

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 1st June 2020**

**REPORT OF THE BUSINESS MANAGER – DEVELOPMENT MANAGEMENT**



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***

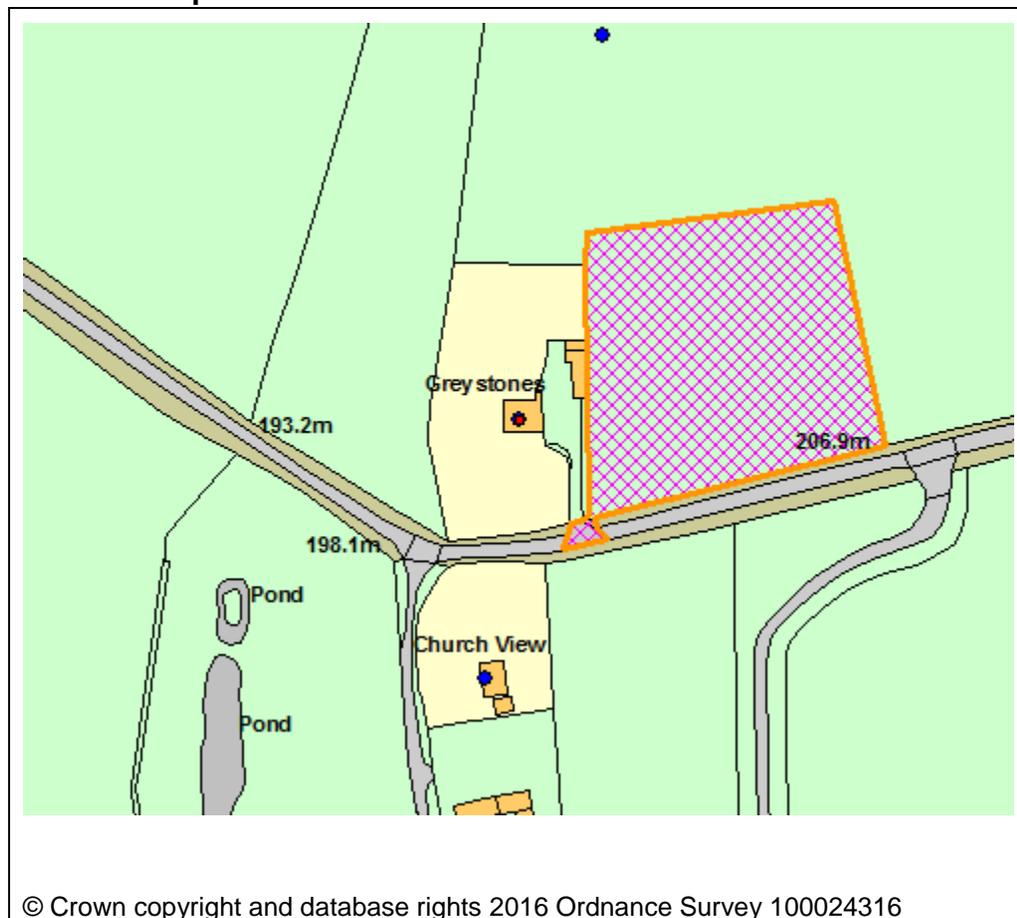
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	I9/02863/FUL
Site Address	Greystones Hook Norton Road Great Rollright Chipping Norton Oxfordshire OX7 5SB
Date	19th May 2020
Officer	Chloe Jacobs
Officer Recommendations	Refuse
Parish	Rollright Parish Council
Grid Reference	432986 E 231421 N
Committee Date	1st June 2020

**Location Map**



**Application Details:**

Construction of new stables, ancillary building and manege (amended plans and description (Access no longer forms part of the application))

**Applicant Details:**

Miss Louisa Harvey, Greystones, Hook Norton Road, Great Rollright, Chipping Norton, OX7 5SB

## **I CONSULTATIONS**

- I.1 Parish Council The Parish Council has no objection to this application
- I.2 OCC Lead Local Flood Authority No Comment Received.
- I.3 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- Recommendation:
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to condition.
- I.4 WODC Drainage Engineers As the above application is considered a major (>1000m2 footprint) we will not be providing comments in this instance and would expect the Lead Local Flood Authority to be consulted.
- I.5 WODC Env Health - Uplands No Comment Received.

## **2 REPRESENTATIONS**

No third party representations have been received.

## **3 APPLICANT'S CASE**

- 3.1 A planning statement was submitted with the application which concludes:
- 3.2 This is a proposal that fits the needs of an equestrian activity on site. The rider and horses are trained to a very high standard and need high quality facilities to reach the levels required for national competition, whilst riding in a safe environment.
- 3.3 The visual impact of these proposals was considered by the council planning officers, and their conclusion is favourable.
- 3.4 The use of traditional materials and low height designs, will reduce the visual impact of these buildings within the site. Planting throughout the holding has helped to enhance the natural appearance of this site within the Cotswolds AONB.
- 3.5 Subject to all appropriate planning conditions it is our summation that the proposals accord with all relevant planning policies.
- 3.6 Should you require any more information, please do make contact at your convenience. In the meantime, we await the Council's decision in due course.
- 3.7 The full statement can be viewed online

- 3.8 Further correspondence with the applicant and agent has highlighted that 'this small development will provide much-needed employment for local contractors and a freelance groom in what is a very challenging time for the self-employed and those with small businesses'.

#### **4 PLANNING POLICIES**

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The amended application seeks planning permission for the erection of stables and a manege on a parcel of land associated with Greystones, Great Rollright. The application has been amended following comments from Officers to remove a proposed new access, re-site the arena and stables and to reduce the size of the proposed stables.
- 5.2 The application site is located on the eastern edge of the Village, Great Rollright. The site falls outside of the Great Rollright conservation area, with the Conservation Area boundary running along the west and south of the site. The application site is situated in the Cotswolds Area of Outstanding Natural Beauty and has a Public Footpath 329/1 which crosses the field to the north. The application site consists of the paddock to the east of Greystones, but the applicant also owns land including that where the main property sits and the remaining paddock areas to its immediate north and west.
- 5.3 This application is brought before members of the Uplands Sub Planning Committee because officer's recommendation differs from that of the Parish Council who has raised no objection to the proposed scheme.
- 5.4 In addition an extension of time was required to determine this application due to the cancellations of all committees in response to the COVID-19 virus.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Siting, design and Scale,
  - Impact on character and appearance of the landscape and AONB
  - Highways
  - Residential amenity

##### Principle

- 5.6 Policy OS2 of the Local Plan states that development in the open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. It also sets out a number of General Principles for all development which includes, inter alia, that it 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;
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development

5.7 In this case, given the site's location within the AONB, one of the main considerations is its impact on the landscape and scenic beauty of the area, which is considered in more detail below.

5.8 The Design and Access Statement advises that the client would like to graze up to 4 horses for her personal use. This statement appears to conflict with the applicant's case stated above which refers to the employment benefits of the scheme including the employment of a groom. There are also existing stabling facilities at Greystones and insufficient evidence has been submitted to justify the need for this large new building within this sensitive valued landscape. Therefore, the principle of development is considered to be unacceptable.

#### Siting, Design and Form

5.9 The application seeks permission for the erection of 25m by 10.6m stable building which would sit approximately 4.5m tall (to the ridge). This stable building would accommodate 4 horse boxes, a storage room, a wash space, toilet, a feed and rug room and a tool shed. Whilst it is understood that the applicant is an avid horse rider, there were no horses within the field or on the site when undertaking a site visit. From recent correspondence, it is stated by the applicant that the horses are kept at 3 different locations but this statement conflicts with the supporting letter from the agent which states that 'The applicant has 4 horses, with 2 currently stabled on the site in temporary stables within the former garage serving the dwelling and 2 stabled off site.'

5.10 The application also seeks planning permission for a manege which would be 30m by 50m. Given the nature of the site, the proposed ménage would require some level of 'cut and fill' operations to allow for the manege to be level and safe for the training of the horses. The manege would be constructed out of suitable materials and no fencing is proposed.

5.11 In terms of submitted details, the scale, design and overall footprint of the proposed building are considered to be insupportable in its current form. In this regard, it is not considered that sufficient justification has been provided for the current proposal, which essentially seeks to add an overly large, new building within this open countryside, AONB location.

5.12 It is considered that the current proposal is still overly-large given its sensitive context and is of a design and form which relates poorly to the existing complex of buildings at Greystones. The site already benefits from a 17m building which has been converted into stables to provide accommodation for two of the horses. There is no evidence to demonstrate why this arrangement needs to be temporary and why other stabling accommodation cannot be provided at Greystones.

#### Impact on the character and appearance of the landscape and AONB

- 5.13 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000.
- 5.14 Due to the open nature of the application site, both the stable building and the manege would be visible from a number of public vantage points including the Hook Norton Road, the adjacent public footpath 329/1/20 and from wider views including those from the elevated position of the Grade I Listed Church of Saint Andrew. Both the stable building and manege are located within a prominent location where the development would appear as an intrusive feature within the landscape.
- 5.15 The amended plans fail to address officers concerns in regards to the impact the development would have on the open countryside and scenic beauty of the AONB and the applicant has provided no such justification for the need for the development. In this case officers do not consider that the applicant has demonstrated that there is a need which would outweigh the landscape harm, particularly as there is already some stabling accommodation at Greystones itself.
- 5.16 Therefore officers have concluded that any benefits from the proposed development would not outweigh the harm caused to this high valued landscape. As such the proposed development would conflict with policy EHI of the Local Plan and the NPPF.

#### Impact on the Setting of the Conservation Area

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

#### Highways

- 5.19 OCC Highways have been consulted on the application 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.

#### Residential Amenities

- 5.20 Given the nature of the proposed ménage and stable block and that there are no neighbouring properties within the immediate vicinity, officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity.

#### Conclusion

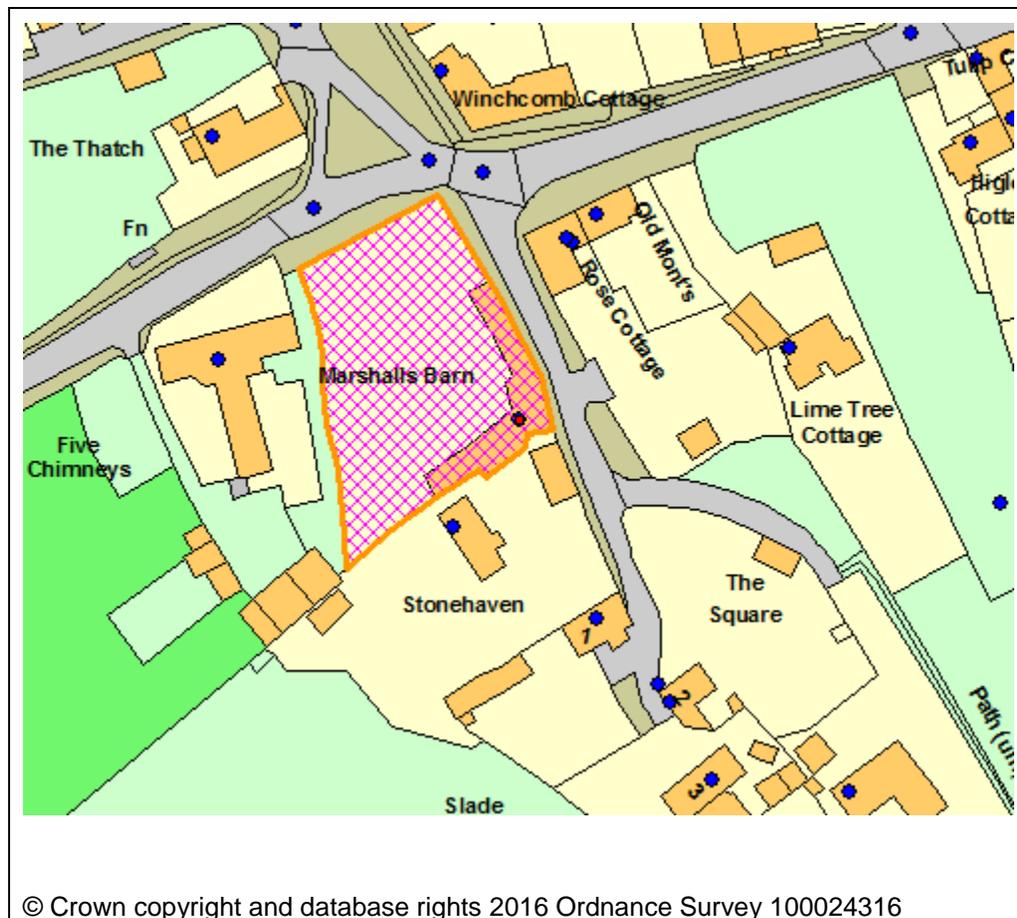
- 5.21 In light of the above assessment, given that the proposed development does not conserve or enhance the Cotswolds Area of Outstanding Natural Beauty, Officers are of the opinion that the proposed stable building and ménage cannot be supported and is contrary to policies OS2, OS4, EHI and EHI0 of the West Oxfordshire Local Plan 2031 and sections 16 and Paragraph 172 of the NPPF.

