

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 12th October 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 Strategic Director. 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

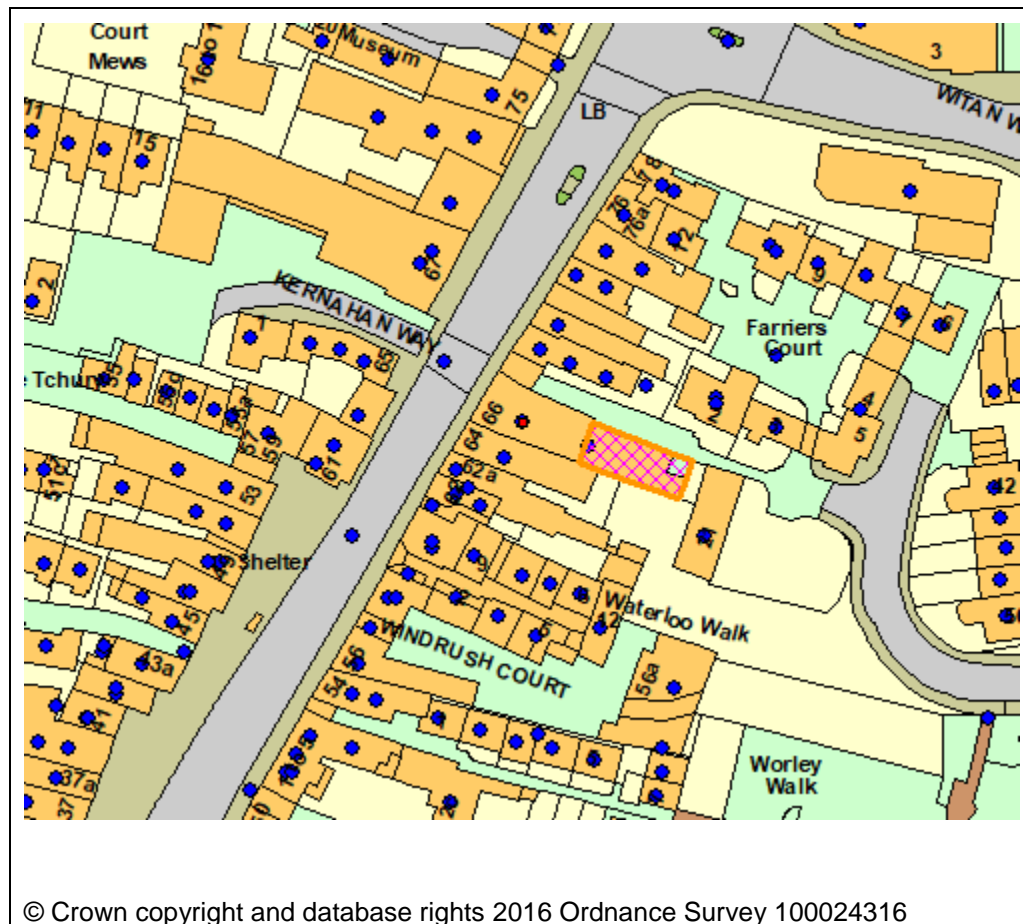
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
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20/01971/FUL	<u>Pummys Cottage, 57 Sutton Lane, Sutton</u>	10
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Application Number	20/01152/FUL
Site Address	66 High Street Witney Oxfordshire OX28 6HJ
Date	30th September 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435714 E 209994 N
Committee Date	12th October 2020

Location Map



Application Details:

Construction of two semi detached dwellings with amenity areas & replacement bin store (AMENDED PLANS)

Applicant Details:

Mr Somaiya
97 Cogges Hill Rd, Witney, OX28 3XU

I CONSULTATIONS

- | | | |
|-----|-----------------------------|--|
| I.1 | OCC Highways | No objection. |
| I.2 | Conservation Officer | No objection to revised plans. |
| I.3 | ERS Env. Consultation Sites | <p>Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health. I have previously provided comment on an earlier application for the site (19/03330/FUL). My comments remain applicable.</p> <p>Part of the proposal involves the demolition of existing outbuilding and construction of two attached cottages. It looks as though these out buildings were used for storage. Would it be possible to ask the applicant if any fuels or potentially contaminating substances have been stored in or in the vicinity of the buildings. Depending on the response I would likely request that a condition be added to any grant of permission.</p> |
| I.4 | WODC Env Health - Lowlands | Following a review of the application I have No Objection in principle. And no conditions to recommend. |
| I.5 | WODC Drainage Engineers | Confirmation of Thames Water's approval to maintain sewer connection at existing discharge rate required. |
| I.6 | Newt Officer | No Objection: Informative relating to great crested newts (GCN) provided. |
| I.7 | Parish Council | Mrs S Groth Witney Town Council objects to this application as the proposed dwelling are under the minimum floor space for a 3 person dwelling. |
| I.8 | Parish Council | No Comment Received. |
| I.9 | OCC Archaeological Services | Condition required. |

2 REPRESENTATIONS

- 2.1 Six representations have been received in respect of the proposals. These have been summarised as;
- One concern is the light restriction into my back courtyard, but Mr Somaiya did show us the plans several times.
 - I just hadn't realised that quite so much light would be cut out from my garden.
 - The other concern is the builder's parking which can be a nuisance as they often blocked our access on the prior build, often by double parking.
 - Also as I presume it will affect my garden I need to know exactly what will replace the building that abuts my property, I presume a fence ?

