

WEST OXFORDSHIRE DISTRICT COUNCIL
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: Monday 10 August 2020

Report of Additional Representations



WEST OXFORDSHIRE
DISTRICT COUNCIL

Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

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Report of Additional Representations

Application Number	20/01083/FUL
Site Address	1 Wesley Walk Witney Oxfordshire OX28 6ZJ
Date	28th July 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Parish Council
Grid Reference	435691 E 209856 N
Committee Date	10th August 2020

Application Details:

Alterations to include conversion of first and second floors to create six flats together with a two storey extension to replace single storey extensions

Applicant Details:

Mr Somaiya
97 Cogges Hill Rd
Witney
OX283XU

Additional Representations:

A FRA has now been received which is considered acceptable by your officers. An informative is suggested to be added to the decision to advise the applicant to contact Thames Water separately.

Officers are also expecting revised plans relating to fenestration details, which officers are hoping will be shown at the meeting.

Application Number	20/01120/FUL
Site Address	Land East Of 90 High Street Standlake Oxfordshire
Date	28th July 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	439362 E 202873 N
Committee Date	10th August 2020

Application Details:

Erection of two detached dwellings and associated operations.

Applicant Details:

Mr Maximilian and Alexander Stephenson
C/o Agent

Additional Representations:

Revised plans have now been received which show the integral garages removed, and replaced with separate detached garages.

Application Number	20/01167/FUL
Site Address	Prospect Cottage Filkins Lechlade Oxfordshire GL7 3JQ
Date	28th July 2020
Officer	Stuart McIver
Officer Recommendations	Approve
Parish	Filkins And Broughton Poggs Parish Council
Grid Reference	423578 E 204041 N
Committee Date	10th August 2020

Application Details:

Conversion of existing detached garage to provide ancillary/tourist accommodation, to include the erection of a single storey side extension.

Applicant Details:

Mr And Mrs Heath
Prospect Cottage
Filkins
Lechlade
GL7 3JQ

Additional Representations:

STATEMENT ON BEHALF OF THE APPLICANT

Whilst welcoming the officer's recommendation for approval, I am grateful for the opportunity to make this statement on behalf of the applicant in order to clarify a few points relevant to your determination of the proposal.

As Members will have noted, the existing garages occupy a relatively small part of a large parking and turning area which is set well back from the road. The site is easily capable of accommodating what the officer's report confirms is only a modest increase in built form, whilst also reflecting the simple character of the existing garage design. The new glazing to the front of the building will also be largely screened from publicly accessible viewpoints and can be partially obscured to ensure suitable privacy is maintained.

The building is set against a backdrop of existing trees and, although these have been left unchecked to overhang the rear of the garage block, the applicant is in contact with the Ernest Cook Trust to ensure that they undertake the necessary localised maintenance and tidying works to address this issue.

Although the proposed conversion would allow for both ancillary and tourist use, the primary objective is to provide additional space as 'guest accommodation' for close family and friends.

This is because the applicant's existing cottage is only modest in size and not best suited to accommodating overnight stays by family and friends. However, the proposals are also well suited to occasional use as tourist accommodation and, as referred to within the officer's report; such use would be in full compliance with relevant Development Plan policy.

As is so often the case, the existing garage is currently used as storage and not as a space in which to park the applicant's car. Those items displaced by conversion of the building would then be stored within the roofspace of the building and in the small covered store proposed to rear of it, ensuring that the remainder of the site remains free of clutter and available for the parking of vehicles. Therefore, the proposals will not compromise the existing parking area available to either the applicant or the neighbouring occupier, and the Highway Authority have raised no associated objections. Furthermore, as all vehicles can manoeuvre within the site so as to enter and leave the parking area in forward gear, the proposals will cause no highway safety issue, and there is therefore no evidence to support the Parish Council's stated concerns.

Overall, the officer's report comprehensively addresses all relevant issues and planning considerations and, subject to appropriate conditions, confirms that the proposals satisfy all relevant planning policy requirements. Accordingly, on behalf of the applicant, I respectfully request that Members accept the officer's recommendation for approval.

Application Number	20/01508/FUL
Site Address	Manor Bungalow 41B High Street Standlake Witney Oxfordshire OX29 7RH
Date	28th July 2020
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Standlake Parish Council
Grid Reference	439774 E 203054 N
Committee Date	10th August 2020

Application Details:

Demolish existing bungalow and erection of four dwellings with associated garaging and works.

Applicant Details:

Mr Nicholas Blakemore
C/O Agent
62 Broadmarsh Lane
Freeland
Witney
OX29 8QR

Additional Representations:

Previous application's appeal decision;

Appeal Decision

Site visit made on 9 December 2019

**by M Bale BA (Hons) MA MRTPI
an Inspector appointed by the Secretary
of State**

Decision date: 31 December 2019

by M Bale BA (Hons) MA MRTPI an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/D3125/W/19/3236120

Manor Bungalow, 41B High Street, Standlake OX29 7RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Nicholas Blakemore, Wychwood Homes (Western) Ltd against West Oxfordshire District Council.
- The application Ref 19/00684/FUL, is dated 05 March 2019.
- The development proposed is to demolish existing bungalow and build four dwellings.

