

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 13th January 2025

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.

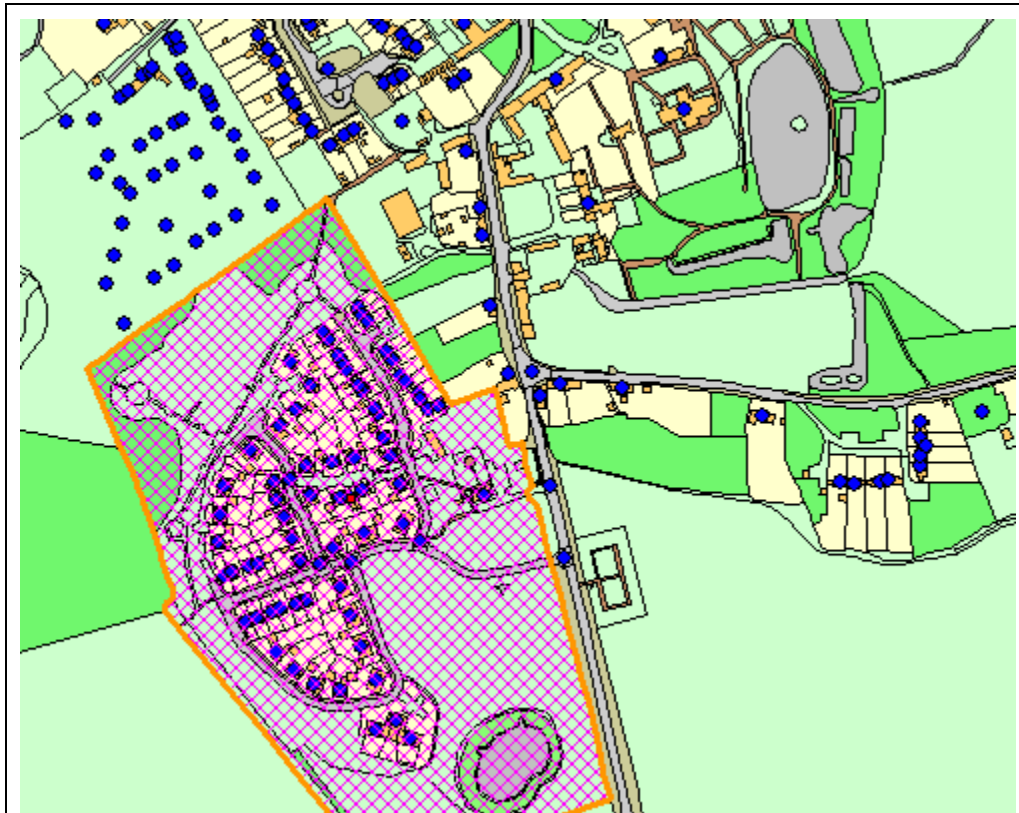
Please note that:

- a) 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
1	23/03220/S73	Land At Former Stanton Harcourt Airfield Main Road	Clare Anscombe
2	24/01374/FUL	Playing Field Cote Road	James Nelson
3	24/01726/HHD	Farmside Sutton Lane	Clare Anscombe
4	24/01727/LBC	Farmside Sutton Lane	Clare Anscombe
5	24/02415/FUL	Shuttles Cottage Chapel Road	Rebekah Orriss
6	24/02702/FUL	Unit C Newman Court	Curtis Badley

Application Number	23/03220/S73
Site Address	Land At Former Stanton Harcourt Airfield Main Road Stanton Harcourt Oxfordshire
Date	2nd January 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	441452 E 205396 N
Committee Date	13th January 2025

Location Map



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Application Details:

Variation of Conditions 2, 24, 25 and 26 to Planning Permission 18/01611/FUL to allow changes to the landscape proposal and to include additional pedestrian footpath (amended description and plans)

Applicant Details:

Mr Mark Gay
Hayfield House
Arleston Way
Shirley
Solihull
B90 4LH

I CONSULTATIONS

Parish Council	Initial consultation - no response received.
District Ecologist	Reconsultation response dated 25th October 2024: No objection, subject to minor amendments.
Parish Council	Reconsultation comments dated 21st October 2024: Objection. In summary, the following concerns have been raised: <ul style="list-style-type: none">• Failure to address Chapter 12 of the NPPF (paragraphs 131 to 141)• Failure to comply with section 197 of the Town and Country Planning Act 1990 (planning permission to include appropriate provision for preservation and planting of trees) because of failure of consider the preservation of existing trees and the planting of new trees• Failure to address policy OS4 of the West Oxfordshire Local Plan (2031)• Contrary to Chapter 15 of the NPPF and policy EH2 and EH3 of the WOLP (2031) as no wildlife corridor and steppingstone has been provided to connect areas identified in the original plan through the development of a wildlife meadow• No maintenance strategy has been provided for the native hedge boundary which should adhere with Management of Hedgerows Regulations 2024 and The Wildlife and Countryside Act 1981
Major Planning Applications Team	Reconsultation comments dated 2nd October 2024: Lead Local Flood Authority - no comments.

Major Planning Applications
Team

Comments dated 8th February 2024:

Lead Local Flood Authority - no comments.

Transport Development Management - no objection.

WODC Tree Officer

No Comment Received.

District Ecologist

Comments dated 14th February 2024:

Condition 24 - Original submitted plans illustrate the locations of artificial boxes on site. The Variation plans appear to have removed all artificial boxes from the plans. We would therefore recommend that the condition is not varied and the original plans are kept and plans illustrate the inclusion as per the original condition above.

Condition 25 - the variations will result in a loss of biodiversity enhancements and so biodiversity enhancements should be included in the plans and delivered as per the original conditions.

District Ecologist

Reconsultation comments dated 16th September 2024

- The majority of the grassland/meadow areas now appear to be taking and there were limited areas of bare ground or thin vegetation.
- More wildflower meadow seed was used to establish the grassland areas than previously shown on the approved plans, so there are additional areas with wildflower interest and some areas need to be managed appropriately to encourage the habitat to flourish, including a few areas that have been cut more regularly than they should.
- The "fescue meadow" mix on the current plans that have been submitted with the variation of condition application therefore needs to be updated/corrected according to the exact situation on the ground. Some amendments to the landscaping drawings are therefore required.
- The "pictorial meadow" area next to the memorial tower can be removed - this was only seeded as an annual meadow for an event that took place in 2020. This area will be managed as amenity grassland and regularly mown.
- The wildflower meadow area in the SSSI buffer zone and around the attenuation basin in the southeastern part of the site was well-established and just needed some weed removal to reduce the cover, e.g. docks.
- The SSSI buffer zone in the southern part of the site has been

fenced off with a gate for vehicular access for maintenance. This is acceptable and helps to delineate the area from the other wildflower meadows, which protects it from high levels of disturbance.

- A hedgerow will be planted along the southern edge of the site to the adjacent cricket ground, but only in the area that is not part of the SSSI buffer zone. This was considered to be sufficient. It was suggested that the hedgerow mixture should be amended to contain a higher % of hawthorn (as this species appears to be successful at this location in other parts of the site) and an additional 5th species such as Dog/Field rose or honeysuckle for additional biodiversity interest. A species-rich hedgerow is defined as containing at least 5 woody tree/shrub/climber species. This needs to be amended on the plans.
- There were some areas of wildflower meadow that were being cut as amenity/regularly mown grassland that needed to be changed. It was agreed on site that the area immediately to the south of the footpath link through the western boundary should be left to grow long (a wider margin from the tree line) with a 1-2m verge alongside roads and footpaths, and an "edge" that remains cut towards the bench so that people can cut across it to reach the footpath.
- It was noted on site that shrubs had been planted in accordance with the approved plans, but had been eaten by deer and rabbits, so the composition of the lower shrub planting had been changed to reflect this. The deer didn't appear to be eating the Rosemary or the Ceanothus plants, so the feature areas around trees within the circles contained mainly rosemary and a few other shrubs that had survived. This was accepted from a biodiversity point of view. It appeared that there was some opportunity to plant more ceanothus plants once the trees had been successfully established (some of these were still bagged). The same number of trees should be planted on site, if possible, but the species composition can change. Some more ceanothus shrubs could be planted in some of the locations where identified on originally approved plans (in the circular feature areas for example, as it's only rosemary at the moment).
- Tussocky grassland/wildflower meadow areas do not need to be cut annually and can be cut on rotation every 2-3 years to allow the tussocky sward to develop and provide cover for reptiles and other wildlife during the autumn/winter and early spring. Initially, however, it was agreed that the wildflower meadow areas could be cut more regularly for the first 2 years or so to help them to establish, e.g, 2-3 cuts per year to

deal with invasive species such as docks and thistles. An updated management plan, or at least an updated management schedule, is required to ensure that the handover with the management company goes smoothly. The LEMP also requires a strategy for how the aims and objectives of the plan will be communicated to the residents - this may need to be updated in light of recent occurrences of residents taking it upon themselves to cut areas of wildflower meadow that should remain uncut during the spring and summer.

Parish Council	Reconsultation dated 29th July 2024 - no response received.
WODC Tree Officer	No Comment Received.
Major Planning Applications Team	Comments dated 6th August 2024 Transport - no objection. Flooding - no comments required. Local member views dated 31st July 2024 - the loss of biodiversity is regrettable. The provision of an additional footpath should be treated as a separate application. I would generally approve of additional facilities for active travel.
District Ecologist	This mostly appears to be satisfactory with copies of amended landscape drawings and a new grassland/meadow management plan drawing (HAY21844-17A). However, I note that section 11.2 still refers to landscape drawing HAY21844-11D and this should be updated to HAY21844-21H to reflect the newly updated plans.
Parish Council	Reconsultation response dated 17th December 2024. Objection. In summary, the following concerns have been raised: <ul style="list-style-type: none">• Contrary to Chapter 12 of the NPPF• Failure to meet the requirements of section 197 of the Town and Country Planning Act 1990 because it fails to consider the preservation of existing trees and the planting of new trees. Recent trees have not been planted in line with the tree pit details shown on the landscape drawing sheet 1• Contrary to policy OS4 of the West Oxfordshire Local Plan as the plans fail to enhance the local green and enhance the biodiversity of the soft landscaping permitted in the original planning application• The proposals fail to improve the soft landscaping topsoil• Inaccurate statements in the application regarding the water

table

- Failure to adhere to Schedule 7A of the TCPA 1991
- Contrary to paragraph 14 of the TCPA 1991 Biodiversity gain plan
- Contrary to policy EH2 and EH3 of the WOLP
- Contrary to Chapter 15 of the NPPF
- Further conditions to manage the hedgerow along the boundary with the sports club should be applied
- Loss of trees on the boundary of the development and failure to replace these
- The green infrastructure should be re-established back to its original form

2 REPRESENTATIONS

2.1 Seven objection comments were received from third parties to the first set of submitted plans. In summary, the following comments were received:

- Removal of soft landscaping that forms part of the circular pathway which would remove an important biodiversity enhancement feature and area of recreational value contrary to policy EH4 of the West Oxfordshire Local Plan (WOLP).
- Removal of a *Betula pendula* adjacent to plot no 52 is contrary to policy EH4 of the WOLP.
- A reduction in the number of proposed trees is contrary to policy 136 and 180-194 (Chapter 15) of the NPPF and policy EH2 of the WOLP.
- Contrary to policy EH3 of the WOLP.
- Changing areas of low maintenance grass to amenity grade turf encouraging ball games.
- The play area has not been correctly installed.
- Impact on privacy due to the public open space not being to the correct levels.
- The trees should be left in the original planted positions and ground remedials carried out so these grow.
- Changing specification from low maintenance area with grass seed mix to fescue grass.
- The path towards the Deansfield development should be removed.
- The path towards the guardroom should be removed.
- Removal of the tree line between the development and the cricket/football pitches.
- Effect on local ecology.
- Impact on design and layout.
- Landscape impact.
- Neighbourliness and impact on outlook, particularly plots 64 to 66.

Eight objections have been received from third parties to the amended plans received on 29th July 2024. In summary, the following concerns have been raised:

- Lack of proposed maintenance for the landscaping. Additional measures are required.
- Lack of soil remediation in accordance with the approved Remediation method statement dated November 2018.
- Contrary to policy OS4 of the WOLP.
- Impact on amenity (noise and light pollution) due to vegetation loss.

