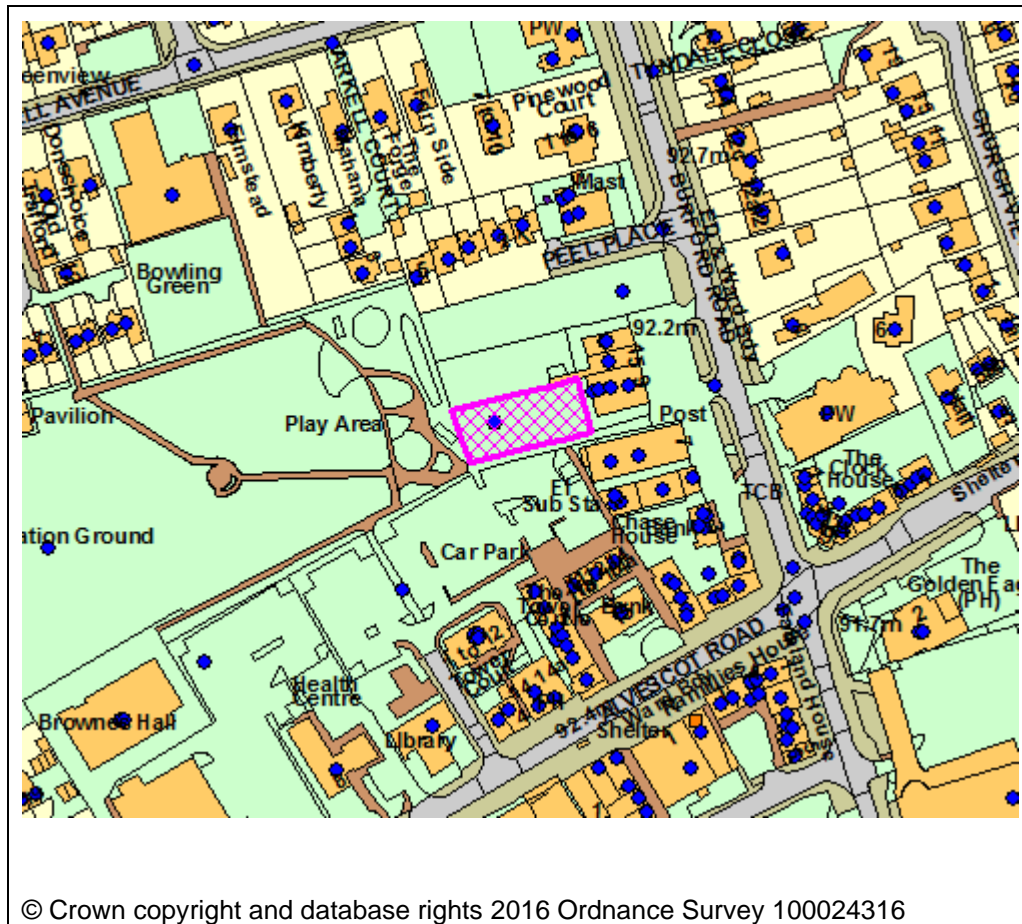
**Contact Officer:** Elloise Street

**Telephone Number:**

**Date:** 24th January 2024

Application Number	23/02872/FUL
Site Address	Barclay House 11 Burford Road Carterton Oxfordshire
Date	24th January 2024
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427994 E 206860 N
Committee Date	5th February 2024

### Location Map



### Application Details:

Proposed infill of undercroft to provide 1 bedroom ground floor flat

**Applicant Details:**

Mr Daniel McCarthy  
10 Woodlark Glade  
Camberley  
GU15 4LW

**I CONSULTATIONS**

Parish Council	20.12.2023- CTC object to the application on the grounds that tenant parking will have a negative impact on local businesses. Council ask that resident parking be in the private car park to the rear.
OCC Highways	18.01.2024- Given the location the car parking as shown on plan is acceptable.
Env Health Noise And Amenity	14.12.2023- No objection in principle to this application. Should permission be granted I would ask for a condition to be attached to any consent granted.
OCC Highways	23.01.2024- I am happy with the amendment made as shown.  23.01.2024-Quite happy with this parking proposal.
Parish Council	24.11.2023 Carterton Town Council object to the application on the grounds that the application is short of information; the photo provided seems to show that the work has already started; there is insufficient car parking - the original 7 parking spaces would be reduced to 5 for 10 flats which will have an impact on local businesses, alternative car parking to replace that which has been lost to be considered.
Environmental Health (Operational Services)	No Comment Received.
OCC Highways	27.11.2023- Given the town centre location with good access to services/public transport I cannot demonstrate that the proposed reduction in car parking together with additional development, if permitted, would result in such harm as to warrant the refusal of the application for reasons of highway safety and convenience. 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

WODC Drainage

16.11.2023- The attached consultation is for an application that does not meet the threshold to attract flood risk comments.

## **2 REPRESENTATIONS**

2.1. No third party representations have been received to date.

## **3 APPLICANT'S CASE**

3.1 The applicant has not supplied documents outlining their case.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

T4NEW Parking provision

EH7 Flood risk

EH8 Environmental protection

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

## **5 PLANNING ASSESSMENT**

### **Background Information**

5.1 This application relates to Barclay House, 11 Burford Road, Carterton. The site contains a building that is currently under construction following the granting of planning permission in 2020 (ref 20/00072/FUL). The application in 2020 granted permission for 8 flats. The site sits adjacent to a footpath, which leads to the public car park (Alvescot Road Car Park) and Carterton Recreation Ground. It is also sited to the rear of the existing parade of shops and a coffee shop.

5.2 A previous application at the site (ref 22/03035/S73) for 'Variation of condition 2 of planning permission 20/00072/FUL to allow the insertion of two dormers in the South elevation of unit 2 to create additional accommodation within the roof space' was granted in 2023. This approved the enlargement of unit 2 into the roof space but did not approve an additional dwelling. Application 23/01327/FUL was later submitted and approved by members on 11th September 2023 for the conversion of the loft space into a 2 bedroom flat. Discharge of conditions applications 20/02321/CND and 21/01795/CND have been approved relating to 20/00072/FUL.

5.3 This application seeks permission to infill the approved undercroft to provide a 1 bedroom ground floor flat. Should this application be approved the building would contain a total of 10 flats.

5.4 The application is before committee as Carterton Town Council have objected to the proposals.

5.5 Amended drawings have been submitted as part of this application. This application initially proposed 5 parking spaces, however two of the parking spaces proposed would have resulted in significant changes being made to the approved landscaping scheme (21/01795/CND) and would result in an area of green space being lost. Your officers did not consider this to be supportable, so amended drawings were submitted re configuring the parking areas to retain as much of the approved landscaping scheme as possible. This has resulted in one of the parking spaces being omitted, the application now proposes 4 parking spaces to serve the whole development. OCC Highways have been re consulted and have raised no objections.

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

Principle of Development;  
Siting, Design and Form;  
Highways;  
Residential Amenities; and  
Other Matters;

### **Principle of Development**

5.7 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.8 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure.

Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

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

Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.9 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

#### *National Policy/Guidance*

5.10 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.

5.11 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*

5.12 Policies H1 and H2 of the WOLP identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031. Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the WOLP in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that the housing trajectory of Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method. For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Set against a 5-year requirement of 3,060 homes, the Council is currently able to demonstrate a 5.4-year supply and NPPF Paragraph 11)d) is therefore not engaged and the application should be determined in accordance with the development unless material considerations strongly indicate otherwise.

#### *Relevant WOLP Plan Policies*

5.13 Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross).



5.14 The site is located within Carterton and is considered to be previously developed land. Policy H2 states 'new dwellings will be permitted at the main service centres, 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'. As such, the development is supported, in principle, by H2 provided that the proposal is in accordance with other policies in the plan and in particular the general principles of OS2.

### **Design, Scale and Form**

5.15 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the revised NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).

5.16 The site is within the built up area of Carterton, close to the town centre and as such, the existing type of development is very mixed. Within a short walk, there are detached, semi-detached, and terraced dwellings of both single and two storey nature. A rank of shops with flats above is to the east. To the north is a site with permission for a new commercial building with 6 flats above and further 4 flats behind (22/02513/FUL). Further to the south east is the Church of St John the Evangelist (a relatively modern building), and a further ranks of shops on the crossroads. A pub and an Asda supermarket/petrol station is just beyond the crossroads. The development in this area therefore is varied in scale, use, and design.

5.17 The changes to the approved development are to infill an underpass at the eastern end of the building to provide an additional flat. The proposed flat is to be one bedroom, with an open plan kitchen, dining and living area and a bathroom. The under pass is to be infilled using brickwork to match the existing building, the proposed windows also all match those already used on the existing building. In terms of the design of the external façade, your officers consider it to match and be in keeping with the existing building.

5.18 The proposed flat is in keeping with the scale and design of other flats within the building. Your officers are satisfied therefore that the siting and design of the development would form a logical complement to the existing pattern of development. The scale, materials, massing and design would ensure the development integrates successfully into the site and its surroundings and would not be harmful to the character and appearance of the area. The proposed development would be in accordance with Local Plan Policies H2, OS2 and OS4.

### **Residential Amenities**

5.19 Local Plan 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 West Oxfordshire Design Guide and NPPF paragraph 191.

