

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 12th 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.

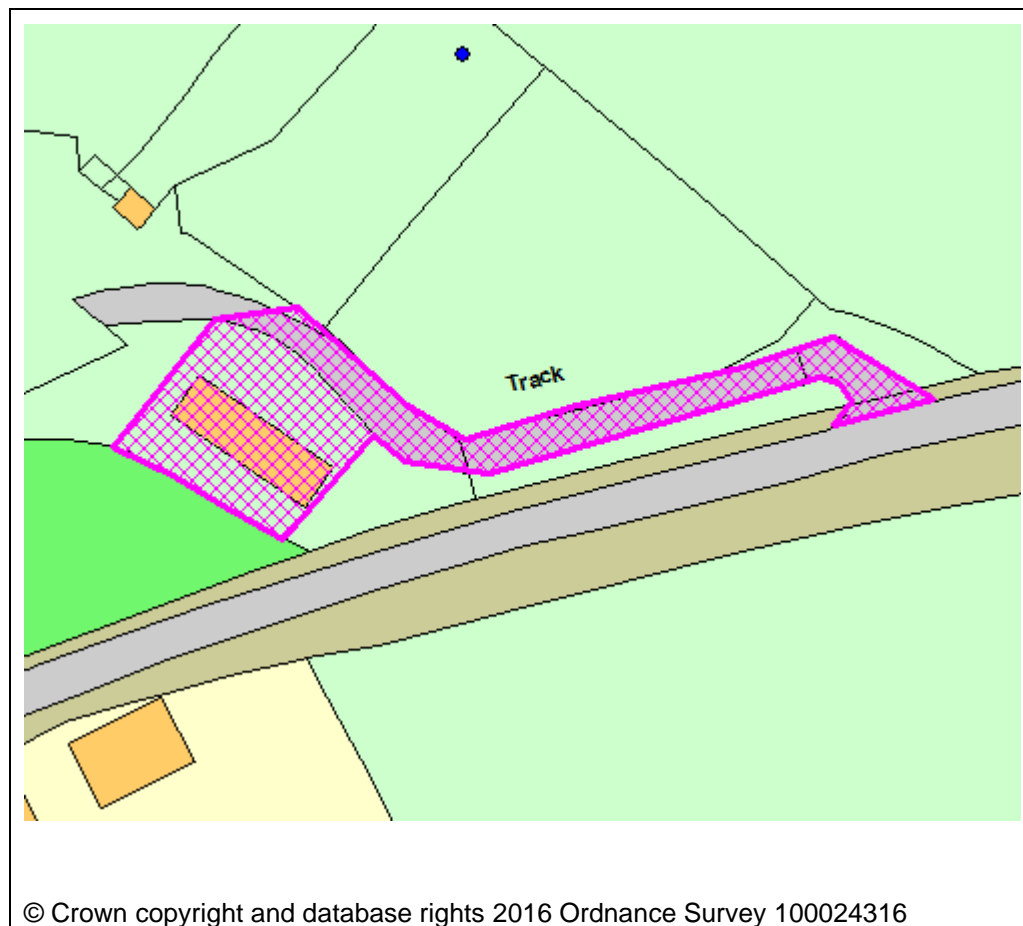
Please note that:

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

Item	Application Number	Address	Officer
11-20	23/01184/FUL	Coopers Croft Barn Priory Road	James Nelson
21-28	23/01402/FUL	Woodstock Bowls And Tennis Club Cadogan Park	Sarah Hegerty
29-35	23/02188/LBC	The Great Barn 14 Home Farm Close	Tara Hayek
36-44	23/02653/FUL	Stonesfield Sports And Social Club Field Close	James Nelson

Application Number	23/01184/FUL
Site Address	Coopers Croft Barn Priory Road Heythrop Chipping Norton Oxfordshire OX7 5TA
Date	31st January 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Over Norton Parish Council
Grid Reference	433390 E 228270 N
Committee Date	12th February 2024

Location Map



Application Details:

Temporary siting of a mobile home for farm worker (retrospective) (amended plans).

Applicant Details:

K Cooper
c/o JPPC Chartered Town Planners
Bagley Croft
Hinksey Hill
Oxford
OX1 5BD

I CONSULTATIONS

Parish Council	Over Norton PC - no comments received
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 following condition <ul style="list-style-type: none">• G28 parking as plan
Env Health - Uplands	No objection.
District Ecologist	This is a retrospective application, so it is not clear whether biodiversity was a constraint to the development and an ecological survey would not be able to identify if there had been any ecological constraints. Therefore, I have no objections and no further comments to make.
WODC Drainage	No Comment Received.
Parish Council	No Comment Received.
WODC Business Development	<p>I have reviewed this application and consider that there is adequate justification for a dwelling on the site. The applicant is building an agricultural business which involves farming several different parcels of land. The application site acts as the base for the contracting business but also as the 'home farm' for the livestock enterprises. The livestock enterprises are commercial in scale and the need to be on site at critical times creates a functional need for a dwelling on site.</p> <p>This application has my full support from the business development perspective.</p>

2 REPRESENTATIONS

2.1 No third-party comments have been received.

3 APPLICANTS CASE

3.1 The application is supported by a Planning Statement, the key points of which are summarised below.

- 3.2 'The proposed dwelling is to be provided in the mobile home which is already on-site, having first been introduced as a farm office and welfare building. Planning permission was not required for its original siting as this agricultural use did not involve a material change of use of the land.
- 3.3 However, the applicant is aware planning permission will be required if a worker is to reside in the mobile home, thus we make this application. The applicant seeks planning permission for a limited period to allow the business to be established and economic viability demonstrated before a permanent dwelling might be considered.
- 3.4 This application is made by Mr Cooper who owns the application site which is the operating base for his farming company. The applicant farms an area of around 370 acres of grassland made up of land in his ownership and that farmed under agricultural rental agreements.
- 3.5 The application site is to the north of Priory Road, Heythrop with the mobile home nestled against mature trees to the southwestern corner of the site. The land benefits from existing access to Priory Road.
- 3.6 This submission includes a Business Plan from Ceres Rural which sets out the viability of the livestock enterprise and its requirement for a full-time resident worker. For the avoidance of doubt, we confirm the applicant only seeks permission to use the mobile home as a dwelling for a temporary period (two years) while the enterprises which are reliant upon it become established. Following the 'proving period' an application would be made for a permanent dwelling, which the Council could then support as part of a proven business.
- 3.7 In summary, the proposed use of the mobile home as a dwelling for a farm worker for a temporary period is supported in principle by policy H2 of the WOLP and is actively supported by E2 which seeks a prosperous rural economy.
- 3.8 The temporary use is aligned with the general principles for development set out at WOLP policy OS2 and so should not cause harm to local amenity or the character of the area. It will allow the profitability of enterprises which necessitate the home to be proven, following which a permanent dwelling of suitable design could be supported by the Council.
- 3.9 In view of the proposal's alignment with Development Plan policy the presumption in favour of sustainable development, as expressed at paragraph 11 of the NPPF, states that planning permission should be granted without delay. We respectfully request that this application be approved.'
- 3.10 A Business Plan produced by Ceres Rural is also provided in support for the scheme.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

T2NEW Highway improvement schemes

T4NEW Parking provision

EH2 Landscape character

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

5 PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for the temporary siting of a mobile home for farm worker at Coopers Croft Barn, Priory Road, Heythrop. The application is retrospective as the mobile home is in situ. The applicant states that the mobile home was installed initially as a 'farm office and welfare building' but is now required to provide residential accommodation.
- 5.2 The application is associated with a small parcel of land (circa 4.5 acres) including yard and buildings, known as Coopers Croft Barn which occupies an open countryside location approximately 1.5km from the small village of Heythrop and 1.45km north east of Chipping Norton. The applicant has developed a farm contracting business, entered into contract farming arrangements, conducts arable farming operations and also commenced livestock rearing at Coopers Croft Barn. The applicant seeks to grow this latter aspect of the business, to which this application relates, as the applicant seeking to establish an essential need for a dwelling on site to enable further development of the business.
- 5.3 Amended plans have been submitted and consulted on as the plans as submitted did not accurately reflect the site boundary, this has since been rectified.
- 5.4 The application is heard by this Committee due to councillor call in.