3 APPLICANT'S CASE

3.1 In summary, the submitted covering letter by ACD Environmental makes the following points:

- The landscaping proposals have been updated to remove trees which have failed to establish and, in most instances, replace these with suitable native species trees that are more likely to establish, in areas more conducive to establishment based upon past arboricultural trends. Similarly, species of plants in planting beds which could not be sustained on site due to wild animals consuming them have been removed and
- replaced, where appropriate, with more appropriate species which have established.
- The updated landscape plans seek to more clearly differentiate between those areas which have been turfed with amenity grassland for amenity purposes, and those areas being seeded with meadow seed mixes more so for biodiversity and ecological purposes.
- An additional pathway has been provided upon the site between the Guardhouse and the Water Tower and the roadway to the west. This is viewed as a valuable additional footpath link into the development from the Guardhouse and therefore, retrospective consent is sought for its
- permanent inclusion.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH8 Environmental protection

EW8 Former Stanton Harcourt Airfield

DESGUI West Oxfordshire Design Guide

T3NEW Public transport, walking and cycling

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks the variation of Conditions 2, 24, 25 and 26 of Planning Permission 18/01611/FUL to allow changes to the landscape proposal and to include an additional pedestrian footpath.

5.2 Application 18/01611/FUL was granted permission (subject to a legal agreement) on 22nd January 2019 for 'the erection of 66 dwellings (comprising 61 new build homes and 5 dwellings within retained and converted buildings), retention and conversion of the 'Guard House' as a community use building, and 'Ground Instructional Building' as a car port, retention of the 'Water Tower', 3 blast shelters and 1 air raid shelter, demolition of all other existing buildings on site and provision of green infrastructure, public open space and access from Main Road' at Land At Former Stanton Harcourt Airfield, Main Road, Stanton Harcourt. The following permissions have since been granted:

18/02930/CND- granted deemed consent to conditions 13 (Construction method statement), 20 (Construction traffic management plan) and 22 (Construction ecological management plan).

18/03109/CND- Discharged condition 4 (contamination).

19/00243/CND- Discharged Conditions 15 (Geological Management Plan), 16 (Pedestrian Access), 18 (Access) and partially discharged condition 24 (Bat Boxes) details of internal boxes are still required.

19/00246/CND- Discharged Condition 12 (Broadband) and 27 (Lighting).

19/00250/CND- Discharged Condition 8 (Archaeological Investigations) and 9 (Staged Programme of Archaeological Investigations).

19/00287/CND- Discharged Conditions 7 (Soakaway scheme) and 11 (Floor Levels).

19/00333/CND- Discharged Condition 17 (Surface Water Drainage).

19/01250/CND- Discharged conditions 3 (Schedule of materials and samples) and 5 (Sample panel).

19/01757/NMA- Ground floor windows to be inserted into the rear elevation of 2 x approved house-types with associated single-storey only rear gable width extension.-Approved.

19/03150/CND- Discharged conditions 6 (Part) (Verification report), 19 (Travel Plan) and 26 (Landscape and ecological).

20/02917/CND- Part discharged condition 6 (Verification Report) and Discharged condition 9 (Written Scheme of Investigation).

21/01766/NMA- Non Material Amendment to allow the introduction of two pairs of French doors into the community centre (Guard Room) rear elevation, retention of temporary car park for community centre use and reconciliation of Section 278 'Works Plans').-Approved.

5.3 It is apparent that there have been issues with landscape features which were approved failing to establish at this site. The application intends to amend the landscaping proposals to remove those trees which have failed to establish and replace them with a suitable native species tree more likely to establish, in an area likely to be more conducive to establishment based upon past arboricultural trends. Similarly, those species of plants in planting beds which could not be sustained on site have been removed and replaced, where appropriate, with more appropriate species which have established. It is also proposed to vary condition 24 which included the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings.

5.4 Condition 26 is also to be varied to include an updated Landscape and Ecological Management Plan to reflect the amended landscape proposals.

5.5 Taking into account planning policy, other material considerations and the representations of interested parties, Officers consider the key considerations of this application to be:

- Principle of Development

- Design, Visual and Landscape Impact
- Biodiversity Impact
- Impact on Residential Amenity
- Other Matters

Principle of Development

5.6 Section 73 of the Town and Country Planning Act allows for applications for the variation of conditions attached to previously granted permissions. The regulations set out that when determining such applications it is only the question of the conditions attached to the approved consent which may be considered. As such, the principle of the original scheme cannot be re-considered under this application.

5.7 The regulations set out that the Local Planning Authority can grant permission with conditions differing from the original permission, or it can refuse the application if it considers that the original conditions should apply. Therefore, when assessing this application, Officers will consider the impact of the proposed changes on design, visual and landscape impact, biodiversity and residential amenity. Following this, it will also need to be considered if any further conditions need to be attached to any new consent.

Design, Visual and Landscape Impact

5.8 Policies OS2 and OS4 of the West Oxfordshire Local Plan (WOLP, 2031) 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 surroundings. 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. Chapter 12 of the revised NPPF (2024) states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 139).

5.9 Concern has been raised in representations and by the Parish Council that the amended landscaping proposals do not comply with policies OS2 and OS4 of the WOLP and Chapter 12 of the NPPF. Condition 25 (landscaping scheme) was imposed to safeguard the character and landscape of the area during and post development. Whilst the submitted proposals alter the proposed landscaping, the applicant explains that the specific site conditions mean that the original proposed scheme has not come to fruition. Concern has also been raised that the application contains inaccurate statements about why the landscaping has failed at the site, particularly regarding the water table and substrate. This may be the case, however, to try to find a suitable way forward to resolve the landscaping breaches at the site, the application includes replacement landscaping of alternative species that have successfully established at the site. In addition, the amended information has been reviewed by the Biodiversity Officer and is considered to be acceptable.

5.10 An additional pathway is provided between the Guardhouse and the Water Tower and the roadway to the west. This is considered to have benefits in terms of improving connectivity to and from the dwellings and Guard House and encouraging active travel in accordance with policy T3 of

the WOLP (2031). Improvements have also been made to the design and connectivity of the site including a mowed path from plots 4-8 and beyond to link up with the public right of way located at the north-western corner of the site.

- 5.11 For the above reasons, the amended documentation is considered to safeguard the character and landscape of the area and so the varied conditions are considered to be acceptable.

Biodiversity Impact

5.12 Section 15 of the NPPF (Conserving and Enhancing the Natural Environment) seeks to enhance the natural environment including promoting the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, but also by identifying and pursuing opportunities for securing measurable net gains for biodiversity. This is reflected in policy EH2 and EH3 of the WOLP (2031).

5.13 Condition 24 (bat roosting features and nesting opportunities for birds) was imposed to provide additional roosting for bats and nesting birds as a biodiversity enhancement. The location of bat boxes has been incorporated onto the plans. The Biodiversity Officer has been consulted and has no objection to the proposed location of the biodiversity enhancements. Therefore, condition 24 can be varied accordingly.

5.14 In terms of the biodiversity impact of the revised landscaping scheme, the Biodiversity Officer has raised no objection and so it is considered that the variations comply with Section 15 of the NPPF and policy EH3 of the WOLP (2031).

Impact on Residential Amenity

5.15 In terms of impact on residential amenity, concern has been raised regarding a slight increase in the levels of the site and impact on amenity. Officers have carried out a site visit and consider that, as the increase in levels is relatively minor and given the position of dwellings relative to these change in levels, the impact on the amenity of residents is acceptable. Some trees are to be omitted, such as at the end of Whitley Lane. However, given that the loss of such trees is not considered to adversely impact the amenity of neighbouring residents, this is considered to be acceptable. Concern has also been raised regarding impact on the outlook of plots 64 to 66. Currently there is not a clear distinction between public and private space associated with plot number 64. Therefore, to improve the amenity of residents here, Officers have asked for the landscaping scheme to be amended so that the meadow area between the surfaced path and domestic curtilage of plot 64 is identified and maintained as amenity space. Concern has also been raised regarding increased noise disturbance and light pollution due to vegetation loss along the northern boundary of the site. The band of existing trees, vegetation and landscape planting along the northern boundary of the site is shown on the amended landscaping scheme to be retained and therefore the proposed variations are unlikely to increase noise disturbance and light pollution from adjoining development.

Other Matters

5.16 Concern has been raised that the play area has not been installed correctly. Condition 2 has been worded accordingly to clarify that this application does not permit the LEAP as shown on the amended landscape drawings.

5.17 Concern has also been raised regarding the path which leads towards the 'Deansfield' development and its use as a short cut for residents through a protected hedgerow. The original landscaping scheme required trees in this part of the site to be retained and the Council's records do not show that any hedgerows here are to be protected. Further, given the small amount of hedgerow that has been removed and that additional vegetation is proposed throughout the site but also the potential health and connectivity benefits associated with providing a pedestrian link to the surrounding area, it is not considered that there is robust justification in planning terms for removing the path and reinstating the hedge.

5.18 The tree line between the development and the cricket/football pitches is to be reinstated with a species rich mixed native hedgerow. In terms of the concerns raised by the Parish Council regarding the maintenance of the new native hedgerow along the boundary with the sports club, where these requests are considered reasonable and necessary, they have been included in the updated LEMP and Soft Landscape Management and Maintenance Plan, which will be secured by planning condition.

5.19 In response to concerns raised in representations, maintenance measures for the landscaping have been included in an updated LEMP and condition 26 will be varied accordingly.

5.20 In terms of concerns regarding inadequate soil remediation at the site, the application states that the site has unusual soil conditions which restricts the diversity of species at the site. An amended landscaping scheme to include species that are more likely to grow at the site based on prior experience is therefore considered to be a positive way forward in addressing the landscaping situation at the site.

5.21 The Parish Council have raised an objection to the application. Aside from the matters assessed above, this specifically refers to failure to meet the requirements of Section 197 of the Town and Country Planning Act 1990 on the basis that the application fails to consider the preservation of existing trees and the planting of new trees. Section 197 of the TCPA states:

'Planning permission to include appropriate provision for preservation and planting of trees.

It shall be the duty of the local planning authority—

- a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.

[F] Nothing in this section applies in relation to neighbourhood development orders.]'

5.22 The retention of some existing trees at the site was, and will continue to, be secured by way of condition and Officers do not consider that it would be reasonable to make an order under section 198 (a Tree Preservation Order) because it is not considered to be expedient in the interests of amenity to make provision for the preservation of trees or woodland at the site.

5.23 Concern has also been raised that the developer has failed to plant trees in line with the submitted tree pit details and therefore that the green infrastructure should be re-established back to its original form. A history of planning breaches is not a material planning consideration in determining a

planning application and Officers consider that, given the context of the site, the proposal is a proportionate and appropriate way forward to try to resolve the breaches that have occurred at the site. If approval is granted then officers will expect the works to be carried out in accordance with the varied plans and conditions.

5.24 The Parish Council have questioned why the application does not comply with the biodiversity net gain requirements under Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). Planning practice guidance is clear that because the original permission to which the section 73 application relates was granted before 12th February 2024, biodiversity net gain does not apply.

Conditions and Section 106 Agreement

5.25 Condition 1 does not apply because the development has already been implemented. Condition 2 needs to be varied to include the approved amended plans and plans varied under the two previous non-material amendment applications. Condition 3, 4, 5, 6, 7, 8, 9, 11, 13, 15, 16, 17, 18, 19, 20, 22 and 27 have been discharged and so will not be reapplied.

5.26 Condition 12 (broadband connectivity) has been part discharged and so will be reapplied accordingly. Condition 10 is no longer applicable because the course of development has ended. Conditions 14 and 21 were compliance conditions and so will be updated accordingly and reapplied. Conditions 24, 25 and 26 are to be varied accordingly and reapplied.

5.27 The Section 106 agreement is still applicable and so this application is to be granted subject to that agreement.

Recommendation

5.28 In conclusion, taking into account planning policy, the representations of interested parties and other material considerations, the application is considered to comply with policies OS1, OS2, OS4, EH2, EH3, EH4, EH8, EW8, T3 of the WOLP (2031), the relevant chapters of the NPPF (2024) and the West Oxfordshire Design Guide (2016). Therefore, the variation of conditions 2, 24, 25 and 26 of planning permission reference 18/01611/FUL is recommended for approval, subject to the legal agreement dated January 2019 and deed of variation dated July 2020 as well as the conditions set out in Section 6.

6 CONDITIONS

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

The 'sales area plan - overview' drawing no. 2001 B dated October 2018 is permitted in so far as it shows the route of the new footpath link. The site layout drawings nos. 101 Rev A and 104 Rev A are permitted in so far as they show the application site and site layout. The landscape proposals shown on drawing no. HAY21844 11A Sheets 1 to 9 (inclusive) are permitted except where shown otherwise on the landscape proposals drawing nos. HAY21844 21H Sheets 1 to 6 (inclusive).

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

2. The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dBLAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period (in accordance with the WHO figure contained in BS8233:2014). Unless otherwise agreed in writing by the local planning authority.

REASON: To ensure an acceptable noise level is achieved in the interests of residential amenity.

3. No development, inclusive of public footpaths, shall take place within the Stanton Harcourt SSSI boundary and works proposed adjacent to the SSSI should avoid indirect impacts on the SSSI or access to it.