5.20 With regard to the impact on neighbouring amenity, officers consider that due to the siting of the proposed openings and the separation distance to neighbouring dwellings, that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light. Officers note that two parking spaces are proposed to the front of the flats, however given the siting of the windows serving the living spaces and the separation distance to the proposed parking spaces, your officers do not consider that they will harm the amenity of occupants in terms of loss of light or poor outlook.

5.21 Further, the proposed dwelling would provide adequate living conditions for future occupiers.

5.22 The WODC Noise and Amenities Officer has raised no objections to this development subject to a condition being applied to the consent restricting working hours. Whilst officers note this condition was not attached the initial consent, given that the other units within the building may now be occupied, officers consider the condition to be reasonably necessary to protect the amenities of the residents who may already occupy the building.

5.23 In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity and accords with WOLP Policies OS2 and OS4.

## **Highways**

5.24 The application that granted permission for 8 flats included 7 no. parking spaces within the under-croft parking and adjacent to it with space to manoeuvre over the shared surface. The previously approved application for the additional dwelling within the roof space did not propose any additional parking. The proposed development seeks to in fill the underpass which will result in a reduction of 3 parking spaces. Should this application be approved 4 parking spaces will remain, serving a total of 10 flats.

5.25 Your officers note the concerns raised by the parish regarding the lack of parking associated with the development. However, the site is within the centre of Carterton where public car parks are present. As such, while the proposed development reduces the parking provision available on site, further parking can be accommodated outside of the site. Moreover, the current development includes several smaller flats including the one proposed (six, one bedroom units and three, two bedroom units). This is likely to attract persons who may not rely on vehicles and will use public transport/bicycles, thereby reducing car dependency and thus vehicle movements. Indeed, the County Council Highway Team were consulted on this scheme and they have raised no objection and suggested no conditions.

5.26 Your officers are satisfied, based on the assessment above, that the proposed development will have a safe and suitable access for all users and sufficient parking is proposed to serve the new dwelling. The proposal therefore accords with Local Plan Policies T1, T2 and T3; and Section 9 of the NPPF 2023 (in particular paragraphs 114, 115 and 116).

## **Other Matters**

5.27 No material impact with regard to ecology, drainage or other planning matters are identified.

5.28 Given the proposed development will result in some changes to the previously approved landscaping and boundary treatment details (20/00072/FUL and 21/01795/CND), a condition for an amended scheme has been applied to the consent.

## **Recommendation**

5.29 Overall, the proposal would be in accordance with the development plan when taken as a whole and there are no material considerations that indicate a decision should be taken other than in accordance with the development plan. In such circumstances, planning permission should be granted without delay.

5.30 The recommendation to GRANT permission has been taken having regard to the policies and proposals in the development plan set out above, and to all the relevant material considerations set out in the 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 The development shall be constructed with the materials specified in the application.

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

4 Hours of any work in connection with the application shall be restricted to 08:00-18:00 Monday to Friday, 08:00-13:00 on Saturday and no working on Sunday or Bank and/or Public holidays.

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

5 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority within 12 weeks of this application being approved. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. The scheme shall include details of proposed boundary treatments which shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

INFORMATIVES :-

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

2. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Wall, roof and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy efficient appliances and water recycling measures
  - Sustainably and locally sourced materials

For further guidance please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

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

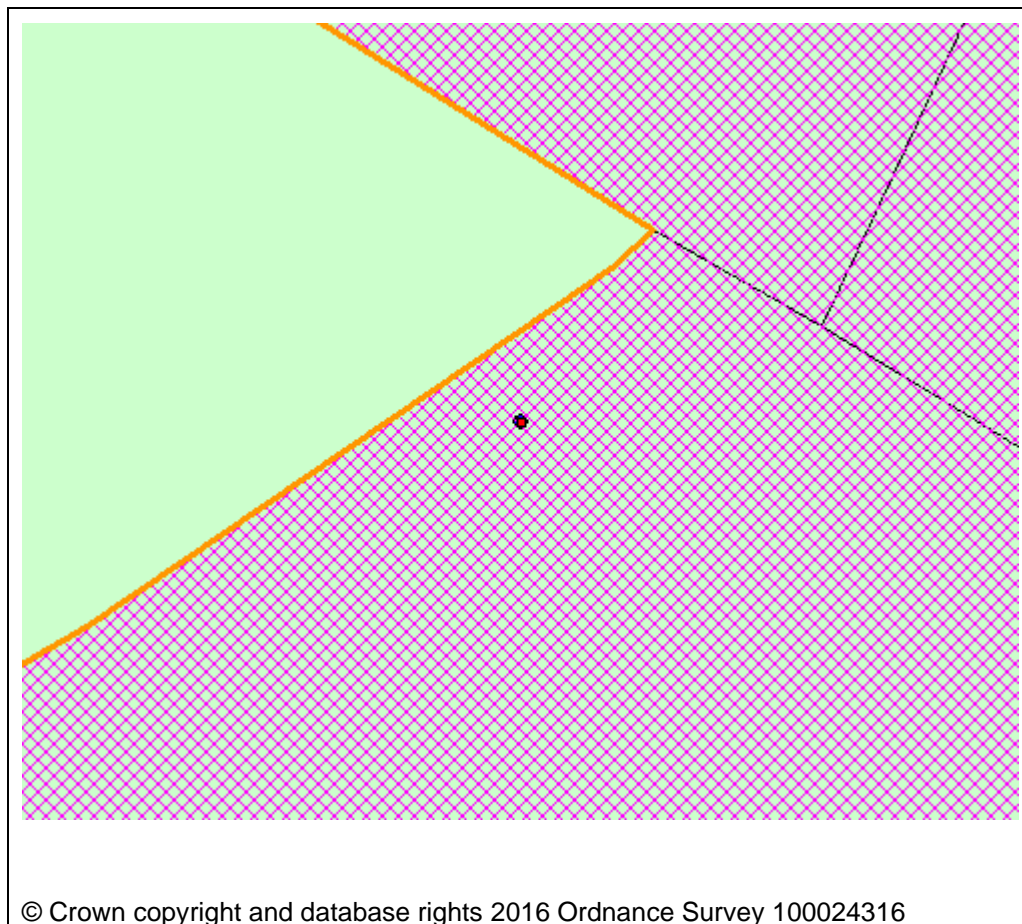
**Contact Officer:** Esther Hill

**Telephone Number:** 01993 861690

**Date:** 24th January 2024

Application Number	23/02917/FUL
Site Address	Land South Of Ramsden Akeman Street Ramsden Oxfordshire
Date	24th January 2024
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Ramsden Parish Council
Grid Reference	435274 E 214587 N
Committee Date	5th February 2024

### Location Map



### Application Details:

Installation of a ground mounted solar PV, energy storage system together with associated infrastructure; security fencing, CCTV, access track, cable route, landscaping and onsite biodiversity net gain.

**Applicant Details:**

BSR Energy Limited  
35 and 35A The Maltings  
Lower Charlton Trading Estate  
Shepton Mallet  
BA4 5QE

**I CONSULTATIONS**

Adjacent Parish Council

- North Leigh Parish Council - At this location, the proposed application would be visible to some North Leigh residents at the west end of the village eg residents on New Yatt Road and Green Lane etc which has views towards Ramsden and the edge of the AONB. Whilst individual residents may have "no right to a view" nevertheless there will be an impact on public visual amenity. The proposed development would have a significantly harmful impact on the appearance and character of the landscape in conflict with Policies EH2 and EH6 of the West Oxfordshire Local Plan 2031.
- North Leigh Parish Council is also concerned about the "cumulative effect " of the solar farms being proposed in the vicinity of North Leigh. It is clearly not appropriate that WODC views each one on a case by case basis without considering the impact as a whole on a small rural village such as North Leigh. We are under threat of being "sandwiched" between this current solar farm proposal to the North West of North Leigh, the proposed solar farm at University Farm, Witney Road, Hailey 23/01524/FUL (currently refused but likely to resubmit an application in the near term) to the West of North Leigh, and the enormous proposed Botley West solar farm to the East of North Leigh.
- We understand that the proposed route for HGV traffic delivering materials to the application site during construction has been agreed to be via the B4022, however if this plan changes in any way we would wish to be notified and submit a further comment on the construction traffic.

Major Planning Applications  
Team

Transport - Objection. The OCC's Highways Agreements team have set out the following comments:

- The access appears to be too close to St John's Lane. We would recommend objections until the access is moved further from St John's Lane and B4022 on safety grounds due to visibility and tracking, along with distance to existing access. We would also recommend that it is considered incorporating St John's Lane access to be taken off of this new site road to avoid a 5-way junction.

- Offsite works will need to be designed in accordance with DMRB.
- OCC require a swept path analysis for maintenance vehicles for the site for all manoeuvres. Current tracking appears to track over opposite side of the carriageway, enabling potential for collision with vehicles entering Akeman Street.
- A long section has not been provided and will be required to ensure compliance with the Equalities Act 2010. This must include details of the vertical alignment to determine appropriate carriageway and footway gradients. They will need to be DDA compliant i.e. maximum 1:21 or 5%.
- There are no visibility splays indicated. Junction and Forward Visibility Splays and dimensions must be in accordance with the OCC Street Design Guide and dedicated to OCC if they fall out of the existing highway boundary.
- Provide a Stage I Road Safety Audit in accordance with GGI 19 (5.46.1). This will be required in advance of planning permission being granted as the findings may result in the red line boundary having to change due to road safety remedial measures being required.
- The Highway boundary needs to be checked with OCC Highway Records to determine whether or not it coincides with the site boundary at the proposed access junction. The highway boundary is usually identified along the roadside edge of the ditch
- No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design and acceptable adoption standards will be subject to a full technical audit.
- OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway

LLFA - No objection subject to drainage conditions.