- On the plus side, the existing buildings are an eyesore so I will be pleased if the new buildings are as nice as the one opposite that was built by Mr Somaia.... and if the walk way (which I had no idea was part of Farrier's Court where I lived for 18 years) is going to be paved that would be great.
- The next concern will be the parking while the building is going on as the main access to the area will use and has previously blocked the entrance to our property. But I have discussed this with Mr Somaia and also the new contractors.
- Then there is the concern as to where the new residents will park?
- On the whole though I think it should generally improve the look of the area.
- If the same type of cottages are built at 66 High Street Witney, I will strongly support the application and will also improve surrounding area as the existing outbuilding is not looking good in front of my cottage

3 APPLICANT'S CASE

3.1 A Design and Access Statement was submitted with the application which can be viewed in full online. It is concluded as follows;

- The existing building is not listed but the buildings either side are grade II listed.
- The proposed work will not directly affect the listed buildings themselves.
- Witney has a vibrant commercial scene with a successful mixture of the main High St brands and independent retail units. There are also office and other commercial activities in the area. Part of the existing is residential and part commercial unit.
- Two new 2-bed cottages will be constructed at the rear of the site in place of single storey outbuildings demolished under a previous consent.
- The material used in the construction of the new block will compliment and contrast with the stone buildings either side.
- The building is in a flood risk zone and a separate floor risk assessment is provided.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH11 Listed Buildings

EH10 Conservation Areas

T4NEW Parking provision

EH12 Traditional Buildings

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is seeking planning consent for The site is within the Witney Conservation Area, and whilst the existing building at No 66 is not Listed, there are Listed Buildings in close proximity to the application site.
- 5.2 The application is to be heard before the Members of the Committee as Witney Town Council has objected to the proposal.

- 5.3 Planning History:
- 19/01697/FUL - Conversion of first floor and creation of second floor by raising the roof to create five flats - Withdrawn
 - 19/03330/FUL - Conversion of part premises to include erection of first floor extension, to create additional three flats whilst retaining existing ground floor retail unit. (Amended Description)

- 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 Your officers consider that as the application site is located within a main Service Centre as described within Policy OS2 of the adopted West Oxfordshire Local Plan that the principle of such development is acceptable. This is subject to the proposal complying with other policies within the Local Plan.

- 5.6 The application site is also located within Witney's town centre, and within the secondary shopping frontage. However as the application site is to the rear of the frontage buildings, your officers consider that the vitality of the shopping frontage will not be adversely affected by the two proposed cottages.

Siting, Design and Form

- 5.7 Your officers had concerns regarding the proposed design and scale of the proposed dwellings given the location and the close proximity of adjacent residential properties.

- 5.8 After negotiations with the applicant, the scheme has been amended in line with your officers suggestions. The proposed dwellings have been reduced in scale to one of a single storey form, and the other unit to one and half storey. Your officers' design comments have been incorporated into the scheme. As such your officers consider that the proposals are now visually more subservient than the host building, and will be enhance the visual character of this part of the Conservation Area.

- 5.9 The proposed materials, render and slate are considered to be acceptable.

- 5.10 As the site is within close proximity to a number of listed buildings, in accordance with Section 66 (l) of the Planning (Listed Buildings and Conservation Areas) Act as amended, the local planning authority shall have special regard to the desirability of preserving the buildings setting or any features of special architectural or historic interest which it possesses. Given the revised plans your officers are of the opinion that the setting of the listed building will be preserved.

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

- 5.12 Proposals are supported in Conservation Areas where they can be shown to preserve or enhance the special interest, character, appearance or setting of the area. In particular, the location, form and scale of development should be sympathetic to its surrounding context, not be detrimental to views within, into, or out of the area and should not harm the original curtilage or pattern of development within the area.

Highways

- 5.13 OCC as Highway Authority were consulted a part of the formal application process and had no objections to the proposal.

Residential Amenities

- 5.14 As the scale of the cottages have been reduced, your officers consider that the now proposed single storey cottage adjacent to the existing properties at Waine Rush View will not be adversely affected in terms of loss of light or overbearing issues.
- 5.15 In terms of the Town Council's comments, WODC do not have guidelines for the internal amount of floorspace. The single storey dwelling amended, has a total of 31 square metres, and the two storey dwelling has a total of 63 square metres. They both are considered by your officers to have a large open plan living room area and kitchen area and be acceptable.
- 5.16 Both proposed cottages have some amenity space which is considered acceptable by your officers given the town centre location.
- 5.17 With regards to your drainage officer's response, this information is expected to be received prior to the meeting. Officers will verbally update Members at the meeting.

Conclusion

- 5.18 Your officers consider that given the location of the application site that new development is acceptable. The proposed plans have been amended to reflect the traditional design and scale of properties within this part of the Conservation Area. The amended plans have also overcome your officers concerns regarding the impact to existing adjacent residential properties.
- 5.19 Your officers will verbally update Members regarding the drainage matter at the meeting.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

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

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

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

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

REASON: Control is needed to protect the residential amenities of existing and proposed properties.

6. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

REASON - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2019).

7. Following the approval of the Written Scheme of Investigation referred to in condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

REASON - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the NPPF (2019).

8. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

REASON: To prevent pollution of the environment in the interests of the amenity.