## **6 REASON FOR REFUSAL**

- I. The proposed development, for which no sufficient justification has been given, by reason of its siting, scale and cut and fill operations will adversely affect the visual amenity of the area and will fail to conserve or enhance the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. As such the proposal is contrary to Policies OS2, OS4 and EHI of the adopted West Oxfordshire Local Plan 2031 and the provisions of the National Planning Policy Framework.

Application Number	I9/03407/FUL
Site Address	Marshalls Barn Church Enstone Chipping Norton Oxfordshire OX7 4NL
Date	19th May 2020
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	437931 E 224936 N
Committee Date	1st June 2020

### Location Map



### Application Details:

Repair and alteration of walls and rebuilding of roof to existing outbuilding to form ancillary dwelling

### Applicant Details:

Mr S Gray/o Banks Design Architects

## **I CONSULTATIONS**

- 1.1 OCC Highways No objection subject to planning condition G28.
- 1.2 Parish Council Mrs B Sinclair Enstone Parish Council **OBJECTS** to this planning application for the following reasons:-
1. Insufficient parking spaces is already an issue in the area.
  2. The height of the roof is of concern - the roof is 1.5 times higher than the barn wall and looks imposing.
  3. The building is next to a listed building and needs to be in keeping with a listed building.
  4. The owners are not resident in this Country and the Parish Council would prefer that this building is lived in as a permanent residence.

## **2 REPRESENTATIONS**

- 2.1 This application has received a total of 12 objection comments; they are as summarised below (these can be viewed in full on the website):

- Impact on traffic/ insufficient parking
- Development for commercial use - Let as an air BNB
- Wall repair no longer feasible as they are too degraded
- Prominent village location (visual amenity)
- Increased level of noise and disturbance
- Due to the condition of the existing walls it is not a repair but a new building.
- Height is too high
- Owners don't live here
- In close proximity to LBs
- The owners are not resident in this Country and the Parish Council would prefer that this building is lived in as a permanent residence.
- Building is too high and will take light from Rose Cottage

## **3 APPLICANT'S CASE**

- 3.1 The owners of Marshall's Barn propose to convert a ruinous former agricultural building to domestic use ancillary to their existing residence - itself a converted suite of agricultural buildings. The ruinous structure has no viable future in its current state: it will continue to deteriorate and will eventually collapse if it continues to be roofless. The cost of reroofing it can only be met through a scheme of renovation and conversion to domestic use - no other function will be viable given the cost of putting a new roof on. The scheme proposed by Banks Design Architects is of very high quality and is appropriate physically and visually/aesthetically. Interventions into the historic fabric are inevitable to achieve the new domestic use but have been limited to the minimum necessary to achieve this purpose. The new use will be

appropriate and will ensure not only the survival but also the use of the building. This means that it will have a viable and sustainable future. The proposals deserve full support.

#### **4 PLANNING POLICIES**

T4NEW Parking provision  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H6NEW Existing housing  
EH9 Historic environment  
EH11 Listed Buildings  
DESGUI West Oxfordshire Design Guide  
NPPF 2019

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

#### **5 PLANNING ASSESSMENT**

5.1 This application seeks planning permission for the repair and alteration of walls and the rebuilding of roof to existing dilapidated barn to form ancillary accommodation at Marshall Barn, Church Enstone. The application site relates to an existing dwellinghouse converted from barns once associated with 5 Chimneys, located west of the property.

5.2 The site does not fall within any special designated areas of control but does sit within close proximity to a number of listed buildings.

5.3 The application is before the Uplands Planning sub-committee members for consideration in accordance with the scheme of delegation as the parish council has raised objections to the scheme contrary to your officers recommendation. An extension of time has been agreed on the application to facilitate this.

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

- Principle;
- Siting, design and form;
- Impact on the heritage assets;
- Impact on residential amenity;
- Highways.

##### Principle

5.5 Policy H2 of the adopted West Oxfordshire Local Plan 2031 states that applications for self-contained accommodation will be permitted, subject to a condition ensuring the accommodation remains ancillary to the main dwelling and where they comply with other plan policies, in particular the general principles set out in Policy OS2. Therefore, your officers are of the opinion that the development is acceptable in principle subject to the below assessment.

##### Siting, design and form

- 5.6 Historically, there was a small barn sited in the position of the proposed new annexe and the shell partially remains. The proposal comprises the incorporation of the existing former barn walls to form an annexe building of simple form and design with a natural slate pitched roof and natural stone walls to match the existing. There is a mix of types of development along the street scene including thatched cottages and large farm houses and converted barns. Marshalls Barn itself is a converted barn.
- 5.7 Amended plans have been submitted to address your officers concerns relating to the scale of the development. The original proposal comprised of two storey two-bed accommodation which was considered tantamount to a new dwelling. The amended plans restrict the development the ground floor only and some first floor windows have been removed. This is considered, on balance, to represent secondary, ancillary accommodation and is now acceptable.
- 5.8 Therefore, given the historic barn which was sited here and by virtue of its scale, siting, design and form of the proposed ancillary accommodation is considered to be acceptable.

#### Impact on the heritage assets

- 5.9 As the site sits within close proximity to a number of listed buildings, the Local Planning Authority is statutorily required to have special regard to the desirability of preserving the buildings, their setting, and any features of special architectural or historic interest they may possess, in accordance with Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to or loss of significance, through alteration or development within the asset's setting should require clear and convincing justification.
- 5.10 Local Plan policy EH11 'Listed Buildings' reiterates this and states that development proposals that conserve or enhance the character, appearance and significance of designated heritage assets (and their settings) will be permitted.
- 5.11 In this case, with regard to the impact on the setting of nearby listed buildings, the proposed ancillary building is not considered to obscure the historical architecture or special qualities of the existing listed buildings. The proposed works are to utilise land that has historically seen development of a similar scale and design. Therefore, overall it is considered that the proposals would preserve the special architectural and historic interest of the surrounding listed buildings, their settings and those of the adjacent listed buildings. The significance of the designated heritage assets will be sustained, in accordance with policy EH11 of the West Oxfordshire Local Plan and Section 16 of the NPPF.

#### Impact on residential amenity

- 5.12 Your officers are of the opinion that given the residential context of the site, and by virtue of the siting, scale and design the proposed development would not be overbearing or result in a loss of light or privacy to the detriment of the occupants of neighbouring properties.

### Highways

- 5.13 The Local Highway Authority has been consulted on the application 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 and relevant paragraphs of the NPPF.

### Other

- 5.14 Concerns have been raised regarding the potential use of the building as a separate holiday let/air bnb accommodation. The development, the subject of this application, is for the use of the new building as ancillary accommodation in association with the main dwelling. Planning permission is not required for the use of residential C3 dwellings (including any ancillary accommodation) for this type of short term holiday let accommodation so this does not come under planning control in this case.

### Conclusion

- 5.15 Taking into account the above matters, the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with policies OS2, OS4, H6, EH9, EH11 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF, the West Oxfordshire Design Guide 2016 and the National Design Guide 2019.

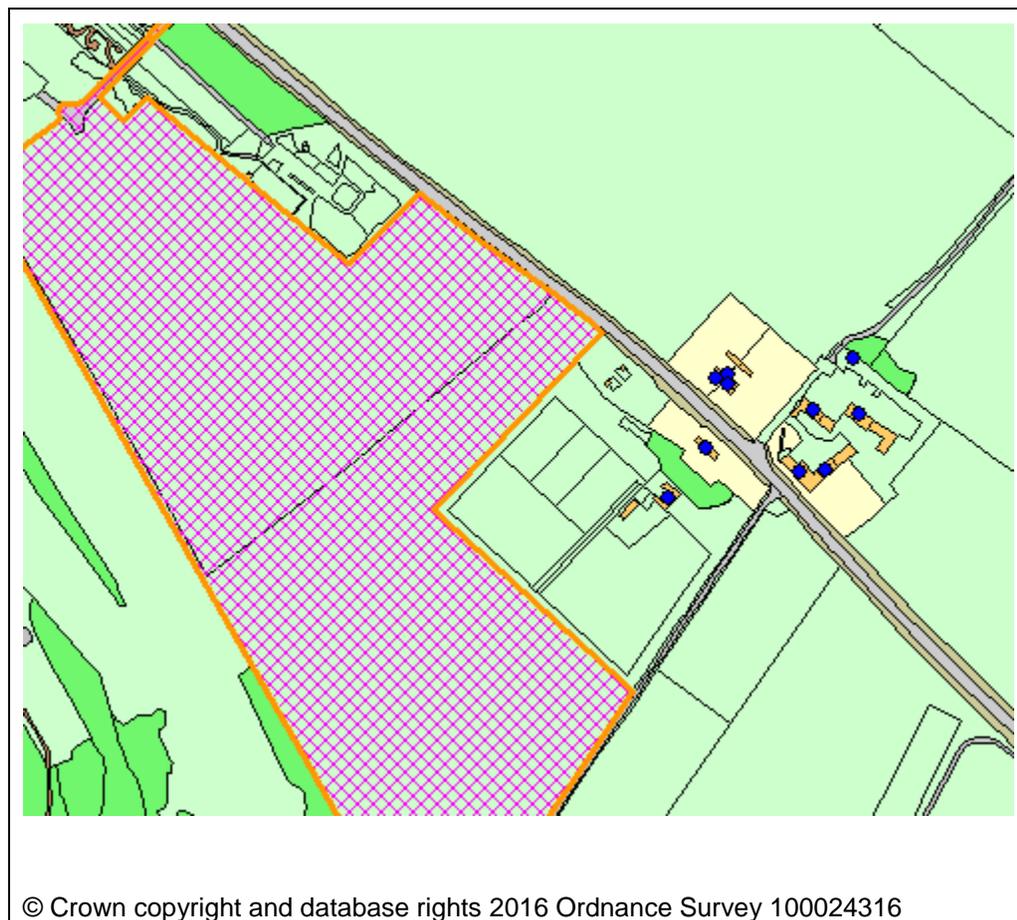
## **6 CONDITIONS**

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. Before first use of the ancillary building, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings, and hedgehog gaps/holes under/through walls and/or fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.  
REASON: To provide new features for roosting bats and nesting birds, and ensure permeability for hedgehogs, as biodiversity enhancements in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire District Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

5. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
  
6. The annexe hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.  
REASON: A separate dwelling in this location would be contrary to policies OS2, H2 and H6 of the adopted West Oxfordshire Local Plan 2031.