REASON: To ensure that the development, as submitted, will not impact upon the features of special interest for which Stanton Harcourt SSSI is notified.

4. Within 6 months of the date of this decision, the developer must submit the outstanding details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

5. The means of access shall be retained in accordance with the approved details and agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

6. The development shall be completed in accordance with the recommendations in sections 4, 5 and 6 of the Ecological Appraisal report dated September 2018 prepared by FPCR, landscaping proposals drawing no. HAY21844 11A (sheets 1 to 9 inclusive) except where shown otherwise on the landscaping proposals drawing no. HAY21844-21H (sheets 1-6 inclusive) showing 'ecological enhancements'.

All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that the SSSI, bats, great crested newts, reptiles, hedgehogs, nesting birds, hedgerows, trees and woodland are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework 2024 (in particular Chapter 15), and policies

EH2 and EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

7. A report prepared by a professional ecologist, the Ecological Clerk of Works or similarly competent person certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of site supervision and any necessary remedial works undertaken or required, shall be submitted to the Local Planning Authority for approval within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner. Any approved remedial works shall subsequently be carried out under the strict supervision of a professional ecologist following that approval.

REASON: To ensure that the SSSI, protected and priority species (bats, great crested newts/amphibians, reptiles, hedgehogs, nesting birds) and priority habitats (hedgerows) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, The Hedgerow Regulations 1997, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), and policies EH2 and EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. The amended details of the provision of integrated bat roosting features and nesting opportunities for birds within the walls of the new buildings shall be implemented within 6 months of the date of this decision and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraphs 180 and 185 of the National Planning Policy Framework (2024), policy EH2 and EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

9. Notwithstanding the LEAP, the amended landscape proposal Sheets 1 to 6 (inclusive) Drawing Nos. HAY21844-21H shall be implemented as approved by the end of the next planting season or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. 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 landscaping, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

10. The amended Landscape and Ecological Management Plan (LEMP) Revision D and the Soft Landscape Management and Maintenance Plan Revision D by ACD Environmental shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF 2024 (in particular Chapter 15), policy EH2 and EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

11. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats and other nocturnal wildlife in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework 2024 (in particular Chapter 15), policy EH2 and EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

INFORMATIVES :-

1. This site may have been connected to the national fuel pipeline and if so the location of the fuel entry compound should be identified on site. There is also the potential for the airfield to have had a Petrol Oil and Lubricants (POL) underground fuel tanks and pipe network on the airfield and that these may still be in situ. Whilst future site investigations may find that the groundwater is not currently impacted there is the potential for these structures to be damaged during enabling works and this may result in release of petroleum hydrocarbon contaminated water directly into the Secondary A Aquifer. All sewage or trade effluent should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent.
2. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
3. 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).

4. It is noted that the existing public right of way 362/11/20 is proposed to deviate from its current

alignment. The path must remain available on its current width and alignment until such time as a diversion is approved under section 257 of the Town and Country Planning Act 1990

5. Please note that this permission is granted subject to a legal agreement dated January 2019 and deed of variation dated July 2020.

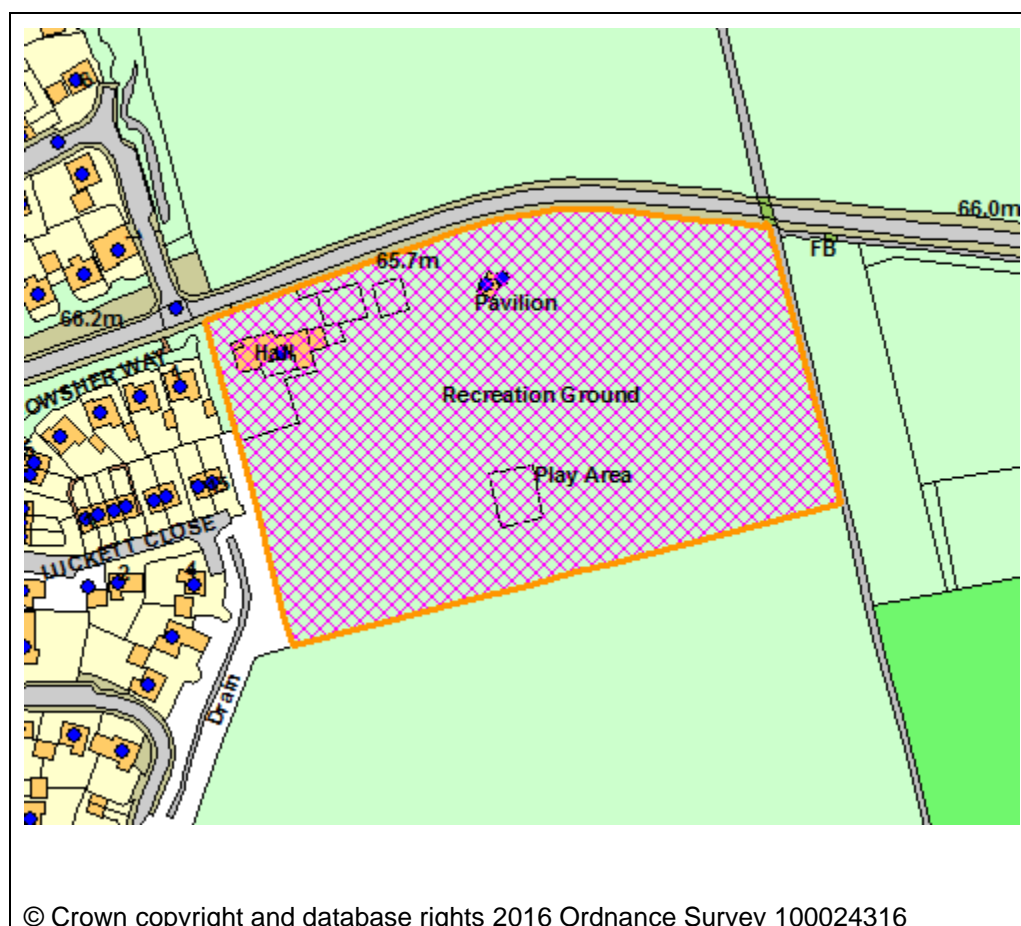
Contact Officer: Clare Anscombe

Telephone Number:

Date: 2nd January 2025

Application Number	24/01374/FUL
Site Address	Playing Field Cote Road Aston Bampton Oxfordshire OX18 2DU
Date	2nd January 2025
Officer	James Nelson
Officer Recommendations	Approve
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434679 E 203180 N
Committee Date	13th January 2025

Location Map



Application Details:

Proposed floodlit Multi Use Games Area (MUGA) on land adjacent to an existing basketball practice area at the Aston and Cote Recreation Ground (amended plan).

Applicant Details:

Mr Ian Dunstan
9 Cote Road
Aston
Bampton
Oxon
OX18 2DU

I CONSULTATIONS

Sport England South East

Initial Response

Holding objection due to uncertainty over whether BNG proposals would lead to loss of playing pitches.

Reconsultation Response

As set out in our previous letter, the proposed development will provide an additional sports facility for the local community (including the local youth club) and will provide a new outdoor facility for sport which will be of sufficient benefit as outweigh the loss of playing field and also accords with the guidance in the National Policy Framework (paragraph 103). This meets exception 5 of our playing fields policy (see Annex).

In response to our letter, the applicant has confirmed that there will be no additional impact on pitches to fulfil any BNG requirement. Sport England therefore withdraws its objection and wishes to support this proposal that will enhance sports facilities at the site.

WODC - Sports

After reviewing this application in line with the Council's Playing Pitch Strategy (PPS) dated February 2022, and the recent Stage E review of the PPS (due to be published soon), we would fully support the proposal set out above.

PPS

Leisure officers are aware of the Aston Community Trusts's planning application to provide a MUGA - this is referenced in the updated PPS (2024) - and of their engagement with Sport England and the Oxfordshire Football Association to ensure that the football pitches were not impacted by this new facility.

Overall, the proposed MUGA will provide additional facilities for residents of all ages, enabling a variety of sports to be played at the site.

The WODC Leisure Team does not wish to raise an objection to this application.

OCC Highways	No objection.
WODC Drainage	<p><i>Initial Response</i></p> <p>Additional information required.</p> <p><i>Reconsultation Response</i></p> <p>No objection and no conditions requested following receipt of exceedance flow plan.</p>
Env Health Contamination	<p>The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore, I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.</p>
Env Health Noise And Amenity	<p>The lighting assessment is noted, and permission should be conditional upon a post-installation verification of compliance with the predicted levels of horizontal and vertical light spillage. The access and lighting times controls mentioned in the application are noted.</p> <p>Use of the MUGA may still cause noise disturbance in the evening or night-time period at existing dwellings approximately 100m distant, in the absence of suitable controls.</p> <p>In quiet areas of low background light and noise levels, the use of the development will require restriction at night. Noise is likely to be the limiting factor in the circumstances of this application. In the absence of a noise impact study or explicit noise management plan supporting the application, it may be considered that dwellings will be suitably protected from noise should the time limits of no use between 21:30 ' 07:30 hrs be applied. In some circumstances, in particular adult use (for example for 5-a-side football) beyond those times will be increasingly likely to cause significant noise disturbance.</p>
District Ecologist	<p><i>Initial response</i></p> <p>Holding objection due to insufficient BNG information.</p> <p><i>Response to amended plans</i></p> <p>The site location plan submitted is considered to resolve the biodiversity net gain issues identified in my previous comments and the proposals are now considered to provide sufficient certainty that this development can likely deliver the statutory 10% biodiversity net gain objective onsite.</p> <p>The proposals are not considered to provide significant onsite gains in biodiversity due to the small number of units created and the</p>

moderate target condition of an existing medium distinctiveness habitat. To reflect the time to target condition, I recommend a 5-year Landscape and Ecology Management Plan is conditioned to secure the management and monitoring of the habitats to allow them to achieve the biodiversity net gain proposals targets and implement any remedial measures if necessary. The LPA will need to be notified once the initial habitat enhancement works have been completed to agree the start of the 5-year management and monitoring period and I therefore recommend the above condition to secure this.

Sport England South East	See <i>above</i> .
WODC Drainage	See <i>above</i> .
Parish Council	<i>Initial response</i>
	No objection.
	<i>Reconsultation response</i>
	No objection.
Parish Council	No Comment Received.

2 REPRESENTATIONS

2.1 No third-party comments have been received.

3 APPLICANT'S CASE

3.1 The applicant has prepared a planning statement in support of their case. The main points are summarised below.

3.2 'It is proposed to construct a floodlit Multi-Use Games Area (MUGA) 36 metres by 18 metres) that will incorporate an artificial grass surface. The primary use may well be youth football, but there will be provision for both basketball and tennis. A free-standing tennis net will be provided, although it is envisaged the focus for tennis will be on young players using mini red nets of which four will be provided.

3.3 An original planning application was made in May 2023 and while this initially attracted some concern and comments from Sport England, the scheme received their support and indeed that of the county highway's team. Throughout the determination process for the application, however, there was concern from West Oxfordshire's Biodiversity Officer over the proximity of the MUGA to the existing hedge-line that runs to the north of the recreation ground, along the highway boundary of Cote Rd. In August 2023, it was agreed to withdraw the application in order to consider more carefully the impact lighting may have on wildlife habitat, particularly bats and to ensure that there was full agreement to the proposed location by all the present users of the ground; namely the youth and adult football teams, particularly as they had recently been some financial support from Oxfordshire Football Association to improve the drainage of the overall field.