Relevant Planning History

- 05/1282/P/FP- Erection of stables and tack room. Refused, appeal allowed.
20/03123/PDET28- Construction of new agricultural storage building. Prior Approval Not Required.
22/00966/PDET28- Erection of agricultural store and workshop. Prior Approval Not Required.

Development Plan

- 5.5 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.

5.6 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').

5.8 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.

5.10 Given the nature of the proposal, officers consider that the WOLP policies identified in Section 4 of this report are most relevant in this case.

National Policy/Guidance

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

5.12 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.

5.13 Officers consider that the proposal would lead to the provision of an isolated home (for a temporary period) in the open countryside for the purposes of the NPPF. Paragraph 84 seeks to resist the development of isolated homes in the countryside other than in certain circumstances, including where:

'There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'.

5.14 Paragraph 88 relates to 'supporting a prosperous rural economy' and is clear that:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;

b) the development and diversification of agricultural and other land-based rural businesses'.

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

- Principle of development;
- Justification for farm workers dwelling;
- Landscape and visual impact; and
- Highways

5.16 Each will be considered in the following sections of this report.

Principle of development

5.17 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development and draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. The application site occupies a distinctly rural location separate from any defined settlement and therefore officers consider that the site occupies an open countryside location for the purposes of Policy OS2.

5.18 Policy OS2 sets out that development in such locations 'will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Proposals for residential development will be considered under policy H2'.

5.19 The general principles of OS2 are applicable to all new development, those considered relevant in this case are that all development should:

- 'Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities; and
- Conserve and enhance the natural, historic and built environment'.

5.20 Policy H2 relates to the delivery of new homes and adopts a restrictive approach to the provision of new dwellings in small villages, hamlets and open countryside. H2 outlines that new dwellings in such locations will only be permitted where they comply with the general principles set out in Policy OS2 and in an exhaustive list of circumstances including:

'Where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need'.

5.21 This requirement echoes the provisions of NPPF paragraph 84.

5.22 Therefore, in order for the principle of development to be acceptable in accordance with WOLP Policies OS2 and H2 as well as NPPF paragraph 84, the application must demonstrate that there is an essential operational or other specific local need for residential accommodation on the site that cannot be met in any other way as well as comply with the general principles of OS2. This will be fully assessed in the following sections of this report.

Justification for farm workers dwelling

5.23 As outlined above, Policy H2 is clear that in order for the principle of development to be acceptable, the applicant must demonstrate an essential operational need for on-site residential accommodation to support the agricultural use of the wider site which cannot be met in any other way, including through the re-use of existing buildings. The wider agricultural unit contains two newly constructed agricultural buildings (see above planning history) as well as a timber stable building and no existing dwellings. The application makes clear that the two existing barns are required for agricultural purposes and the timber stable building is not considered suitable for habitation. Officers are therefore satisfied that there are no existing buildings or dwellings within the unit that could be adapted for occupation by a farm worker.

5.24 The proposal is therefore required to demonstrate that there is an essential operational or other specific local need for on-site accommodation that cannot be met in any other way. In order to seek to demonstrate this need, the application has been supplemented with a Business Plan, with a further addendum submitted in November. The Business Plan indicates that the livestock enterprise is projected to expand over the coming years and as such, on-site accommodation will be required to support the rearing of livestock. As the operation is expected to scale up in future years, the application is put forward on the basis that a 'proving period' is necessary to allow further establishment of the business whilst allowing the Local Planning Authority to review the essential needs case upon the expiration of a temporary consent. Officers summarise the existing and proposed livestock enterprises below.

Calves

5.25 The applicant states that young bull and heifer calves are purchased and reared through to about 12-month-old stores before sale. It is understood that about 30 are currently reared per annum, which are turned out to graze at around 4 months, allowing the current covered yard to house calves at different ages. The applicant indicates that the calf rearing operation could rise to 90pa based upon the existing capacity of the site. An intention for this figure to rise to c120pa has been expressed although this would be reliant upon further building space which has not been proposed/consented.

Pigs

5.26 The applicant owns two rare breed Oxford Sandy and Black sows which are kept in the woodland area of the site. Each sow currently have two farrowings each per year producing c8-10 piglets at a time. Once the offspring reach pork weight, they are slaughtered and processed with pork products are currently sold through Diddly Squat farm shop. No plans for expansion of this aspect of the business are indicated.

Poultry

5.27 The Business Plan states that an existing chicken enterprise will be turned over to free range turkeys (c100) for Christmas 2024. No indication of future expansion of the turkey enterprise is outlined.

Other agricultural operations

5.28 The applicant is engaged in contract farming for a range of local farms totalling over c2,000 acres of arable land. The applicant also rents 261 acres of arable land, farmed for mostly Winter Wheat and Spring Barley. Whilst the Business Plan indicates that the location of the site is well-placed to service the various local farms subject to contracts with the applicant, officers do not consider that this provides justification for on-site accommodation as similar convenience could be achieved through existing properties in settlements such as Chipping Norton. The applicant's case is therefore wholly reliant upon the livestock element of the business, in officer's view.

Assessment of need

5.29 The Local Planning Authority have commissioned an independent assessment ('the independent assessment') of the application by 'Fox Rural' to assist in the assessment of the application. The independent assessment has found that there is, on balance, an established essential need for the stationing of a temporary mobile home at Coopers Croft Barn. Your officers consider that the application has demonstrated that there is an intention and ability to develop the livestock enterprise at the site, particularly regarding the number of calves to be reared, which could be increased to 90pa based upon existing capacity, and expansion of the poultry operation. In terms of the need for on-site accommodation, the case presented is largely on the basis of a need to deal quickly with emergency animal welfare issues that could arise at any hour. In this regard, given the calves will be reared in three batches per annum, there would be at least 30 calves on site under three months old for the majority of the year. The independent assessment commissioned outlines that at the point of arrival (2-3 weeks) calves require close observation with pneumonia and diarrhoea being the most common causes of mortality. Close scrutiny is required to enable early treatment and the independent assessment confirms a requirement at times to be on hand during the night. The number of calves proposed leads the independent assessment to conclude that a farm worker should be located within 'easy access' of the site.

5.30 In terms of pigs and turkeys, there will be four farrowings per year, with on hand intervention during and immediately after farrowing a likely scenario, which can often take place at night. In terms of turkeys, close monitoring is required for the 'first few weeks' after hatching. Therefore, the need for on-site accommodation relating to this aspects of the business appears somewhat intermittent over the year.

5.31 Security benefits of on-site accommodation are also cited, whilst this is recognised by officers, it is likely that technological solutions and monitoring could achieve this benefit and it is therefore afforded limited weight.

5.32 The independent assessment concludes that 'on balance, especially bearing in mind the proposed expansion of the calf rearing, there is considered to be a functional requirement for there to be somebody within easy access of the yard.'