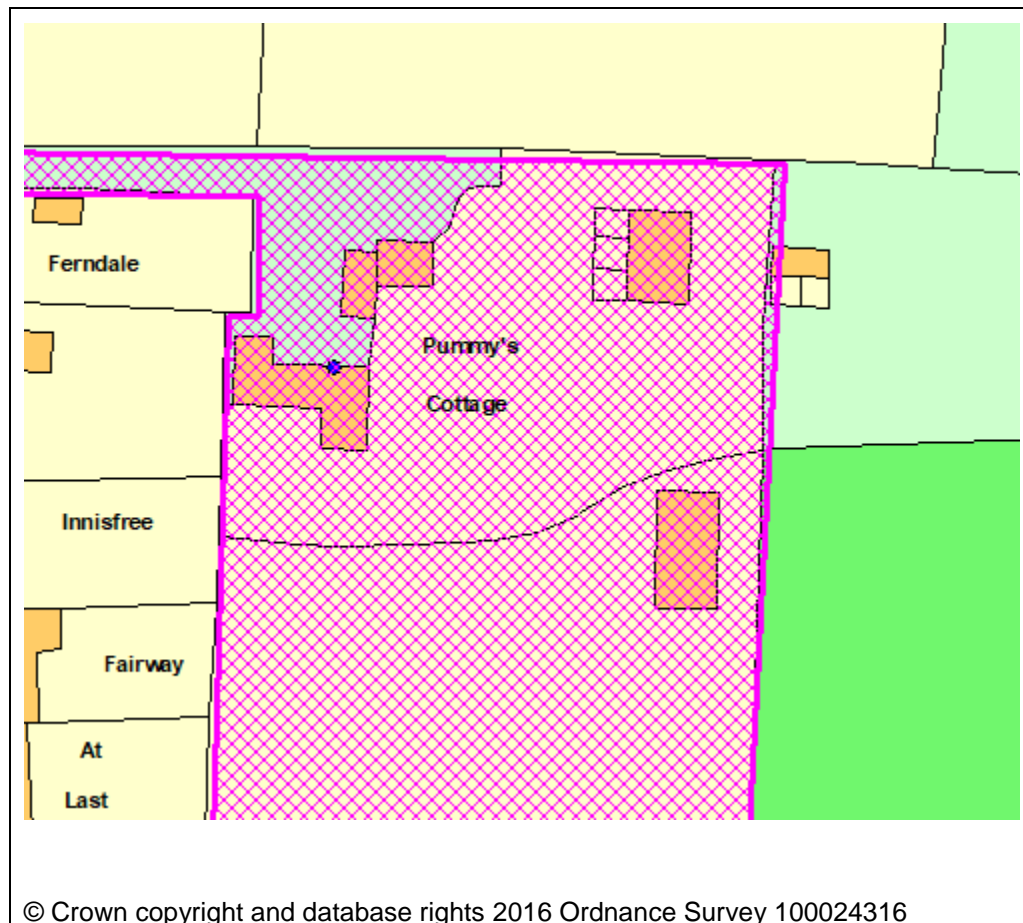
NOTES TO APPLICANT:-

- I. Informative - Great crested newts (European Protected Species):

There is a low risk that great crested newts (GCN) may be present at the application site. West Oxfordshire District Council considers it would be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies within an amber impact zone as per the modelled district licence map, which indicates that there is suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/suitably qualified ecologist and Natural England is obtained, including the need for a licence.

Application Number	20/01971/FUL
Site Address	Pummys Cottage 57 Sutton Lane Sutton Witney Oxfordshire OX29 5RY
Date	30th September 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Stanton Harcourt Parish Council
Grid Reference	441771 E 206408 N
Committee Date	12th October 2020

Location Map



Application Details:

Demolition and replacement of an existing dwelling with a new dwelling being of high quality with associated parking and landscaping.

Applicant Details:

Mr & Mrs A & N Jones, Pummys Cottage, 57 Sutton Lane, Sutton, Witney, Oxfordshire, OX29 5RY

I CONSULTATIONS

I.1	OCC Highways	No objection.
I.2	WODC Drainage Engineers	No objection subject to condition.
I.3	Thames Water	No Comment Received.
I.4	Conservation Officer	No objection.
I.5	ERS Env. Consultation Sites	While I have no major concerns in relation to the proposed development please could the applicant confirm the use of the out buildings on the site. Please could they also confirm if any fuels or other potentially contaminating substances have been stored on the site.
I.6	WODC Env Health - Uplands	I have no objection in principle.
I.7	Biodiversity Officer	Additional information required.
I.8	Parish Council	The Parish Council objects to the above referenced application and would like to refer to the reasons the previous application (16/03792/FUL) was refused, as the Parish Council feels that the reasons for refusal are applicable to this application also:

The main issue is the effect of the development on the character and appearance of the area.

Reasons

- The site is located in a village of predominately residential character and contains more than 70 listed sites and is right on the edge of the Conservation Zone.
- The majority of the houses front onto Sutton Lane and are set back from the road with gardens to the front. This essentially linear development is a significant characteristic of the village and particularly so near the site.
- Pummys Cottage, within the site, and the adjacent Akeden sit behind the dwellings that front onto Sutton Lane. They do, however, appear tucked in behind the frontage properties. While this breaks the consistent linear pattern, the residential properties are nevertheless contained close to the lane.
- Some gardens extend a good way back from the lane and contain outbuildings and various built form, including at the site. However all the significant residential development is contained close to the road and the buildings that are located further back are generally lower in height and do not appear dominant in the landscape. There is an open and verdant appearance to the rear of the

houses which reinforces the rural character of the area. This is prevalent in views from the lane, many of the dwellings, and the nearby public footpath to the north of the site.