Archaeology - Objection.

Conservation And Design  
Officer

There are wider landscape issues here, as ever with such developments, upon which others will comment. My particular concerns lie with the impact on the Ramsden CA.

Firstly, we note that Ramsden is based around a crossroads of two primary routes, with development hugging the roads. There is new development, but it is generally of relatively modest scale, and the settlement retains a rural character, largely of traditional cottages and agricultural buildings. It also retains a rural, and in particular a

pastoral setting, pretty much all around - reflecting the historic agricultural setting that would have sustained the settlement.

As noted in our CA appraisal, views from within the CA of the proposed site along the main village routes are not significant, primarily due to the fairly flat topography in the village core, with the proposed site on land that falls away to the south. However, there are very clear views of the proposed site from the approaches to the settlement - particularly the approach along Akeman Street, and particularly as it nears the boundary of the CA. There are also concerns about the impact on the approach along Blackbird Assarts Lane - although here the views would be more distant, and the viewpoints somewhat further from the CA.

Certainly, with respect to the Akeman Street approach, the proposed development would be transformational. It appears that there would be green screening - although this in itself would be transformational, bearing in mind that the historic and existing character of the land is pastoral - with open grazing. And in any event, we would not wish to rely on green screening because:

- 1) Judging from their visuals, the screening may not be entirely effective.
- 2) There are no guarantees that the planting would thrive in perpetuity - particularly in these days of climate change.

I note that Historic England suggests that if the arrays to the north east part of the site were removed then the impact would be significantly reduced - possibly to a level where the harm could be balanced. Assuming that they mean the three northernmost groups of panels, I would tend to agree with this view - although as the layout currently stands, this would approach a 50% reduction in the arrays. Perhaps it might be acceptable to relocate some of the lost panels immediately to the east of the lower range.

WODC Landscape And  
Forestry Officer

Having reviewed the pre-application advice, together with observations provided as part of the earlier application process, I remain of the view that the current proposals would be harmful to the landscape character of the site and the surroundings and would therefore not comply with Policies EH1 & EH2. This is mainly due to the scale of the proposals in an area of high landscape sensitivity.

Natural England

**FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON PROTECTED LANDSCAPES** - As submitted, the application could have potential significant effects on the Cotswolds Area of Outstanding Natural Beauty. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:



- Additional viewpoints from within the AONB to be included in the Landscape and Visual Impact Assessment for consideration.
- Without this information, Natural England may need to object to the proposal.

Natural England's further advice on designated sites/landscapes and advice on other issues attached.

Historic England

Summary

The proposed development would in our view harm the significance of the Ramsden Conservation Area. We do not consider that this harm has been minimised or justified and therefore recommend that the applicant is given the opportunity to revise the proposals, or the application is refused in accordance with paragraphs 195, 199 and 200 of the NPPF

WODC Planning Policy Manager

No Comment Received.

Climate

No Comment Received.

Wildlife Trust

Objection, in relation to the following issues:

1. Proximity to Wychwood NNR and SSSI and eight surrounding Local Wildlife Sites (LWSs and potential for serious impact on Singe Wood/St John's Wood ancient woodland
2. Potential for serious impact on priority species breeding and wintering birds
3. Potential for serious impact on priority species bats
4. Potential for preventing the aims and objectives of the Conservation Target Area (CTA) from being achieved
5. Concerns relating to fencing
6. Mitigation
7. Lighting
8. Biodiversity Net Gain

Major Planning Applications Team

Transport - Several issues remain outstanding and the comments of the Highways Agreements Team is awaited.

Parish Council

Councillors voted by majority to object to the application based on the following.

The application shares the same area and layout as the previous scheme (21/ 02473/FUL). The first application was the subject of two objections from Parish Council and a recommendation for refusal by WODC's Planning Officers in August 2022.

As the current scheme only offers minor cosmetic changes to the original proposals, Parish Council believes the Local Plan policy based grounds for refusal remain applicable to this application. Specific concerns are as follows.

### Location

The development is located too close to Ramsden Conservation Area, the Cotswold AONB, Singe Wood (ancient woodland) and the roman road, Akeman Street. The development will have a harmful impact on the historic setting of these areas.

Parish Council note that Heritage England share these concerns. The site lies within the Wychwood Project area in the Local Plan where special attention and protection should be given to the landscape and biodiversity.

### Landscape and Visual Impact

The proposals will have a harmful impact on the current landscape and represents the industrialisation of a rural environment.

The far reaching views from Akeman Street towards the Ridgeway and the Berkshire Downs will be obscured by screen planting and extensive deer fencing.

The relationship between Singe Wood and the adjacent agricultural land will be lost by screen planting and the service track running parallel to St John's Lane (a Saxon road). The tranquillity of this bridleway will be adversely impacted.

The proposed access arrangements off the B4022 / Akeman Street immediately adjoin the boundary of the Cotswold AONB. The introduction of urban street materials will have an adverse impact on the views into and out of the AONB. Furthermore, the removal of hedging for visibility splays and the new wide tarmacadamed bell mouth junction will significantly change the character of the area.

### Archaeology / Heritage

Notwithstanding the additional submissions the applicant has made, concerns remain over the impact of the development on nearby heritage assets. Akeman Street, Grim's Ditch and the ancient byway, St John's Lane, all abut the boundary of the proposed development. Parish Council note that OCC Archaeology has objected to the application.

The historical interpretation of the ancient earthworks and byways will be adversely impacted by the new urban style access proposals and the overall sense of place will be lost.

### Access

The proposed access is onto the B4022. This is a fast and dangerous road. There are numerous accidents on this road and the last accident in November 2023 (victim was a resident's contractor) involved a rear shunt whilst waiting to turn into Akeman Street. The risks will be that much greater with the proposed site deliveries using numerous 16m articulated and 10m rigid HGVs.

Parish Council note that OCC Highways object to the current access provisions.

### Flooding

The surface water flooding management proposals remains flawed and do not relate to the topography of the area.

In conclusion, Parish council objects to this development as it will have a significant harmful impact on this sensitive landscape and is counter to the protection enshrined in the Local Plan.

Cotswolds Conservation  
Board

No Comment Received.

## 2 REPRESENTATIONS

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

2.2 90 objections received:

- Loss of agricultural Land
- Alternative sites preferable
- Adverse impact on the landscape and setting of the Cotswolds National Landscape
- Adverse impact on the conservation area
- Adverse impact on the ancient woodland
- Potential adverse effect on local trade
- Flooding concerns
- Contrary to policy
- adverse impact on the visual relationship between the ancient byways that intersect at the western end of the site namely St Johns Lane, Akeman Street (Roman Road) and Pay Lane.
- Highway safety concerns
- disproportionate in size to that of surrounding villages and would lead to the 'coalescence' of the currently separate settlement
- significant negative impact on local ecology
- No consideration is given to cumulative effect.
- does not support the claims for public good in respect of net zero
- serious archaeological issues that remain outstanding
- damaging to residents, visitors and the local economy
- Technical reasons including misleading information

2.3 Solar Park Action Group - Object on following grounds:

- Unauthorised earthworks
- The Mitigation requires Water to flow Uphill

Solar Park Action Group - Review of ecological information highlights significant deficiencies.

Solar Park Action Group - Critique of CTMP submitted.

Solar Park Action Group - Review of LVIA. The summary concludes: The 45ha Akeman Solar Park would be located within an area of countryside that provides the important setting for the appreciation and enjoyment of the Cotswold National Landscape, Singe Wood Ancient Woodland, and long-distance views across the landscape as experienced from the Wychwood Way promoted route. As such, it is very sensitive to inappropriate change. An extensive landscape strategy of new planting is proposed to disguise the solar park infrastructure; however, this would, itself, screen and contain the landscape and obscure the very views that are one of its key characteristics and which are enjoyed by the local

residents and visitors alike. This Landscape and Visual Review has found that the proposed development would have residual adverse effects on both landscape character and views of up to Major-Moderate Adverse significance, and thus critical considerations in the determination process.

In determining development proposals within the Cotswolds National Landscape and its setting, great weight should be given to conserving and enhancing the area's natural beauty, landscape and countryside. The proposed development would result in residual harm to the landscape character and visual amenity of the National Landscape and its setting and would not conserve or enhance the landscape and natural scenic beauty of the area. As such, the development would not accord with Policy EH1: Cotswolds Area of Outstanding Natural Beauty. Regarding the quality, character and distinctiveness of West Oxfordshire's landscape, the proposed development would not conserve the "intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings", e.g. agricultural fields, long-distance views, and the setting of Singe Wood Ancient Woodland (albeit that the proposed track has been set back 50m from and would be accompanied by a low bund to screen it). Further, there would be a residual adverse effect on the character of the Wychwood Forest Trust area, where "special attention and protection will be given to the landscape". As such, the development would fail to satisfy the policy tests within Policy EH2: Landscape Character.

2.4 Six comments in support:

- Will contribute to the reduction in use of fossil fuels, and to carbon emissions
- solar farms contribute enormously to an increase in biodiversity
- Would not involve sacrificing the best quality arable land.