5.33 The application is also required to demonstrate that the underlying business can demonstrate future financial viability in order to meet the tests of Policy H2 and NPPF Paragraph 84, as supplemented by the Planning Practice Guidance (Reference ID: 67-010-20190722) which requires that decision makers have 'confidence that the enterprise will remain viable for the foreseeable future'.

5.34 In this regard, the independent assessment outlines that the submitted budget in the Business Plan is optimistic and somewhat simplistic in its assumptions and therefore, the budget would need paring back significantly to produce a more realistic profit margin. However, it concludes that it is very likely that there will be sufficient profit margin based on the applicant's predictions to support a worker on a minimum wage (c£20,000). Given that the indicated figures are projections as opposed to established and proven data, officers conclude that a temporary consent would recognise that the applicant has demonstrated an essential need for an agricultural worker based on the projected expansion of the operation but allow time for a 'proving period' whereby the essential need can be re-evaluated based upon the performance of the business in the coming years.

Landscape and visual impact

5.35 The application site is not located within any areas of landscape designation however, WOLP Policy EH2 is relevant which states:

'The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural and historic value, tranquillity, geology, countryside, soil and biodiversity, will be conserved and enhanced. New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape'.

5.36 The unit is sited in the south western portion of the agricultural land parcel, screened in views from the adjacent road by an existing stable block and mature woodland and contextualised by recently constructed agricultural barns. Whilst the unit is not considered suitable for permanent retention due to its utilitarian character and appearance, officers consider that given its modest scale and discrete siting in close proximity to existing structures, its retention on a temporary two year basis would not give rise to significant landscape and visual impacts.

Highways

5.37 WOLP Policy T2 states that:

'All development will be required to demonstrate safe access and an acceptable degree of impact on the local highway network'.

5.38 In this regard, the existing access would be unaffected by the proposal and the wider site contains significant areas of hardstanding to serve as a parking area. Further, the Highways Authority have confirmed no objection to the proposal. As such, officers consider that a neutral impact in highways terms would result from the application.

Recommendation

5.39 In light of this assessment, the proposal is considered to accord with West Oxfordshire Local Plan 2031 Policies OSI, OS2, H2, T2, T4 and EH2 and the NPPF 2023. The application is therefore

recommended for conditional approval subject to the conditions as set out in Section 6 of this report.

6 CONDITIONS

1. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 28.07.2023.

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

2. That the temporary residential unit hereby permitted shall be removed from the land in its entirety within two years from the date of this grant of planning permission.

REASON: The permission is for a temporary period only as the essential operational need to live on the land in accordance with local plan policy and paragraph 84 of the NPPF is not yet definitively proven but may be evidenced over the next two year time frame given the business plan submitted with the application.

3. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependants.

REASON: Permission is granted only because of the agricultural need for the mobile home.

4. The number of caravans/mobile homes sited on the land shall not exceed one at any given time.

REASON: To safeguard the character and appearance of the area and prevent additional residential occupation on the land.

Notes to applicant

1. The applicant is advised that the recommendation to support this mobile home was on balance. It should not therefore be assumed that when the temporary period has expired that a permanent dwelling would be supported or that a further temporary consent would be supported. In that regard the profitability of the farming enterprise, the extent of land under the applicants control and ownership and the farming operations being undertaken will be material in assessing whether a further residential consent would be allowed. Furthermore, if a permanent residential dwelling is to be supported the size of the dwelling will be dictated by the extent of profitability of the farming enterprise.

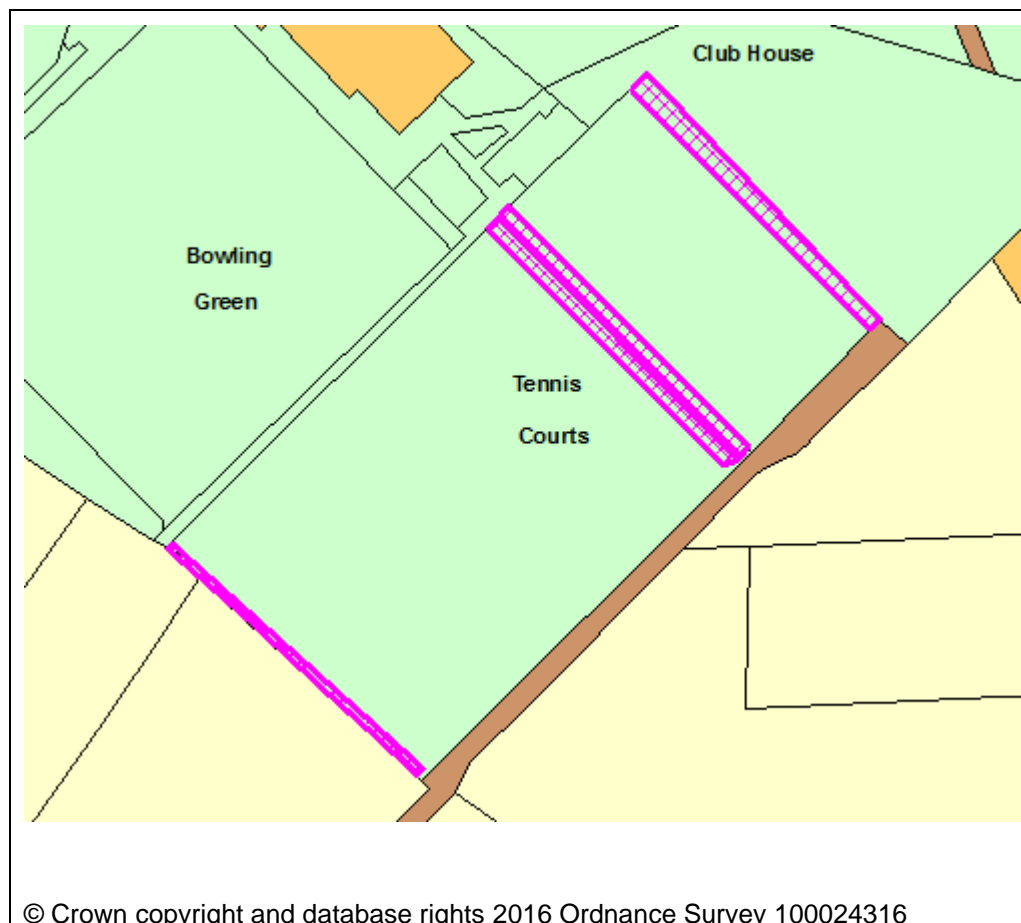
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 31st January 2024

Application Number	23/01402/FUL
Site Address	Woodstock Bowls And Tennis Club Cadogan Park Woodstock Oxfordshire OX20 1UW
Date	31st January 2024
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444879 E 216679 N
Committee Date	12th February 2024

Location Map



Application Details:

Installation of sports lighting to serve a block of three tennis courts and a separately enclosed single tennis court.