- The proposed would be a significant feature in the local landscape and not comparable to the existing buildings in this part of the site. The proposed design of the dwelling is unashamedly contemporary. However, the contemporary nature, and bold appearance, of the dwelling would stand out from the other residential dwellings. The design of the dwelling would be harmful in this setting and thereby accentuate the harm that would arise from its siting. There is a considerable variety of styles of dwellings in the village; however in the locality of the appeal site, there are no examples of such striking architecture. In this context the dwelling would not blend into the landscape. It would constitute an incongruous element that detracted unacceptably from the character and appearance of the area.
- The scheme would see the removal of the existing dwelling and outbuildings. The outbuildings to be replaced by one very large 'garden store'. This building would be very evident, it would be apparent not just from glimpse views down the access track but also from adjacent houses and gardens and the public footpath.
- Seen from these viewpoints the appearance of the development would be appreciably at odds with the prevailing pattern of development in the locality.
- The Parish Council feels that removal of these mature trees would be unfortunate. This garden store would require the removal of some trees. Trees that are shown on the arboricultural report but are not identified as being removed. The arboricultural report has been prepared for a previous planning application, it has not been updated and should not be used in support of this planning application.

The National Planning Policy Framework (the Framework) is clear that planning decisions should not attempt to impose particular architectural styles, or tastes, or stifle innovation. The planning application seeks to create a one-off and innovative dwelling, however a requirement of the Framework is that any planning application should reinforce local distinctiveness. The development would result in significant harm to the character and appearance of the area. It would be contrary to Policies BE2, BE4, NE1 and H2 of the West Oxfordshire Local Plan 2011. These policies seek to ensure development respects the character of the area, assimilates into the landscape and does not result in the erosion of the distinctiveness of settlements.

2 REPRESENTATIONS

2.1 9 comments have been received which have been summarised as;

- If circumstances change then there is a high risk that the current dwelling, aka old house, will not be demolished after the new dwelling has been built, leaving two properties on this site. There could then be significantly more traffic going to and from this additional property along a track which is adjacent to my property. This track is not in the best state of repair (potholes form regularly) and therefore doesn't dampen the sound of traffic moving along it.
- Other properties in Sutton lane have been demolished and occupants either moved out or installed a mobile home on site whilst the new property is being built.
- The applicants have not discussed this planning application with me even though I am an immediate neighbour.
- I realise that this plot lies just outside the conservation area (the boundary of the plot is also the boundary of the conservation area), but would draw your attention to the following paragraphs from WODC's PDF file entitled 'Proposals for Preservation and Enhancement, Stanton Harcourt and Sutton.'
- Any new buildings, and extensions to existing buildings, must be well designed in themselves, sustainable, and must be sympathetic to the established character of the area. They should respect the form, setting and scale of the adjoining and surrounding buildings.
- Special care must be taken to ensure that views into and out of the Conservation Area, as well as views within the Conservation Area, are not harmed. New development must incorporate existing features of historic, visual or natural importance, such as trees, hedgerows, ponds, stone walls, paths and tracks.
- I can understand the applicants' desire to build a home with strong ecological features and do not have an issue with that, but the outside appearance of this building does not fit in with the surrounding houses or any that I can think of within Stanton Harcourt or Sutton.
- Dominate views from public right of way.
- Large black garden store which has been placed very close to my boundary. This will also be highly visible from Sutton Lane, looking up the shared drive.
- No matter how sincere the current owners may appear regarding the existing building being demolished events may overtake them too resulting in the site being sold to a new owner with different motives/ambitions. Should the two properties remain I question whether in reality WODC have the resources to ensure/enforce the existing building be demolished so it seems logical to demolish the existing as a first step not the last step to eliminate this risk.
- Whilst this (two properties remaining on the site) in itself is unacceptable it would inevitably lead to the owners of the adjacent property (Akedon) seeking permission for an additional property on their land - a permission which would be difficult to refuse given the precedent set at Pummy's resulting in 4 properties where there are currently 2 - development by stealth!

2.2 Lack of detail

- Appears that the new buildings have all moved closer to the boundary with Akeden and therefore will be more dominant when viewed from the frequently used public right of way that runs through Akeden.
- Looks like a scaled down shopping centre, and if allowed will dominate the view from both the conservation area and the public right of way that runs through our property for many decades to come.
- I also notice that the arboricultural survey and report and the ecological appraisal are both 4 years out of date appears to be little information on the application regarding interior details. A new building on the site - yes. This design – no the materials used for cladding would be improved by using Cotswold stone.

- 2.3 Sewage concern
- A proposal more in keeping with the locality that placed restrictions on further development, required access and road improvements whilst banning construction vehicles of an unreasonable size from accessing Sutton Lane and not allowing vehicles to park and cause congestion on the Lane itself may well be received more favourably.
- 2.4 One comment of support;
- The proposed new building represents a positive attribute to the village. It replaces an unattractive and dysfunctional 1970s self-build.
- 2.5 Sustainability and ecological integrity, the proposal addresses current concerns about climate change and potentially offers zero demands on resources.
- 2.6 It promises an ingenious and admirable blueprint for ecological construction in West Oxfordshire that will surely benefit future generations for whom we all have a responsibility.
- 2.7 As to appearance, over the years developments in Sutton Lane have included every possible architectural style. No consistency or apparent accord to historic local architectural provenance. The Parish Council objects to this application's 'unashamedly contemporary' appearance, however as the PC acknowledged some years ago, reactionary attitudes should not influence planning proposals, otherwise (as it was said) it would be prescribed that every new building should have a thatched roof!
- 2.8 We would respectfully suggest that the design of Pummys Cottage complements rather than conflicts with its neighbouring buildings. The architects for the Pummys Cottage application have shown great sensitivity to the vernacular of Oxfordshire buildings with materials that echo those used on others in the area. The new house occupies its space with limited visual impact on its environment.
- 2.9 There are many recently built properties in the vicinity that deserve the inappropriate slur of 'carbuncle', but not this current application. The ubiquitous honey-coloured 'cotswold stone' suggested to be used as cladding, as it appears on other buildings in the Lane, is not a traditional feature of this part of Oxfordshire. We do not understand how the materials used, mostly brick, can be viewed as anomalous to neighbouring properties.