Application Number	I9/03504/OUT
Site Address	Cotswolds Hotel And Spa Southcombe Chipping Norton Oxfordshire OX7 5QH
Date	19th May 2020
Officer	Abby Fettes
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	433584 E 227016 N
Committee Date	1st June 2020

### Location Map



### Application Details:

Erection of up to 73 holiday homes and associated infrastructure in connection with existing facilities (amended description).

**Applicant Details:**

Mr Glucka Wijesuriya, C/O Agent

**I CONSULTATIONS**

I.1 TV Police - Crime Prevention Design Advisor

Although I do not wish to object to the proposals, I do have some concerns in relation to community safety/crime prevention design. If these are not addressed I feel that the development may not meet the requirements of;

- The National Planning Policy Framework 2018, Section 12 'Achieving well-designed places', point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'. And;
- HMCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... cohesive and vibrant neighbourhoods.'

In addition, the Design and Access Statement (DAS) does not adequately address crime and disorder as required by CABE's 'Design and Access Statements- How to write, read and use them'. This states that DAS' should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime'. As there appears to be no mention of crime in the DAS I do not feel that this has been achieved. Therefore, to address these concerns and ensure that the opportunity to design out crime is not missed I request that a condition be placed upon any approval for this application.

I.2 CPRE

CPRE West Oxfordshire Objects to Planning Application at Cotswold Hotel and Spa 19/03504/OUT

Historical Precedence and Strategic Overview

This current planning application for the Cotswolds Hotel and Spa at Southcombe refers to 100 lodges and holiday homes (not the 73 which was first proposed) on the land next to the hotel and self-catering apartments. This is a significant increase of the Hotel's capacity which has recently undergone extensive refurbishment including a large extension beside the golf course (17/01758/FUL). It is unclear why the current owner has decided to expand capacity so soon after increasing the size of the hotel which is not yet finished. The twenty self-catering apartments agreed were originally subject to a maximum six weeks length of stay as this land is considered to be in the open countryside and unsuitable for permanent residency. This requirement was revoked to twelve months at appeal (APP/D3125/W/18/3205571) and although the judge accepted it would affect investment into the business model...little evidence was

provided to support this (para 7). CPRE West Oxfordshire is concerned that if the business is unsuccessful the appellant would apply for change of use of the 100 holiday homes and the site would unintentionally create a housing estate in open countryside. The site is not in the SHELAA and neither is it an allocation in the Local Plan for Chipping Norton's housing strategy or for Enstone Parish. The planning history indicates that past inspectors and WODC officers have also consistently considered this site not to be suitable for development. There is no presumption for sustainable development and no sustainability study has been submitted. The site was not identified as part of the current SHELAA for West Oxfordshire and should be refused.

#### Biodiversity and Ecology

The site itself is very close to the edge of the Glyme Valley SSSI and a BBOWT reserve. This area thrives from low levels of human activity with walkers enjoying the tranquillity along the Chipping Norton to Woodstock Glyme Valley Walk, an important Conservation Target Area (CTA) and includes part of the Shakespeare Way and Wychwood Way. For these reasons we do not accept the planning application has placed enough importance to the site which provides significant food for foraging mammals and invertebrates; although the focus of any biodiversity action should be on the CTAs, it will still be necessary to maintain, enhance, buffer and extend areas of wildlife habitat outside the mapped areas in order to maintain the wildlife interest and richness of the wider countryside (Para 5 CTA). This site acts as a buffer zone between human activity and an important SSSI which has remained relatively undisturbed for centuries. Flora associated with this site such as the meadow clary and yellow rattle is testament to this. While we do accept that the plans have considered screening and biodiversity to an extent, we don't think it is in the forefront of the development plans and lack detail. We are also concerned that the current landscaping of the hotel involves plastic rather than natural hedging and are unsure of the intent of the appellant to genuinely add intrinsic value to biodiversity on the site.

#### Pollution

In addition to the disturbance to open countryside from additional noise and light pollution, the infrastructure for containing Surface Water run-off and Foul Water is inadequate. The Contamination Study states that the primary surface water receptor is the River Glyme which at its nearest point is 80 metres from the site (4.5.1) and identifies the site as having a highly significant risk of surface water flooding. (4.5.4). In addition it states that the bedrock beneath the site identified it as a Major Aquifer with high vulnerability and high leakage potential (4.6.2). Yet the study categorises surface water contamination into the Glyme as low based on their assessment the River is far enough away from the site and the contaminants are not deemed too much of a concern.

Thames Water has also omitted any agreement with the developer over Foul Water drainage because they haven't been given the information they need. There would be a clear threat to the River Glyme from sewerage and other surface contaminants. There are also issues over water pressure in the neighbouring properties and a development of this magnitude would exacerbate this problem.

#### Transport

Despite cycle lanes and an hourly bus service from the S3 bus route there is likely to be a noticeable increase in traffic to Chipping Norton and surrounding villages. We are also alarmed by the risk of more visitor traffic that would cross Fairy Tale Farm's pedestrian footpath which is frequented by families with young children; and we are concerned with traffic turning onto the single carriageway A44 from a narrow exit with oncoming HGV vehicles.

#### Landscape setting

While the plans have made efforts to screen the site from view, the development is on a slope dropping down into the valley in close proximity to the AONB and would be seen from footpaths near to the site and from those further than the 2.5 km baseline radius used in the planning application. We strongly object to the premise the appellant claims this site is now a Sports Landscape. By doing so they argue that it is not representative of the merits found in the wider landscape and therefore not as highly sensitive (4.27). The Open Lowland Wolds that make up the site of this new application currently has no sporting value and therefore should be given the upmost protection under the NPPF. Any permanent buildings on the site would have a detrimental impact to this corner of the Enstone Uplands. In the applicant's own words the landscape character is highly sensitive to change due to the close proximity of the AONB. The current plans are not in keeping to the sensitivity of the area and are akin of a small Centre Park rather than a sustainable Cotswold location. Besides which there is already a near-by seasonal camp site at Merry weather farm and over the 200 Air B&Bs plus more hotels providing ample competition in the area. CPRE West Oxfordshire concludes this application falls short of the NPPF guidelines that it is of a proportional and appropriate scale to its context and has a potential cumulative impact to the loss of open space to the area. We strongly urge West Oxfordshire Planning Authority to refuse this planning application.

#### I.3 Conservation Officer

Considering first the indicative architecture, we note that there is little in the proposed layout or in the proposed buildings that would differentiate this from a typical housing development. The buildings are largely formed in sizeable terraces, set closely around courtyards, with a cluster of individual units, still sizable, in the south corner. It is all fairly dense, all two-storied, and not particularly low-lying. The building designs tend towards the innocuous, with hipped roofs, being neither evocative of traditional forms, nor being particularly fresh or

modern. Materials also tend to evoke the typical housing development, with the usual palette of stone and timber-clad walling, and slate roofing.

Turning to prominence and visual impact, we note that this is a fairly wide and open landscape, largely undeveloped and decidedly rural, with some very long views. The site itself has a south-westerly slope, down to the River Glyme, and lies between the golf course to the south-west, and the A44, to the northeast.

The proposed buildings would be set relatively close to the A44, and whilst there is fairly mature hedging, it seems likely that there will be views of the proposed buildings between and over the vegetation, particularly if the hedge become compromised in future years. There are also concerns about views of the proposed development from the public footpaths that run to the west, south and east of the site, some in very close proximity. And bearing in mind the relatively open, sweeping nature of the landscape, there are concerns about longer views too - particularly from the B4026, running around 1.5 kilometres to the south-west, where the development would be seen above and beyond the golf course.

We do, of course, note that there would be some new green screening around and amongst the proposed development, and we also note that there is considerable vegetation on the adjacent golf course, and in adjacent hedgerows. However, we would be very reluctant to rely on vegetation for screening in this context for a variety of reasons, in particular: 1) if the proposed buildings need such screening, they are in the wrong place; 2) vegetation comes and goes, and is very difficult to control; 3) climate warming may well affect many native and established species; 4) trees set in close proximity to buildings are very vulnerable.

So, in summary, this would read as a fairly typical housing development in fairly open countryside, and it seems likely that there would be both long and close views of the proposed buildings. From our point of view it is not an acceptable proposition.

- |     |                             |   |
|-----|-----------------------------|---|
| I.4 | WODC Env Health - Uplands   | The proposal is for a significant number of 'holiday' type homes and associated infrastructure. There is no noise assessment for such a large scale residential development and I'm minded to suggest that there should be some comment from the applicant in terms of site generated noise sources and suitable protection from the prevailing road traffic noise from A44.  |
| I.5 | ERS Env. Consultation Sites | <p>Thank you for consulting our team on the above referenced planning application. I have reviewed the application in relation to contaminated land and potential risk to human health. The following report was submitted with the application.</p> <ul style="list-style-type: none"><li>• RPS Cotswold Club Holiday Village ' Desk Top Study and Preliminary Risk Assessment. JER8205. Dated 19 December 2019.</li></ul> |

In general the conclusions and recommendations made within the

report are supported. It is agreed that efforts should be made to obtain a copy of the Environmental Permit issued by the EA and any additional information the land owners can provide in relations to the works completed under decision notice 12/0156/P/FP. As recommended in the report an intrusive site investigation will be needed to ascertain the suitability of the site for the proposed end use. Please consider adding the following condition to any grant of permission.

1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins
2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

- |     |               |   |
|-----|---------------|---|
| I.6 | WODC - Sports | No Comment Received.  |
| I.7 | WODC - Arts   | Should this proposal be granted planning permission, then the Council would favour the following approach:<br>A contribution of £15,330 towards off-site artist-led participatory activity with local schools to create directional or other signage to enhance walking and cycling routes in the area. |

- I.8 Environment Agency
- The application's RSP Desk Top Study and preliminary risk assessment dated 19th December 2019 demonstrates that it will be possible to manage the risks posed to controlled waters by this development. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.
- The proposed development will be acceptable if the following planning conditions are included to protect groundwater quality. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- I.9 Natural England
- There is insufficient information to enable Natural England to provide a substantive response to this consultation as required under the Town and Country Planning (Development Management Procedure) (England) Order 2015. Please provide the information listed below and re-consult Natural England. Please note that you are required to provide a further 21 day consultation period, once this information is received by Natural England, for us to respond.
- I.10 Biodiversity Officer
- Biodiversity recommendation: objection due to biodiversity harm and insufficient assessment and mitigation information for protected species, priority habitats, designated sites and ecological networks.
- Designated Sites
- The proposal is a large scale holiday homes complex that is in close proximity to the Glyme Valley Enstone Site of Special Scientific Interest (SSSI) and the Glyme Valley BBOWT (Wildlife Trust) reserve, which are both located less than 400m to the south of the application site. There is a public footpath located along the southern boundary of the proposed development site that directly connects to the SSSI and BBOWT reserve. The proposed development would likely lead to an increase in recreational pressure on both these statutory and non-statutory designated sites. Recreational pressure has already been identified as an issue within these sites and there is no consideration as to how the impact might be avoided. Policy EH3 states that SSSI and locally important sites require protection from any development that will have an adverse impact. The proposed development is therefore considered to be contrary to policy EH3 and paragraph 175 (b) of the National Planning Policy Framework (NPPF).
- Surface Water
- There is likely to be an increase in surface-water run-off from the application site, which could potentially drain towards the SSSI. I

understand from the Ecological Assessment report and the Design and Access Statement (prepared by Acanthus Clews Architects, dated 03.05.19) that the existing scrub, tall ruderal and vegetation along the western boundary would be removed and that there would be openings within this boundary. Removing these habitats would remove the existing buffer and could lead to the surface water-run off from the site into the springs and ponds on the golf course, and subsequently the River Glyme. This would lead to adverse impacts on water quality that would negatively affect the SSSI and the associated biodiversity. Again, this is contrary to policy EH3 and paragraph 175 (b) of the NPPF.