Applicant Details:

Mr Nigel Bryant
Woodstock Bowls And Tennis Club
Cadogan Park
Woodstock
Oxfordshire
OX20 1UW

I CONSULTATIONS

Parish Council	The Town Council would like to request that a condition be applied to any planning permission to prevent the lighting from be used after 8.30pm (20.30). The Town Council would also like to point out that the site is now identified in the recent Woodstock Neighbourhood Plan as a Green Space.
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
District Ecologist	<p>A PEA will be required, guidance from Natural England makes it clear that an ecological report should be requested when a proposal includes the use of flood lighting close to habitats that bats tend to use. Therefore, a preliminary ecological appraisal will need to be undertaken to assess the habitat suitability for bats. This information will be required to inform the number of bat activity transect surveys required to achieve a reasonable survey effort.</p> <p>Until a PEA is submitted I won't be able to assess the potential impacts to bats.</p>
Env Health - Uplands	Mr ERS Pollution Consultation No objection but I would ask that the proposed cut-off time of 21:30 is enforced by way of a condition attached to any consent granted.
District Ecologist	<p>Acceptable subject to the following conditions and informative.</p> <p>Section 5.1, 5.2 and 5.4 of the consultancy report make recommendations for precautionary working for nesting birds, as well as recommendations for bats and lighting. Details of the lighting plans are also deemed sufficient, therefore the above compliance condition is recommended to ensure that all recommendations and plans are adhered to.</p> <p>Section 5.3.1 of the consultancy report makes recommendations for bat enhancement features, such as the installation of 2F Schwegler Bat Boxes located on separate trees around the site, however, these recommendations have not been supported by any plans, therefore the above enhancement condition has been recommended.</p>

2 REPRESENTATIONS

2.1 20 Objection comments have been received and have been summarised below (the full comments can be viewed online)

- Amenity impacts (Noise and Light)
- Increase in Traffic
- Will affect local ecology

2.2 64 Supporting comments have been made which are summarised below (the full comments can be viewed online)

- Will help promote a healthy lifestyle
- Benefits Local Community
- More sustainable than travelling to other facilities

3 APPLICANT'S CASE

3.1 The Tennis Club is LTA affiliated and has four all-weather artificial grass courts.

These are arranged as a separately enclosed block of three courts and an enclosed single court.

3.2 The thriving and inclusive tennis club has a membership of over 300, of all ages and abilities. The club has over 100 junior members.

3.3 The club enters adult teams in the Oxfordshire Leagues, both Winter and Summer, and usually runs four Ladies teams, four Men's teams and at least three Mixed. The club also enters junior teams in several age-groups in the Oxfordshire Junior Leagues.

It has social tennis sessions every week, on Tuesday and Sunday afternoons in winter and Sunday afternoons and Tuesday and Thursday evenings in summer.

3.4 The club has regular Family Nights when parents and their children can meet and play, but without lights these are limited to the summer months.

It has a vibrant, high-quality coaching programme for both juniors and adults, but without lights this cannot operate effectively for a large part of the year.

During the autumn and winter months when the days are short, the time available for coaching is limited. The club currently has to rent courts at nearby clubs which do have lighting provision, but this is at extra cost and considerable inconvenience to the parents living in Woodstock and surrounding villages, as they have to travel 5-10 miles by car. With the installation of court lights at Woodstock, coaching sessions could continue after sunset, allowing for greater flexibility in players' and parents' scheduling. This would be especially beneficial for parents who have other siblings and other commitments such as swimming, hockey or football.

Court lights would enable us to offer a progressive, inclusive and sustainable coaching programme not only for our members but in local schools.

The club already has excellent working relationships with Woodstock Primary School and The Marlborough Secondary School, but can operate properly only for part of the year. Court lighting would enable the coaching programme to further strengthen these working relationships with the two local schools in the town.

3.5 Moreover, court lighting would allow Woodstock Tennis Club to grow the game and increase year-round participation in both the social and competitive strands. We all know the benefits that sport, particularly tennis, can bring in terms of physical and mental health. Increasing the autumn and winter hours would benefit not only the coaching programme. It would also benefit the many players who,

because of working hours and commitments, are able only to participate in the evenings, not just in terms of attending coaching, but by involvement in all other activities at the club: match practice, social play etc. The club has therefore had a desire for a number of years to extend playing hours, especially as the club is now enjoying a marked increase in membership.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

WOODNP Woodstock Neighbourhood Plan

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

5.1 The application seeks permission for Installation of sports lighting to serve a block of three tennis courts and a separately enclosed single tennis court.

Background Information

5.2 The application is brought before Members of the Uplands Area Sub Committee after being called in by Cllr Cooper and Cllr Poskitt.

5.3 The site is located in a residential area of Woodstock and is surrounded on all side by residential dwellings. The site is also identified within the Woodstock Neighbourhood Plan (WNP) as a Designated Local Green Space.

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:

- Impact on neighbouring amenity
- Impacts on Biodiversity

Principle

5.5 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.

5.6 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 comprised of the West Oxfordshire Local Plan 2031 ('the WOLP') and Woodstock Neighbourhood Plan ('WNP').

5.8 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 and CNP unless material considerations strongly indicate otherwise.

National Policy/Guidance

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

5.11 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

The Development Plan

5.12 The Settlement hierarchy within the supporting text of OS2 identifies Woodstock as a Rural Service Centre.

5.13 Policy OS2 of the WOLP states that along with compliance with the general principles of development:
"Woodstock is suitable for a reasonable scale of development, whilst protecting its important historic character and the setting of Blenheim Palace, in order to deliver affordable housing, enhance local services and reinforce its role as a service centre."

5.14 Similarly Policy E5 of the WOLP seeks to support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities. Further, section 8 of the NPPF (Promoting healthy and safe communities) encourages social interaction and the enabling and support of healthy lifestyles.

Paragraph 102 states:

Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.

5.15 As noted above, Woodstock Neighbourhood Plan also identifies this area as a Local Green Space within Policy WNDPI.

It states that Vital green space near the heart of the town. It provides well-kept facilities and recreation for both young and old. It also act as a local social venue" and it continues in paragraph 4.10 "Such spaces are important for maintaining community well-being and should be protected."

5.16 Whilst the introduction of sports lighting into the space is development, it is not in a form that diminishes or encroaches into the open space of the site. The lighting is considered to improve the facilities and would make them available in the darker months which is a benefit and enhancement to the local community.

5.17 Officers therefore consider the principle of development to be acceptable.

Impact on Neighbouring Amenity

5.18 The proposed lighting is to be situated on the existing fencing surrounding the tennis courts. This differs from the usual pole mounted flood lighting found in other places within the district.

The properties to the south east and south west of the site whose rear boundary adjoin the Tennis courts are considered to have the most impacts as a result of the proposal. The boundary treatments along the rear boundaries of the properties vary however are primarily mature tree's, hedges, bushes, fences or a combination of.

5.19 The individual light bars are 3.8m in length and are arranged in a line of eight bars each side of the single court and the block of three courts.

5.20 The light bars are affixed to the fence posts by means of brackets. The light bars are angled downwards to minimize observers' view of the lighting source. There are two high-ball lighting units on each side to enable players to view balls which are lobbed during play.

In regards to noise and light impacts, whilst officers agree that the introduction of lights around the court will make them more visible within the winter months to the surrounding properties, it is not to such a degree that it will negatively impact on the residential amenity of these dwellings. Also given that the courts already exist, and the number is remaining consistent the level of use (and noise associated with said use) will remain steady albeit all year round as opposed to only during the lighter summer months.

5.21 Environmental Health Officers were also consulted as part of the application process and have raised no objection subject to a time restriction condition.

5.22 In regards to parking at the site, the size and number of the courts is not changing therefore the demand for parking remains unchanged. There are a certain number of players at a time that can be

accommodated in the playing area and whilst the introduction of lights increases the amount of time throughout the year that the courts can be used the level of parking remains consistent. In addition given the sites sustainable location within the Town of Woodstock there are plenty of opportunities to walk or cycle to the site.

5.23 County Highways raise no objection to the proposal.

5.24 Officers therefore consider the proposed lighting is acceptable in this regard.

Biodiversity

5.25 The site is surrounded by mature tree lines and hedgerows which have potential for specifically Bat and Bird use which could be disrupted by the use of lighting. Following consultation with the Biodiversity Officer additional information was submitted to address the concerns raised. It has subsequently been concluded that subject to condition the application is acceptable.