Decision

I. The appeal is dismissed and planning permission to demolish existing bungalow and build four dwellings is refused.

Preliminary matter

2. The application was not determined by the Council. However, it was considered by the Council's Lowlands Area Planning Sub-Committee which resolved to refused permission. The Minutes of the meeting indicate that it was proposed to refuse the application as being contrary to Policies OS2, EH2, EH3, EH11 and EH13 of the West Oxfordshire Local Plan 2031 (LP). In particular, the committee considered that the proposal did not respect the linear settlement pattern of Standlake, would harm the setting of Standlake Manor, and would result in the loss of trees.

Main Issues

3. With regard to the above, and the various submissions made before me, I consider the main issues to be the effect of the proposal on the character and appearance of the area, and the effect on the setting of Standlake Manor.

Reasons

Character and appearance

4. Standlake is a rural settlement surrounded by relatively open fields, with most buildings arranged along the fairly straight roads through the built-up area. Many dwellings have a close relationship to the road and there are few roads leading off the main streets, which gives a strong built form and a clear linear settlement pattern. However, there are also a number of buildings sited to the rear of those that immediately front the highway, including in the vicinity of the appeal site. Thus, this second tier of so-called 'backland' development is

Appeal Decision APP/D3125/W/19/3236120

<https://www.gov.uk/planning-inspectorate> 2

already in existence, and whilst not so deep as to undermine the prevailing linear character, is clearly evident.

5. The existing Manor Bungalow is one such example of backland development. However, unlike some other nearby examples, given its low height and off-set position relative to the access from High Street, it is largely hidden. Instead open fields are visible beyond the site when looking along the access. The proposed dwellings would be of greater scale, partly aligned with the access and so would be seen from High Street.

6. Although the development would result in the obstruction of some views from High Street to the open countryside, in the context of other backland development, the dwellings would not appear out of place. The access would be an urbanising feature, but would not appear as a formal road and so would not compete with the primacy of the linear street. Furthermore, whilst there are a number of glimpsed views from High Street to the open countryside, my own observations suggested that the fairly tight built form and intimate relationship to the street contribute far more to the character and appearance of the settlement than those glimpsed countryside views.

7. I acknowledge discussion in the Council's appeal statement about the architectural style of the proposed dwellings. However, I note that the Council's case officer had sought amendments to the proposal and was satisfied with the proposed appearance of the individual dwellings. Moreover, from the Committee Minutes it does not appear that the Council would have refused permission for this reason, nor is it a major component of that part of the Council's appeal statement that sets out the main planning issues. It is, therefore, of little weight in my decision.

8. I note that Standlake is well connected to other historic settlements by an extensive network of footpaths. This could lead to the site being seen by a number of high-sensitivity visual receptors as walkers pass through the area. However, in light of my findings above, this visibility would not translate to demonstrable harm.

9. The development may also be visible within the surrounding landscape, being more prominent than the existing bungalow, at the edge of the settlement. However, given the distances to nearby roads and footpaths and the fairly flat nature of the surrounding countryside, it would not intrude into the wider landscape or undermine the overall landscape character of the area. There is no substantive evidence that any trees lost could not be adequately replaced as part of a landscaping scheme associated with any development.

10. With regard to the above, I find that the proposal would not harm the character and appearance of the area. Therefore, it would not conflict with those parts of LP Policies OS2 and EH2 that seek

to conserve landscape character and respect the intrinsic character of the area, including that development should complement the existing pattern of development.

Standlake Manor

11. The listed Standlake Manor (the Manor) stands adjacent to the site access. The appeal site is offset from the listed building, but appears as part of a wider area of land that also stretches across the rear of the Manor. The appellant's evidence indicates that in the post-war period the land was used for purposes incidental to the enjoyment of the Manor, but since construction of Manor Bungalow has been functionally separate. That being the case, it would not be appropriate to describe the site as part of the curtilage of the Manor.

12. I have little information about the development of Standlake generally or the land around the Manor in particular. A 1922 map appears to show the appeal site, and the associated area behind the Manor, as an orchard or similar. However, there is no robust evidence as to the status, association with other land, use or appearance of this land at that time. Whilst, like the current situation, it might indicate that the appeal site was not curtilage to the Manor, neither this nor the current scenario mean that it is not part of its setting.

13. The Council has suggested that the Manor probably had a strong association with the surrounding farmland as agriculture would most likely have been a significant contributor to the wealth of the original owners, evident from the building's high level of decoration. Thus, it is contended that the outlook over adjoining fields and the building's outward position in the settlement contributes to the significance of the building. This is uncontested by the appellant who offers little other evidence about the significance of the listed building or its setting.