#### Protected Species

The Ecological Assessment report identified an active badger sett, high potential for reptiles (such as grass snake and common lizard) and habitat with high suitability for nesting birds on site. Furthermore, great crested newts were present within two of the ponds on the adjacent golf course in 2016. The habitats that support these protected and priority species would be directly or indirectly impacted by the proposed development and the mitigation strategy is considered to be insufficient to avoid, minimise or compensate (the mitigation hierarchy). This is therefore not in line with policy EH3 and paragraphs 170 (d), 174 (b) and 175 (a) of the NPPF.

#### Ecological Networks

The proposed 'green corridor' through the central section of the site is considered to be insufficient, as it would be surrounded by development plots and likely to be illuminated, which would isolate it from the surrounding ecological network and reduce the foraging and commuting opportunities for protected and priority species (e.g. bats, reptiles and badgers). The corridor is not well-connected to surrounding habitats, so connectivity to the wider landscape would be minimal. The green corridor would be more suitably located along a site boundary (e.g. the southern boundary of the site) in order to retain connectivity to the wider ecological network. This would be in line with paragraphs 170 (d), 174 (b) and 174 (d) of the NPPF.

- |      |                              |  |
|------|------------------------------|--|
| I.11 | Thames Water                 | With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that a condition be added to any planning permission. |
| I.12 | WODC Planning Policy Manager | No Comment Received.   |
| I.13 | Adjacent Parish Council      | Chipping Norton Town Council<br>The Council objects to the development and has the following   |

comments:

- The entrance to the site is via the busy A44 and concern is expressed regarding the increase in traffic movements that the development would cause.
- The number of holiday units is excessive at 73 units for the proposed development area.
- A restriction on the occupation of any holiday accommodation should be placed to ensure lets are not for long periods of time to ensure no permanent residency.
- That a restriction is placed on the holiday units to remain categorised as holiday units so not to become residential units.
- The building proposals for the holiday units are to be in line with WODC's Climate Change Strategy and to include that the buildings are to meet exemplary standards of fabric design and efficient energy supply.

I.14 Parish Council

Enstone Parish Council

1. It is not in keeping with the area.
2. The entrance along the A44 is dangerous.
3. Holidays homes will not generate any S106 monies
4. The area is already becoming over-developed with all the new houses in Chipping Norton.
5. Thames Water had reservations about the position of the proposed development, with them stating that it is within 5 metres of a strategic water main and Thames Water do not permit construction over or within 5 metres of a strategic water main.
6. There are concerns regarding the infrastructure regarding the drainage capability and water supplies.
7. Access to the proposed development is close to a busy junction. The presence of 73 properties will create added risk of accidents. At present, when guests exit the hotel or Fairy Tale Farm, they sometimes fail to check oncoming traffic or put other road users at risk by not gauging the speed of approaching traffic correctly before pulling out. The increase in vehicles using the site will create added risk.
8. With regards to material matters - this application may be a pre-cursor to subsequent applications to amend the application from holiday/temporary dwellings to permanent dwellings.
9. Environment - the site is within 500 metres of an SSSI and the delightful Glyme valley. The proposal does not address this and fails to show adequate mitigating actions for the adverse impact it would have. The planning portal includes several objections from environmental organisations which the WODC should uphold.
10. Scale & Viability - there is a significant question mark over the commercial viability of the development. Previous comments made by the WODC planning department highlight this concern and mention that the business case is not tested and

proven. There is a clear possibility that the development would be converted into a residential housing development because it is unviable as holiday accommodation.

I.15 Wildlife Trust

BBOWT Objection

I.16 ERS Air Quality

I have looked at the air quality aspects of this development, because the development is due east of the Chipping Norton Air Quality Management area (AQMA), and I would expect the application to be accompanied by an assessment of the effects of additional traffic on this AQMA.

I would like to have responded via the planning portal to the above, but in lieu of a consultee response button for air quality sorry but I've contacted you direct!

Applying the EPUK criteria (EPUK, IAQM 2017) I have attempted to determine from the information provided whether the development would generate "A change of LDV flows of: -- more than 100 AADT within or adjacent to an AQMA". This information is not readily available from the Transport Assessment report accompanying the application. I believe that the proposed development's relative proximity and direct road link to the Chipping Norton AQMA area requires this application to be accompanied by an air quality assessment. The Council has a statutory duty to improve air quality especially in those areas where it exceeds the national quality objective. An AQMA is the embodiment of the type of area that LAs are duty-bound to address. It would not be appropriate for a local authority to ignore any potential worsening of air quality within an AQMA.

Therefore the applicant must carry out an assessment of air quality in order to consider the impacts of the development on the AQMA in terms of adding car trips from the development towards attractions within the centre of Chipping Norton. Until this information is submitted I do not believe that I am in apposition to provide an appropriate opinion on the likely impact of the development on surrounding air quality and thus I must raise an objection to this proposed development.

I.17 Major Planning  
Applications Team

Highways

No objection subject to conditions and S106 and S278

Lead Local Flood Authority

Objection

Further information required to enable full technical assessment of flood risk, drainage strategy and SuDS usage for the proposal.

Archaeology

No objection

## **2 REPRESENTATIONS**

2.1 Three objections have been received, summarised as follows:

### Drainage

2.2 Although the additional flood risk has been taken into account, there is little evidence of proposals for rain gardens and SUDS etc.  
The issues of water resources, waste treatment, light and noise pollution are not addressed. Particularly as the Chipping Norton sewerage facilities are already at full capacity.  
We have a concern over the water pressure in the area. Currently we have an ongoing case (Ref 31404361 )with Thames Water who have advised that there are a number of properties with the same problem.  
They have advised us that the current pumps cannot deliver a consistent water supply to our immediate area. Our concern is primarily based on the scale of the development and how it will impact on our water pressure.  
The issue of water supply pressure is also crucial and is certainly an issue already.

### Amenities

2.3 Neither are the impacts on local amenities and infrastructure. Just as a small example, its difficult to obtain a doctors appointment in Chipping Norton now, yet alone when another 1200 houses and 100 holiday homes are built.  
This is an over intensive development in open countryside with doubtful commercial justification and therefore a real prospect of a further application for residential use  
The addition traffic movements would pose a significant risk of collision at the A44 access, which I believe is already somewhat of a hazard.

2.4 Cllr Hibbert Biles has made the following comments:

I am surprised that OCC have no objection to this application on highway grounds. I do not support the application. 100 homes regardless of whether they are holiday or for normal use is considerable. I am also surprised that there is no evidence of accidents. On this stretch of road there have been accidents and several residents have tried to get the speed limit lowered because of this.

However my biggest concern is the fact these are allegedly holiday homes. This development already has - I think, 114 bedrooms which do not run to capacity. If these chalet bungalows are not utilised to full capacity I can see the owner wishing to change the planning permission. I note that Chipping Norton Town Council have not given their approval and Enstone PC are so concerned they are holding a public meeting.

## **3 APPLICANT'S CASE**

3.1 The Planning Statement is concluded as follows:

3.2 The current proposal is an outline planning application for a proposed holiday village of 73 units and associated landscaping and infrastructure as an extension to the existing Cotswolds Hotel and Spa (CHS). The Description of Development is:

- 3.3 "Outline planning permission with all matters except access reserved for the development of a holiday village with 73. holiday homes (Class C3), landscaping and associated infrastructure, and other ancillary development at Cotswolds Hotel and Spa."
- 3.4 The proposed development will support the business operation of the Golf Club along with the Hotel and Spa and will provide a range of holiday accommodation in a location which is accessible by public transport and in close proximity to an existing settlement (Chipping Norton). It forms part of an overall Business Plan which was submitted by the Applicant in relation to Phase I, in that the holiday village will also serve to support the existing operations and is an integral part of the plan to make the CHS and Golf Course a financially sustainable business. Hence, the proposed development is considered to amount to sustainable development and is entirely in line with the aims of Policies OS2 and E4 of West Oxfordshire Local Plan 2031 (2018).
- 3.4 The proposed holiday villages provide a range of 3no. and 4no. bedroom units in a parkland setting, which will result from extensive landscaping proposals that seek to significantly improve the visual amenity of the site and its surroundings.
- 3.5 Pre-application advice provided by the Council indicated that the proposals were considered premature, although there was no policy basis to support this position, and arbitrary date was provided as to when it would be acceptable. However, it has been demonstrated that the proposal will not, to any extent, be premature since its approval will not undermine the plan-making process and no requirement is set by extant policies to demonstrate the financial viability of a development as part of the assessment of its acceptability in principle. Indeed, the Council's endorsement of the applicant's Business Plan which indicated that the holiday village would contribute to the financial stabilisation of the CHS and Golf Club within two years of the self-catering apartments opening confirms that the application is not in any way premature.
- 3.6 The principle of the development has been endorsed at pre-application stage (notwithstanding the prematurity point), and the Local Plan is clearly explicit in supporting such development in Policies OS2 and E4, as well as through NPPF Paragraph 83.
- 3.7 There are no known technical constraints to the proposed development. The scheme's design, albeit reserved for future consideration, will be of a very high quality, and reflects the character of existing buildings on site as well as those in the surrounding area. The proposals have been landscape-led in nature, and the proposed development will restore scarred land which will ensure that the visual impact is mitigated.
- 3.8 The proposals will not increase flood risk elsewhere and appropriate surface water drainage proposals have been submitted with the application.
- 3.9 There will be ecological net benefits from the proposed development as demonstrated with the submitted ecological reporting and mitigation schemes proposed, and the mitigation can be secured by way of condition.
- 3.10 The application includes access as part of its considerations. The existing access to the A44 will be utilised and it has been demonstrated within the submitted Transport Assessment that this is satisfactory for the purposes. The TA also demonstrates that the site already benefits from sustainable transport options and any additional traffic can be accommodated within the existing network without causing any severe impacts.

- 3.11 The Applicant has proposed an occupancy condition which is taken from the wording of a previous decision, secured on appeal, relating to the 'Phase I' self-catering apartments, and which will address any concerns regarding the proposed development's use as for holiday purposes only.
- 3.12 For the reasons above, RPS is of the view that the proposal is compliant with relevant planning policies and taking into account all material considerations, the proposal is considered to be acceptable. Hence, the Council is kindly requested to approve the current proposal in accordance with NPPF Paragraph 11c).

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS5NEW Supporting infrastructure

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH7 Flood risk

EH8 Environmental protection

E4NEW Sustainable tourism

NPPF 2019

CN2 Chipping Norton sub-area Strategy

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application seeks outline planning consent for up to 73 holiday homes to the west of the Cotswolds Hotel and Spa with only access for consideration, with layout, scale, appearance, and landscaping reserved.
- 5.2 The application site falls across both Chipping Norton and Enstone parishes. It is outside the Cotswolds AONB and is not within any other areas of special designation.
- 5.3 There is extensive planning history at this site. Most recent and relevant are:

17/01758/FUL Erection of a three-storey extension to the existing hotel for use as 20 self-catering apartments, extension to hotel reception, erection of a building housing fitness studios, gym, swimming pool and spa facilities, and associated access, car parking, infrastructure and landscaping. (Amended drawings). Approved 26.1.18 This was an on balance recommendation, and considered to be an appropriate scale of extension to the existing hotel facilities, located adjacent to the current hotel.

and;

19/00087/FUL Siting of four mobile homes for temporary staff accommodation (retrospective).

This application was refused and the appeal decision was received on 6th May 2020. It was dismissed and the inspector found that 'the proposal fails to show an essential need for rural workers to live permanently at or near their place of work. Neither is it shown that the proposal falls within any of the other exceptions listed in policy H2 of the LP. As such, the proposal represents unjustified isolated rural homes in the open countryside. Therefore, the site

does not provide a suitable location for housing and is contrary to policies OS2 and H2 of the LP and paragraph 79 of the Framework'.