Conclusion

5.26 In light of this assessment, this proposal is considered acceptable and in accordance with policies OS2, OS4, E5 and T4 of the adopted Local Plan 2031, relevant sections of the Woodstock Neighbourhood Plan and the NPPF and West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

2. That the development be carried out in accordance with the approved plans and submitted lighting details listed below.

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

3. The development shall be completed in accordance with the recommendations in Section 5.1, 5.2 and 5.4 of the consultancy report (Bat Emergency Survey Rev A, ASW Ecology Ltd, October 2023) and lighting plans (Overspill Drawing No. 005, E.T.C. Sports Surfaces, 29th April 2023; Double Tweener Data Pack, May 2023 and Single Tweener Data Pack, May 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 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 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.

4. Before development takes place, details of the provision of externally mounted roosting opportunities for bats (five bat boxes affixed to suitably mature trees on site, positioned no lower than 6m above ground level on south/south-westerly and north/north westerly aspects to create a variety of microclimates) shall be submitted to the local planning authority for approval. The details shall include a drawing showing the types of features, their locations within the site and their positions on the elevations of the building, and a timetable for their provision. The approved details shall be implemented before the development hereby approved is first brought into use and thereafter permanently retained.

REASON: To provide additional habitat for roosting bats as a biodiversity enhancement, in accordance with paragraphs 180, 185 and 186 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2011-2031, and Section 40 of the Natural Environment and Rural Communities Act 2006.

5. The sports lighting hereby permitted shall only be illuminated in the months January to March and September to December until a time of 2130 hrs and turned off when not in use. The lighting must not be used in the months April to August.

REASON: To safeguard living conditions in nearby properties and 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 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.

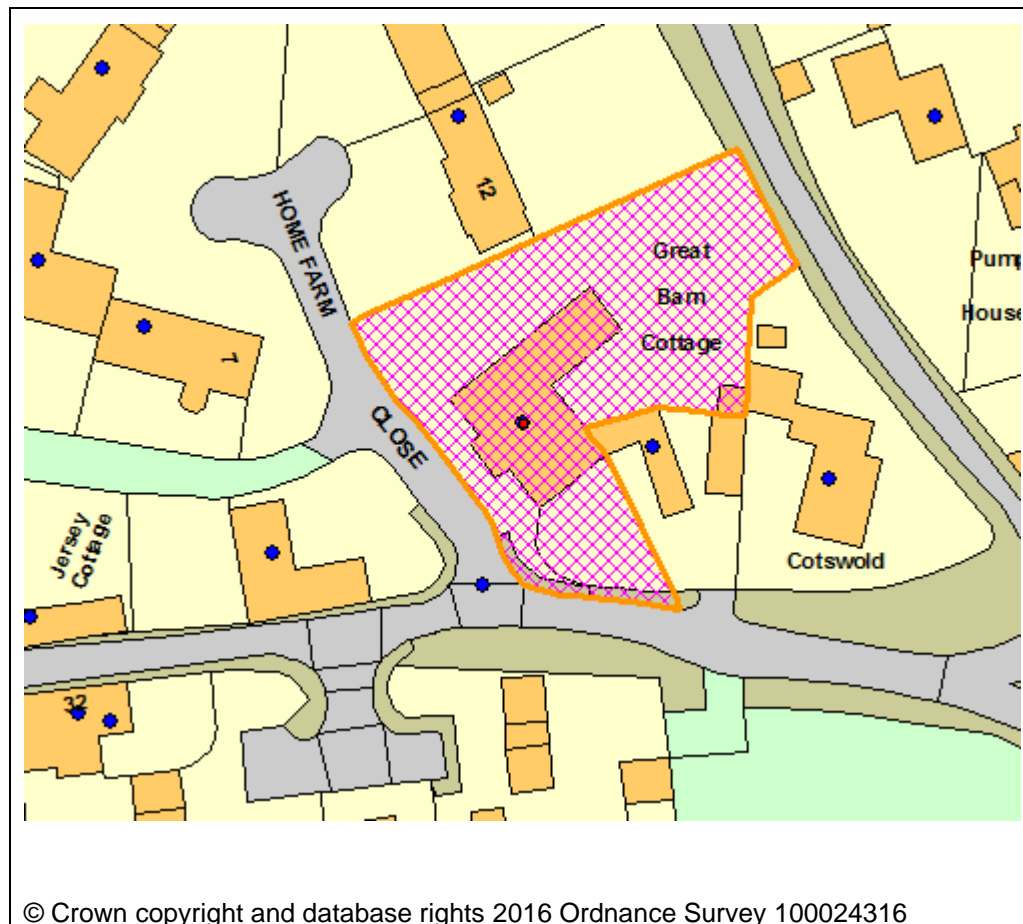
Notes to the applicant

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.

Contact Officer: Sarah Hegerty
Telephone Number: 01993 861713
Date: 31st January 2024

Application Number	23/02188/LBC
Site Address	The Great Barn 14 Home Farm Close Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6EH
Date	31st January 2024
Officer	Tara Hayek
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood Parish Council
Grid Reference	428011 E 217412 N
Committee Date	12th February 2024

Location Map



Application Details:

Internal and external alterations to replace all casement windows, the dining room door and lounge double door with flush heritage casement windows and doors

Applicant Details:

Mr N Bowman
The Great Barn
14 Home Farm Close
Shipton Under Wychwood
Chipping Norton
Oxfordshire
OX7 6EH

1 CONSULTATIONS

Parish Council

The application is for the replacement of rotting frames with replacements identical to a neighbour. Shipton under Wychwood Parish Council has no objection to this.

2 REPRESENTATIONS

2.1 No third party representations have been received in respect of this application.

3 APPLICANT'S CASE

3.1 The Design and Heritage Statement is summarised as follows:

The Grade 2 listed building is a barn about 80 yards north east of Home Farmhouse, Plum Lane, Shipton under Wychwood. The barn is in Home Farm Close which is a development of 7 houses built in the 1980's plus the barn which was converted to residential use at that time. All the houses (including the barn) have the same type of window which were installed when the properties were built or have windows which have been upgraded to the type proposed.

The design principle applied is that the windows should be exactly as approved when the property was converted but give the best environmental benefit to the property and therefore have the least environmental impact long term.

The barn was obviously built for agricultural purposes originally and did not have windows and so it is not possible to say how the new windows (or the existing windows) take into account the historic importance of the building. There is to be no significant change to the existing windows and so the works will not have any significant impact on the character of the building.

4 PLANNING POLICIES

EH10 Conservation Areas

DESGUI West Oxfordshire Design Guide

EH11 Listed Buildings

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks listed building consent for internal and external alterations to replace all casement windows, the dining room door and lounge double door with flush uPVC casement windows and doors at the Great Barn, Home Farm Close, Shipton Under Wychwood.
- 5.2 The site is a Grade II listed building within the Shipton Under Wychwood Conservation Area.
- 5.3 The application is before the Sub-Committee as the Parish Councils comments are in opposition to the case officers recommendation.
- 5.4 Planning History:

An application to convert the barn was approved in 1988.

19/02967/PREAPP - Remove and replace front screen (window/door). The councils response was as follows:

"Having had the opportunity to assess your application I can confirm that Listed Building Consent would be required. In regard to principle, the replacement of the windows with oak panels could be supported however, the removal of these windows would have an impact on the light available to the property. Furthermore, I would suggest that the door is relocated so that it is coordinated with the existing studs.