2.5 CPRE West Oxfordshire objected to this application in 2021 and while there has been some further changes and consideration to the impact this solar plant would have on the topography and visibility of the site, we continue to object to the current application based on the following:

Landscape and Tranquillity. Great weight must be given to the conservation setting of the Ramsden Conservation Area and to the setting of the Cotswolds AONB. This solar development would adversely impact the 'sense of place' of this rural area and the plans to develop this area for solar energy would not outweigh the significant harm on the landscape and the tranquillity of the wider AONB setting and of the small village of Ramsden and hamlet of Delly End.

Noise & Light pollution. In addition to heavy construction traffic along a minor road, there will be low humming from the string inverters and the sub-station transformer. While it is not a loud noise, it could still be heard as a high pitch buzz or hum which walkers along the Akeman road may hear as well as potentially affecting wildlife in particular bats. This noise as well as light pollution from security lights would also be significantly adverse.

Overall, CPRE West Oxon supports a roof-top first approach to solar panels, particularly with commercial buildings and newly built homes. Our landscape, tranquillity, and dark skies should be protected and there should be a County wide land use strategy urgently before we lose any more productive land for food or our beautiful, tranquil and historical landscapes.

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

3.1 The Planning Supporting Statement concludes as follows:

- The proposed Project is a 'renewable energy' solution, a critical component of the Government's commitment to become carbon neutral by 2050.
- West Oxfordshire D.C. pledged in 2019 to become carbon-neutral through their Climate Emergency Strategy by 2030.

- The Project can be regarded as beneficial in respect of these targets and is supported by Local Plan Policy EH6 and Paragraph 151 of the NPPF.
- Policy EH2 advises new development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape.
- The visual sensitivity section of the LVIA explains the proposed Project will not be highly visible as the Site is well contained by the surrounding vegetation pattern typified by dense vegetated boundaries with mature trees and wide hedgerows.
- Views into the Site are limited to those experienced from PRoWs which pass the western edge of the site, the Akeman Street (Wychwood Way) close to the northern extents of the site and from the network of lanes which pass by the Site to the south. Some glimpsed views are experienced from the PRoWs and roads east of the Site.
- The proposed Project will result in some adverse effects in terms of visibility; however, these will be localised to the PRoWs and accompanying landscape on its immediate boundaries.
- The proposed Project includes several landscape enhancements to make a positive contribution to local landscape character, support the Site's ecology and the local Green Infrastructure networks.
- The application is accompanied by a Landscape and Ecological Management Plan including a Softworks Plan, Green Infrastructure Strategy Plan and sets out the design, future management measures and monitoring provisions in relation to the enhancement of the landscape and biodiversity of the Site.
- Based on a review of the evidence set out within the LVIA report, and subject to the application of mitigation measures, it is contended that the proposed Project is acceptable in landscape and visual terms and accords with local and national planning policy.
- The proposed Project has been assessed in terms of sites, monuments and features within a 1km study area centred on the Site's boundary, designated heritage assets within a wider 2km study area, potential for unidentified archaeological sites, features or finds and potential for impact on the setting and significance of designated heritage assets within the study area.
- The Heritage Desk Based Assessment concludes that the Listed Building(s) surrounding the Site will be subject to less than substantial harm resulting from the proposed Project close to a heritage asset.
- The archaeological potential of the Site has been assessed as generally low to moderate, with a raised level assessed for the later prehistoric period due to the nearby presence of Grim's Ditch, a significant Iron Age linear feature. A higher potential for buried remains of the Romano-British
- period has also been assessed, given the presence along the Site's northwest boundary of an important Roman road, Akeman Street.
- The HLC recorded for the Site has been assessed as of low to moderate archaeological and historical value, representing an HLC type common throughout the county.
- It is concluded that the proposed Project will result in a superficial change in the nature of the HLC, largely through a visible change in land use. The fundamental nature of the HLC, defined through the pattern and date range of the extant field boundaries, will remain unaffected.
- On this basis, the proposed Project accords with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of the NPPF and policies EH9, EH10 and EH13 of the Local Plan.
- An Ecological Assessment has been completed in accordance with recognised industry guidance.
- Whilst some habitat loss is inevitable, the layout of the proposed Project has been informed by ecological considerations to ensure the retention and protection of the most important ecological features on the Site.

- The proposed Project will deliver biodiversity net gain in line with relevant national and local planning policy. Retained and newly created habitats will be managed and monitored over the lifespan of the development to ensure management objectives are realised as set out within the accompanying Landscape and Ecological Management Plan.
- With the implementation of the mitigation and enhancements strategy described within the Landscape and Ecological Management Plan, the proposed Project would accord with relevant planning policy and legislation 16.21 Although the Site is within Flood Zone 1, its area exceeds 0.5ha and therefore a Flood Risk and Drainage Strategy accompanies the submission.
- The Flood Risk and Drainage Strategy concludes the ground once developed will drain as per the current scenario. As such there will be no impact on sites downstream of the proposed Project and therefore it accords with local and national planning policy.
- A Construction Traffic Management Plan accompanies the application. Access to the Site will remain as existing. The first 10m of the access will be surfaced to avoid transfer of material from the Site onto the highway.
- To meet applicable visibility standards, it is proposed part of the existing hedgerow aligning the Site's north western boundary (Akeman Street) is relocated / removed. This section of hedge has been assessed as having low ecological potential, therefore it is proposed to remove the hedge in this location and a new hedge planted in its place.
- A new carriageway will be constructed around the Site's bell-mouth at the point of the existing junction.
- A construction compound will be formed to the west of the Site. The compound will be of a sufficient size to accommodate vehicles so that they can enter, deliver their goods and turn to leave the Site in a forward gear.
- The level of vehicle movements during the construction phase of the proposed Project is not considered to be material and it is considered that this will not have an impact on the safety or operation of the local highway network.
- A speed survey has now been undertaken and this concludes that visibility at the site entrance junction is acceptable.
- It is concluded that there are no reasons why the proposed Project should not be consented on traffic or highways grounds.
- A Glint and Glare Study has been undertaken in terms of surrounding roads and dwellings. The Study concludes mitigation is not judged to be required for road users or dwelling receptors, because the level of effect is not significant.
- This statement has demonstrated that the proposed Project is fully in accordance with the relevant policies of the development plan and the thrust of national planning policy and should be approval.

#### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH9 Historic environment

EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
EH16 Non designated heritage assets  
T2NEW Highway improvement schemes  
BC1NEW Burford-Charlbury sub-area  
NPPF 2023

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

## **5 PLANNING ASSESSMENT**

5.1 The application seeks planning permission for the installation of a ground mounted solar PV, energy storage system together with associated infrastructure; security fencing, CCTV, access track, cable route, landscaping and onsite biodiversity net gain on land South of Ramsden, Akeman Street, Ramsden. The site measures 45.30ha in area. The Energy Storage System will require 8 containers (40ft shipping containers). The Project also requires transformer units and a private switchgear housing unit.

5.2 The site comprises open agricultural land located to the south west of the village of Ramsden. The site is bounded to the south by St John's Lane, a restricted byway, to the west by the crossroads with the B4022 and to the north the Wychwood Way. The Cotswolds National Landscape (CNL) lies on the opposite side of the B4022. St John's Wood is ancient woodland and the sites lies within the Wychwood and Lower Evenlode Conservation Target Area (CTA).

5.3 A screening opinion undertaken has concluded that an Environmental Impact Assessment is not required.

5.4 The application has been submitted following the withdrawal of a similar scheme in 2021 (21/02473/FUL). The Planning Statement (PS) details the revisions to the scheme as follows:

- Further strengthening of existing and new boundary vegetation in line with existing landscape guidelines.
- Withdrawal of proposed solar panels from the most westerly field to reduce the potential adverse effects for receptors within the Cotswold AONB.
- Withdrawal of proposed solar panels from the north-east corner of the site, to further reduce potential adverse effects on visual receptors on Akeman Street.
- The internal access track has been positioned away from the edge of Singe Wood in order to mitigate against perceived visual effects and any detracting effects on the character and sensitivity of the wood. This buffer will be enhanced through the introduction of native planting close to the development edge, variation of in seed mixes together with a vegetated swale. These revisions have been informed by the applicant's landscape, ecology, Arboricultural, and drainage consultants.
- Incorporation of additional drainage features (vegetated swale and bund) into the design to minimise any potential impact the proposed development may have on the surrounding areas and to improve the situation above and beyond that currently experienced (please
- refer to the Flood Risk and Drainage Assessment for full details of the proposed swale and bund).

5.5 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

Use of agricultural land

Impact on the Landscape Character/Visual Amenities of the area

Impact on Heritage Assets

Highway Issues

Biodiversity

## Principle

5.6 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.7 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the West Oxfordshire Local Plan 2031 unless material considerations strongly indicate otherwise.

5.8 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', supports the principle of renewable energy developments. It goes on to state that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016). The site appears to lie within the Wychwood Uplands which is identified as an area 'more suitable' for such projects.

5.9 The NPPF supports proposals for renewable and low carbon energy. Paragraph 158 states that when determining planning applications for renewable development local planning authorities should not require applicants to demonstrate the overall need for renewable energy and should approve an application if impacts are (or can be made) acceptable. There is also 'Planning Practice Guidance' relating to 'Renewable and Low Carbon Energy'; this sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. National Policy Statements ('NPSs') which make up the planning policy framework for examining and determining



Nationally Significant Infrastructure Projects ('NSIPs') would also form material considerations in the determination of the planning application even though this scheme is not a NSIP and as such the NPSs are not directly relevant. The Planning Statement (PS) also refers to the Renewable Energy Directive (2018) and various Acts relating to Energy and Climate Change. The PS states that the Project comprises a solar photovoltaic farm, circa 20 MW (AC) and 1.5 MW battery energy storage system which will produce enough clean energy to power over 6,060 homes per year, a saving of 8,600 tonnes of CO<sub>2</sub>, the equivalent to taking around 3,970 cars off the road each year. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

## **Use of Agricultural Land**

5.10 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification.