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

Principle

- 5.5 The proposal is for 62 grouped 3 and 4 bed holiday homes and 11 detached holiday homes, which would also be also 3-4 bed, on land to the east of the existing golf club and hotel.
- 5.6 Policy OS2 of the West Oxfordshire Local Plan 2031, September 2018 (LP) sets out a district wide strategy that seeks to locate most development in identified main service centres, rural service centres and villages. Outside of those areas development in the small villages, hamlets and open countryside will be limited to that which requires, and is appropriate for, a rural location. The application site is outside of any identified settlement in the LP strategy. Consequently, it constitutes open countryside for the purposes of the LP.
- 5.7 Policy E4 states that new tourist and visitor facilities should be located within or close to service centres wherever possible. In some cases tourism development in the open countryside may be justified if associated with a particular countryside attraction or a farm diversification scheme.
- 5.8 Policy CN2 states that new development will be limited to meeting local community and business needs and steered towards the larger villages.
- 5.9 The applicant seeks to argue that this proposal will be supporting the existing Golf Club and Hotel business but the previous scheme for 24 self catering units has not yet completed and there is no justification for an expansion on such a huge and disproportionate scale, particularly prior to those units being completed and demonstrating the business case for further expansion in the open countryside. Your officers consider this scheme to be totally disproportionate to the existing site, and it would be tantamount to a new residential development in the open countryside, for which there is no justification. There is no real link between this proposal for independent holiday homes and the existing hotel, it would be a totally separate entity from the existing business. The recent appeal decision for the 4 mobile homes was dismissed as they were considered to be unjustified isolated rural homes, and they were located within the vicinity of the golf club, not so detached as this proposal which would extend out further into the countryside.
- 5.10 The applicant seeks to argue that this is previously developed land as a previous permission for a driving range was started but not completed. The difference between a driving range and a development of 73 houses is clearly very significant in both nature, scale, and appropriateness in the open countryside, and your officers do not consider this to be a justification for deviating from current planning policy.
- 5.11 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The benefits associated with this proposal do not outweigh the significant weight given to the conflict with the development plan policies and consequently they do not justify determining the development other than in accordance with the adopted development plan and Framework.

### Siting, Design and Form

- 5.12 This is an outline with matters of layout, scale and appearance reserved. However, the design and access statement goes into some detail regarding the appearance of the buildings and the indicative layout shows large, two storey detached properties and clusters of dwellings with car ports and garages which are not characteristic of holiday homes, and the layout is very much one of a new residential development. The layout is suburban with cul-de-sacs and would result in development that would be an alien feature in the landscape.

### Highways

- 5.13 The County Council as Highway Authority have not raised an objection to the scheme.
- 5.14 OCC comment that:  
The proposed units will be served from the existing access. The access currently operates adequately, and the accident data does not suggest there are any highway safety considerations associated with this.

The applicant has undertaken a trip generation assessment using TRICS software, this has been undertaken using the correct parameters. This shows that the busiest periods are during the weekend afternoons/evenings which does not coincide with the typical peak network hours. During the week the busiest period does coincide with the PM peak period, however, the vehicle numbers are not significant and should not majorly affect traffic flow on the A44. It should also be noted that the busiest time of year for the proposed holiday accommodation is expected to be the school summer holidays when the network is typically quieter.

Junction capacity assessments have also been undertaken using Junctions9 software, however, this shows that the junctions are all operating within capacity and the development will not cause a material impact on these.

- 5.15 On site cycle and vehicle parking is considered to be able to be provided in accordance with the recommended levels. And a contribution is sought towards a travel monitoring plan.
- 5.16 Whilst it is noted there is a level of local concern regarding the sustainability of this site in terms of additional traffic and car journeys that would be generated, and the safety of the junction, on the basis that there is no technical objection a reason for refusal on Highway grounds cannot be justified.

### Air Quality Impact

- 5.17 Environmental Health officers have raised concerns regarding the scheme in terms of Air Quality.
- 5.18 Chipping Norton has an Air Quality Management Area (AQMA) that exceeds current guidelines for air pollution. An AQMA is the embodiment of the type of area that Local Authorities are duty-bound to address. It would not be appropriate for a local authority to ignore any potential worsening of air quality within an AQMA. This proposal is likely to increase the amount of traffic into Chipping Norton and although it was requested in March, no Air Quality Assessment

has been submitted. A reason for refusal has been included to address this omission as the proposal is contrary to Policy EH8.

#### Landscape impact

- 5.19 Having regard to prominence and visual impact, this is a fairly wide and open landscape, largely undeveloped and rural, with some very long views. The site slopes down to the River Glyme, and lies between the golf course to the south-west, and the A44, to the north-east. The proposed buildings would be set relatively close to the A44, and whilst there is fairly mature hedging, it seems likely that there will be views of the proposed buildings between and over the vegetation, particularly if the hedge becomes compromised in future years. Officers also have concerns about views of the proposed development from the public footpaths that run to the west, south and east of the site, some in very close proximity. A scheme of the size proposed would have an unacceptable urbanising impact on the countryside, and it is not considered that it would conserve and enhance the quality, character and distinctiveness of the landscape contrary to EH2.

#### Ecology

- 5.20 Natural England, the District Ecologist and BBOWT have all raised objection due to biodiversity harm and insufficient assessment and mitigation information for protected species, priority habitats, designated sites and ecological networks. The site is close to both the Glyme Valley Enstone Site of Special Scientific Interest (SSSI) and the Glyme Valley BBOWT (Wildlife Trust) reserve, which are located less than 400m to the south of the application site. Additional information was requested and the applicants agent indicated on 29th April that further reports would be submitted. At the time of writing this report it cannot be demonstrated that the proposal would not cause significant harm to biodiversity, contrary to policy EH3 and paragraph 175 of the NPPF.

#### Other matters

- 5.21 Water pressure and sewerage capacity have been raised as concerns locally. Thames Water have requested that a condition be included in any permission.
- 5.22 OCC as Lead Local Flood Authority have drainage objections and further information required to enable full technical assessment of flood risk, drainage strategy and SuDS usage for the proposal. A reason for refusal has been attached to address this omission.
- 5.23 Public Art have requested that a contribution be made, £15,330 towards off-site artist-led participatory activity with local schools to create directional or other signage to enhance walking and cycling routes in the area.

#### Conclusion

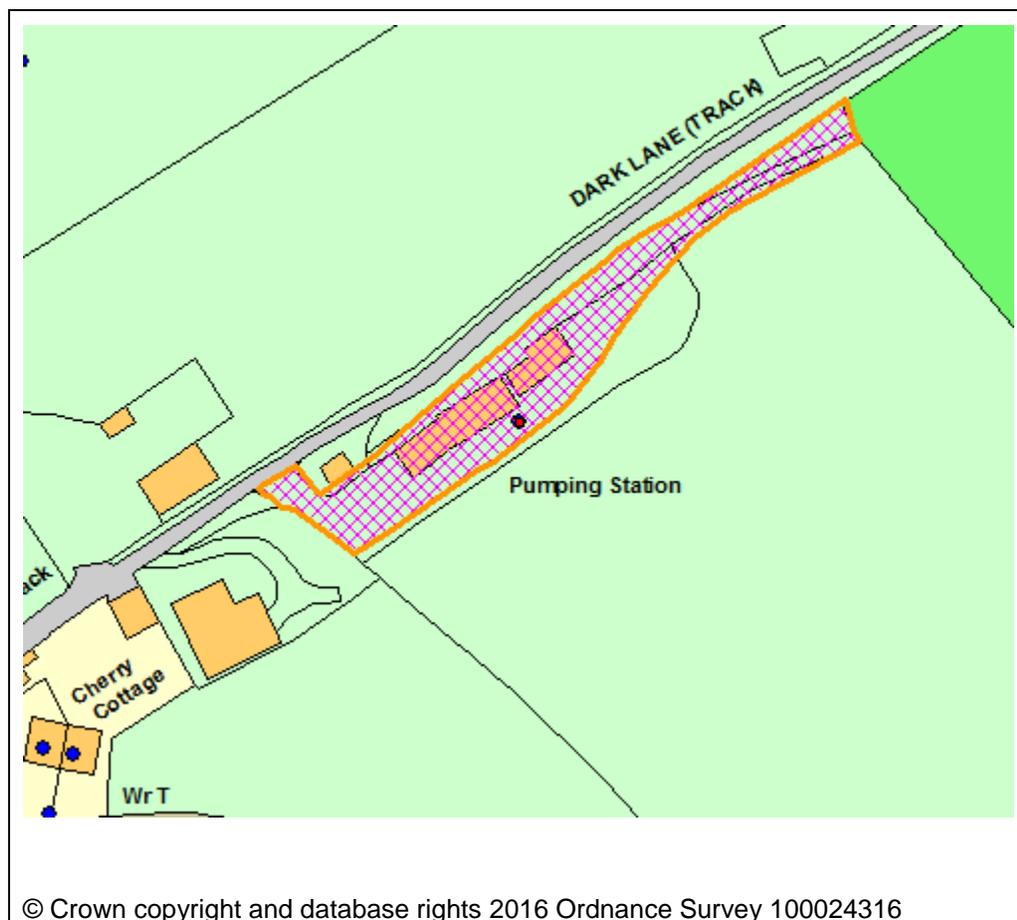
- 5.24 For the reasons set out above, the proposal is considered to be contrary to policies OS2, OS5, E4, EH2, EH3, EH7 and is recommended for refusal as set out below.

## 6 REASONS FOR REFUSAL

1. The proposal is for up to 73 holiday homes to the south east of Cotswold Hotel and Spa and to the south of the A44. The site is therefore in the open countryside. It has not been demonstrated that there is a functional link to the existing business or a demonstrable need for this development. There would be a substantial adverse impact on the character and appearance of the site and the nearby area arising from the extent and scale of built form and the countryside would be urbanised and its tranquillity disturbed to a significant and harmful degree. There would therefore be an unacceptably harmful impact on the character and appearance of the area which is not outweighed by any benefits. There are no material considerations that indicate that the development plan should not be followed. The proposal is thus contrary to West Oxfordshire Local Plan 2031 Policies OS2, EH2, E4 and CN2, and the relevant paragraphs of the NPPF.
2. It has not been demonstrated that the proposed development would not result in biodiversity harm through increased recreational pressure and surface water run-off into nearby designated sites, insufficient mitigation for protected and priority species and the fragmentation of the ecological network. This is contrary to Local Plan Policy EH3 and paragraphs 170 (d), 174 (b), 174 (d), 175 (a) and 175 (b) of the NPPF.
3. It has not been demonstrated that the proposal would not unacceptably impact the Chipping Norton Air Quality Management Area (AQMA) and is therefore contrary to policy EH7 of the West Oxfordshire Local Plan 2031 and paragraph 181 of the NPPF.
4. It has not been demonstrated that the proposal can be implemented with adequate sustainable drainage systems without impacting on the existing drainage network, and exacerbating flood risk. The proposal is therefore contrary to policy EH7 and the relevant paragraphs of the NPPF.
5. The applicant has not entered into a legal agreement or agreements to secure the provision of: Travel Plan monitoring or Public Art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently, the proposal conflicts with West Oxfordshire Local Plan 2031 Policies OS5, T3 and paragraphs 54 and 56 of the NPPF.