- 3.4 The site is currently partially overgrown through self-seeded growth from nearby shrubs and trees and therefore largely inaccessible to users of the recreation ground. As it borders a highway it is not a particularly attractive area to explore for casual recreation, and the far side of the recreation ground, which is maintained to encourage Biodiversity, is all together far more welcoming. There is an old, gated entrance which will also be removed with the hedge and tree line replanted to seal the site.
- 3.5 A floodlit MUGA (Multi-Functional Grass Pitch) will offer a variety of opportunities for local people ranging from formal sport to more casual activity and such benefits clearly outweigh the loss of the site in its present form.
- 3.6 It is proposed to light the new sports area using SportPro LED lamps mounted on four 8-metre-high columns. Sport Pro is the ultimate in LED sports floodlighting offering optimum lighting levels while reducing light spillage and glare. This lighting system is specifically designed for use in difficult situations where light spillage must be at a minimum such as this. There, will therefore be very little light spillage outside of the fenced area as the assessment shows.
- 3.7 Furthermore, in anticipation of a planning condition that limit the hours of operation of the lights, the supply will be controlled by a time clock situated in the nearby clubhouse from where the supply will be made.
- 3.8 Further control will be implemented by utilising a bookings app (such as that supplied by CLUB Spark), which gives hirers an access code for the gate to the MUGA once they have booked.
- 3.9 The site for the MUGA runs east -west along the line of the Cote Road, where there is a long line of dense trees and vegetation. Immediately north of the site there is an old, gated entrance to the recreation ground that is no longer in use. This entrance will be removed during the construction of the MUGA, with the gap infilled with compensatory planting. In the past this has been used as a maintenance access, but since the construction of the community hall and car park, this is no longer required as access to the field is through a locked gate from the car park.
- 3.10 There is also a disused concrete sectional building that long ago was used as a sports pavilion. This will be removed, along with a close by soakaway/septic tank and associated pipework with the grass around it reinstated.
- 3.11 As part of the updated proposal prepared by Sports Lighting UK, the vertical modelled lux levels for the proposed lighting are also now available. Full details are included in the report prepared by them, which is included for ease of reference. Most pertinent in their report are the lux assessments at pages 8 and 9. These show the modelled vertical lux at 3m, 10m and 16m from the edge of the pitch, which show that at 10m from the pitch the lux levels fall rapidly to 1 lux at a height well below that as which bats would be likely to be flying.
- 3.12 Through our pre-planning consultation, we understand clearly that the project will be subject to a biodiversity net gain condition and, to address this, an assessment of the pre-development biodiversity value of the site, using the statutory metric has been carried out. This tool assesses the value of the habitats that would be replaced by the proposed MUGA. It is assumed that any habitats temporarily affected, such as by the construction phase, would be restored to their baseline habitat and condition within 2 years, and therefore are not required to be included in the assessment.
- 3.13 The pre-development habitats affected by the development are shown on the habitat map on Drawing 0030-1207-1 revA (attached) and the completed Metric is provided with this report. In

summary, the site is assessed to have a baseline biodiversity value of 0.19 Habitat Units. As set out in the Government's Planning Practice Guidance on Biodiversity Net Gain, a plan for the delivery of 10% biodiversity net gain can be secured via a condition attached to the planning consent. It is noted at this stage, however, that there is likely to be ample opportunity within the wider recreation ground to achieve this as part of the development.'

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

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

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 planning consent for the installation of a floodlit Multi Use Games Area ('MUGA') at Playing Field, Cote Road, Aston. The application site is the Aston and Cote Recreation Ground which is sited to the south of Cote Road on the eastern edge of Aston.
- 5.2 The site of the proposed MUGA is within Flood Risk Zone 3 and approximately 40m east of the existing village hall and 80m east of the Aston Conservation Area ('CA') boundary.
- 5.3 This application is brought before Members of the Committee due to the height of the proposed floodlights, which would be 8m. This is in accordance with the scheme of delegation, which requires proposals involving floodlighting of 6m or more to be heard by the Committee. The Parish Council has no objection to the scheme.

Planning History

23/00948/FUL- Proposed floodlit Multi Use Games Area (MUGA) on land adjacent to an existing basketball practice area at the Aston and Cote Recreation Ground (revised plans). Application withdrawn in August 2023 due to objection from Sport England and the Council's Biodiversity Officer.

The Proposal

- 5.4 The proposed drawings show the MUGA in the north-central portion of the wider site, in place of a dilapidated pavilion building and approximately 10m south of the site boundary with Cote Road, which runs parallel to the proposed artificial grass playing surface. The MUGA would be set over a footprint of 36m by 18m with 8m floodlights sited in each corner. No access changes are proposed.

5.5 The application sets out that the MUGA would primarily be used for youth football, with provision for basketball and tennis (with the ability to provide one standard court or four mini courts) owing to the flexible nature of the facility.

Development Plan

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

National Policy/Guidance

5.7 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.

5.8 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.

5.9 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 which:

- c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities - 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.'

5.10 The NPPF continues at paragraph 98 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'.

5.11 Paragraph 103 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 104 seeks to resist the loss of open space, sports and recreational buildings and land. Paragraph 104 sets out that 'existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on' unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

5.12 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;
- Impact on the character and appearance of the area;
- Impact on heritage assets;
- Ecology; and
- Flood Risk/Drainage

Principle

5.13 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 Aston 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.'

5.14 Your officers consider that the provision of a MUGA and associated floodlighting within the existing recreation ground serving Aston and Cote is limited development for the purposes of Policy OS2 and would contribute to maintaining the vitality of the community. The impact on village character will be considered below.

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

- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;

- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- 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; and
- Conserve and enhance the natural, historic and built environment.

5.16 WOLP 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.'

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

5.18 The application has been subject to consultation with Sport England to ensure that existing and potential future playing pitch provision would not be undermined by the proposal. Sport England have raised no objection to the scheme on the grounds that the proposed development would accord with the exemptions as set out in NPPF Paragraph 104 i.e. that the proposed development is for a facility for sport, the provision of which would be of sufficient benefit so as to outweigh the detriment caused by the loss of a small area of the wider playing field.

5.19 In this context, your officers consider that the proposal would represent the development of a local service in accordance with Policy E5. The proposal would add to the existing provision of facilities at the recreation ground, increasing significantly the ability of the facility to provide opportunities for local people to maintain healthy and active lifestyles throughout the year. Officers therefore consider that the proposal would support the established use of the site as a recreational facility adjacent to the village, which is served by lit pedestrian access. The application is therefore considered acceptable, in principle, and would represent limited development to help maintain the vitality of village services.

Impact on the character and appearance of the area

5.20 As outlined above, Policy OS2 requires new development to respect village character and local distinctiveness. Policy OS4 is also relevant in this case 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'.

5.21 Policy EH2 (landscape character) states that:

'The quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape...will be conserved and enhanced... Proposed development should avoid causing pollution, especially noise and light, which has an adverse impact upon landscape character and should incorporate measures to maintain or improve the existing level of tranquillity and dark-sky quality, reversing existing pollution where possible.'

5.22 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.'

5.23 The site of the proposed MUGA is in the north-central portion of the recreation ground, which itself occupies a peripheral location to the east of Aston. The site contains the Village Hall in its north western corner, a large single storey building with adjacent parking and access taken from Cote Road. A play area, basketball court and pavilion building (to be demolished) lie to the east of the Hall, with intervening informal shrub contributing to a run down and ad hoc appearance. The remainder of the site is dominated by sports pitches, with strong tree and hedgerow planting to all sides, leading to an enclosed character.

5.24 The proposed MUGA would replace an existing building and as detailed above, would be located in close proximity to existing built form and would not undermine the usability of existing pitches. In this context, the proposal is considered to form a logical complement to the existing pattern of development and would appear in keeping with the character and appearance of the wider facility. Your officers consider that the proposed floodlighting gives rise to potential adverse impacts upon landscape character, as the existing recreation ground is not served by floodlighting and therefore, the proposal would lead to the introduction of artificial light within the site. However, the lighting would be read in the context of the existing sporting/recreation facility, would be contained by a strong landscape structure provided by existing vegetation and would be sited in close proximity to the built-up area of the village, which is served by street lighting along Cote Road. In addition, the application includes a light spill plan demonstrating that all light spill would be contained within the site and hours of operation may be controlled by planning condition. As such, your officers consider that the proposed introduction of floodlighting in this location would not read as an alien feature in the landscape, and any adverse impacts would be highly localised. The application is therefore considered to result in an acceptable impact upon the character and appearance of the area and wider landscape.

Impact on heritage assets

5.25 Given the application site lies adjacent to the CA, and therefore may impact its setting, officers are required to take account of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.26 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a 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 213). Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. WOLP Policies EH9 and EH10 are directly relevant to the application with regard to the impact of the proposal upon the character and appearance of the CA.

5.27 The CA covers a large proportion of the village, incorporating its historic core, areas of surrounding agricultural land and large areas of modern residential development to the east of the village centre. The historic core incorporates many of the village's historic buildings, a number of which are listed, and its vernacular architecture and linear arrangement along the main streets is apparent.

5.28 However, the site is outside of the CA, and further still from the historic core, with intervening modern residential development of no significance. There would be no intervisibility between the proposed MUGA and the historic core of the village, given the separation distance and intervening built form. On this basis, your officers are satisfied that the proposal would lead to no material impact upon designated heritage assets.

Ecological Impact

5.29 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'.

5.30 In terms of floodlighting, the applicant has provided justification for the proposed light levels, which are required in order to achieve sufficient light levels to safely support football and other sports. In addition, the submitted light levels plan details a sharp drop off in luminosity around the edges of the MUGA. The Council's Biodiversity Officer has confirmed that the light levels are acceptable.

5.31 The application is also subject to statutory Biodiversity Net Gain ('BNG'). The proposal seeks to achieve the required 10% uplift in BNG through planting interventions across the wider site. The applicant has confirmed that this could be achieved without losing any areas of playing field. The Council's Biodiversity Officer has confirmed that the proposed development can likely deliver the statutory 10% biodiversity net gain objective onsite subject to the imposition of planning conditions as set out in Section 6 of this report. The application is therefore acceptable in ecological terms.

Flood Risk/Drainage

5.32 The application site is within Flood Risk Zone 3 but proposed water compatible development as defined by the NPPF and no change in levels is proposed. The proposed surface would also be permeable allowing rainwater to pass through the substructure and be dissipated through the existing soil structure as is the case at present. Officers therefore do not consider that the sequential test as set out in Section 14 of the NPPF is applicable in this case. An exceedance flow plan has also been submitted to demonstrate the direction of water run-off. The site can also be easily and safely evacuated in an easterly direction towards higher ground within Aston. Therefore, the proposed development is acceptable in flood risk and drainage terms.

Other Matters

5.33 Your officers have consulted the Council's Environmental Health Team with regard to the impact of the proposed development upon residents to the west. However, given the nature of the existing use and separation distance of over 85m, no material impact in this regard is identified subject to hours condition to restrict play between 0730-2130 (Monday-Saturday) and 0800-2100 (Sundays).

Conclusion

5.34 The application would result in a material improvement to the accessibility and availability of recreation facilities in the village, in accordance with WOLP Polices OS2 and E5 as well as Section 8 of the NPPF, which officers consider should weight strongly in favour of the application. This assessment has also found that whilst the introduction of floodlighting gives rise to potential adverse impacts on landscape character, any impacts would be highly localised and read in the context of the existing village and strong landscape structure. Therefore, the proposal is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS4, E5, EH2, EH3, EH7, EH8, EH9 and EH10, the West Oxfordshire Design Guide 2016 and the newly updated NPPF 2024. The application is recommended for conditional approval subject to those conditions as set out in Section 6 of this report.

6 CONDITIONS

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

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

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

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

3. 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 floodlights hereby permitted shall not be used outside the following times: 0730 hours to 2130 hours Monday to Saturday and 0800 hours to 2100 hours on Sundays.

REASON: In order to protect the amenity of nearby properties, landscape character and prevent unnecessary electricity usage.

5. The floodlights hereby approved shall not be used until they have been painted or otherwise finished externally in a dark green or black colour or as otherwise approved in writing by the Local Planning Authority.

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 Multi Use Games Area they primarily light for a period of ten minutes or more.

REASON: In order to protect local landscape character.

7. The development shall be completed in strict accordance with the recommendations in sections 6.5, 6.6, 6.7, 8.1 of the Preliminary Ecological Appraisal, Lighting Strategy for Bats and Assessment of Baseline Biodiversity prepared by Sam Watson Ecology dated April 2024 (unless varied by a Protected Species Mitigation Licence issued by Natural England). 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 and maintained for the stated purpose of biodiversity conservation.

REASON: To protect biodiversity 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 187, 192 and 193 of the National Planning Policy Framework (2024), Local Plan Policy EH3, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

8. Notwithstanding the submitted details, before the development is first brought into use a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
 - I. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
 - II. Materials and construction to ensure long lifespan of the feature/measure;
 - III. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken; and
 - IV. When the features or measures will be installed within the construction, occupation, or phase of the development.

REASON: To protect biodiversity 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 187, 192 and 193 of the National Planning Policy Framework (2024), Local Plan Policy EH3, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006 (as amended).

9. The development hereby approved shall be carried out in strict accordance with the Biodiversity Net Gain Plan report prepared Sam Watson Ecology by dated 27th June 2024, Biodiversity Metric Calculation Tool (submitted 25th November 2024), and subject to final confirmation as part of the Biodiversity Gain Plan, unless otherwise agreed in writing by the Local Planning Authority.

In the event of any trees, shrubs, bulbs, wildflowers or grasses dying or being seriously damaged or destroyed within 10 years of the completion of the development, a new tree/shrub/bulb/wildflower or grass of equivalent number/area and species composition shall be planted as a replacement

within a single growing season or within 6 months, whichever is the shorter, and thereafter maintained in accordance with the agreed Landscape and Ecology Management Plan.

REASON: to secure the implementation of the Biodiversity Net Gain proposals, including full landscaping details, BNG report and Biodiversity Metric outcome.