5.11 The submitted Agricultural Land Classification (ALC) Report states that the site is classified as Grade 3b and a further technical review of the ALC survey concludes that: *The ultimate agreement seems to be in place that the ALC Grade of 3b is consistent with nearby detailed surveys mapped on the same soils. The principal concerns of soil uniformity and soil droughtiness calculations have been clarified and it should be evident that the ALC survey is accurate.* The PS also advises that: *"the majority of Grade 3b land is perfectly suited to sheep grazing and this works perfectly well with operational solar photovoltaic arrays and therefore the agricultural land is still farmed in a traditional method. Over and above this it should be remembered that solar photovoltaic arrays introduce a long term grass ley which most arable land in the UK would benefit from given its current over intensive use. The soil structure would be vastly improved and in short a spell in solar is only enhancing the food security situation for the future. Solar photovoltaic panels can be removed at the end of the array's life with no significant soil damage and the land returned to arable/grazing".* In conclusion the land is classified as Grade 3b which is not classified as 'Best and Most Versatile' land.

## **Impact on Landscape Character/Visual Amenities of the area**

5.12 The site lies close to the Cotswolds National Landscape (former AONB), a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EH1 of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000.

5.13 Policy EH2 of the Local Plan also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity.

5.14 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) states that, "in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals". The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact.

5.15 The Oxfordshire Landscape and Wildlife Study (OWLS) shows the development to be located in the Landscape Type 'Wooded Farmland' and the Local Character Area 'Wychwood Forest' (CW/13). The West Oxfordshire Landscape Character Assessment shows the site to be located in the Landscape Character Area (LCA) 7 'Wychwood Uplands' and the landscape type 'Semi-enclosed Limestone Wolds (small scale)'.

5.16 A Landscape and Visual Impact Assessment (LVIA) is submitted with the application. In respect of landscape effects it concludes the proposed development is unlikely to greatly impact upon the character of LCA 7 Wychwood Uplands, Landscape Type Semi-Enclosed limestone wolds. Though the site extends across a relatively large area, the solar PV panels and associated development are of a low scale and the proposed development will be medium term duration and reversible. Due to the high level of enclosure provided by the existing vegetation and the topography there will be limited localised changes and the landscape effects on LCA 7 Wychwood Uplands, Landscape Type Semi-Enclosed Limestone Wolds are assessed as Minor adverse for all periods. The proposed development will alter the character of the fields within the boundary of the site and those immediately adjacent through the introduction of a solar PV panels into a rural and lightly settled landscape. The landscape effects are Moderate adverse on the application site and its immediate environs.

5.17 In terms of visual effects it concludes the application site is visually well contained by vegetation across the local landscape, therefore the majority of visual effects throughout construction and operation are limited to those experienced close to the site and are assessed as Major adverse to Negligible depending on the proximity to site and the extent of the site which is visible. Proposed mitigation will help to reduce the effects from local PRowWs. The greatest effects will be experienced by local receptors, users of the PRowW 236 25/10 St John's Lane and the northern extent of the Wychwood Way/Akeman Street (adjacent Ramsden fields) which pass adjacent to the application site, where the proposed development will be most visible. The visual effects are assessed as Moderate adverse and Major adverse respectively. As proposed and existing vegetation matures, the visual effects on views from PRowW 236 25/10 St John's Lane to the south-west will reduce to Minor adverse/Negligible. Mitigation measures will not greatly reduce the effects on views from the Wychwood Way/Akeman Street as it passes the northern extents of the site and the effects along this route will remain Moderate to Minor adverse but will only affect a relatively small portion of the overall length of this route. During the summer when vegetation is in leaf the visually effects are likely to be reduced due to the screening associated with dense leaf cover. For the majority of private residences within the study area, the visual effects following completion are assessed as No change due to the layering of intervening mature vegetation and landform which will restrict views of the proposed development.

5.18 In respect of CNL consideration the LVIA concludes that the proposed development has respected and responded to the Cotswold Conservation Board's Position Statement in respect of setting and conservation and enhancement informing the layout and orientation of the panels, associated infrastructure and the landscape interventions with regard to mitigation and habitat improvements. The development will introduce solar PV panels within a number of pastoral and arable fields to the east of the AONB, however, the layout has been designed to ensure the proposed panels are eased east, in order to avoid significant impact on the setting of the AONB and views to and from the AONB. The overall conclusion of the LVIA is that the proposed development will result in some adverse effects, however, these will be localised to the PRowWs and accompanying landscape on its immediate boundaries. The scheme proposes a number of landscape enhancements to make positive contributions to local landscape character, support the sites' ecology and the local Green Infrastructure networks. Based on a review of the evidence set out within this report, and subject to the application of the mitigation measures proposed, this assessment concludes that the proposed development is acceptable in landscape and visual terms.

5.19 The Solar Park Action Group has reviewed the LVIA, which summarises the following: 'The 45ha Akeman Solar Park would be located within an area of countryside that provides the important setting for the appreciation and enjoyment of the Cotswold National Landscape, Singe Wood Ancient Woodland, and long-distance views across the landscape as experienced from the Wychwood Way promoted route. As such, it is very sensitive to inappropriate change. An extensive landscape strategy of new planting is proposed to disguise the solar park infrastructure; however, this would, itself, screen and contain the landscape and obscure the very views that are one of its key characteristics and which are enjoyed by the local residents and visitors alike. This Landscape and Visual Review has found that the proposed development would have residual adverse effects on both landscape character and views of up to Major-Moderate Adverse significance, and thus critical considerations in the determination process. In determining development proposals within the Cotswolds National Landscape and its setting, great weight should be given to conserving and enhancing the area's natural beauty, landscape and countryside. The proposed development would result in residual harm to the landscape character and visual amenity of the National Landscape and its setting and would not conserve or enhance the landscape and natural scenic beauty of the area. As such, the development would not accord with Policy EH1: Cotswolds Area of Outstanding Natural Beauty. Regarding the quality, character and distinctiveness of West Oxfordshire's landscape, the proposed development would not conserve the "intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings", e.g. agricultural fields, long-distance views, and the setting of Singe Wood Ancient Woodland (albeit that the proposed track has been set back 50m from and would be accompanied by a low bund to screen it). Further, there would be a residual adverse effect on the character of the Wychwood Forest Trust area, where "special attention and protection will be given to the landscape". As such, the development would fail to satisfy the policy tests within Policy EH2: Landscape Character.'

5.20 West Oxfordshire CPRE object to the application on the grounds detailed in the representations section above, which includes harm to the Landscape and its Tranquillity, noise and light pollution.

5.21 Natural England (NE) has advised that further information is required to determine the impacts on protected landscapes as the application could have potential significant effects on the Cotswolds Area of Outstanding Natural Beauty. NE requires the submission of additional viewpoints from within the AONB to be included in the LVIA.

5.22 The Council's Landscape Officer has commented that *Having reviewed the pre-application advice, together with observations provided as part of the earlier application process, I remain of the view that the current proposals would be harmful to the landscape character of the site and the surroundings and would therefore not comply with Policies EH1 & EH2. This is mainly due to the scale of the proposals in an area of high landscape sensitivity.*

5.23 In summary the proposed development would still have a significantly harmful impact on the character and visual amenities of this sensitive rural landscape and would have an adverse impact on the setting of the Cotswolds National Landscape.

### **Impact of heritage assets**

5.24 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to

the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10, EH11 and EH13 of the Local Plan reflect these duties.

5.25 Paragraph 199 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. A distinction is drawn between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.26 In terms of non-designated heritage assets the NPPF advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. These duties are reflected in policies EH9, EH11 and EH16 of the Local plan.

5.27 The site is not subject to any heritage designations, and the nearest are Ramsden Conservation Area located to the north east of the site and a group of Grade II listed buildings at Gigley Farm. A submitted Heritage Environment Desk Based Assessment concludes that potential impacts on the wider landscape setting of the Ramsden Conservation Area were considered. The boundary to the Conservation Area lies some 200m from Field 8, however the site visit confirmed that intervening woodland and a shelter belt effectively screen the Site from any views from the Conservation Area. Whilst the proposal will change the nature of the fields affected, this is identified as a form of agricultural diversity responding to ever more challenging economic prospects for more 'traditional' farming methods. Whilst the nature of the fields will be subject to change on a temporary basis, the fundamental field layout which has evolved over many centuries remains intact and no harm is assessed in relation to the Conservation Area's setting. A group of Grade II Listed Buildings at Gigley Farm, recorded under a single List Entry, have been subject to detailed assessment of significance followed by an assessment of impact in respect of the farmstead's rural setting. It is concluded that the listed building (s) will be subject to less than substantial harm resulting from the proposed development of a solar PV array close to the heritage asset, which lies some 50m south of the Site boundary.