Application Number	20/00032/FUL
Site Address	Land South Of Dark Lane Wilcote Riding Finstock Oxfordshire
Date	19th May 2020
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Finstock Parish Council
Grid Reference	436289 E 216219 N
Committee Date	1st June 2020

### Location Map



### Application Details:

Removal of existing stables and storage units. Erection of new storage building (amended plans)

### Applicant Details:

Mr J Gomm  
35 High Street, Ascott Under Wychwood, Chipping Norton, OX7 6AW

## I CONSULTATIONS

- I.1 Parish Council Finstock Parish Council continues to object to this application on the same grounds as previously submitted on the original plans.
- Whilst the length of the new storage building and the number of skylights have been reduced the overall impact remains substantial on the rural environment. The height to the ridge of 6 metres is the same and again the scale and bulk of the building would be seriously detrimental to the mainly rural surroundings in Dark Lane.
- The Parish Council's objections on Cotswolds AONB, Finstock Conservation Area, removal of unauthorised containers, vehicular access, and bridlepath damage grounds are maintained.
- There is no planning justification for this substantial increase in built commercial space to the detriment of adjoining residential occupiers, walkers and riders enjoyment of the existing countryside in Dark Lane.
- I.2 Biodiversity Officer Preliminary bat roost assessment required.
- I.3 Parish Council No Comment Received.

## **2 REPRESENTATIONS**

8 letters of objection have been received in respect of this application. These are available to view in full on the Council's website. The main points raised are as follows:

- i) structure is inappropriate for this rural local location;
- ii) adverse impact on the Cotswold AONB;
- iii) wildlife in the area will be negatively impacted;
- iv) the building will be visible and design and materials not in keeping;
- v) ongoing, or even extra use of this bridleway by any vehicles would further erode the track surface;
- vi) present an increased safety hazard as sight lines are not clear at the top of the track;
- vii) adverse impact on the views from the public footpath.

## **3 APPLICANT'S CASE**

- 3.1 The Design and Access Statement submitted in support of this application is concluded as follows:
- 3.2 The new proposed structure is a purpose made steel framed building with steel cladding, the colour of which can be controlled by the LPA. It is intended to replace the numerous old dilapidated buildings on the site, as shown on the plans/elevations, and will clearly visually tidy the site to an acceptable level. The building is very well screened by the local topography and is deemed to be acceptable.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

T4NEW Parking provision

NPPF 2019

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the removal of existing stables and storage units and the erection of a new storage building on land South of Dark Lane.
- 5.2 The site currently comprises a range of five existing buildings including a workshop, a workshop/store, a stable building and two steel storage containers which sits on hardstanding.
- 5.3 The site runs adjacent to the Dark Lane which is a public right of way.
- 5.4 The site also falls within the Finstock Conservation Area and the Cotswold Area of Outstanding Natural Beauty.
- 5.6 Amended plans have been submitted to address your officers concerns relating to the scale of the proposed building.
- 5.7 This application is before Members of the Planning sub-committee for consideration in accordance with the scheme of delegation as the Parish Council object to the proposal.
- 5.8 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;
  - Siting, Design and Form;
  - Impact on the Conservation Area;
  - Impact on the Cotswold AONB;
  - Residential Amenity;
  - Highways safety;
  - Biodiversity.

### Principle

- 5.9 Given the existing range of storage/workshop buildings and stables on the site, the provision of a replacement building is considered to be acceptable in principle subject to its compliance with the Local Plan policies as assessed below.

### Siting, Design and Form

- 5.10 This application proposes to remove an old dilapidated stable building and two steel storage containers and replace them with one purpose built steel framed storage building. Your officers initially raised concerns relating to the scale of the proposed building compared to the existing built form on the site. However, amended plans have been submitted reducing the length of the building. Further, your officers considered that the number of rooflights proposed overly domesticated the storage building. Therefore, the amended plans submitted propose a reduced number of rooflights which only sit on the southern roof plain positioned furthest from Dark Lane. Whilst it will be visible from the public realm, given the context of the site, that the building will replace a number of unsightly existing structures, and by virtue of its siting, design and form, your officers consider that the proposed development will appear an appropriate building which would not look alien in this semi-rural setting preserving the visual amenity of the area.

#### Impact on the Conservation Area

- 5.11 Since the application site is within a Conservation Area, your 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. Furthermore, the paragraphs of Section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this case, given the context of the site, the nature of the proposed works and the above assessment in relation to the siting, design and form of the development, your officers consider that the character and appearance of the Conservation Area will be preserved.

#### Impact on the Cotswold AONB

- 5.12 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance given the context of the site, the scale, design and form of the development, and that the replacement building will reduce the built form sprawling into the open countryside, your officers consider that the landscape and scenic beauty of the AONB will be conserved.

#### Highways

- 5.13 Whilst no formal consultation response has been received from the Local Highway Authority in respect of this application, the access and existing parking area will be unaffected by the proposal. Therefore, the application is considered to be acceptable in these terms.

#### Residential Amenities

- 5.14 By virtue of its distance from the nearest residential property, your officers do not consider that the proposed development would result in any adverse impacts in respect of residential amenity.

#### Other Issues

- 5.15 Your officers note the issues relating to land ownership and access rights raised by members of the public in the representations submitted. However, these are not material planning issues that can be considered as part of the determination of this application.

### Conclusion

- 5.16 In light of the above, your officers are of the opinion that the application is acceptable and complies with policies OS2, OS4, EH1, EH3, EH9, EH10 and T4 of the adopted West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF 2019.

## **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 development shall be completed in accordance with the recommendations in Section 5 of the Phase I Bat and Nesting Bird Survey report, dated 6th May 2020, prepared by Ridgeway Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.  
REASON: To ensure that the bat and bird species 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 (in particular Chapter 15), Policy 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.
5. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. open-fronted bird boxes, house sparrow terrace, starling box, swift brick, house martin nest cup and/or integrated barn owl box on the north or east-facing elevations), integrated within the walls of the new building as well as erected onto the external walls of the buildings and/or onto trees within the wider site, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.  
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy

Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

6. Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any new roosting features and that light spillage into wildlife corridors (e.g. along the northern and southern boundaries of the site) will be minimised as much as possible.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

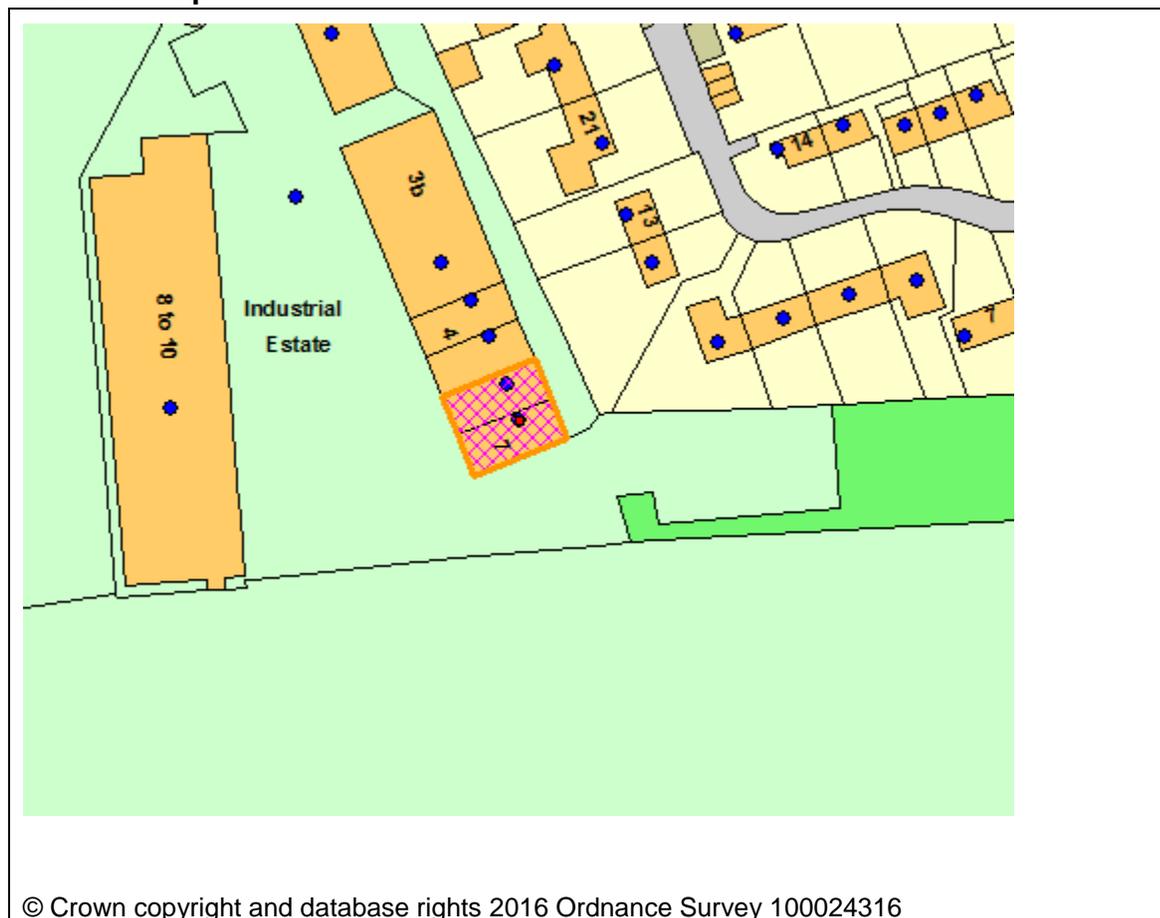
REASON: To protect foraging, commuting and roosting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire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

#### NOTES TO APPLICANT:

1. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
2. All British bat species are protected under The Conservation of Habitats and Species Regulations 2017, 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 is required before any works affecting bats or their roosts are carried out.
3. 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. If this is not possible then a nesting bird check will need to be carried out before the commencement of the works.

Application Number	20/00287/FUL
Site Address	Unit 7 Wychwood Business Park Milton Road Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6XU
Date	19th May 2020
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427469 E 217884 N
Committee Date	1st June 2020

### Location Map



### Application Details:

External alterations to Unit 6 & Unit 7 to include additional windows and re cladding and removal of roller shutter. Change of use from office/storage to light industry. Installation of external staircase (Amended Plans)

**Applicant Details:**

Clare Dudley

Unit 7, Wychwood Business Park, Milton Road, Shipton Under Wychwood, OX7 6XU

**I CONSULTATIONS**

- I.1 Parish Council Shipton Parish Council would like to comment on this application.
- The Parish Council welcomes the employment opportunities this proposal will bring and hopes the developer is willing to participate in a local apprenticeship scheme. Concerns have been raised that whilst confined to the business park, materials used are more suitable for an urban setting. Also of concern is the potential increase in vehicle usage with implications for traffic safety close to the school and the nursery and close to a bend.
- I.2 WODC Business Development I am writing to register my full support for this application. VoCovo is a brilliant local business that has grown massively over the last few years. The works proposed in this application will enable the business to remain in Shipton under Wychwood and create high value jobs in the village. This is what the rural economy is about.
- I.3 OCC Highways No objection.
- I.4 WODC Env Health - Uplands No Comment Received.
- I.5 Newt Officer No comment.

**2 REPRESENTATIONS**

- 2.1 No third party representations have been received.

**3 APPLICANT'S CASE**

- 3.1 A design and access statement was submitted with the application which concludes:
- 3.2 This document demonstrates that the proposed scheme does not have a negative impact on the AONB and is of a high standard of design in terms of the materials and construction methods used so as to not negatively impact the amenity of neighbouring properties by virtue of its citing, materials, scale, mass or intensity of use and will have a positive impact on the surrounding environment.
- 3.3 In summary, we seek approval to make the above external alterations to ensure the applicant has a office reflective of their business and can continue to attract talent and create local employment. This Statement provides an accurate representation of the proposal reflected in the Planning Application which we trust can be determined quickly.
- 3.4 A full copy of the design and access statement can be viewed online.