10. Notwithstanding the submitted details, before the new MUGA is first brought into use, a 5-year Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The approved plan will be implemented in accordance with the approved details. The content of the LEMP shall include, but not necessarily be limited to, the following:

- I. Aims and objectives of management (including those related to species) to ensure that the scrub habitat reaches target condition as set out in the Biodiversity Net Gain Plan report prepared by Sam Watson Ecology dated 27/06/2024;
- II. Appropriate management prescriptions for achieving aims and objectives; and
- III. Monitoring plan to ensure that the habitats are establishing successfully, and
- IV. The identification of any remediation measures needed to reach the target conditions.

REASON: To secure the 5-year management and monitoring of habitats delivered as part of the BNG proposals.

11. Notice in writing shall be given to the Local Planning Authority when the habitat creation and enhancement works (i.e. the capital works required to establish the new habitats) as set out in the Biodiversity Net Gain Plan report prepared Sam Watson Ecology (27th June 2024) and Biodiversity Metric Calculation Tool (as modified by the Biodiversity Gain Plan) have been completed to agree the start of the 5-year management and monitoring period.

REASON: To confirm the completion of the habitat creation and enhancement works delivered as part of the BNG proposals, and agree the start of the 5 year monitoring period.

12. A final monitoring report shall be submitted to the Local Planning Authority for approval with the 12 months following the end of the agreed 5-year period to confirm that the Biodiversity Net Gain proposals in line with (and as modified by) the Biodiversity Gain Plan have been delivered. If necessary, it shall detail any remedial actions that need to be carried out to ensure that the target habitat condition will be achieved. All remedial actions shall be approved in writing by the Local Planning Authority and implemented in full.

REASON: To ensure the success of the Biodiversity Net Gain proposals and the submission of a 5-year audit report to the LPA with remedial actions implemented where necessary.

INFORMATIVES :-

1. Important: the statutory Biodiversity Net Gain objective of 10% applies to this planning permission and development cannot commence until a Biodiversity Gain Plan has been submitted (as a condition compliance application) to and approved by West Oxfordshire District Council.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been

granted subject to the condition "(the biodiversity gain condition") that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be West Oxfordshire District Council. Advice about how to prepare a Biodiversity Gain Plan and a template can be found at <https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

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 (including hedgehogs) and Protection of Badgers Act 1992. In the event that evidence of protected species is found during development works, then you must seek the advice of a competent ecologist and consider the need for a licence from Natural England prior to re-commencing works (especially with regard to bats, great crested newt, dormouse and otter).

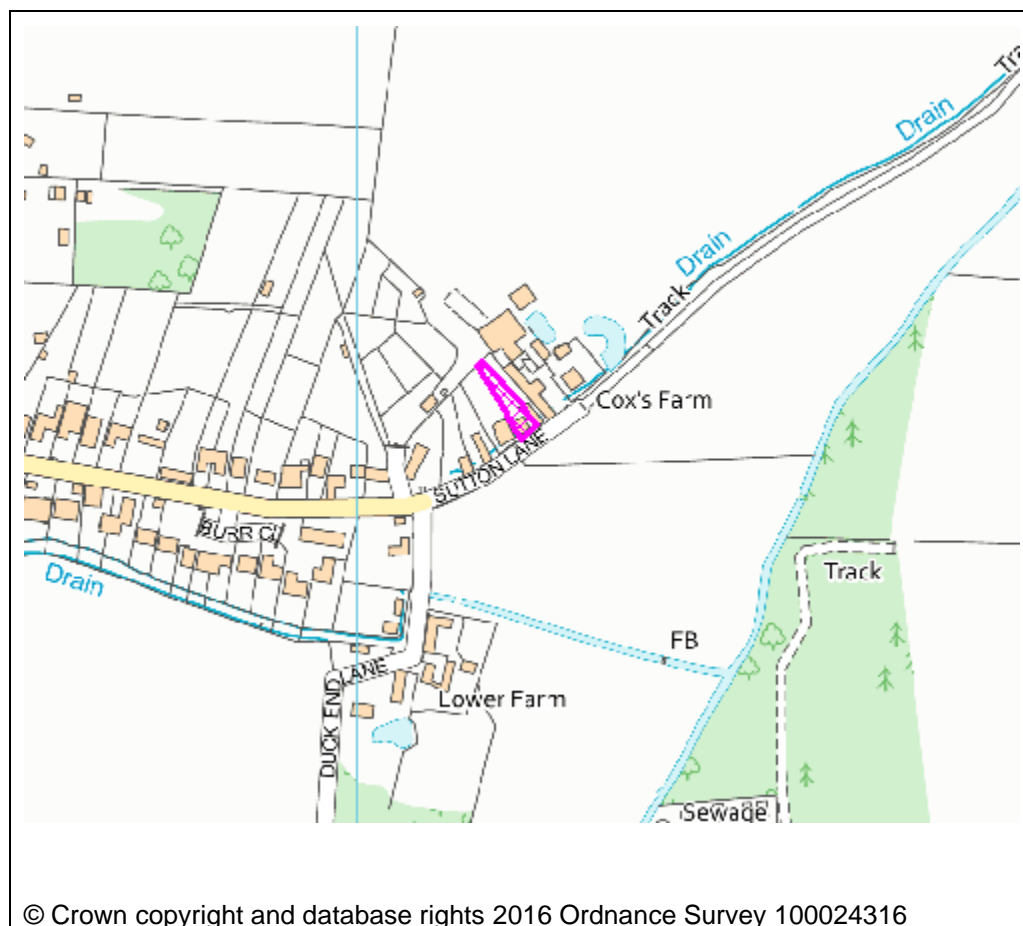
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 2nd January 2025

Application Number	24/01726/HHD
Site Address	Farmside Sutton Lane Sutton Witney Oxfordshire OX29 5RU
Date	2nd January 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	442110 E 206266 N
Committee Date	13th January 2025

Location Map



Application Details:

Demolition of single storey rear extension and porch, erection of two storey rear extension, conversion of outbuilding into a utility room and associated works (amended plans).

Applicant Details:
Mr And Mrs Wallom
Farmside
Sutton Lane
Sutton
Oxfordshire
OX29 5RU

I CONSULTATIONS

Newt Officer

It is considered that the proposed development is unlikely to have an impact on crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

Additionally, the following recommendations are provided to further reduce the likelihood of impacts on this species:

- Removal of materials by hand. If any great crested newts are discovered during removal of materials, materials should be replaced immediately and a suitably qualified ecologist contacted prior to works resuming.
- Any trenches left overnight should be covered or provided with ramps to prevent great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

Historic England

No comment.

Conservation And Design Officer

Original comments:-

The general idea of this is not too problematic - the extension is arguably secondary to the main block, the link avoids the junction with the thatched roof, and the design work is tidy and unashamedly contemporary.

However, it collides with the pitched roof of the outhouse (against our previous advice), and it is still perhaps a little too tall. Also, the rooflights are unnecessary, as there is a sizeable window in the gable end.

If they addressed these issues, I think it would probably be supportable from a Conservation and Design point of view.

Parish Council

Objection.

POLICY OS4: High quality design The size of the extension does not conserve or enhance the existing buildings and features of historic, architectural, and designated and non-designated heritage assets in this area.

POLICY OS2: Locating development in the right places: The proposed extension is not proportionate and appropriate in scale and massing in relation to existing properties and other extensions in the ribbon development. The proposed extension does not enhance the local landscape and setting of the existing settlements. The application is contrary to NPPF paragraph 135; in that it is not sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conservation And Design Officer

Reconsultation response - no objection.

Subdued lead or zinc cladding would be preferable to copper for the first floor link.

OCC Highways

No objection.

2 2 REPRESENTATIONS

2.1 One letter of objection has been received from an interested party to the initial application documents. In summary, the following concerns have been raised:

- Overshadowing and loss of light to neighbouring property
- Increased fire risk
- Loss of privacy to neighbouring property
- Increased noise and disturbance
- Overdevelopment
- Loss of character of the area and appearance of the historic group of cottages when viewed from the road

- Environmental impact on Great Crested Newts
- Clarification required under Party Wall Act 1996

2.2 A further letter of objection has been received to the amended plans. In summary, the following concerns have been raised:

- Building up the boundary wall and proximity to the existing thatch roof at Mistletoe Cottage and lack of distance from the boundary wall for maintenance.
- Overlooking from the proposed rear window onto patio dining area at Mistletoe Cottage.
- Inaccurate Daylight and Sunlight Assessment.

3 APPLICANT'S CASE

3.1 In summary, the application is accompanied by a Design, Access & Heritage Statement which makes the following points:

- The kitchen extension porch and dormer are all of poor architectural quality and detract from the listed building. Therefore the removal of these will not remove any historical fabric of the building.
- The thatch roof will stay untouched. The link will have a glass roof which will make it clear that this is a new addition and so make the earlier part of the building legible. Therefore maintaining the historical significance of the building.
- The roof to the extension has been lowered lessening its impact on the existing building and the neighbour. The eaves of the proposed extension now lines up with eaves of the slate lean-to roof, therefore respecting the form of the existing building.
- The design is modern but very simple in form to avoid detracting from the original house. The timber cladding offers a softer finish against the listed building but delineates the historical part of the house with the new extension. This helps maintain the historical importance of the house. Part of the historical importance of the building is the story it tells of the way homes have changed to adapt to the employment and prosperity of the village. With the cottage being subdivided to meet the agricultural needs and then turned back into one house and then extended as the prosperity of rural areas has increased.
- New openings will be kept as small as possible therefore the historical significance of the building will remain.
- The proposals do not extend further back than the extension to Mistletoe Cottage and the historic part of Mistletoe Cottage is to the front of the property.
- The side facing glazing to Mistletoe Cottage includes double doors from the kitchen/dining room, which has its main set of glazing facing the main part of the garden to the north. On the first floor, the window serves part of the bedroom which has its main source of light from the large windows facing down the garden to the north. The ground floor sun room which is in the centre of the building is already surrounded by two storey buildings which form Mistletoe Cottage, with the majority of the source of light coming from the glazed roof. The proposed extension to Farmside will not affect the light coming into this roof. The extension has been designed with the roof affectively starting from the garden wall and

pitching away from the neighbour and is North East facing so will not block any additional light than what the original cottage is already doing.

- The main part of Mistletoe's garden is to the north of their extension which the proposed extension to Farmside is not close to and will have no impact on this part of the garden.
- A Daylight and Sunlight Assessment has been submitted by Smith Marston Building Surveyors. This concludes that the proposed development will have a low impact on the light receivable by its neighbouring property and in their opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H6NEW Existing housing

T2NEW Highway improvement schemes

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH12 Traditional Buildings

EH3 Biodiversity and Geodiversity

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 relates to an existing two-storey detached, thatched dwelling dating from the 18th Century located along Sutton Lane in Sutton. The dwelling is Grade II Listed (known as 'Pinkhill Cottage,' listing number: 1199800) and lies in the Stanton Harcourt and Sutton Conservation Area. The proposed development is for the demolition of a single storey rear extension and porch, erection of a two-storey rear extension, conversion of an outbuilding into a utility room and associated works and the application has been deferred to allow for Member site visit.

Relevant Planning History

- W74/0746 Kitchen Extension. Approved. 21st November 1974.
- 17/00261/LBC Erection of rear porch (retrospective) Approved. 22nd March 2017.
- 23/03249/HHD Internal and external alterations including: reinstatement of window and stairs, removal of dormer window, proposed roof lights, repointing stonework with lime mortar and replacement detached garage (amended plans). Approved. 30th January 2024.

- 23/03250/LBC Internal and external alterations including: reinstatement of window and stairs, removal of dormer window, proposed roof lights, repointing stonework with lime mortar and replacement detached garage (amended plans). Approved. 30th January 2024.

5.2 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
- Design, Siting, Scale and Visual Amenity
- Impact on Designated Heritage Assets
- Impact on Amenity
- Impact on Ecology
- Impact on Highways
- Other Matters

Principle of Development

5.3 The proposed development falls within the curtilage of an existing dwelling and so the principle of the development is considered to be acceptable.

Design, Siting, Scale and Visual Amenity

5.4 Policy OS2 of the WOLP (2031) requires all new development to form a logical complement to the existing character of the area and be of a proportionate and appropriate scale to its context. Policy OS4 relates to 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. It should demonstrate high quality design and conserve or enhance areas, buildings and features of historic and architectural significance. Policy H6 requires changes to existing housing to respect the character of the surrounding area. Chapters 14 and 4 of the West Oxfordshire Design Guide (2016) (Extensions and Alterations) and (Local Character) are also particularly relevant. Chapter 4 notes that roofing materials typically include welsh slate, natural stone slate and walling materials include weatherboarding.