5.28 Historic England (HE) object to the application on the grounds that it would harm the significance of the Ramsden Conservation Area. HE do not consider that this harm has been minimised or justified. They comment that *As Ramsden is an agricultural settlement, the close connection of village with the surrounding landscape farmed from it is essential to understanding the history and significance of the conservation area. Furthermore, the rural context also greatly enhances the aesthetic appeal of what is a very attractive group of buildings. As one of the fields that lay on the very edge of the village, the application site therefore plays an important as it helps preserves the close historic relationship between the village of Ramsden and its rural setting. As one travels to and from the historic core of the village along Akeman Street, the fields to the south, which include the application site, offers some of the best views out over Ramsden's gradual sloping landscape, which add to the rural character of the conservation area. Building a solar farm on the application site, along with its associated infrastructure, would reduce the sense of rurality around Ramsden and impact the open rural feel on the approach and exit from the village along Akeman Street. The introduction of this 'industrial element' would in our view erode the close relationship between the village and the gentle agricultural rural landscape, which is an important part of its significance, and therefore would cause considerable harm to the significance of the conservation area. In the language of the NPPF the harm would be within the range of less than substantial harm. Paragraph 195 of the NPPF requires harm to either be avoided or minimised as far as possible. In our view the most harmful aspect of the solar farm lies within the arrays proposed in the north eastern part of the site, closest to Akeman Street and the Ramsden Conservation Area. In our view keeping this field clear of the development would remove the majority of the visual impact on the approach to the conservation area. The topography of the land beyond this field begins to fall away, so with reinforcement to the*

*existing hedgerows and field boundaries, the impact of the solar farm could be much reduced. We would question if the harm to the historic environment has been clear and convincingly justified, because as set out above, there remains opportunities to deliver the scheme in a less harmful way. Any benefits of this scheme equally do not appear to be specific to this site and could be equally delivered on an alternative site, which is less sensitive to the historic environment.*

5.29 The Conservation & Design Officer (CO) considers that the proposed development would be transformational including the proposed green screening. Detailed comments can be viewed in the representations section above. Whilst the public benefits of the scheme are recognised, it is not considered that the harm identified to the historic landscape and setting of the CA would be outweighed by the public benefits of the proposal.

5.30 The site is located in an area of archaeological interest immediately south of the line of Akeman Street, the Roman road from (Margary Road 16b). A second probable Roman road is located along the southern edge of the application site which joins Akeman Street to the west of the application site. The line of Grimm's Ditch, a linear boundary surviving as a bank and ditch, passes from north to south immediately west of the application site and the line of the proposed DNO Access track crosses this earthwork boundary. This linear boundary is undated but known to be pre medieval in date and has been argued to be either of late prehistoric/Roman or Saxon in date. Sections of Grimm's Ditch are scheduled, and well-preserved stretches of this earthwork linear feature are also considered to be of national importance in line with advice in NPPF. A Roman Villa has been recorded 1 km to the north of the site and the foundations of a stone building, dated to the Roman period, has been recorded 1.2 km to the west of the application site. Roadside Roman settlement has been frequently recorded along the line of Akeman Street, such as at Wilcote 1.1 km to the north west of the application site and this location, close to the junction of two Roman roads, has a high potential for further Roman settlement evidence to survive. The proposed site is also located to the east of a probable barrow cemetery and several Bronze Age barrows have been recorded 1 km to the west of the site including a scheduled example of a pair of bowl barrows at Blindwell Wood (SM21843). The extent of this area of prehistoric funerary activity is unknown and there is the potential for further Bronze Age burial features to extend into this proposed site.

5.31 The County Archaeological Officer (CAO) previously advised that an archaeological evaluation would need to be undertaken on the site in line with an agreed Written Scheme of Investigation (WSI). Whilst a WSI was agreed for this evaluation and a report for this fieldwork has been submitted, the report has not been undertaken in line with the agreed WSI and at this stage cannot be accepted. The CAO has advised that prior to the determination of this application, a draft copy of the evaluation report should be submitted to OCAS, so that an appropriate report can be produced following their comments. Once the report has been agreed, this updated version would need to be submitted for review/comment by the CAO.

## **Highway Issues**

5.32 One access point has been identified for the construction and operation phases of the Project. This will be achieved via the B4022 to the west of the Site. A hedge aligning Akeman Street, will be relocated to provide the required visibility splay. A temporary construction compound will be set up to enable delivery vehicles to exit the highway, turn and leave the construction compound in a forward gear. There are two types of internal access tracks proposed - Distribution Network Operator (DNO) access track and Internal Access Tracks. The DNO requires a 4m wide access track. This track will be constructed along the Site's southern boundary a minimum distance of 5 m from the field boundary. The internal access tracks are required to provide easy access to the transformers which support the

solar arrays. The internal access track will form a 4m wide track comprising 300 mm of compacted recycled stone.

5.33 The application is supported with a Construction Traffic Management Plan to address construction access routes and transportation matters associated with the short construction period. The PS advises that the main period of construction activities is likely to last for approximately 18 weeks. There may be further activities outside of this period however, the construction traffic associated with materials, components, waste, and plant would take place during this period. In addition, to the HGV movements there will be several large goods vehicles deliveries, throughout the construction period. Furthermore, there will also be daily movements associated with site operatives accessing the Site. To minimise the number of operatives' vehicles on site minibuses will be used where possible to transport operatives to and from the Site.

5.34 The Solar Park Action Group has submitted a critique of the CTMP.

5.35 OCC Transport originally raised an objection to the application including lack of details/information. Following a response from the agent, OCC Transport still has a number of outstanding issues including. access visibility splays and swept path analysis; access arrangements; speed survey data and Stage I Road Safety Audit. It is acknowledged that other details including the CTMP could be addressed by condition. A response from the Highways Agreements Team is also awaited. Members will be updated at Committee.

## **Biodiversity**

5.36 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.

5.37 The application is accompanied by an Ecological Impact Assessment (EIA) which concludes that the development will lead to the loss of habitats of predominantly negligible importance (crop, modified grassland) and discrete losses of hedgerow (18m), which is of local ecological importance. The habitat lost will be more than mitigated for by the proposed creation of over 39ha of grassland and enhancement of 1.23km of hedgerow post-development. Impacts to protected species during the construction phase will be mitigated through the implementation of a CEMP, which will ensure that the discrete removal of hedgerow and modified grassland will not inadvertently injure or kill any protected species. The removal of the crop habitat to facilitate the solar installation and creation of species-rich grassland will be done outside the nesting bird season to avoid direct harm to any skylark nests which may be present. The broad retention of the most ecologically important habitat on site (hedgerows, woodland, trees) will ensure that the proposed development protects the habitat of any species which may be using the site. The replacement of over 39ha of crop with species-rich grassland will represent an improvement in habitat availability for a range of protected species. The management of the post-development habitat on site will be detailed in a LEMP, to be secured by planning condition along with the CEMP. The proposals would result in a net gain of 103.83 habitat units (105.23%) and a net gain of 8.44 hedgerow units (13.15%). A LEMP to ensure the long-term management of the proposed habitat enhancement and delivery of BNG is expected to be secured by planning condition. In conclusion, with the implementation of the mitigation and enhancement strategy described, the proposed development would be compliant with planning policy EH3 'Biodiversity and Geodiversity' of the West Oxfordshire Local Plan, as well as legislation with regard to ecology.

5.38 The Solar Park Action Group has undertaken a review of the EIA and considers that it still contains significant deficiencies including inadequate bat and dormouse survey work; no survey for reptiles; Lack of consideration for the presence of a rare arable plant assemblages; Inconsistencies on the type of grassland to be provided beneath the solar panels, the realities of solar farms on arable land, and the proposed sowing mixtures, which include non-native species; Lack of consideration of the suitability of the proposed skylark areas to be used by skylark; Absence of any wintering and updated breeding bird survey data and missing information.

5.39 The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust object to the application on the following grounds:

1. Proximity to Wychwood NNR and SSSI and eight surrounding Local Wildlife Sites (LWSs and potential for serious impact on Singe Wood/St John's Wood ancient woodland)
2. Potential for serious impact on priority species breeding and wintering birds
3. Potential for serious impact on priority species bats
4. Potential for preventing the aims and objectives of the Conservation Target Area (CTA) from being achieved
5. Concerns relating to fencing
6. Mitigation
7. Lighting
8. Biodiversity Net Gain

5.40 The site lies adjacent to Singe Wood Ancient Woodland and NE advise that in order to mitigate against any proposed direct impacts from construction and installation of the solar arrays and associated infrastructure, a buffer strip be included in the design of the proposals between the edge of development and the ancient woodland. The buffer should be at least 15m. The Planning Layout Drawing identifies a 15m buffer but it is noted that a small section of the DNO access track encroaches into this area, coming close to the woodland boundary. NE also draw attention to their general advice on protected species and other natural environment issues.

5.41 The Ecology Consultant has commented that additional information/clarification is still required relating to arable plants; hedgerows and woodlands; impact on ancient woodland (St Johns Wood) and Wychwood and Lower Evenlode Conservation Target Area (CTA); BNG and species surveys.

### **Flooding and Drainage**

5.42 The Site lies within Flood Zone 1 with a very low risk of flooding. The application is supported by a Flood Risk and Drainage Assessment which advises that the impermeable area created by the development is very small, relative to the site area and as such will have negligible impact on the runoff rates from the site and a robust and ample surface water capture and storage system has been included within the designs for this development.

5.43 The County Council, as the Local Lead Flood Authority raises no objection to the applications subject to drainage conditions.