## 4 PLANNING POLICIES

EH9 Historic environment  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH1 Cotswolds AONB  
EH10 Conservation Areas  
EI1NEW Land for employment  
T4NEW Parking provision  
NPPF 2019  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

- 5.1 The amended application seeks planning permission for a number of internal and external alterations to Unit 6 & Unit 7 at Wychwood Business Park in Shipton under Wychwood to include additional windows, re cladding and removal of roller shutter. The proposal also seeks to change of use from office/storage to light industrial and the installation of an external staircase.
- 5.2 The new signage shown on the proposed plans would require a separate advertisement consent application.
- 5.3 Units 6 and 7 form part of the two storey terraced industrial units constructed out of steel frame, cladding and natural stone at Wychwood Business Park. The business park is located on the edge of Shipton under Wychwood within the Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.
- 5.4 This application is before members of the Uplands Sub Planning Committee for determination at the request of Councillor Acock.
- 5.5 An extension of time for the determination of the application has been agreed due to the delay caused by the cancellations of previous committee meetings in response to the COVID-19 virus.
- 5.6 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
  - Siting Design and Form
  - Impact on the Conservation Area
  - Impact on the Cotswold AONB
  - Residential Amenity
  - Highways

### Principle

- 5.7 Policy OS2 states that villages such as Shipton under Wychwood are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities.
- 5.8 The proposed development seeks to make alterations to an existing employment site so that it meets the needs of the business. Policy EI states 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. This may include redevelopment, replacement buildings or the expansion of existing employment uses.
- 5.9 The proposed development seeks to make external changes to the appearance of Units 6 and 7 along with some internal modifications including the change of use of Unit 6 so that the site can be used for light industrial uses to improve the effectiveness of the existing employment operation within these two units.
- 5.10 Therefore, the principle of the development is considered to be acceptable subject to the proposed development being appropriate for the scale and character of the area.

#### Siting, Design and Form

- 5.11 The scale and footprint of the proposed building is not sought to change through this application. The only changes proposed are to the internal layout and the external appearance of the two units subject to the application. The proposed changes to the external appearance of Units 6 and 7 include the cladding of the front and side elevations with HPS200 goosewing grey cladding, the removal of the roller shutter at the front of Unit 6 and to replace this frontage with a curtain wall glazing approximately 6.2m wide x 4.6m high. This would provide a new main entrance to the site, the installation of new low and high level windows to the rear elevation, and the installation of a fire escape to the Southern elevation. The proposed changes are considered, by virtue of their siting, design and materials, to be appropriate in this industrial park context.
- 5.12 The erection of the new double height Vocovo corner sign shown on the plans would require separate advertisement consent so does not form part of this assessment.
- 5.13 Please note that the proposed elevation plan is annotated to show 'Goodwing Grey' cladding. This is a mistake and should say 'Goosewing Grey'. Your officers are expecting amended plans to be submitted before the committee meeting and the wording of condition 4 will be amended to state the new drawing number for the avoidance of doubt as to what is permitted. Your officers will verbally update members in respect of this matter during the meeting.

#### Impact on the Conservation Area

- 5.14 The application site is situated within the Shipton under Wychwood Conservation Area. Your officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

- 5.15 In this regard it is considered by your officers that, on balance, the proposed external alterations, including the re-cladding and new glazing, are considered to respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed, the industrial context of the site, and its location.

#### Impact on the Cotswold AONB

- 5.16 Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. It is considered that the proposed external alterations would only be viewed in its immediate business park context and would therefore not give rise to any adverse impacts on the wider Cotswold AONB.

#### Highways

- 5.17 The site benefits from an existing access which adjoins onto Milton Road and the site itself can accommodate for 16 parking spaces to serve the business.
- 5.18 The Parish Council have raised concerns about the proposed scheme on the indirect impact the proposed alterations would have on increasing travel movements to and from the site and the impact this would have on the highways safety and convenience of the main road which accommodates the school and a new development..
- 5.19 The Local Highway Authority has been consulted on the application and has raised no objections in regards to highways safety and convenience. On this basis, without a technical objection from OCC Highways, your officers cannot warrant a refusal on highways safety grounds and therefore the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

#### Residential Amenities

- 5.20 In terms of the impact on neighbouring amenity, this has been carefully assessed. The proposed development involves the addition of some high level windows within the rear elevation which face on towards the residential properties along St Michaels Close and Ballard's Close. Your officers are of the opinion that given these windows are to be high level and that there is a separation distance between the windows and the rear of the adjacent neighbouring properties of approximately 23m, that the insertion of these windows are considered to be acceptable, on balance.
- 5.21 The proposed units are not sought to change in regards to their scale and form and therefore the proposed development is not considered to be overbearing or give rise to loss of light to any neighbouring properties and is therefore considered to be acceptable in this regard.

#### Conclusion

- 5.22 Taking into account the above matters the proposal is considered acceptable, on balance, and is therefore recommended for approval. The application complies with Policies OS2, OS4, EI, EH1, EH9, EH10 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF, the National Design Guide 2019, and the West Oxfordshire Design Guide 2016.

## **6 CONDITIONS**

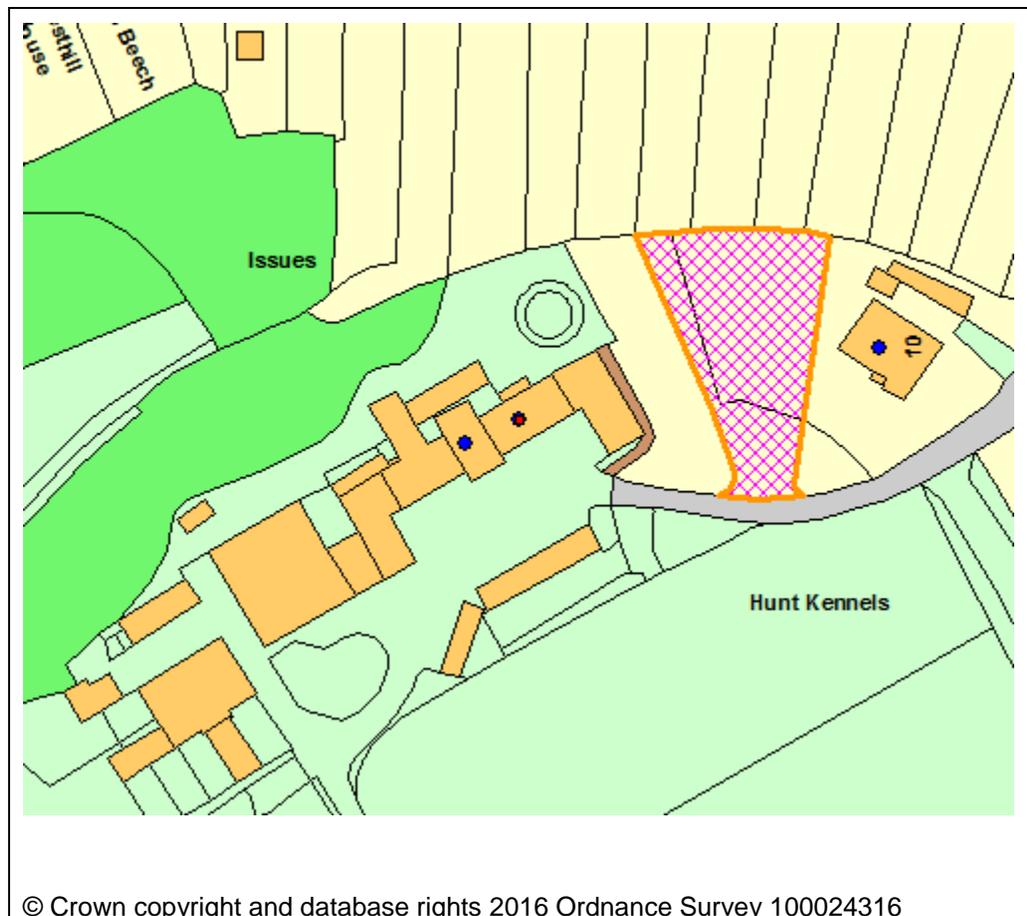
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That 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 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 external walls shall be re-clad using HPS200 goosewing grey cladding panels in accordance with the details shown on the approved drawing A102 Rev B.  
REASON: To safeguard the character and appearance of the area.

### **NOTE TO APPLICANT:**

- I For the avoidance of doubt, the proposed double height Vocovo corner sign shown on the plans is not permitted through this application and would require separate advertisement consent.

Application Number	20/00515/FUL
Site Address	Heythrop Hunt Kennels Kennels Lane Chipping Norton Oxfordshire OX7 5YE
Date	19th May 2020
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	429746 E 226882 N
Committee Date	1st June 2020

### Location Map



### Application Details:

Construction of detached dwelling.

### Applicant Details:

THHK Ltd And JRN Properties Ltd  
C/O JRN Properties Ltd  
Swallow Farm, Mangersbury, Cheltenham, Glos GL54 1HR

## **I CONSULTATIONS**

- |     |                              |   |
|-----|------------------------------|---|
| 1.1 | OCC Highways                 | No Comment Received.                        |
| 1.2 | WODC Planning Policy Manager | Development fails to comply with policy H2. |
| 1.3 | WODC Drainage Engineers      | No objection subject to condition.          |
| 1.4 | ERS Env. Consultation Sites  | No objection subject to condition.          |
| 1.5 | WODC Env Health - Uplands    | No objection.                               |
| 1.6 | Newt Officer                 | No objection subject to informative.        |
| 1.7 | Thames Water                 | No Comment Received.                        |
| 1.8 | Town Council                 | No objection.                               |

## **2 REPRESENTATIONS**

None received at the time of writing.

## **3 APPLICANT'S CASE**

- 3.1 The Design and Access Statement submitted in support of the application is concluded as follows:
- 3.2 With the principle of sustainable residential development having been established at the Heythrop Hunt Yard, the opportunity to utilise a wedge of land that is within the amenity space of an existing dwelling but otherwise confers no notable benefits on the wider site is seen as a means of increasing the residential density of the overall development without compromising the amenity of the neighbouring dwellings or adversely impacting the character of the site or the openness of the AONB. The proposed dwelling has been designed as a modern home to sit comfortably amongst the existing buildings within the hunt yard.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH1 Cotswolds AONB  
NPPF 2019  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for the erection of a new detached dwelling on land at the Heythrop Hunt Kennels in Chipping Norton. The site falls within the Cotswold AONB.
- 5.2 The application is before Members of the Planning sub-committee for consideration in accordance with the scheme of delegation as the Town Council has raised no objections to the application.
- 5.3 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
  - Siting, design and form
  - Impact on Cotswold AONB
  - Highways
  - Residential amenity

### Principle

- 5.4 In terms of the principle of development, it has been argued in the documentation supporting the application that the principle for residential development here has been established through the approval of application 19/02946/FUL for the redevelopment of the adjacent hunt kennels and stable to form six residential units. However, this was approved on the basis that it comprised the re-use of existing traditional buildings which were considered worthy of retention. This application is not directly comparable to this approval furthermore the application should be assessed on its own merits. For the purposes of planning policy, the site has been identified as falling outside of the built up area of Chipping Norton and is set within the open countryside; albeit in garden land. Therefore, given its location, in accordance with policy H2, new dwellings will only be permitted in a number of specific circumstances. These include where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings; where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset; or residential development of exceptional quality or innovative design. Your officers do not consider that the development complies with any of the circumstances outlined in the policy. It has not been demonstrated that there is an operational or other specific need for the dwelling, the development does not represent the optimal viable use of any heritage assets, and it is not considered to be of exceptional quality or innovative design. Further, it is relevant to note that the Council is currently able to robustly demonstrate a more than adequate supply of deliverable housing sites and therefore a case cannot be made that additional housing units are required, particularly where these are contrary to planning policy. Therefore, the development is unacceptable in principle.