21/00038/PREAPP - To replace front screen, window and door in oak. The councils response was as follows:

This joinery is relatively recent and relates to the conversion. The existing joinery to the windows isn't ideal - there are unbalanced storm casements - so this may offer an opportunity for betterment. The proposals for the main screen are OK, but I can't find anything on the other windows. They need to tell us exactly what the new joinery for the windows will be, including elevations and sectional details, and they need to supply good clear photos of each element they are changing.

21/00823/LBC: A subsequent application was approved for Internal and external alterations to replace front screen of property including installation of new front door in oak.

- 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:

- Impact on the Heritage Asset

Impact on the Heritage Asset

- 5.6 Great Barn is a grade II listed Cotswold barn dating Late C18: list-entry-1284319. *The barn is about 80 yards north-east of Home Farmhouse. Rubble with Cotswold stone roof. Projecting gabled entry with flanking catslide sections; cambered lintel to entry. Five bays, tie beam and collar roof, butt and part-trenched purlins. Triangular vents in east gable.* 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.

- 5.7 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.
- 5.8 There is no heritage statement with this application assessing the impact of the proposal on the significance of the listed building. Under Para 200. of the NPPF it states 'that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'
- 5.9 Notwithstanding, the Barn has been identified as having historic (illustrative and evidential) and architectural significance.
- 5.10 In previous pre-application discussions the applicant has proposed oak windows/doors. And, in 2021 listed building consent application was approved for new oak doors to the replace the front screen.
- 5.11 The current application proposes a different material: uPVC, as opposed to oak.
- 5.12 While your officers note that the 1980s window are in a poor condition and the double-glazing has blown, and replacement would be acceptable, the proposed replacement to uPVC windows are not considered to be appropriate for this listed building.
- 5.13 The proposal would add modern plastic window frames to a historic 18th century barn. In advice from most of the up-to-date heritage guidance (some of which is mentioned below), when undertaking barn conversions, especially listed building - it specifies that timber or metal windows should be used; these materials are more traditional and were available in the 18th century and are much more compatible and sustainable than plastic windows.
- 5.14 In this case, the proposal to replace the current windows with uPVC is insupportable because it would harm not preserve the character and significance (that consists of historic (illustrative and evidential) and architectural significance) of this listed building.
- 5.15 Furthermore, another factor which is now gathering momentum in today's climate crisis is the use of sustainable materials - especially where it relates to the longevity of our listed buildings. And, therefore, as well as conservation issues relating to character and significance of heritage assets, we now find ourselves determining proposals based on their sustainability and lifetime of materials.

5.16 Overall, timber is a preferable option. Timber is known for its strength and durability when it's in use- and even though it requires a little more time and effort to keep it in good condition, it will still last a long time and has an inherent warmth that makes it great for insulation purposes. It is also not only highly renewable and sustainable, but also incredibly recyclable. There are no harmful substances or toxic chemicals released into the environment when recycling timber and it is a lot easier to work with than uPVC.

5.17 Our Design Guidance for Greener Traditional Buildings states:

The form and appearance of uPVC windows is seldom appropriate for traditional buildings, and never appropriate for Listed Buildings. In addition to aesthetic considerations, uPVC windows utilise considerable energy in their manufacture; and whilst they require minimal initial maintenance, when they do degrade they usually cannot be repaired, and must be scrapped. In contrast, well-designed traditional windows, made with timber from sustainable sources, have a virtually unlimited life if properly maintained. Even if an ideal re-decoration schedule is not maintained, as a last resort it is always possible to piece in a new sill, an individual frame or even a whole sash or casement without discarding the whole window.

5.18 The Council's Design Guidance for the Conversion of Agricultural Buildings under the section for material states:

Materials:

- Existing traditional materials should be retained and re-used;
- Artificial slates and tiles, reconstituted stone, concrete, aluminium and plastic should not generally be used.

5.19 The Council's Design Guidance for Windows and Doors states:

Traditional window designs are fundamental to the character of local buildings. Wood is the traditional material for windows. Modern substitutes, such as uPVC and aluminium do not look the same and have poor environmental consequences. European hardwoods, such as oak and elm, were usually left to weather naturally; while softwoods such as pine (popular in the C19 and C20) were traditionally painted. Timber stains and varnishes are modern introductions and are not traditional finishes for period joinery.

5.20 As a general principle, where double-glazing is deemed acceptable, the closer the double-glazed window accords visually with a traditional single glazed window, the better:

- The window should be of timber, the joinery detailed to match traditional window types;
- The double-glazing should be as thin as possible (c.12mm or less) ideally with black spacer bars between the sheets of glass;
- The window should have properly detailed glazing bars (with the glazing bars framing up the individual panes of glass, rather than sandwiching unbroken sheets of glazing, or being sandwiched between unbroken sheets of glazing).

5.21 Historic England's guidance on 'Traditional Windows and Doors' has a section on why plastic (PVC-u) windows are unsuitable which is consistent with your officers advice above.

Conclusion

- 5.22 In general, a good quality well maintained timber window could last for c.150 years or more compared to the 30-40 years lifespan of a uPVC. This is proven in our historic window (casements and sashes) all across the District. We are now seeing many applications for the replacement of modern plastic double glazing windows only 20, 30 or 40 years after their first installations.
- 5.23 We have a duty to preserve the character, integrity and significance of our listed buildings and ensure their longevity. Therefore, we need to ensure that their fabric and materials are also durable, and that the replacement materials uphold the character, integrity and significance into the future. Therefore, we need to ensure that the materials that we replace are traditional, appropriate, compatible and have a long a life as possible.
- 5.24 Overall, the proposed works would have a negative impact on heritage significance; replacing the current windows with uPVC would not preserve the character, integrity and significance (that consists of historic (illustrative and evidential) and architectural significance) of this listed building.
- 5.25 The proposal would be considered to have a high level of less than substantial harm to this listed building and it is not considered to be a heritage (public) benefit [it is a private benefit] and the listed building's optimum viable use is not at risk and not dependent on this proposal.
- 5.26 Therefore, the works proposed would not preserve the essential special architectural and historic interest of the listed building in accordance with Section 16(2) of the 1990 Act. The significance of the designated heritage asset would not be sustained, in accordance with Section 16 of the NPPF.
- 5.27 Further, as the Barn is within Shipton Under Wychwood Conservation Area, and the proposed changes are considered to have a deleterious impact on the appearance of the Conservation Area and would not uphold the special qualities and historic context of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 16 of the NPPF.
- 5.28 The proposal is contrary to legislation, NPPF Section 16, LP policies EH9, EH10, EH11 and WODC Design guidance and is recommended for refusal.

6 REASONS FOR REFUSAL

1. The proposed replacement windows, by reason of their uPVC material, would fail to preserve the character, integrity and significance (that consists of historic (illustrative and evidential) and architectural significance) of the heritage asset. Further, the proposed changes are considered to have a deleterious impact on the appearance of the Conservation Area and would not uphold the special qualities and historic context of the Conservation Area. The proposal is considered to have a high level of less than substantial harm to the heritage assets and there are no heritage or wider public benefits [it is a private benefit] and the listed building's optimum viable use is not at risk and not dependent on this proposal. The development is therefore contrary to the provisions of sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF, policies EH9, EH10, EH11 of the West Oxfordshire Local Plan 2031 and the WODC Design Guide.