### **Other Matters - Glint and glare**

5.44 A Glint and Glare Study has been undertaken which concludes that effects towards road users on the B4022 will be restricted to a short stretch of road immediately west of the panel area. Visibility of the reflecting area would be partial and occur from a bearing perpendicular to the direction of travel.

No mitigation is judged to be required. In respect of Dwelling Receptors, it concludes that the effects towards three dwelling locations are possible under some conditions. Effects would occur early in the morning with a worst-case duration of approximately 20 minutes on any one day. Effects are unlikely for observers on the ground floor and would coincide with direct sunlight from a similar bearing. No mitigation is judged to be required.

## **Conclusion**

5.45 In conclusion, whilst it is recognised that the proposed development would make a contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases, it would have a significant harmful impact on the historic landscape and would be harmful to the setting of the Cotswolds National Landscape and Ramsden Conservation Area and the archaeological field evaluation report has not been undertaken in line with the agreed Written Scheme of Investigation.

5.46 Members will be updated on highway matters at Committee.

## **6 REASONS FOR REFUSAL**

1 The proposed development would have a significantly harmful impact on the appearance and character of the landscape and would harm the setting of the Cotswolds National Landscape in conflict with Policies EH1 and EH2 of the adopted West Oxfordshire Local Plan 2031 and advice in the NPPF.

2 The proposed development would have a significantly harmful impact on the historic landscape and setting of Ramsden Conservation Area and an archaeological evaluation has not been undertaken in line with an agreed Written Scheme of Investigation. The proposed development therefore conflicts with Policies EH9, EH10, EH13 and EH16 of the adopted West Oxfordshire Local Plan 2031 and advice in the NPPF

3 Inadequate ecological information has been submitted to assess the potential impact on important ecological habitats and protected and priority species. As such, the proposed development is considered to be contrary to the provisions of Policy EH3 of the adopted West Oxfordshire Local Plan 2031 as well as advice in the NPPF 2021.

**Contact Officer:** Joan Desmond

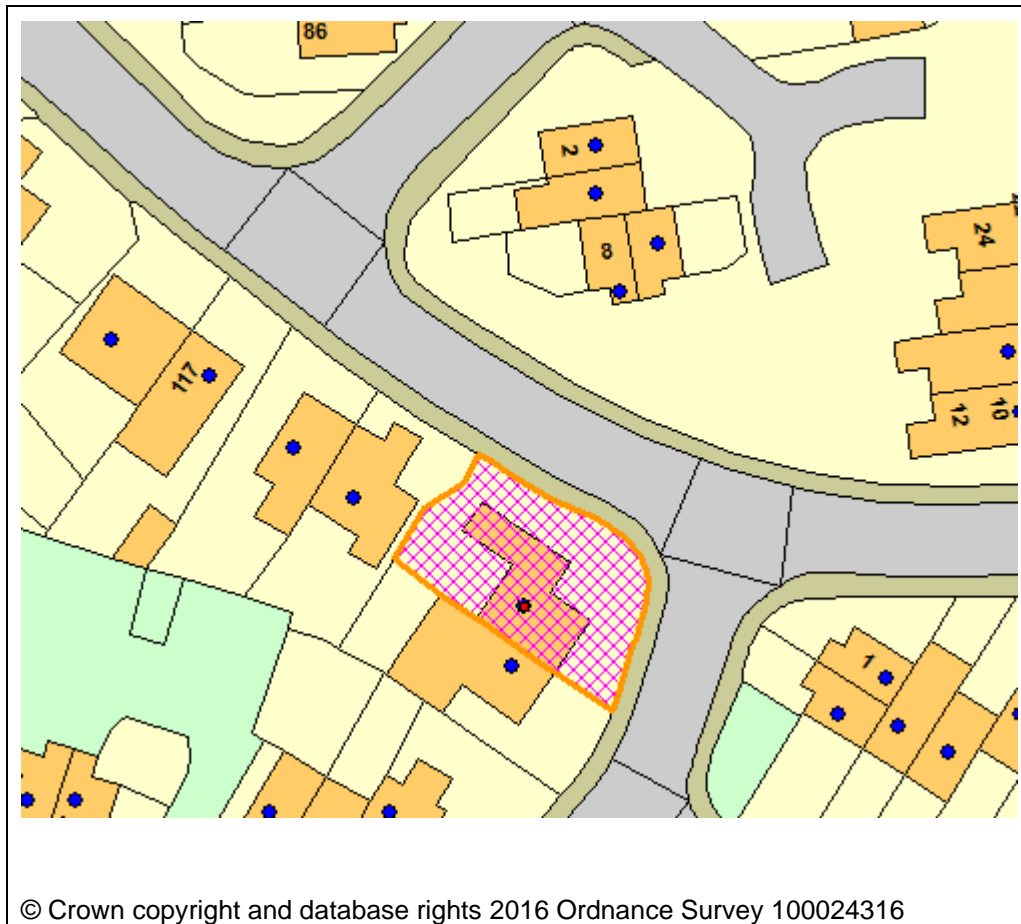
**Telephone Number:** 01993 861655

**Date:** 24th January 2024



Application Number	23/02930/FUL
Site Address	111 Manor Road Witney Oxfordshire OX28 3UF
Date	24th January 2024
Officer	Clare Anscombe
Officer Recommendations	Refuse
Parish	Witney Parish Council
Grid Reference	436578 E 209125 N
Committee Date	5th February 2024

### Location Map



### Application Details:

Erection of 1 bed dwelling with associated parking, bin and bike stores

### Applicant Details:

Mr J Pickering  
C/o Agent

## I CONSULTATIONS

Parish Council	Whilst Witney Town Council does not object to this application in terms of material concerns, it notes the loss of permeable drainage and would ask that mitigating measures are considered to help decrease the possibility of surface water flooding in this area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031.
WODC Drainage	No objection subject to conditions.
OCC Highways	No objection, subject to conditions.
Env Health Noise And Amenity	No Comment Received.
Conservation And Design Officer	No Comment Received.

## 2 REPRESENTATIONS

2.1 Six letters of objection have been received from interested parties. The concerns raised have been summarised below:

- Traffic congestion as a result of increased numbers of vehicles from the additional dwelling
- Effect on local ecology
- Overdevelopment of the site and overbearing effect on the neighbourhood
- Out of character with surrounding area
- Small amenity space with an oppressive environment for the occupants of 111 and the new dwelling
- Impact on highway safety and visibility as a result of the new parking spaces to the front of the existing property
- Impact on the amenity and privacy of 113 Manor Road from the close proximity of the parking space to the property
- Inadequate bin storage facilities which will have an impact on highway/pedestrian safety
- Loss of trees which provide privacy for 109 and 111 Manor Road
- Inadequate amount and size of proposed parking, particularly visitor spaces
- No amenity at the front of the proposed dwelling which is not in keeping with the other semi-detached houses in the area
- The terrace form of the proposed development and development in the front garden area is not in keeping with the character of the area
- The new dwelling will have an oppressive impact and effect on the outlook of 109 and 111 Manor Road
- The proposal is for a very large one-bedroom dwelling
- Increased risk of surface water flooding
- Breach of policy H6 of the Local Plan and impact on the character of the area
- Loss of 2 on-street parking spaces through the introduction of two new dropped kerbs

- Contrary to OCC Parking Standards, particularly with regards to on-street and visitor parking requirements
- Unsympathetic design and layout

### **3 APPLICANTS CASE**

3.1 The applicant has submitted a Planning, Design and Access Statement which, in summary, makes the following points:

- It represents a more efficient use and development of a site that is already in benefit of an extant consent for a minor scheme of extension, in the midst of a fully sustainable and accessible location. It typifies all that the NPPF seeks in new residential development proposals
- The proposal delivers an entirely sustainable form of development
- The proposal is produced in a traditional fashion overall, with a pitched roof, reduced at ridgeline from the existing house, and set back on its plot from the main house face, all in a subservient matching detached appearance. All as approved in the extent scheme of extension. It is entirely commensurate with the vernacular appearance of the surrounding properties in the local area.
- The proposal would not cause any neighbour impact issues in terms of loss of light, privacy or outlook to any of the surrounding properties by reason of the siting of the proposal at the side of the host property and alongside an area of public space.
- Each garden space has ample room for sitting out, informal recreation, clothes drying, gardening etc, all of the conventional garden uses. They also provide space for secure bike storage. A look at the proposed site layout plan demonstrates how the rear garden left with the existing house is just the same as those to many of the neighbouring properties and the amenity area to the new 1 bed unit is certainly spacious in itself for a property of that size, which often times in the case of a 1 bed unit has only a small balcony or terrace, this is significantly larger and more useable for its purpose.
- The proposed scheme makes a good residential use of an available, windfall site, in a sustainable, accessible location and provides for a new 1 bed unit, which adds to the social mix of the locality.
- It is a more efficient use of the site that is already in benefit of extant consent for an enlarged dwellinghouse, but which reworks it to a better and improved scheme overall in the provision of a new unit.

### **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

WIT6NE Witney sub-area strategy

T2NEW Highway improvement schemes

T4NEW Parking provision

T1NEW Sustainable transport

H6NEW Existing housing

DESGUI West Oxfordshire Design Guide

NPPF 2023

EH7 Flood risk

NATDES National Design Guide

T3NEW Public transport, walking and cycling

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

## **5 PLANNING ASSESSMENT**

5.1 The application site relates to a 20th Century, semi-detached property situated within a residential area (Cogges) in Witney. The site does not fall within any areas of special designated control.