### Siting, Design and Form

- 5.5 The proposed development comprises a one and a half storey, L shaped dwelling constructed from natural stone and timber cladding with a stone slate roof which would be set lower into the ground than the adjacent properties. The pattern of development fronting Worcester Road

is characteristically linear and closely integrated. The existing development which sits behind the properties fronting Worcester Road is loose knit consistent with the semi-rural character of this area. Your officers are of the opinion that the siting of a dwelling in this location would infill an area of open space which contributes to the low-key loose knit character and appearance of this area. Further, the development is considered to appear contrived and would fail to represent good design contrary to policy OS4 of the WOLP 2031, the West Oxfordshire Design Guide 2016 and the National Design Guide 2019.

#### Impact on Cotswold AONB

- 5.6 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. Paragraph 5.39 of the West Oxfordshire Local Plan 2031 states that windfall development within the AONB will be particularly scrutinised. The steeply sloping undulating valley to the south of the site provides an important backdrop to the grade II\* listed landmark building, Bliss Mill. Therefore, this landscape is considered to be significant and of high importance. In this case, the intensification of this plot of land through the erection of the detached dwelling would fail to conserve the landscape and scenic beauty of this part of the AONB.

#### Highways

- 5.7 In terms of the impact of the development on the highway network, the Local Highway Authority has not responded in respect of this application. However, your officers are of the opinion that sufficient off-street parking provision will be available on the site.

#### Residential Amenities

- 5.8 In terms of residential amenity, the new dwelling would be set lower in the ground than the existing adjacent properties, and by virtue of its siting, scale and design, would be unlikely to be overbearing or result in a loss of light or privacy to the detriment of existing and permitted dwellings on the adjacent sites. Further, your officers are of the opinion that any future occupants of the proposed dwelling would be afforded sufficient levels of amenity.

#### Conclusion

- 5.9 In light of the above, the application is considered to be unacceptable and contrary to policies OS1, OS2, OS4, H2, and EHI of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions of the NPPF.

## **6 REASONS FOR REFUSAL**

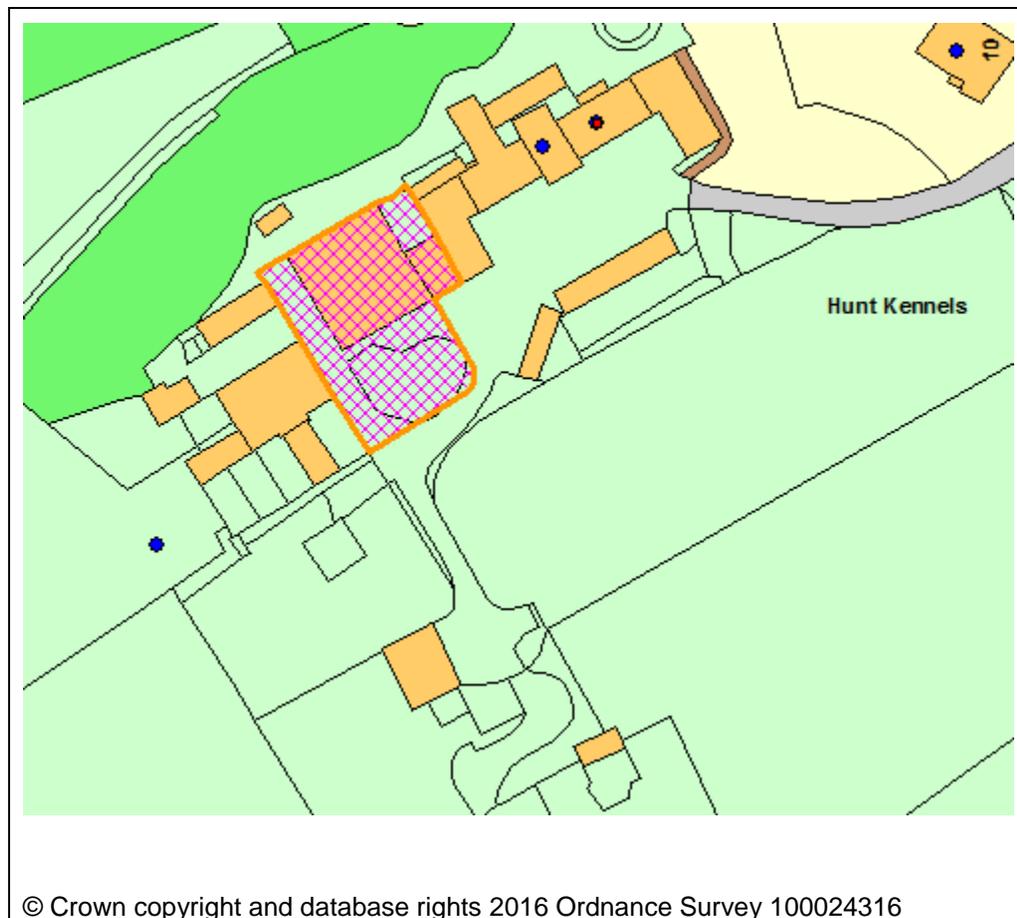
- I. The proposed development, by reason of its open countryside location, would not represent sustainable development. The applicant has failed to demonstrate justification for this development proposal as either essential operational or other specific local need that cannot be met in any other way, as a residential development that would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset, as residential development of exceptional quality or innovative design, neither has the site been allocated for housing development within the adopted West Oxfordshire Local

Plan 2031 or an adopted (made) neighbourhood plan. The proposed development would therefore, be contrary to policies OS1, OS2, OS3 and H2 of the Adopted West Oxfordshire Local Plan 2031, and the provisions of the National Planning Policy Framework 2019.

2. The proposed development, by reason of its siting and design, would appear contrived failing to represent good design and would result in the loss of an area of open space which contributes to the low-key loose knit character and appearance of the area. Further, the intensification of this plot of land through the erection of the detached dwelling would fail to conserve the landscape and scenic beauty of this part of the Cotswold Area of Outstanding Natural Beauty of which its preservation is afforded great weight. As such, the development is contrary to policies OS2, OS4, H2, and EHI of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant provisions of the National Planning Policy Framework 2019.

Application Number	20/00516/FUL
Site Address	Heythrop Hunt Kennels Kennels Lane Chipping Norton Oxfordshire OX7 5YE
Date	19th May 2020
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	429746 E 226882 N
Committee Date	1st June 2020

### Location Map



### Application Details:

Conversion of existing steel framed barn to form one new dwelling.

### Applicant Details:

Nutbourne  
C/O JRN Properties Ltd. Swallow Farm, Mangersbury, Cheltenham, GL54 1HR

## **I CONSULTATIONS**

- |     |                           |  |
|-----|---------------------------|--|
| 1.1 | Thames Water              | No Comment Received.                             |
| 1.2 | OCC Highways              | No objection subject to condition.               |
| 1.3 | Biodiversity Officer      | No Comment Received.                             |
| 1.4 | Conservation Officer      | No Comment Received.                             |
| 1.5 | WODC Drainage Engineers   | No objection subject to condition.               |
| 1.6 | WODC Env Health - Uplands | No objection subject to contamination condition. |
| 1.7 | Newt Officer              | No Comment Received.                             |
| 1.8 | Parish Council            | Support- no objection.                           |

## **2 REPRESENTATIONS**

None received.

## **3 APPLICANT'S CASE**

- 3.1 The Design and Access Statement accompanying the application is concluded as follows:
- 3.2 With the principle of sustainable residential development having been established at the Heythrop Hunt Yard, the opportunity to utilise an existing structure that makes a positive contribution to the character of the wider site is seen as a means of increasing the residential density of the overall development without compromising the amenity of the neighbouring dwellings or adversely impacting on the openness of the AONB.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
H2NEW Delivery of new homes  
NPPF 2019  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the conversion of an existing dutch barn to form a new dwelling on land at Heythrop Hunt Kennels in Chipping Norton.
- 5.2 The site falls within the Cotswold AONB.

- 5.3 The application is before Members of the Uplands planning sub-committee for consideration in accordance with the scheme of delegation as the Town Council have made representations in support of the proposal.

#### Background Information

- 5.4 The Dutch barn, the subject of this application, sits within the Heythrop Hunt site which has consent for re-development. Application 16/01087/FUL and subsequent amendments made under 19/02946/FUL were approved for the change of use of existing stable and kennel building and single dwellinghouse to form six residential units, erection of 3 outbuildings for garaging and storage.
- 5.5 When the original application was considered in 2016 the officers report recognised that the site was in the open countryside but because the proposal comprised the conversion of the traditional buildings, which are considered to be non-designated heritage assets, and that the development would remove an existing use which was detrimental to the amenity of nearby dwellings and the subject of many complaints, on balance it was accepted in principle.
- 5.6 The Dutch barn, the subject of this application, was proposed to be demolished as part of application 16/01087/FUL. However, the amendments permitted under 19/02946/FUL consequently mean that it is possible for the barn to be retained as proposed. 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
  - Siting, design and form
  - Impact on AONB
  - Highways safety
  - Residential amenities

#### Principle

- 5.7 In terms of the principle of development, the site is considered to fall within the open countryside as it is outside of the main built up extent of Chipping Norton. Policy H2 of the adopted Local Plan states that new dwellings will only be permitted in the open countryside where they comply with the general principles set out in Policy OS2 and in a small number of specific circumstances. The key ones for consideration here are as follows:
- where there is an essential operational or other specific local need that cannot be met in any other way;
  - where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
  - residential development of exceptional quality or innovative design; and
  - re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

- 5.8 In this case, the development would not facilitate an essential or other specific local need and nor is it considered to be of exceptional quality or innovative design. The barn is not considered to be a heritage asset, nor was it considered worthy of retention when application 16/01087/FUL which included its demolition was approved. The key point for consideration here relates to the re-use of the existing building. Whilst your officers could accept that the conversion of the building may lead to an enhancement of its immediate setting, it has not been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities first. Therefore, the development is considered to be contrary to policy H2 and unacceptable in principle.

#### Siting, Design and Form

- 5.9 The proposed development comprises the conversion of the existing steel barn and removal of existing modern extensions which your officers consider would expose the original form of the barn in a positive way. The use of the proposed materials is considered to be acceptable and the juxtaposition of a contemporary dwelling amongst the traditional buildings, in your officer's opinion, would be acceptable here.

#### Impact on the Cotswold AONB

- 5.10 Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the proposal comprises the conversion of an existing structure and the removal of fairly substantial modern extensions, set within a range of existing built form. Therefore, your officers are of the opinion that the landscape and scenic beauty of the Cotswold AONB would be conserved.

#### Highways

- 5.11 In this regard the Local Highway Authority has been consulted and raised no objections to the application subject to condition.

#### Residential Amenities

- 5.12 In terms of residential amenity, given that the proposal comprises the conversion of an existing structure, and by virtue of the design of the proposed new dwelling and the window arrangements in the existing neighbouring development, your officers do not consider that the development would be overbearing or result in a loss of light or privacy to the detriment of the future occupants of the approved neighbouring residential development.
- 5.13 Further, your officers are of the opinion that the future occupants of the proposed new dwelling would benefit from an acceptable area of outdoor space and will be afforded sufficient levels of amenity.

#### Conclusion

- 5.14 In light of the above, the application is considered to be contrary to policies OS1, OS2 and H2 of the adopted West Oxfordshire Local Plan 2031 and the relevant provisions of the NPPF, and is therefore recommended for refusal.

## **6 REASON FOR REFUSAL**

- I. The proposed development would not represent sustainable development given its location in the open countryside outside of the built up extent of Chipping Norton. The applicant has failed to demonstrate justification for this development proposal as being either essential operational or for a specific local need that cannot be met in any other way; as a residential development that would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset; as residential development of exceptional quality or innovative design; that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities, neither has the site been allocated for housing development within the adopted West Oxfordshire Local Plan 2031 or an adopted (made) neighbourhood plan. The proposed development would therefore, be contrary to policies OS1, OS2 and H2 of the adopted West Oxfordshire Local Plan 2031, and the relevant provisions of the National Planning Policy Framework 2019.