5.5 The proposed extension is set-down from the ridge of the existing property and has a pitched roof form which reflects that of the host dwelling. It has a width of circa 5.7m and is to be clad in timber with a slate roof to match slate on the existing rear lean-to extension. It is to be linked with the host dwelling by a flat-roof link with a glass roof. Triple glazed grey aluminium sliding doors and windows are also proposed. A set of sliding doors is proposed on the north-east elevation and north-west elevation as well as a window at first floor level in the rear elevation. The extension is to accommodate an additional bedroom and larger kitchen and dining area.

5.6 In terms of its siting, scale and form, the extension is set-back from the existing characterful little red brick outbuildings to the rear and set-down from the ridge of the host dwelling. Its eaves align with the eaves on the lean-to. Therefore, due to its scale, siting and form, the proposed extension is considered to be a proportionate and appropriate to its context and not obscure the character of the original property.

5.7 In terms of impact on the character and appearance of the original property, the proposed materials largely reflect that of the host dwelling and other surrounding permitted outbuildings, including the garage. Whilst the choice of wall material is modern, this will help to clearly express a new chapter in

the story of the property through being clearly differentiated from the original dwelling. However, the type and colour of timber cladding has not been specified. The Design Officer has been consulted and has no objections to the proposal. Therefore, the proposed development is considered to be acceptable in terms of its design, subject to a condition requiring the submission and approval of a sample of the cladding prior to the commencement of walling.

- 5.8 The link and roof of the extension will be partly visible from the street scene, but due to the proposed materials, it is considered that this would reflect the character and appearance of the host dwelling and surrounding area and so not appear prominent in the street scene.

Impact on Designated Heritage Assets

- 5.9 The site lies in the Stanton Harcourt and Sutton Conservation Area and the host dwelling is listed. In terms of impact on the Listed Building, Officers are required to take account of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses. This is reflected in policy EH11 of the WOLP. In line with section 72(1) of the Act and WOLP Policy EH10, your officers have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

- 5.10 In terms of impact on the listed building itself, a Heritage Statement has been submitted which states that the cottage is an 18th Century thatched cottage which is a good example of a traditional house from that time and its original plan form can still be seen today. The thatched roof is a good example of vernacular architecture. The cottage was extended in the 19th Century with a lean-to extension, which is clearly visible on the east elevation. A flat roof kitchen extension was added in the 1960s and a rear porch. The kitchen extension and porch are of poor architectural quality and the proposal seeks to remove these.

- 5.11 The Heritage Statement states that as the proposal would remove existing unsympathetic additions to the property and replace these with a more sensitively designed extension which is set down from the thatched roof and separated from the original building by a glass roof link, it is considered that the proposal would make the earlier part of the building legible. An opening will be created at first floor level into the extension, but this will be through the slate roof of the 19th century lean-to extension and so no historic fabric will be affected. The Conservation and Design Officer agrees with this assessment. Therefore, it is considered that the proposal will preserve the special architectural and historic interest of the listed building in accordance with Section 66 of the 1990 Act and the significance of the designated heritage asset will be sustained, in accordance with Section 16 of the NPPF.

- 5.12 It is also considered that the proposed development would fall within the setting of several other Listed Buildings, including Mistletoe Cottage and Goldenbridge Cottage. Mistletoe Cottage has been extended to the rear with the original part of the cottage fronting the road. Goldenbridge Cottage is noted for its group value. The link and roof of the extension will be partly visible from Sutton Lane, but due to the proposed materials, siting and height of the extension, it is considered that the special interest of Mistletoe Cottage and the group of cottages would be conserved. In terms of impact on the setting of Goldenbridge Cottage, it is considered that the proposal would enhance the setting of this listed building due to the removal of the flat-roof single storey extension and renovation of the existing brick outbuilding.

5.13 In terms of impact on the conservation area, it is considered that due to its location, form, scale, massing, height and external appearance, the proposed development would conserve the linear settlement pattern, special historic and architectural interest, character and appearance of this part of the Stanton Harcourt and Sutton Conservation Area.

Impact on amenity

5.14 Policy OS2 of the WOLP (2031) states that all new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Policy H6 states that extensions and alterations to existing dwellings will not unacceptably affect the environment of people living in that area. Officers consider that due to the siting of existing and proposed openings, intervening garage and existing boundary vegetation, the proposed development would be unlikely to have a harmful impact on the amenity of occupants of Goldenbridge Cottage.

5.15 Concern has specifically been raised regarding potential for the proposed development to overshadow the neighbouring property (Mistletoe Cottage), particularly along the east facing aspect. Officers have carried out a site visit and carefully considered impact on amenity to Mistletoe Cottage. A Daylight and Sunlight Assessment by Smith Marston Chartered Building Surveyors has been submitted which has been prepared in accordance with the latest BRE guidelines for Daylight and Sunlight (2022). These guidelines are widely used to assess the impact of development on daylight and sunlight.

5.16 In summary, the report concludes that all neighbouring windows (that have a requirement for daylight or sunlight) pass the relevant BRE diffuse daylight and direct sunlight tests and that all neighbouring amenity areas also pass the BRE overshadowing to gardens and open spaces test. It also concludes that the proposal will have a low impact on the light receivable by its neighbouring property and in the opinion of the surveyor, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring property. The kitchen/dining room at Mistletoe Cottage includes side facing double doors and a main set of glazing facing the garden to the north so is served by a second source of light.

5.17 Due to the height of the extension, positioning of new windows relative to the neighbouring property and existing intervening vegetation, it is considered to be unlikely that the proposal would lead to significant harm to the occupants of Mistletoe Cottage by way of overbearing or loss of privacy. The Council's Environmental Health Officer (Noise & Amenities) has been consulted and no objection has been raised, subject to a condition restricting the construction hours to protect the amenity of the neighbourhood. However, due to the scale of the works, officers consider that such a condition would be unreasonable. Therefore, for the above reasons, it is considered that the proposal would be compatible with adjoining uses and unlikely to have a harmful impact on the amenity of neighbouring residents so as to warrant the refusal of the application.

Impact on ecology

5.18 In terms of impact on ecology, the site lies in a red area for Great Crested Newts. The Newt Officer has been consulted and considers that the proposal is unlikely to have a detrimental impact on these protected species and has not raised an objection. Therefore, the proposal is considered to be acceptable on ecology grounds, subject to informatives.

Impact on Highways

5.19 Oxfordshire County Council have been consulted as the relevant Local Highway Authority and have not raised an objection on highway safety or parking grounds to the proposal.

Other Matters

5.20 Concern has been raised in representations regarding impact on the boundary wall between the property and Mistletoe Cottage, increased fire risk and the contravention of the access to Neighbouring Land Act and Party Wall Act. Land ownership, boundary disputes, fire risk and legal rights and matters that are controlled under other legislation are not material planning considerations and so are not relevant to the consideration of this application. The NPPF (2024) is clear that Local Planning Authorities should assume that other regimes will operate effectively and not require compliance with other regulatory requirements, such as Building Regulations.

Recommendation

5.21 In conclusion, taking into account planning policy, other material considerations and the representations of interested parties, the proposed development is considered to comply with policies OS1, OS2, OS3, OS4, H6, T2, EH3, EH8, EH9, EH10, EH11 and EH12 of the West Oxfordshire Local Plan (2031), the West Oxfordshire Design Guide (2016) and the relevant paragraphs of the NPPF (2024). Therefore, the development is recommended for approval, subject to the conditions and informatives as set out in Section 6 of this report.

6 CONDITIONS

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

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

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

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

3. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

4. The external walls of the two-storey extension shall be constructed with timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before above ground works commence.

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

INFORMATIVES :-

1. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Additionally, the following recommendations are provided to further reduce the likelihood of impacts on this species:

- Removal of materials by hand. If any great crested newts are discovered during removal of materials, materials should be replaced immediately and a suitably qualified ecologist contacted prior to works resuming.
- Any trenches left overnight should be covered or provided with ramps to prevent great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

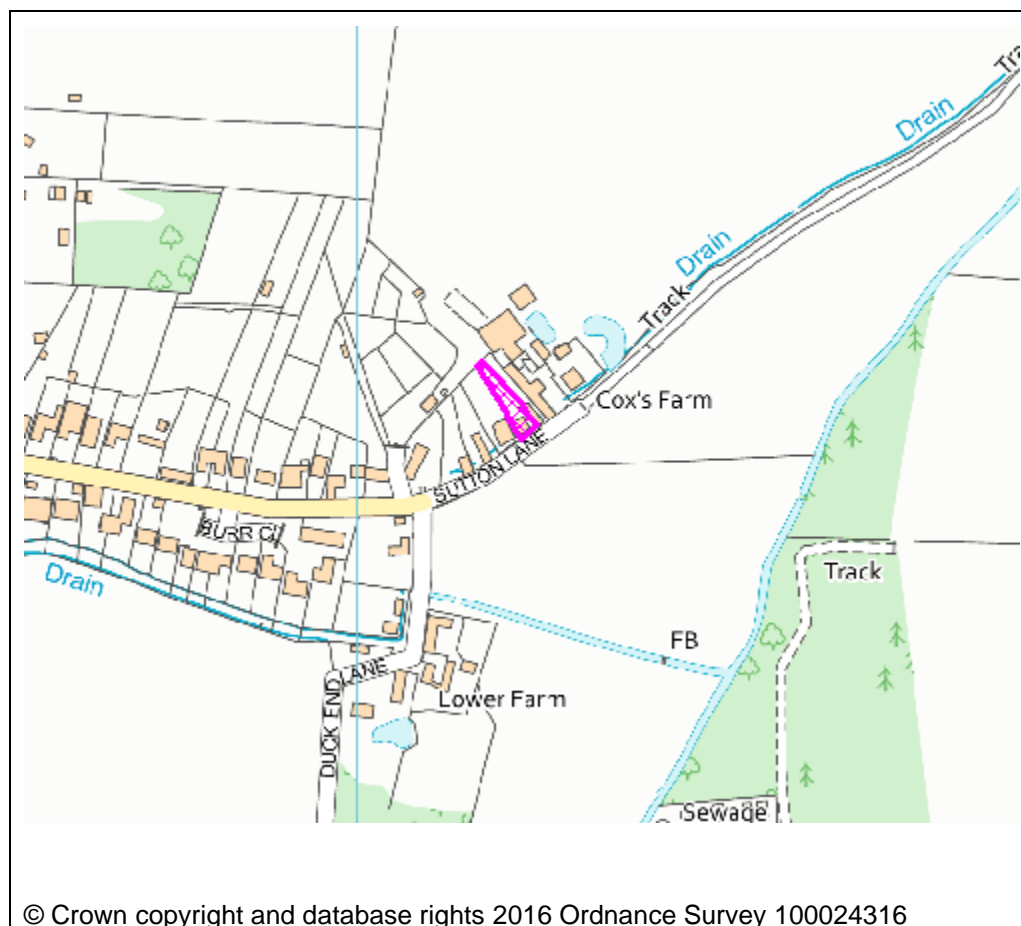
Contact Officer: Clare Anscombe

Telephone Number:

Date: 2nd January 2025

Application Number	24/01727/LBC
Site Address	Farmside Sutton Lane Sutton Witney Oxfordshire OX29 5RU
Date	2nd January 2025
Officer	Clare Anscombe
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	442110 E 206266 N
Committee Date	13th January 2025

Location Map



Application Details:

Demolition of single storey rear extension and porch, erection of two storey rear extension, conversion of outbuilding into a utility room and associated works (amended plans).

Applicant Details:
Mr And Mrs Wallom
Farmside
Sutton Lane
Sutton
Oxfordshire
OX29 5RU

I CONSULTATIONS

Conservation And Design
Officer

Original Comments

The general idea of this is not too problematic - the extension is arguably secondary to the main block, the link avoids the junction with the thatched roof, and the design work is tidy and unashamedly contemporary.

However, it collides with the pitched roof of the outhouse (against our previous advice), and it is still perhaps a little too tall. Also, the rooflights are unnecessary, as there is a sizeable window in the gable end.

If they addressed these issues, I think it would probably be supportable from a Conservation and Design point of view.

Parish Council

Original Comments - objection.

- The size of the extension does not conserve or enhance the existing buildings and features of historic, architectural, and designated and non-designated heritage assets in this area.
- The proposed extension is not proportionate and appropriate in scale and massing in relation to existing properties and other extensions in the ribbon development.
- The proposed extension does not enhance the local landscape and setting of the existing settlements. The application is contrary to NPPF paragraph 135; in that it is not sympathetic to local character and history, including the surrounding built environment and landscape setting.

Conservation And Design
Officer

Reconsultation comments dated 24th October 2024- no objection.

Subdued lead or zinc cladding would be preferable to copper for the first floor link.

Parish Council

Reconsultation comments - objection.

POLICY OS4: High quality design The size of the extension does not conserve or enhance the existing buildings and features of historic,

architectural, and designated and non-designated heritage assets in this area.