5.2 The site occupies a corner plot at a junction of Manor Road and is accessed from Manor Road.

5.3 The existing dwelling consists of a pitched roof constructed of plain brown tiles and reconstituted cotswold stone walling with uPVC windows and doors in brown.

5.4 The proposed development is for the erection of 1 bed dwelling with associated parking, bin and bike stores.

This includes the following to facilitate the development:

- The repositioning of windows along the front elevation;
- The partition of existing outdoor amenity space associated with 111 Manor Road to serve the new dwelling; and
- The erection of 1200mm post & rail fence to the front garden and 1800mm high close boarded fence to separate the bike and bin store for each unit

5.5 1 and 3 Manor Road lie to the east of the site. 113 and 115 Manor Road lie to the rear and to the north is 6 and 8 Manor Road. To the north-east is 10 and 12 Manor Road.

5.6 The application is before members of the Lowlands Planning Sub-Committee as it has been called-in by Councillor Ruth Smith for the following planning reasons:

- The development would be over-development;
- It is not in keeping with the vernacular of Manor Road (type of housing, removal of front garden, partition of front garden, fence instead of characteristic arrow-slit wall);
- Highways and pedestrian safety concerns about a twofold increase in vehicles and trips accessing driveways on a corner plot; and
- Spill-over parking concerns.

### **Relevant Planning History**

5.7 The following planning decisions are relevant to this application:

13/0993/P/FP- Erection of boundary fence - Approved.

21/01036/HHD- Proposed front entrance porch- Approved.

23/00689/HHD - Two storey side and single storey rear extension with associated alterations.

Approved. 22nd May 2023. As per Condition 1 of the consent, the permission remains extant until 22nd May 2026. However, the permission has not been implemented to date.

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

- The Principle of Development/Compliance with The Development Plan;
- Design, Scale, Form and Amenity;
- Impact on highway safety and parking;
- Other Matters; and
- The benefits of the development.

### **The Principle of Development/Compliance with The Development Plan**

5.9 In October 2023 the Levelling-Up and Regeneration Act ("LURA") received royal ascent. The LURA replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- (a) the development plan, and
- (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.10 The amended legislation gives statutory weight to 'national development management policies' (which do not form part of the development plan) and states that material considerations must 'strongly' outweigh the development plan and any national development management policies to warrant departure. Subsection 5C outlines that where the development plan conflicts with a national development management policy, national policy should take precedence.

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

5.12 Section 38ZA clarifies the meaning of "national development management policy" as:

(1) A "national development management policy" is a policy (however expressed) of the Secretary of State in relation to the development or use of land in England, or any part of England, which the Secretary of State by direction designates as a national development management policy.

5.13 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise. The National Planning Policy Framework (NPPF, December 2023) is a key material consideration.

5.14 Annex 2 of the NPPF (December 2023) defines 'previously developed land' as 'excluding land in built-up areas such as residential gardens.' Part of the application site occupies an existing residential garden in a built up area.

5.15 Policy H2 of the Local Plan states that new dwellings will be permitted in main service centres, including Witney, on undeveloped land within the built-up area provided that the proposal is in accordance with other policies in the plan and in particular the general principles in policy OS2.

5.16 Policy OS2 of the Local Plan states that all development should (inter alia):

- 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;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment; and
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

#### National Policy/Guidance

5.17 The Government's National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. This should include a buffer of at least 5% to ensure choice and competition in the market for land.

5.18 Policies H1 and H2 of the West Oxfordshire Local Plan identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031.

5.19 Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the West Oxfordshire Local Plan 2031 in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method.

5.20 For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Taking into account past shortfall in housing delivery and 5% buffer, the 5-year requirement for 2023-2028 is 3,060 homes. Set against this figure, the Council is currently able to demonstrate a 5.4 year supply.

5.21 In terms of the other relevant housing and locational policies in the Local Plan, Policies OS2 and the first strand of Policy H2 remain consistent with the NPPF in setting out a sustainable pattern of development based on a 'hierarchical' approach and remain up to date.

5.22 The proposed dwelling is to be located within a main service centre, as identified in Table 4b of the Local Plan. Therefore, the principle of development is considered acceptable subject to design, amenity and highway issues being carefully considered against the adopted West Oxfordshire Local Plan 2031.

### **Design, Scale, Form and Amenity**

5.23 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should form a logical complement to the existing character of the area. Similarly, Policy OS4 seeks a high quality of design that respects the character and quality of surroundings.

5.24 The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. Section 12 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes ' (Paragraph 139). This includes the National Design Guide (2021).

5.25 The new dwelling would appear in the street scene as a terrace row of houses which would reflect other terrace properties along Manor Road and therefore the existing character of the area. The proposed materials, scale and pitched roof form is considered to reflect the character and appearance of neighbouring properties and is therefore acceptable. Your officers consider that the proposed development to facilitate the new dwelling, including the repositioning of windows along the front elevation, replacement of window along the north elevation with a door, erection of 1200mm post & rail fence to the front garden and 1800mm high close boarded fence to separate the bike and bin store for each unit, would be acceptable.

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

5.27 Paragraph 135 of the NPPF states: 'planning decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...' The National Design Guide at paragraph 120 states: 'Well-designed homes and buildings are functional, accessible and sustainable. They provide internal environments and associated external spaces that support the health and wellbeing of their users and all who experience them.'

5.28 Paragraph 129 of the National Design Guide states: 'All private and shared external spaces including parking (see Movement), are high quality, convenient and function well...' The proposal includes the partition of the existing private outdoor amenity space associated with 111 Manor Road to be used by the new dwelling. Circa 35 sqm of private outdoor amenity space is provided for the new dwelling and circa 39 sqm for the existing dwelling. The maximum width of the external amenity space for the new dwelling is circa 2.8m. The garden for the new dwelling would be narrow in shape and run largely parallel to Manor Road. A large section is north-facing and the main access of the new dwelling would be through the garden.

5.29 It is considered that the size, layout, shape and positioning of the external amenity space for the new dwelling would be contrived and fails to provide high-quality external amenity space and acceptable living conditions for the occupants of the new dwelling contrary to policy OS2 and OS4 of the WOLP, paragraph 135 and 139 of the NPPF and the National Design Guide.

5.30 With regard to the impact on neighbouring amenity, your officers consider that due to the siting of the proposed dwelling, its separation distance to neighbouring properties, the siting of the openings on neighbouring properties and existing and proposed boundary treatments, that no significant impact will result upon neighbouring occupiers by way of overlooking, loss of privacy, overbearing or loss of light.

## **Highways**

5.31 Paragraph 115 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

5.32 The proposed works include creating two parking spaces to the front of the existing dwelling (one for 111 Manor Road and the other for the new dwelling) and a single parking space to the rear of the new dwelling.

5.33 The parking space proposed complies with the minimum space requirements for parking spaces, as set out in the OCC Highway Standards. The Local Highway Authority are the technical experts in terms of highway safety and convenience and officers rely on their judgement when assessing highway/parking related issues. The Local Highway Authority have been consulted on the application and have raised no objections in regards to highways safety and convenience subject to conditions. On this basis, the scheme is considered acceptable and complies with policy T2 and T4 of the West Oxfordshire Local Plan.

## **Other Matters**

5.34 Witney Town Council have not raised an objection to the proposed development, but have raised concerns regarding the loss of permeable drainage and ask that mitigating measures are considered to help decrease the possibility of surface water flooding in the area, in accordance with policy EH7 of the West Oxfordshire Local Plan 2031. The Drainage Officer has been consulted and it is considered that a condition could be included on a consent requiring the submission and approval of a full surface water drainage scheme prior to the commencement of development.

## **The benefits of the development**

5.35 Paragraph 60 of the NPPF sets out "the Government's objective of significantly boosting the supply of homes". The proposal would deliver an additional unit of residential accommodation within a sustainable location.

5.36 Further Paragraph 70 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. 'Local Planning Authorities should support the development of windfall sites through their policies and decisions - giving great weight to the benefits of using suitable sites within existing settlements for homes.'



5.37 Paragraph 123 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

5.38 Paragraph 124d) of the NPPF states:

'planning decisions should... promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).'

### **Planning Balance and Conclusion**

5.39 In conclusion, for the reasons set out above, your officers consider that the proposed development would fail to provide a high quality design and acceptable living conditions for existing and future occupants contrary to policy OS2 and OS4 of the West Oxfordshire Local Plan, paragraph 135 and 139 of the NPPF and the National Design Guide.

5.40 Whilst your officers acknowledge that the proposal would make use of land within an existing settlement for a new home, the public benefits associated with the addition of one dwelling would be minimal and this does not strongly indicate that the proposed development should be approved. Therefore, the application is recommended for refusal.

### **6 REASONS FOR REFUSAL**

1 The proposed development, by reason of the size, layout, shape and positioning of the external amenity space associated with the new dwelling, would be contrived and fails to provide a high quality design and acceptable living conditions for future occupants contrary to policies OS2 and OS4 of the West Oxfordshire Local Plan (2018), paragraph 135 and 139 of the NPPF (December 2023) and the National Design Guide (2021). Officers acknowledge that the proposed development would provide public benefits in terms of providing an additional dwelling within a sustainable location, but consider that these benefits would be minimal as only one dwelling is proposed and that this does not strongly indicate that the development should be approved contrary to the West Oxfordshire Local Plan 2031.

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**Date:** 24th January 2024