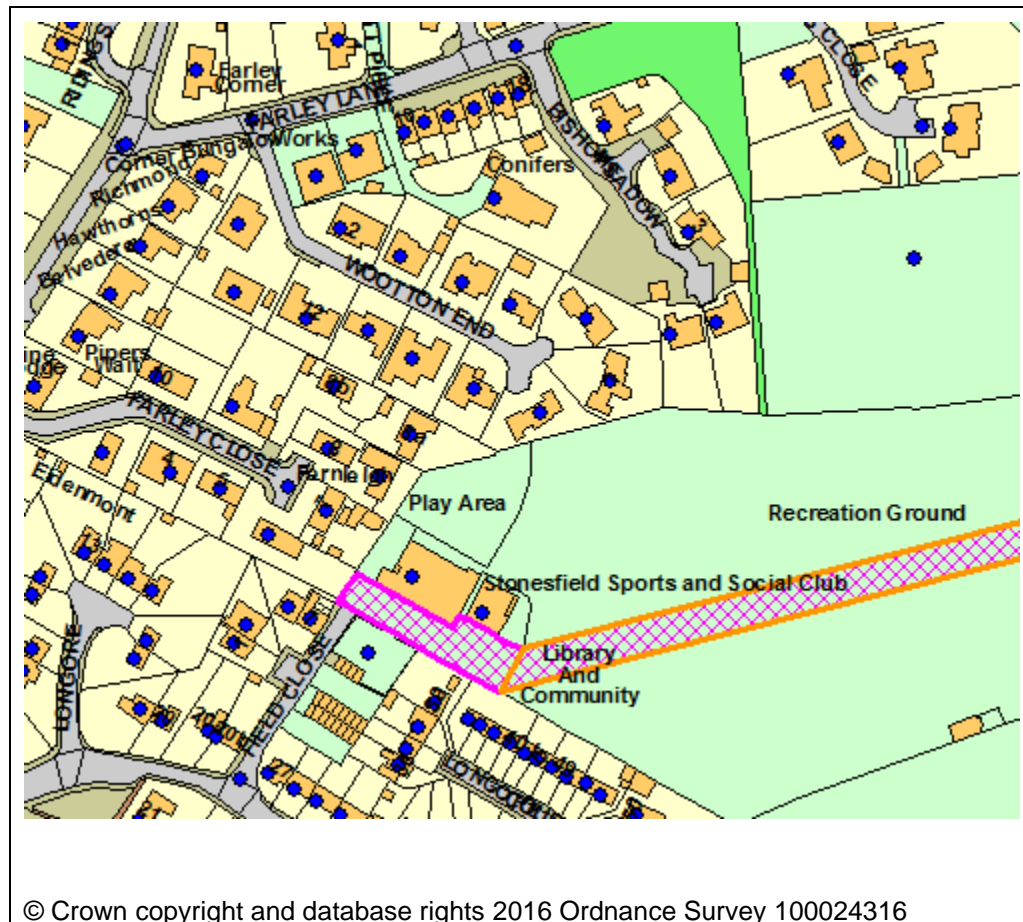
Contact Officer: Tara Hayek

Telephone Number: 01993 861666

Date: 31st January 2024

Application Number	23/02653/FUL
Site Address	Stonesfield Sports And Social Club Field Close Stonesfield Witney Oxfordshire OX29 8EF
Date	31st January 2024
Officer	James Nelson
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439542 E 217582 N
Committee Date	12th February 2024

Location Map



Application Details:

Erection of 6 no. lighting columns with 6 no. floodlighting illuminaires with associated works.

Applicant Details:

Mr Tacon
Field Close
Stonesfield
Oxfordshire
OX29 8HA

1 CONSULTATIONS

Env Health Noise And Amenity	No objection.
Sport England South East	Sport England raises no objection to the application because it is considered to accord with exception 2 of our Playing Fields Policy and paragraph 99 of the NPPF.
WODC - Sports	No objection.
Parish Council	No Comment Received.
District Ecologist	In terms of impacts to biodiversity, as there are currently floodlights that will be illuminating areas of hedgerow and treelines surrounding the courts, it is felt that in this instance, the use of new floodlights would not result in any adverse impacts on nocturnal wildlife using the site, and I therefore have no further comments to make.

2 REPRESENTATIONS

2.1 Five third party comments have been received, four in support of the scheme and one, albeit nuanced, objection.

2.2 The support comments make the following points:

- Increase the availability of local sports facility/promote active lifestyle;
- Allow working people to use the courts year-round; and
- Minimal light spill/impacts on landscape/ecology

2.3 The objection comment expresses support for the principle of development but raises concerns relating to the impact on dark skies and biodiversity. The comment recommends reducing the colour temperature from 4000K to 2700K and restricting the operating hours to 8pm as opposed to 10pm.

3 APPLICANTS CASE

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

3.2 'The existing facility comprises 2no tennis courts owned and operated by Stonesfield Tennis Club and an adjacent multi-use games area (MUGA) owned and operated Stonesfield Playing Field Association CIO the freehold owners of the entire playing field.

- 3.3 This application seeks permission for new floodlighting for two tennis courts. The proposed lighting system features 8 metre high lighting columns, to allowing the aiming angles of the Luminaires to remain as low as possible. This creates a far more pleasant playing experience for the end user, is compliant to LTA lighting criteria, whilst minimising Light spill to the surrounding area.
- 3.4 The state of the art Philips Internal Integral Louvre technology has been implemented into the Lighting design to ensure the lighting cut off is at maximum effect. The submission includes some information, including photos of similar installations to demonstrate the control of light spillage possible.
- 3.5 The lighting impact report submitted with this application goes into more detail on this matter. The proposed floodlighting columns are to be galvanised steel. Details of the columns are provided with this submission, together with details of the Floodlighting fixtures. The size of the club with approx. 40 adult members and 50 families means the Lawn Tennis Association have recommended that the courts are floodlit. Currently from mid-September to end of March the courts are only usable in the day. Members with full time jobs are therefore only able to use the facilities at the weekend. Lights will significantly increase the availability of the courts for members during the Winter months.
- 3.6 The floodlights are proposed to be used on weeknight and weekend evenings when required from dusk until 10pm and in winter month mornings from 7am when required.
- 3.7 The replacement flood lighting will assist in the accessibility of the site in terms of a significant improvement in the functionality of the facility. This will benefit players and spectators and the visually impaired as well as the able-bodied. The system has a safe egress feature in which a single fitting stays on for an extra 5 minutes so that the courts can be safely exited in the dark.
- 3.8 The proposed lighting is discretely located and has been designed to minimise its impact. The lighting design has been carefully considered to avoid obtrusive light spillage. As such the means of lighting is appropriate, unobtrusively located and does not result in excessive levels of light. The lighting will not have a detrimental impact on the local amenity, character of the settlement or wider countryside.'

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH8 Environmental protection

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

- 5.1 This application seeks consent for the erection of 6 no. lighting columns with 6 no. floodlighting luminaires with associated works at Stonesfield Sports and Social Club, Field Close, Stonesfield.

5.2 The application site comprises the western two of three existing hard surfaced tennis courts at Stonesfield Sports and Social Club as well as associated access and parking, which would be unaffected by the proposal. The courts lie in the eastern portion of the recreation ground and are partially enclosed by a bund and planting.

5.3 The application site lies within the Cotswolds National Landscape ('CNL').

5.4 The application is brought before Members due to the height of the proposed floodlight masts (8 metres).

Relevant Planning History

W81/0466- Construction of 2 hard tennis courts and netting surround.

W96/0202- Construct extension to existing tennis courts to form third court with chain link fence.

Development Plan

5.5 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.

5.6 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').

5.8 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.