3 APPLICANT'S CASE

- 3.1 An in depth Design and Access Statement has been submitted as part of the application. It has been summarised as;
- The proposals seek to produce a residential dwelling; a desirable place to live, within an existing landscape, a new eco-house set within its site as a piece of landscape. The proposed innovative dwelling will be of high quality design delivering an house for the 21st century as envisaged by West Oxfordshire's Local Plan, the National Planning Policy Framework, Sustainable Development in Rural Areas.
 - The village of Sutton sits between Sutton Green and Stanton Harcourt. The character of the buildings that define this part of Oxfordshire is very eclectic. The palette of materials used ranges from stone, brick, render, timber cladding, zinc and thatch to clay tiles, concrete tiles and slate.

- The walled garden at Ruskin Hall, is a great source of inspiration for us. The idea of a wall wrapping itself around a parcel of land to provide structure for growing a plants on, also contains and screens what ever may be taking place inside from the outside world when viewed across the open countryside. This example is particularly of interest to us because it zig-zags, allowing the wall to be self supporting whilst creating walls that face in different directions to maximise the amount of light falling on them.
- The material quality, and shift in materials, make this wall very beautiful in its own right. It is this quality that we are searching for when thinking about designing a house to replace the existing house. A house that has the appearance of a walled garden quietly nestled in-between the existing trees and landscape.
- The layout of the house has been informed by the sites access, orientation and gardens/habitats whilst respecting its neighbours.
- The existing dwelling currently occupies the area defined as a walled garden. This will allow the new dwelling to be built whilst our clients remain in the old house. Once the new dwelling has been completed excluding the garage, the old dwelling will be demolished. The zig-zag wall can be used for growing plants on or against, you can also see slots for bats, pipes for insects and triangular openings for bird nesting, the additional surface area of the wall will help increase the amount of heat stored in the wall and light that falls on the wall.
- The sites ethos of slowly developing as a wildlife habitat is something we want to bring to the building. We like the idea that the house is a piece of habitat for local wildlife as well as its occupants. This will be achieved by building into the brickwork, bat slots, bird boxes and insect pipes. The wall therefore not only defines and encloses the dwelling, adjusts its orientation to work with the existing landscape, and create thresholds, it's also a piece of habitat.
- The roof is lower than the top of the zig-zag wall, again reinforcing the notion of a wall with a building leaning onto the back of it.
- Making a building that is low in height not only deals with the transition between the village and open countryside it also allows us to nestle the building into its habitat

3.2 A Sustainability Statement has also been included. The conclusion has been summarised as;

- The dwelling is to be autonomous, a house that does not rely on natural gas, electrical power, or similar utility services allowing the home to operate independently from the traditional public utility service. The provisions set out within this sustainability report demonstrate how this is achieved; Electrical power is to be generated through the proposed photovoltaic panels, with rainwater harvesting implemented for irrigating the garden and a ground source heat pump provides the source of heating.
- In addition to the incorporated technology, the proposals are designed to minimise the buildings carbon footprint. Careful design and detailing of the project is the first step in achieving sustainable construction.
- Fabric first sustainable building entails looking at the materials used within a build, and considering the energy and carbon used to create them and transport them, as well as considering the pollution, resource use, habitat destruction, and other environmental impacts of producing and using those materials. The buildings constructional elements are to exceed modern building regulations standards, providing a thermally efficient building fabric, reducing energy demand and using energy more efficiently.
- Materials used on the project are to be chosen for the longevity in use and locally sourced where possible. Consideration will be given to the sustainability of the methods used for the construction phase. When materials are being specified, it is important consideration is given to how these materials will be installed or applied.

4 PLANNING POLICIES

EH6 Decentralised and renewable or low carbo
H5NEW Custom and self build housing
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
EH10 Conservation Areas
EH2 Landscape character
EH3 Biodiversity and Geodiversity
OS4NEW High quality design
H6NEW Existing housing
OS3NEW Prudent use of natural resources
T4NEW Parking provision

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is seeking planning consent for the erection of a replacement dwelling. The applicaiton site is located adjacent to the Sutton Conservation Area, and Listed Buildings are in close proximity to the site. The site is 3850.00 square metres.
- 5.2 The application is to be heard before the Committee as the Parish Council has objected to the scheme.
- 5.3 Planning History:
16/03792/FUL - Removal of existing dwelling and erection of new two storey dwelling and relocation of Nissen hut. Refused and Appeal dismissed.
Refusal Reason;
By reason of the replacement dwelling's siting, the proposal would fail to respect the existing pattern of development and would be harmful to the character and visual appearance of the rural and open countryside location. In addition due to the modern design of the proposed dwelling and its siting, the dwelling would appear as a highly incongruous harsh feature within this sensitive context. As such the proposal is considered to be contrary to Policies BE2, BE4, NE1 and H2 of the adopted West Oxfordshire Local Plan 2011, Policies OS2, OS4 and EH3 of the Emerging West Oxfordshire Local Plan, The West Oxfordshire Design Guide, and relevant paragraphs of the NPPF.
- 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 Your officers consider that Policy H6 of the West Oxfordshire Local Plan is the most relevant Policy when assessing the principle for replacement dwellings. This Policy states that proposals to replace an existing permanent dwelling which is not of historical or architectural value will be permitted on a one-for-one basis, provided the character and appearance of the surrounding

area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building.