POLICY OS2: Locating development in the right places: The proposed extension is not proportionate and appropriate in scale and massing in relation to existing properties and other extensions in the ribbon development. The proposed extension does not enhance the local landscape and setting of the existing settlements. The application is contrary to NPPF paragraph 135; in that it is not sympathetic to local character and history, including the surrounding built environment and landscape setting.

Historic England

No comment.

3 2 REPRESENTATIONS

2.1 Two letters of objection have been received from interested parties. In summary, the following concerns have been raised:

- Overshadowing and loss of light to neighbouring property
- Increased fire risk
- Loss of privacy to neighbouring property
- -Increased noise and disturbance
- Overdevelopment
- Loss of character of the area and appearance of the historic group of cottages when viewed from the road
- Environmental impact on Great Crested Newts
- Clarification required under Party Wall Act 1996
- Contrary to policy EH2 and E6 as the proposal does not conserve or enhance the intrinsic character of the setting or the area and will have an unacceptable impact on neighbouring properties

3 APPLICANT'S CASE

3.1 A Design, Access and Heritage Statement has been submitted which, in summary, makes the following points:

- The kitchen extension porch and dormer are all of poor architectural quality and detract from the listed building. Therefore the removal of these will not remove any historical fabric of the building.
- The thatch roof will stay untouched. The link will have a glass roof which will make it clear that this is a new addition and so make the earlier part of the building legible. Therefore maintaining the historical significance of the building.
- The roof to the extension has been lowered lessening its impact on the existing building and the neighbour. The eaves of the proposed extension now lines up with eaves of the slate lean-to roof, therefore respecting the form of the existing building.

- The design is modern but very simple in form to avoid detracting from the original house. The timber cladding offers a softer finish against the listed building but delineates the historical part of the house with the new extension. This helps maintain the historical importance of the house. Part of the historical importance of the building is the story it tells of the way homes have changed to adapt to the employment and prosperity of the
- village. With the cottage being subdivided to meet the agricultural needs and then turned back into one house and then extended as the prosperity of rural areas has increased.
- New openings will be kept as small as possible therefore the historical significance of the building will remain.
- The proposals do not extend further back than the extension to Mistletoe Cottage and the historic part of Mistletoe Cottage is to the front of the property.

4 PLANNING POLICIES

OS4NEW High quality design

EH11 Listed Buildings

EH9 Historic environment

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks Listed Building Consent (LBC) for the demolition of a single storey rear extension and porch, erection of a two-storey rear extension, conversion of an outbuilding into a utility room and associated works. The property is a Grade II Listed Building (Listing Number: 1199800) known as 'Pinkhill Cottage' and lies to the north of Sutton Lane in the village of Sutton and lies in the Stanton Harcourt and Sutton Conservation Area. The application has been deferred to allow for Member site visit. The dwelling is located alongside other Listed houses which were likely constructed leading to the farm they served, 'Coxs Farm.' The original part of the cottage is formed from squared and coursed limestone with the western gable now rendered with elements being timber framed. The roof is straw thatch.

Impact upon the Listed Building

5.2 LBC applications must be determined in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Given the relevance of Local Plan Policies OS4, EH9 and EH11 to this proposal, these policies and the supplementary guidance contained in the West Oxfordshire Design Guide 2016 (an adopted SPD) are material considerations in this assessment, as is the NPPF (December 2024).

5.3 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 207 requires the applicant to describe the significance of affected heritage assets. Paragraph 212 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 213). Paragraph 215 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.

5.4 A Heritage Statement has been submitted which states that the cottage is an 18th Century thatched cottage which is a good example of a traditional house from that time and its original plan form can still be seen today. The thatched roof is a good example of vernacular architecture. The cottage was extended in the 19th Century with a lean-to extension, which is clearly visible on the east elevation. A flat roof kitchen extension was added in the 1960s and a rear porch. The kitchen extension and porch are of poor architectural quality and the proposal seeks to remove these.

5.5 The Heritage Statement states that as the proposal would remove existing unsympathetic additions to the property and replace these with a more sensitively designed extension which is set down from the thatched roof and separated from the original building by a glass roof link, it is considered that the proposal would make the earlier part of the building legible. An opening will be created at first floor level into the extension, but this will be through the slate roof of the 19th century lean-to extension and so no historic fabric will be affected. The Conservation and Design Officer agrees with this assessment. Therefore, it is considered that the proposal will preserve the special architectural and historic interest of the listed building in accordance with Section 16 (2) of the 1990 Act and the significance of the designated heritage asset will be sustained, in accordance with Section 16 of the NPPF (2024).

5.6 A number of concerns raised by the submitted representations are not relevant to the consideration of a listed building consent application which is limited to that specified under section 16 (2) of the 1990 Act.

Other Matters

5.7 In line with section 72(1) of the Act, your officers have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. In this regard, it is considered that due to its location, form, scale, massing, height and external appearance, the proposals would conserve the linear settlement pattern, special historic and architectural interest, character and appearance of this part of the Stanton Harcourt and Sutton Conservation Area.

Recommendation

5.8 In light of this assessment and having paid special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, the works are considered to preserve the special character, setting and significance of the listed building. As such, your officers recommend that LBC should be granted, subject to conditions as set out in section 6 of this report.

6 CONDITIONS

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

INFORMATIVES :-

1. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Additionally, the following recommendations are provided to further reduce the likelihood of impacts on this species:

- Removal of materials by hand. If any great crested newts are discovered during removal of materials, materials should be replaced immediately and a suitably qualified ecologist contacted prior to works resuming.
- Any trenches left overnight should be covered or provided with ramps to prevent great crested newts from becoming trapped.
- Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter.
- Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

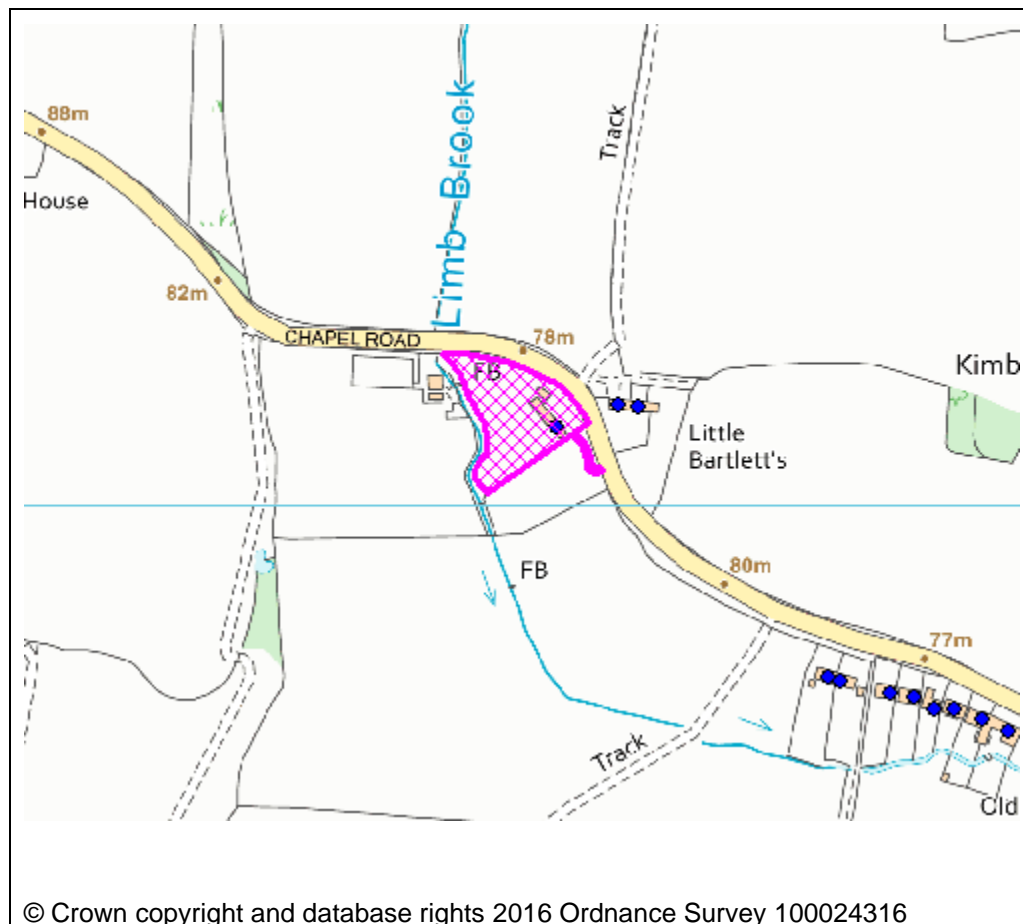
Contact Officer: Clare Anscombe

Telephone Number:

Date: 2nd January 2025

Application Number	24/02415/FUL
Site Address	Shuttles Cottage Chapel Road South Leigh Witney Oxfordshire OX29 6UP
Date	2nd January 2025
Officer	Rebekah Orriss
Officer Recommendations	Refuse
Parish	South Leigh And High Cogges Parish Council
Grid Reference	438585 E 209053 N
Committee Date	13th January 2025

Location Map



Application Details:

Retrospective application to link garden of shuttles cottage for access to paddock and use of drive and field access, with associated landscaping works.

Applicant Details:

Mr And Mrs Nick And Ellen Baish
Shuttles Cottage
Chapel Road
South Leigh
Oxfordshire
OX29 6UP

I CONSULTATIONS

Parish Council

We have read the documents and seen the amended plan with the extended planting fronting the road. Clearly that appears to be an improvement and we would welcome it and in consequence we have no objection to the application in its varied form.

Parish Council

As a Parish Council we do not like the idea of supporting retrospective applications.
We were concerned with the approach of the applicants on one other issue and on this occasion they were prepared to say one thing when their actions and the work on the ground were at odds with their verbal assurances.
However this is a planning application and we have read the report and the applicant's representative who came to the parish council meeting with a helpful plan.
We acknowledge the investment in the property and the improvements made and as it is said in the report in relation to other work - "They carried out extensive refurbishments with planning permission, and the work is still ongoing. This work is now in full view is substantial, add interest to and enhances the appearance of this historic building."
As is also said the extensive planting will in due course begin to act as a screen.
The two vehicular entrances make sense and always did even when that was not what was being represented and the PC would undoubtedly have considered supporting the application.
We have not seen any objection from the highway authority and subject to that we have no objection to the application.

OCC Highways

No Comment Received.

2 REPRESENTATIONS

2.1 There have been no third party representations received.

3 APPLICANT'S CASE

3.1 The Heritage Statement is concluded as follows:

Were Shuttles not treated as a non listed heritage building, then a Heritage Statement would not be required.

Nonetheless, we see the reasons behind making an assessment, albeit in heritage stems this proposal is seen by myself and the applicants as a minor feature not having a significant impact upon the site or its surroundings.

Furthermore, we have offered native planting of trees and hedges that can be conditioned to be completed this next planting season. And finally, though not required as part of this application, we have included a plan to show the range of nature enhancements along the frontage, that the family are keen to carry out in the very near future.

On the basis of the drawings and the points made in this Heritage Statement, we ask that the application be approved will all appropriate planning conditions.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH16 Non designated heritage assets

DESGUI West Oxfordshire Design Guide

EH2 Landscape character

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks retrospective planning permission for the installation of a track to link garden of shuttles cottage for access to paddock and use of drive and field access, with associated landscaping works. The proposal is in association with Shuttles Cottage, located on Chapel Road between South Leigh and High Cogges. The red-line application site was amended to account for the proposed planting.
- 5.2. Shuttles Cottage benefits from an existing access and parking area to the front of the cottage and this has been retained.
- 5.3. The site does not lie within any areas of special designation. The grade II listed buildings Upper and Lower Wayside Cottages are located across Chapel Road within 50m of the application site. The site is within view of a public right of way.
- 5.4. Shuttles cottage has previously been identified as a non-designated heritage asset, although it is not locally listed.
- 5.5. The application is before Members as the Parish views are contrary to those of the Officer.

Planning History

- 5.6. There is extensive planning history for Shuttles Cottage, with changes to both the dwelling itself and the associated land. However, the land to the south has not seen any prior applications for development.

5.7. A previous application extending the curtilage of Shuttles Cottage to the north is as follows:

- W96/0129 - Change of use of land from agricultural to domestic garden, (retrospective). - approved

Principle of Development

5.8. Local Plan Policy OS2 states that 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; as far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s.

5.9. As such the development is supported following further assessment in regard to the design and form impact, landscape impact, listed buildings and Highways.

Siting, Design and Landscape Impact

5.10. Policy H6 (existing housing) of the local plan requires extensions of existing dwellings to respect the character of the surrounding area. The West Oxfordshire Design guide 2016 states 'an overarching principle, the scale, form and character of the original [property should be sympathetically reflected in any proposed changes'.