5.10 Given the nature of the proposal, officers consider that the WOLP policies identified in Section 4 of this report are most relevant in this case.

National Policy/Guidance

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

5.12 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay.

5.13 Section 8 of the NPPF relates to 'promoting healthy and safe communities' and outlines at paragraph 96 that:

'Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:

- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.'

5.14 The NPPF continues at paragraph 97 that:

'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community'.

5.15 Paragraph 102 outlines that: 'access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities', paragraph 103 seeks to resist the loss of open space, sports and recreational buildings and land.

5.16 Section 15 (conserving and enhancing the natural environment) is also directly relevant in this case. Paragraph 180 outlines that 'planning policies and decisions should contribute to and enhance the natural and local environment', with paragraph 182 stating:

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

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

- Principle of development;
- Landscape and Visual Impact;
- Ecology

5.18 Each will be considered in the following sections of this report.

Principle of development

5.19 WOLP Policy OS2 sets out the general spatial strategy in the District and identifies a hierarchy of settlements for new development, which seeks to steer a significant proportion of future development in the 'main service centres' of Witney, Carterton and Chipping Norton. It takes a hierarchical approach as set out in table 4b, which categorises Stonesfield as a 'village' which:

'Are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities.'

5.20 All applications are expected to comply with the general principles of OS2 notable in this case are that development should:

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

5.21 Policy E5 states:

'The Council will support the development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.'

5.22 The supporting text to Policy E5 confirms that outdoor sports and leisure facilities should be regarded as 'essential local services' (paragraph 6.65).

5.23 The proposal would enable year-round use of the existing courts, which officers consider would represent the development of a local service in accordance with Policy E5. Officers therefore consider that the provision of floodlighting to support the established use of the site as a sports club adjacent to the village would represent limited development to help maintain the vitality of village services subject to the consideration of landscape/visual and ecological impacts of the scheme against the WOLP and relevant material considerations.

Landscape and Visual Impact

5.24 The site is located within the CNL, which is of national importance for its landscape and scenic beauty. Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. The impact of the application against WOLP Policy EH1 and NPPF paragraph 182 must also be considered. Policy EH1 reads:

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

5.25 The CNL Management Plan 2023-2025 ('the MP') recognises that 'light pollution' of the night sky is an intrusion into the countryside at night, which can have harmful effects on the health of people and wildlife. Policy CE5 of the MP states that 'proposals that are likely to impact on the dark skies of the Cotswolds National Landscape should have regard to these dark skies, by seeking to avoid and where avoiding is not possible, minimise light pollution... proposals that are likely to impact on the dark skies of the CNL should have regard to recognised standards and guidance, in particular, that published by the Institution of Lighting Professionals and the Commission for Dark Skies.'

5.26 In addition, Policy OS4 is relevant and outlines that:

'High design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality'.

5.27 WOLP Policy EH8 (environmental protection) must also be considered with regard to the proposed floodlighting, it sets out in relation to artificial light:

'The installation of external lighting and lighting proposals for new buildings, particularly those in remote rural locations, will only be permitted where:

- the means of lighting is appropriate, unobtrusively sited and would not result in excessive levels of light;
- the elevations of buildings, particularly roofs, are designed to limit light spill;
- the proposal would not have a detrimental effect on local amenity, character of a settlement or wider countryside, intrinsically dark landscapes or nature conservation.'

- 5.28 The application site is located at the eastern end of the wider recreation ground and is bounded on three sides (north, east and west) by bunding and mature screening vegetation, with a further strong belt of planting running to the south and east of the site. To the north of the site lies 'North Farm', a farm complex comprising large farmhouse, yard and agricultural buildings, with the built up area of the village lying to the north west, west and south west. To the east of the site lies open countryside. Approximately 40m south of the courts (but within the wider recreation ground) a 15m telecoms pole is sited.
- 5.29 The proposed floodlighting comprises six steel columns of 8m in height, positioned to illuminate two of the three existing tennis courts. The height of the columns as well as use of an integrated louvre system has been designed to allow the aiming angles of the Luminaires to remain as low as possible, thereby reducing light spill outside of the courts. This has been illustrated in the submitted light spill plans as well as lighting design report submitted with the application, which demonstrates a sharp drop in illumination beyond the bounds of the courts. The application also indicates that the proposed lighting scheme has been designed to meet the minimum requirements of the Lawn Tennis Association with regard to light levels.
- 5.30 Therefore, officers consider that the proposed design has demonstrated that appropriate measures would be undertaken to ensure that light spillage as a result of the installation would be kept to a minimum through their proposed height, direction of illumination and use of louvres to restrict spill. Whilst the proposal would lead to the introduction of additional artificial light in the area and therefore result in a localised adverse impact upon landscape character, the floodlights would be contained within a relatively strong landscape structure provided by existing landscaping and owing to the topography of the area, would not be prominent in long views. Therefore, subject to the restrictive conditions set out in Section 6 of this report, officers are satisfied that the application has demonstrated that landscape and visual effects have been minimised as a result of the siting and design of the proposals and would not adversely affect the setting of the settlement. The proposal is therefore considered to have minimised light pollution in accordance with MP Policy CE5, WOLP Policies OS4, EH1 and EH8.

Ecological Impact

- 5.31 Policy EH3 relates to biodiversity and geodiversity and states:

'The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity'.

- 5.32 The application has been subject to consultation with the Local Planning Authority's Biodiversity Officer. Whilst the application site does not contain any existing lighting, correspondence with the applicant indicates that the wider recreation ground has been served by floodlighting serving the adjacent football ground for up to 30 years and as a result, the Biodiversity Officer has indicated that areas of hedgerow and treelines surrounding the courts would have been previously illuminated by artificial lighting and as such, the application would not result in any adverse impacts on nocturnal wildlife using the site. As a result, a neutral biodiversity impact is identified.

Planning Balance and Recommendation

- 5.33 The application would result in a material improvement to the accessibility and availability of recreation facilities in the village, in accordance with WOLP Policies OS2 and E5 as well as Section 8 of the NPPF. The existing club is comprised of around 40 adult members with 50 family memberships

and the representations of interested parties indicates that during winter months, the facility is not available for many working members, other than on weekends, due to light conditions. The proposal would therefore materially improve the provision of local services and facilities within the village, which officers consider should weight strongly in favour of the application given the local and national policy provisions as set out above. In addition, officers are satisfied that the location, design and existing screening of the proposed floodlighting would ensure that the increase in artificial lighting would be well contained to the application site, which clearly displays the characteristics of a sports facility. In light of this assessment, the proposal is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS4, E5, EH1, EH3 and EH8 and the NPPF 2023. The application is therefore recommended for conditional approval subject to the conditions as set out in the following section of this report.

6 CONDITIONS

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

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

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

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

3. The floodlights hereby permitted shall not be used outside the following times: 0700 hours to 2200 hours Monday to Saturday and 0800 hours to 2100 hours on Sundays.

REASON: In order to protect local landscape character and prevent unnecessary electricity usage.

4. The floodlights hereby approved shall not have an intensity greater than indicated on Plan No. STC S1 as submitted with the application at any time.

REASON: In order to protect local landscape character.

5. The floodlights hereby approved shall not be used until they have been painted or otherwise finished externally in a colour and finish that has been agreed in writing by the LPA.

REASON: In order to protect local landscape character.

6. The floodlights hereby approved shall not be used until they have been fitted with a system to ensure that they are automatically switched off if there has been no use of the tennis court they primarily light for a period of ten minutes or more.

REASON: In order to protect local landscape character.

Contact Officer: James Nelson

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Date: 31st January 2024