- 5.6 In terms of the previous refused scheme, the proposed modern two storey flat roofed dwelling was to be located some distance away from the existing house footprint. Whilst the Appeal Inspector at the time did not agree with the Council in terms of the design generally, the appeal was dismissed. The Inspector at the time of the appeal stated:
- 5.7 A new, two storey and flat roofed, dwelling would be located further into the site than the existing dwelling and beyond the siting of Akeden. It would be apparent not just from glimpse views down the access track but also from adjacent houses and gardens and the public footpath. To my mind when seen from these viewpoints the siting of the development would be appreciably at odds with the prevailing pattern of development in the locality. It would therefore constitute an incongruous element that detracted unacceptably from the character and appearance of the area.
- 5.8 Although the site would contain fewer buildings, and the dwelling would not encroach as far as the existing built form, the impact would be more significant due to the height of the building and its appearance as a dwelling.
- 5.9 The proposed design of the dwelling is unashamedly contemporary. I disagree with the Council that it would be an unmitigated box. I consider that, in itself, the design is of merit, both architecturally and due to its sustainable credentials. It has been carefully detailed and incorporates features that would add interest such as the use of contrasting materials.
- 5.10 However, the contemporary nature, and bold appearance, of the dwelling would stand out from the other residential dwellings, drawing attention to it. The design of the dwelling would be harmful in this setting and thereby accentuate the harm that would arise from its siting.
- 5.11 I therefore conclude that the development would result in significant harm to the character and appearance of the area. It would be contrary to Policies BE2, BE4, NE1 and H2 of the West Oxfordshire Local Plan 2011. These policies seek to ensure development respects the character of the area, assimilates into the landscape and does not result in the erosion of the distinctiveness of settlements.
- 5.12 The proposed replacement dwelling subject to this application has been sited closer to the existing dwellings which form a linear pattern along Sutton Lane. Your officers consider that as the proposed siting of the replacement dwelling will be physically nearer to the existing linear built form it will not form such an incongruous feature within the existing landscape as the previous proposal.
- 5.13 The existing dwelling is a two storey dwelling which is not of historical or architectural value. The proposed replacement dwelling is of a single storey form. As such in this regard of Policy H6 your officers consider that the proposal dwelling is of a reasonable scale relative to the original building.

Siting, Design and Form

- 5.14 The proposed siting of the dwelling, is to be much closer to that of the existing dwelling. As such your officers consider that the proposed replacement dwelling would not be significantly

visible within the wider public realm. This is also helped by the proposed design of the new dwelling.

- 5.15 The design of the proposed dwelling is of modern contemporary design. The submitted Design and Access Statement has explained how the form of the dwelling, has revolved around the traditional garden wall. The proposed the main wall that defines the spaces to be occupied as a dwelling starts on the northern side then zig-zags south along the eastern elevation, before it opens out on the southern side. This continues along the eastern elevation, before it opens out on the southern side. The zig-zag wall is proposed to define spaces but also allows the wall to move around existing trees on the site. The openings punched through it are all the same scale and serve bedrooms looking onto the garden. The facades that face onto the walled garden have a lighter touch, like a glass house leaning onto a wall. They are glazed with timber frames.
- 5.16 Your officers consider that the proposed design and scale is more sympathetic to the existing visual character and appearance of the site and the village as a whole. As the building is low in height it will not be highly prominent to form an incongruous feature within the public views into the application site.
- 5.17 Your officers have taken into consideration both the Parish Council's and the neighbouring properties comments. However Sutton village includes a mix of materials both traditional and contemporary in places. The proposed materials for the proposed dwelling include brick, coloured concrete, zinc roofing, aluminium and timber windows, and timber cladding. Your officers are of the opinion that the proposed scheme includes the traditional materials found in the village and the Conservation Area. Samples of these materials will be requested by condition.

Highways

- 5.18 OCC Highways have not raised any objections to the proposal in terms of on site car parking, or highway safety issues.

Residential Amenities

- 5.19 The proposed dwelling is sited over 25m from the existing properties fronting onto Sutton Lane. There is also an existing conifer hedge which separates the application site from the neighbouring properties. As such your officers do not consider that any undue impacts in terms of overlooking or loss of light will result to residential amenity.
- 5.20 With regard to the comments raised regarding the demolition of the existing dwelling, your officers have included a condition to ensure that this is required. The proposed dwelling is located in close proximity to the existing dwelling on site, and it will need to be demolished to allow for the proposed garaging to be built.

Ecology

- 5.21 Your ecology officer has requested further updated surveys which is still being prepared by the agents at the time of writing. Officers will verbally update Members at the meeting, and additional conditions may be suggested to be incorporated.