14. There are views between the rear elevation of the Manor and the appeal site. Whilst, due to the off-set nature, these are not extensive and are partially obstructed by trees, some intervisibility exists. The site is, therefore, part of the surroundings in which the listed building is experienced. With regard to the above considerations, and in the absence of any robust evidence to the contrary, I conclude that the site does form part of the setting of the Manor, and contributes to its significance.

15. The existing Manor Bungalow is small in height and tucked around the corner of the broadly 'L' shaped site, behind other buildings on High Street. As such, it has very little influence on outward views from the Manor or its rear garden area. By contrast, whilst the relationship may not be clearly visible in public views, the proposed dwellings would be taller and closer with a far greater influence.

16. I note that the Council's conservation officer raised no objection to the proposal, but there is no detailed reasoning surrounding this position. On the basis of the evidence before me now, I find that there would be some harm to the setting of Standlake Manor and its significance, due to a dilution in its association with the surrounding countryside. Such would bring the proposal into conflict with LP Policies EH9 and EH11 which seek to ensure conservation of the historic environment, including the significance of designated heritage assets.

17. In terms of the heritage policies of the National Planning Policy Framework (the Framework), the harm would be less than substantial. Given the separation distance and slightly off-set nature of the site relative to the listed building, the intervening tree planting, and as outward views to the countryside would remain in a direct line from the rear elevation, the harm would be towards the lower end of this category.

Other matters

18. The appellant has outlined the accessibility of the site to various services, such as the post office and primary school. There is no dispute that the site is an appropriate location for the development in terms of housing policy. Accordingly, it may well comply with aspects of various other policies of the development plan.

19. The Framework seeks to boost significantly the supply of housing. However, even if West Oxfordshire is partially reliant on the delivery of windfall sites to meet its housing targets, the Council's position that it can currently demonstrate an adequate supply of deliverable housing land is not contested. Accordingly, whilst additional homes may help to maintain the vitality of the rural community and that of nearby settlements, given the relatively small number of dwellings proposed, I attach only limited weight to benefits associated with the delivery of additional housing.

20. The Council's committee minutes suggest that there may be a conflict with LP Policy EH3 that is primarily concerned with biodiversity. However, there is no substantive evidence that harm to these interests would arise in this case.

Planning balance

21. Whilst I have found that no harm would arise to the character and appearance of the area, there would be less than substantial harm to the setting of Standlake Manor. Framework Paragraph 196 indicates that in such scenarios the harm should be weighed against the public benefits of the proposal.

22. I must have special regard to the desirability of preserving the setting of the listed building. Moreover, in accordance with LP Policy EH9 and Framework Paragraph 193 the harm to the significance of the asset, whilst relatively low-level, must receive great weight. For the reasons set out above, I only attribute limited weight to the benefits associated with the provision of additional housing and I have no compelling evidence of other benefits that would outweigh the harm. I, therefore, find that the proposal conflicts with the development plan and the Framework when those documents are read as a whole.

Conclusion

23. For the reasons given above I conclude that the appeal should be dismissed.

Revised plans and additional information have been received in response to your Ecology officer's comments, which are considered acceptable. Additional conditions are set out below;

The development shall be completed in accordance with the recommendations in Section 4 & 5 of the Ecological Assessment, dated 9/06/2020 and prepared by GS Ecology, as well as drawing no. 20021- 20A, 20021-21A, 20021-22A, 20021-23A to 20021-24A, as submitted with the planning application. This includes the requirement for updated surveys to be carried out if the period of time between the bat surveys and commencement of development extends more the 12 months. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

REASON: To ensure that bats, birds, reptiles, amphibians and hedgehogs are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, 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.

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 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 as well as hedgehog gaps/holes through the 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 dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and ensure permeability for hedgehogs 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.

Before the erection of any external walls, a “lighting design strategy for biodiversity” [and in particular for the soprano pipistrelle bat species] shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts; and
- ii. 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 roosts.

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

REASON: To protect roosting, foraging and commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), 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.

No development shall take place (including vegetation/site clearance) until a Precautionary Working Method Statement (PWMS) for reptiles, amphibians and hedgehogs has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles, amphibians and hedgehogs are protected in accordance with the Wildlife and Countryside Act 1981 as amended, the Protection of Badgers Act 1992, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including biodiversity enhancements (such as tree planting using native species, a shade tolerant wildflower seed mix and the creation of hibernacula) and a 5-year maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.

The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.

REASON: To enhance the site for biodiversity in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

A 10-year Woodland Management Plan (WMP) shall be submitted to, and approved in writing by the Local Planning Authority before the occupation of the development. The content of the WMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5 or 10 year period);
- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring and remedial measures;
- ix. Timeframe for reviewing the plan; and
- x. Details of how the aims and objectives of the WMP will be communicated to the occupiers of the development.

The WMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the WMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The WMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (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.

Informative

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

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

Where the presence of roosting bats have been confirmed, updated surveys are required if the period of time between the survey and commencement of development extends more than 12 months. Updated surveys are required to identify any changes to the bat roosting status on site.

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.