5.11. Policy OS4 (high quality design) states that new development should 'conserve or enhance areas, buildings and features of historic, architectural and environmental significance including both designated and non-designated heritage assets'.

5.12. Policy EH2 (landscape character) states that new development should conserve and where possible enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape.

5.13. Policy SLE1 of the South Leigh Neighbourhood Plan states that proposals for development should conserve the rural landscape and setting of the Parish's settlements and the historic settlement patterns, landscape patterns and enclosures.

5.14. Further, South Leigh is noted to be a poly-focal settlement in the West Oxfordshire Design Guide formed of different historic cores the design guide advises that open land surrounding and penetrating between cores is a vital component of this type of settlement.

5.15. Shuttles Cottage is located between South Leigh and High Cogges and along with the listed buildings Upper and Lower Wayside Cottages forms a small collection of dwellings. Shuttles is the only dwelling on the south side of Chapel Road and has a large garden to the north. The adjoining land to the northwest has a menage and associated buildings in the same ownership.

5.16. The track has been created in the land to the south of Shuttles and connects the existing driveway to the paddock access gate. The track runs parallel to the highways boundary with a small area of land between the track and the railing that is proposed to be planted with native hedging.

5.17. Officers note that the applicant has stated that the proposed track does not seek to extend the garden of Shuttles. However, the track reads quite clearly as an extension of the existing parking area

associated with the cottage having used the same materials. The site plan indicates a gate separating the track from the existing driveway however, on the site visit officers did not observe any clear separation between the existing driveway and the new track.

- 5.18. In light of the above, officers are of the view that the track forms an extension of the residential land associated with Shuttles Cottage and amounts to a change of use of the land.
- 5.19. The land surrounding Shuttles Cottage is open and undeveloped, being categorised as semi-enclosed rolling vale farmland used for a mix of agriculture and paddock use. Historic maps indicate that the area of land associated with Shuttles Cottage has previously been increased to the north and the site has seen incremental changes over the years. However, the integrity of the southern boundary has been maintained and there have been no previous residential extensions into the land to the south.
- 5.20. While the form of the development is low-lying the Officers consider the arrangement of the track appears as an awkward intrusion into the land surrounding Shuttles Cottage which does not form a logical addition to the existing curtilage associated with the cottage. As the track cuts across the front of the open paddock, officers consider it to have had a transformative effect on the appearance and character of the remaining agricultural land that is likely to increase through the regular use of the track.
- 5.21. In addition, officers are mindful of the potential impact of cumulative development and consider that any expansion of the residential curtilage could facilitate the wider use of the land to the south for further development.
- 5.22. The applicant has stated that this access is safer to use than the existing but no suggestion has been made to close up the original access. In addition, planting has been suggested between the track and the highway to the east of the track. While this planting could be controlled by a condition, in practice the area of land to be planted is quite small and officers are unconvinced this is sufficient to overcome the harms outlined in this report.
- 5.23. As such, the development is considered to be unacceptable with regard to its design and form and has a harmful impact on the local landscape setting of Shuttles Cottage and is contrary to policies OS2, OS4, H6 and EH2 of the West Oxfordshire Local Plan as well as policy SLE1 of the South Leigh Neighbourhood plan.

Non-designated Heritage Asset

- 5.24. Shuttles Cottage has previously been identified as a non-designated heritage asset and an application from 2021 stated it would be highlighted as having historic interest in the South Leigh Neighbourhood Plan. Since the plan was passed Shuttles Cottage does not appear specifically. However, as stated Shuttles Cottage appears on the historic maps and has been consistently assessed against policy EH16 in the Local Plan.
- 5.25. Policy EH16 states that when considering proposals that affect directly or indirectly non-designated heritage assets the presumption will be in favour of the avoidance of harm or loss. A balanced judgment 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.

5.26. In light of the above assessment which finds the design and form of the track to be unacceptable Officers consider that the track does not respect the on the historic curtilage of Shuttles Cottage and there are no clear benefits outweighing this harm and therefore does not comply with policy EH16.

Impact on Neighbouring amenity

5.27. Given the nature of the track officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity.

Highways

5.28. OCC Highways have been consulted on the application as the track is utilising an existing highways access 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.

Other Matters

5.29. Officers note that there is additional planting to the west of the track included on the landscaping plan, this falls outside the red-line and as such cannot be considered as part of this application.

Conclusion

5.30. Taking into account the above matters the proposal is considered unacceptable and contrary to policies OS2, OS4, H6, EH2 and EH16 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016. The recommendation is to refuse.

6 REASONS FOR REFUSAL

1. By way of its form and location the development appears as an urbanising intrusion into the agricultural land to south of Shuttles Cottage which does not form a logical complement to the original character of the property and fails to conserve the rural nature of its countryside setting. The development does not comply with policies OS2, OS4, H6, EH2 and EH16 of the West Oxfordshire Local Plan, relevant paragraphs of the NPPF 2024 and the West Oxfordshire Design Guide 2016.

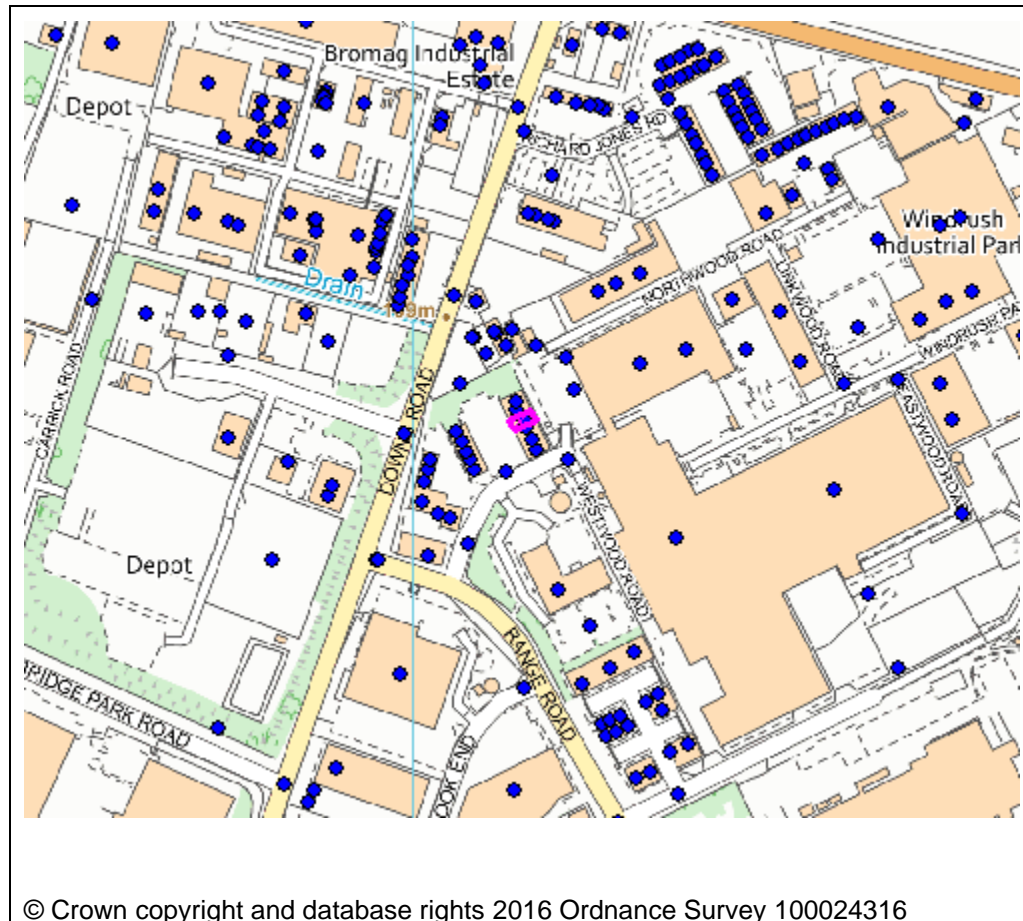
Contact Officer: Rebekah Orriss

Telephone Number:

Date: 2nd January 2025

Application Number	24/02702/FUL
Site Address	Unit C Newman Court Witney Oxfordshire OX29 7LY
Date	2nd January 2025
Officer	Curtis Badley
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	433073 E 210350 N
Committee Date	13th January 2025

Location Map



Application Details:

Change of use from B1 to B2 motor service and repairs

Applicant Details:

Rob Waller LTD Rob Waller
Unit C
Newman Court
Witney
Oxfordshire
OX29 7LY

I CONSULTATIONS

ERS Air Quality	Environmental Protection - Air Quality Further to the above application, I have no objection to the proposed development. However, I will reiterate the comments of my colleague in that activities such as re-spraying of vehicles may require a local authority Environmental Permit.
OCC Highways	<p>OCC Highways Recommendations 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</p> <p>Conditions</p> <ul style="list-style-type: none">• none <p>Comments The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety) on the adjacent highway network</p>
Parish Council	Mrs S Groth Witney Town Council has no objections regarding this application.
Env Health Noise And Amenity	<p>Edward Vandyck, SEHO Given the location of the application site within the existing industrial estate, and to prevent excessive noise impact to other employment use in the vicinity, an appropriate level of noise control for the activity applied for would be a condition to the effect that:-</p> <p>Condition</p> <p>All use of powered tools on site shall take place within the built structure.</p> <p>Advisory</p> <p>This permission relates to a vehicle repair and servicing, the occupier of the premises is advised that the carrying out of body repairs and the introduction of equipment for paint spraying is likely to require separate planning approval and/or a permit to operate under the Pollution Prevention and Control Regulations 2000. Further</p>

information can be obtained from the Council's Environmental Protection Team.

2 APPLICANT'S CASE

2.1 A Design and Access Statement has been submitted and details that no physical changes to the building are proposed.

3 REPRESENTATIONS

3.1 No third party representations received.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

E1NEW Land for employment

WIT6NE Witney sub-area strategy

EH8 Environmental protection

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application is to be heard before the Lowlands Area Planning Sub-Committee as West Oxfordshire District Council own the application site.

5.2 The application seeks planning permission for the change of use from class B1 (now Class E) use to B2 use (motor servicing and repairs).

5.3 Unit C of Newman Court which is located within an existing, established industrial estate off Range Road. The existing building is surrounded by employment land and adjacent to similar uses to those existing and proposed. The site is not bound by any other areas of special designations or constraints.

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:

- Design Scale, and Form
- Neighbouring amenity
- Highways

Relevant Planning History

5.5 W.571/84L (Approved - 11/06/1984)

Light industrial nursery development with ancillary car parking

Principle of Development

5.6 Policy OS2 of the Local Plan sets out that 'a significant proportion of new homes, jobs and supporting services will be focused within and on the edge of the main service centres' which includes Witney where the proposed change of use is sited. Relevant policy EI goes on to state that 'Proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area.' In this case, the proposed change of use is sought to retain an existing employment provision on site which accords with the above policies and is thereby acceptable in principle.

Design, Scale and Form

5.7 The site is located along Newman Court which is an existing industrial estate off of Range Road. As there are no external alterations proposed, a detrimental impact in terms of the siting and design on the surrounding area is not expected. Your Officers consider that the proposed use is in keeping with the surrounding street scene.

Neighbouring Amenities

5.8 The existing site is surrounded by employment land and there is not expected to be an impact upon residential property as a result. The Council's Environmental Health Team have proposed a condition securing that all powered tools use on site shall take place within the built structure in order to prevent excessive noise pollution. However, as the red-lined site area only relates to the building itself, such a condition does not meet the 6 tests as set out in the NPPF and NPPG.

5.9 In light of the above assessment, your Officers have carefully considered the amenity impacts that may arise from the development and have concluded that the application is acceptable in terms of residential amenity.

Highways

5.10 In consideration of the existing site use and nature of the proposed change of use, a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network is not expected. As such, the proposal is considered to comply with Policy T4 of the Local Plan.

Other Matters

5.11 The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.

5.12 No material impact with regard to drainage or other planning matters are identified.

Conclusion

5.12 In light of the above assessment, the application is recommended for approval as your Officers consider it complies with the provisions of policies OS2, EI and T4 of the adopted Local Plan, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

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

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

3. The premises shall be used for the servicing of motor vehicles, diagnostic and repair; and for no other purpose (including any other purpose in Class B2; of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: The site is only suitable for the use specified because of the special circumstances of the site.

INFORMATIVES :-

1. The Local Planning Authority consider that the mandatory requirement of 10% Biodiversity Net Gain is not required for this proposal as submitted.
2. This permission relates to a vehicle repair and servicing, the occupier of the premises is advised that the carrying out of body repairs and the introduction of equipment for paint spraying is likely to require separate planning approval and/or a permit to operate under the Pollution Prevention and Control Regulations 2000. Further information can be obtained from the Council's Environmental Protection Team.

Contact Officer: Curtis Badley

Telephone Number:

Date: 2nd January 2025