Sustainability

- 5.22 Policy OS3 of the adopted West Oxfordshire Local Plan makes reference to prudent use of natural resources. It states that all development proposals (including new buildings, will be required to show consideration of the efficient and prudent use and management of natural resources. These include:
- making the most efficient use of land and buildings, whilst having regard to the character of the locality
 - minimising use of non-renewable resources, including land and energy, and maximising opportunities for travel by sustainable means
 - minimising energy demands and energy loss through design, layout, orientation, landscaping, materials and the use of technology;
 - minimising summer solar gain, maximising passive winter solar heating, lighting, natural ventilation, energy and water efficiency and reuse of materials;
 - using recycled and energy efficient materials;
 - minimising waste and making adequate provision for the re-use and recycling of waste; and causing no deterioration and, where possible, achieving improvements in water or air quality.
- 5.23 The proposed design of the new dwelling will incorporate many of these features, including;
- Solar Gain Control
 - Photovoltaic Panels
 - Located within the garage there will be 2 charge points for electric cars.
 - Cycle Storage
- 5.24 In view of this your officers consider that the proposal complies with this Policy.

Conclusion

- 5.25 Your officers have taken into full consideration the comments received from the Parish Council and neighbouring properties. Your officers consider that the proposal complies with Policy H6 which discusses the principle of replacement dwellings. The current scheme has taken into consideration the comments resulting from the dismissed appeal. The form, scale and design are of a more simple nature which your officers consider will assimilate more into the current visual character of the existing garden area of the application site. It is also considered that the proposed dwelling relates more to the existing village linear character, and the adjacent Conservataion Area.
- 5.26 In view of the above your officers consider that the proposal complies with the policies as stated above.
- 5.27 A full verbal update will be given at the meeting by your officers regarding the ecological impacts related to the proposed development.

6 CONDITIONS

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

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

2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
4. The existing dwelling on the site shall be demolished in its entirety within one month of occupation of the dwelling hereby permitted.
REASON: The provision of an additional dwelling would be contrary to policies for residential development in this location.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to protect the visual character of the area and the residential amenities of the adjacent properties.
6. Prior to the first trench being dug, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
7. The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.
8. No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
 - i) The parking of vehicles for site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding including decorative displays
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction

vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

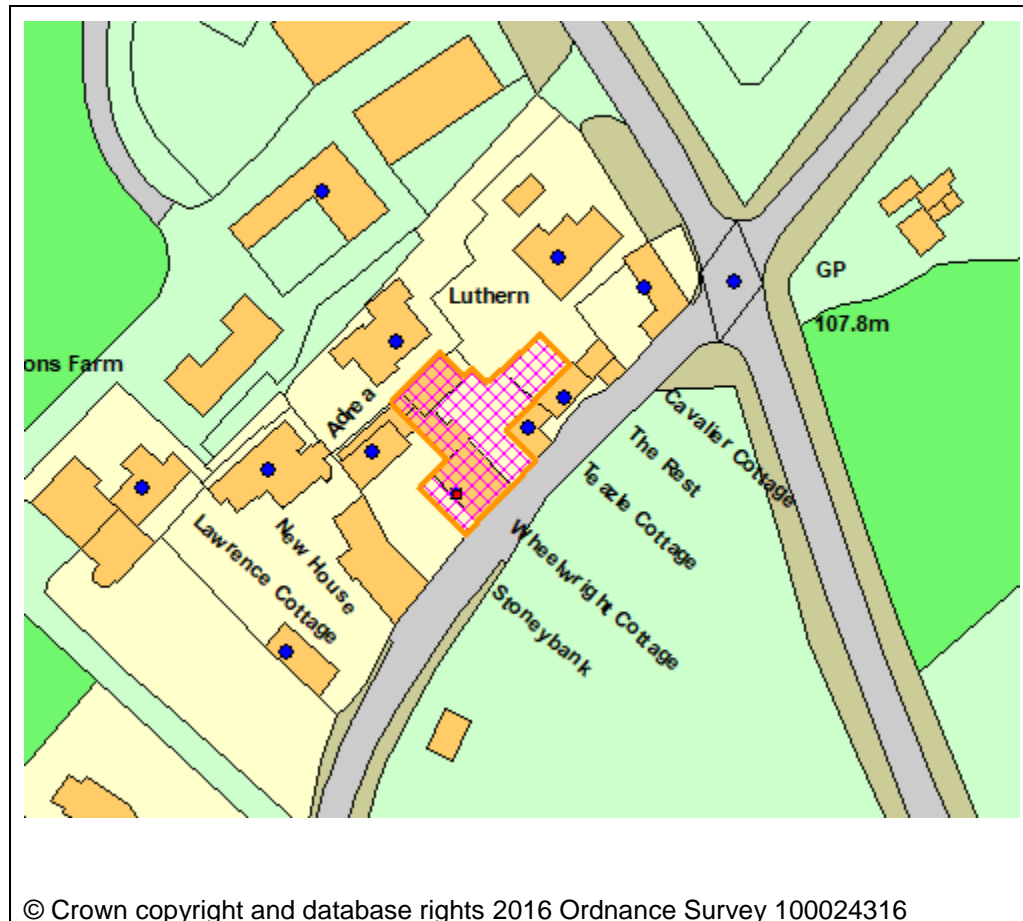
REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

NOTE TO APPLICANT:-

- I. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015
 - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.

Application Number	20/02143/HHD
Site Address	Wheelwrights Cottage Bridge Street Shilton Burford Oxfordshire OX18 4AA
Date	30th September 2020
Officer	Esther Hill
Officer Recommendations	Approve
Parish	Shilton Parish Council
Grid Reference	426824 E 208901 N
Committee Date	12th October 2020

Location Map



Application Details:

Construction of detached garden room.

Applicant Details:

Cllr Alex Postan
Wheelwrights Cottage, Bridge Street, Shilton, Oxfordshire, OX18 4AA

I CONSULTATIONS

- 1.1 Conservation Officer The proposed building is a lightweight contemporary structure, of clean and simple form, and of no great size. It would also be tucked away unobtrusively at the north-east end of the site, well away from the listed building. So, there are no obvious objections from our point of view.
- 1.2 Newt Officer Thank you for consulting me on the above-named planning application. I have no comments to make regarding great crested newt licensing as this species is highly unlikely to be affected by the proposed development.
- 1.3 Parish Council No response received to date.

2 REPRESENTATIONS

- 2.1 No comments have been received at time of writing.

3 APPLICANT'S CASE

- 3.1 A Design and Access Statement has been submitted and summarised as;
- 3.2 The intention of this proposal is to create a temporary structure to exploit the suntrap at the end of the garden at Wheelwrights Cottage. Of innovative modular design, the space would be divided into an open area for the summer and a glazed area for cold days.
- 3.3 Wheelwrights Cottage is the property where the Jones family followed by the Reid family made and mended wheels and coffins for the farming community of Shilton. Shilton is a conservation area and the 17th .C. Cottage is grade II listed. The erection of a temporary structure on what was part of the wheelwrights yard in previous times does not affect any features relating to the setting in the conservation area. The listed building is 25 metres from the site chosen for the temporary structure.
- 3.4 The topography of this end of Shilton is of a series of houses and bungalows on a steeply sloping bank that has been developed into a flight broad levels, most of which are now laid to lawn. Thus, the lawn of Lutherne, neighbour to Wheelwrights Cottage is 1500mm higher than the level that will become the base of the temporary structure at Wheelwrights Cottage. The two properties are separated by a fence and 4 metre conifer hedge that has been in place for many decades. The lawn at WWC is completely hidden and is not overlooked. If there was no hedge, to the neighbour at Lutherne, therefore, the apparent height of the proposed structure would not be greater than 1 metre.
- 3.5 The method of construction is modular and intended to be assembled with hand tools and based on using the ubiquitous standard 8 by 4 panels or sheets. The advantages conferred are simple assembly, reduced time of construction, simple adaptations to a new site. The roof is to be inclined to the rear of the structure to allow rainwater to be collected for garden use. A 90cm access walkway is established to both sides and the rear.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH10 Conservation Areas

EH11 Listed Buildings

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of a garden room at Wheelwrights Cottage, Bridge Street, Shilton. Wheelwrights Cottage is a 17th Century, Grade II listed property situated within Shilton Conservation Area.
- 5.2 This application is brought before members of the Lowlands Sub Planning Committee because the applicant is a District Councillor.
- 5.3 Planning history:
- Planning application Ref: 14/0203/P/FP- Alterations to raise and replace the garage roof.- Approved.
 - Planning application Ref: 14/0202/P/LB- Alterations to raise and replace the garage roof.- Approved.
 - Planning application Ref: 18/01987/LBC- Repair or replace (single glazed to double glazed) windows and doors.- Approved.
- 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
 - Scale, Design and Layout
 - Visual Amenity of the Streetscene
 - Impact on the Listed Building, its setting and the Conservation Area
 - Residential Amenity

Principle

- 5.5 This application seeks permission for the erection of a garden room within the residential curtilage of an existing dwelling. The principle of development is therefore acceptable subject to design and amenity issues being carefully considered against the West Oxfordshire Local Plan, West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

Scale, Design and Layout

- 5.6 The proposed garden room is to be situated in the north eastern corner of the host dwellings residential curtilage. The proposed garden room including the roof overlap is 6m wide, has a depth of 2.75m and has an overall height of 2.5m with a mono pitched roof design. The

proposed garden room is divided into two spaces, an open area and a closed glazed area with a bi-folding door. The proposed materials are plywood and double glazing. Your officers consider the above to be acceptable in terms of its siting and its design.

Visual Amenity of the Streetscene

- 5.7 Given its scale and siting, the proposed garden room would not be visible on the street scene. Therefore your officers consider it would not give rise to any adverse impacts in regards to the visual amenity of the streetscene.

Impact on the Listed Building, its setting and the Conservation Area

- 5.8 Your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.9 With regard to the impact on the listed building, the proposed garden room is not considered to obscure the historical architecture of the existing listed building, given that there is a separation distance of 25m between the proposed garden room and the listed building. The proposed development would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. Your officers consider the proposed garden room to be sympathetic to the Listed Building and its setting. As such, your officers consider that the character and setting of the Listed Building and Conservation Area is preserved.
- 5.10 Furthermore your Listed building and Conservation Officer has no objection to the proposal.

Residential amenity

- 5.11 The proposed garden room is to be situated within an area of the host dwellings residential curtilage which is well screened from neighbouring properties, given the existing boundary treatments and the difference in land level. As such, your officers are of the opinion that given the scale and siting of the proposed garden room that it would not give rise to neighbouring residential amenity issues such as overlooking, loss of privacy, loss of light or the feeling of overbearing. Also, no objections have been received from neighbours and or the Parish Council at the time of writing.

Other matters

- 5.12 The WODC Newt officer has been consulted on this application and has raised no objection given the nature of the development.

Conclusion

- 5.13 In light of the above assessment, the application is recommended for approval as your officers consider it complies with the provisions of Policies OS2, OS4, EH10 and EH11 of the adopted West Oxfordshire Local Plan; WODC Design Guide 2016 and the relevant paragraphs 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.
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REASON: To safeguard the character and appearance of the area.