

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 15th December 2014

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the 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

I4/1339/P/OP

[Linden House Kilkenny Lane Brize Norton](#)

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[Chimney Farm Barns Chimney](#)

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[Thistle Cottage Ham Lane](#)

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Application Number	I4/I339/P/OP
Site Address	Linden House Kilkenny Lane Brize Norton
Date	3rd December 2014
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427961 E 208632 N
Committee Date	15th December 2014

Application Details:

Erection of up to ten dwellings with associated access.

Applicant Details:

R, P & C Howse
Linden House
Kilkenny Lane
Brize Norton
Oxfordshire
OX18 3NU

I. CONSULTATIONS

I.1 OCC Archaeological Services

No objection subject to conditions

I.2 One Voice Consultations

Education- Approve subject to financial contributions towards Education.

Property- No objections subject to financial contributions towards community infrastructure

I.3 Carterton Town Council

Council has no objection to this application but asks District Officers to ensure that the scale, location and design of the new properties does not overwhelm the existing building or cross over the build line.

I.4 Adj Council Brize Norton

No Comment Received.

I.5 WODC Env Services - Car Parking

No Comment Received.

I.6 OCC Highways

No objection subject to conditions, a legal agreement to secure monies towards Carterton Area transport package, a Construction Management Plan and a number of informatives

I.7 OCC Minerals (Safeguarded Areas)

No Comment Received.

1.8 WODC Landscape and Forestry Officer

No Comment Received.

1.9 WODC Planning Policy Manager

In a precise form the policy response concludes as follows:

A judgement will need to be made as to whether the proposal, once the adjoining residential scheme is completed, will form a logical complement to that development (Policy H7) and would not harm the rural character of the area by extending development unacceptably to the east and north (Policy NE2).

It is noted that the application site is currently well-treed and screened and it will be important for any subsequent detailed scheme and layout to address the landscape impact and the issue of views from the north and east in particular.

It should however be noted that Linden House will remain in situ and as such officers need to consider whether the proposal will be seen in the context of the existing property at Linden House. In addition, there needs to be full consideration of the potential wider visual harms and whether there is sufficient tree screening to conceal this development from the open countryside. The illustrative layout suggests that a number of the existing trees on the site will be removed, thereby potentially opening up the site to views from adjoining land.

Access - Currently the implementation of this site relies on the construction of the access road forming part of the scheme approved for 250 dwellings (13/1752/P/FP) which has yet to be completed. As such, this site currently has no means of access to an adopted highway. Therefore, if officers are minded to approve this consent, I would suggest that a Grampian condition should be attached to ensure works are not commenced until the access road has been completed in full.

Affordable housing - As it stands, the site is greater than 0.5ha (the agent states that this is 0.8 ha on the application form) and therefore an element of affordable housing should be provided in accordance with Policy H11 of the adopted Local Plan. No mention is made of affordable housing provision and this issue needs to be addressed if officers are minded to approve the application.

Financial contributions - Financial contributions which will be sought should be established at this stage through liaison with the appropriate statutory consultees, including the County Council and our leisure team. I would also contact Heather McCulloch regarding a public art contribution.

Highway impacts - Are the County Council Highways Authority satisfied with the access arrangements, indicative parking layout etc.? Do they require a transport assessment?

Housing mix -Is it appropriate for all dwellings to be 5 bed homes? Does this meet the needs of the community? I note that a case has been made that this provides an appropriate alternative to the smaller properties approved on the neighbouring sites and that the Town Council consider that there is a need for larger properties but there is no evidence of this need.

Sewerage -This is an issue that has been raised recently and is contentious. Whilst this scheme is not strategic in size, have the cumulative impacts alongside other schemes in the area been considered?

Drainage - Officers need to consider whether this should be assessed at this stage or at reserved matters stage.

1.10 MOD (Brize Norton)

No Comment Received.

2. REPRESENTATIONS

Comments have been received from Mr M J Alcock , Secretary to the Swinbrook Road Allotment Association. His comments are very briefly summarised as follows:

- In respect of the Extended Phase I Habitat Survey our comment is - As far as we are aware no one has ever been on, or requested access to the allotment side to carry out an environmental survey, even though the allotments border the proposed building plot . A survey of the allotments would show that there are 9 ponds each homes numerous frogs and newts for the majority of the year;
- To the south of the allotment is the winterbourne stream which in spring is home to between 100-150 frogs;
- Newts move through the stream from adjoining land and onto our site and are present for most of the summer and autumn;
- Large Toads frequent our site and Tawny Owls frequent the trees around the site.
- We request that if planning permission is granted a condition be included to ensure that a high secure fence is erected along the western boundary , possibly replacing the boundary hedgerow/ trees and so would protect the allotment site from trespass from the new neighbours.

3. APPLICANT'S CASE

The application has been supported by a Planning, Design and Access Statement, a Heritage Statement and an extended Phase I Habitat Survey the full details of which can be accessed on the Council's website.

These documents conclude as follows:

In terms of the relevant planning policy framework, The NPPF dictates that the proposal be considered against the presumption in favour of sustainable development. This requires an assessment of planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

In this regard the proposal will provide much needed housing and associated construction jobs, it will address a shortfall in housing in a sustainable and accessible location to meet the needs of growing families , enhancing the diversity of available housing and the proposal will meet the relevant sustainable design standards whilst respecting the local landscape character.

The habitat survey concludes that no further survey work is required but makes a number of recommendations in respect of scrub and tree removal, the use of native plants in any planting schemes and a working method statement for reptiles in respect of site clearance.

The Heritage Statement concludes that previous field evaluation conducted immediately adjacent to the site has confirmed that it is unlikely to contain evidence for any significant non heritage assets to be present. The local planning authority's archaeological advisor has confirmed that the archaeological advisor has confirmed that the archaeological investigations undertaken on and immediately adjacent to the site to date have been sufficient to provide an appropriate level of information to enable the application to be determined, although has reserved the position to require further work, secured by the attachment of an appropriately worded planning condition, where necessary.

4. PLANNING POLICIES

H4 Construction of new dwellings in the open countryside and small villages

H7 Service centres

NE2 Countryside around Witney and Carterton

H11 Affordable housing on allocated and previously unidentified sites

H2 General residential development standards

BE3 Provision for Movement and Parking

BE2 General Development Standards

NE3 Local Landscape Character

NE13 Biodiversity Conservation

H3 Range and type of residential accommodation

NE6 Retention of Trees, Woodlands and Hedgerows

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

5. PLANNING ASSESSMENT

This application is in outline and is for the principle of redevelopment of land to the rear of Linden House for up to 10 dwellings. Whilst there is an illustrative layout and description of the proposed development (all 5 bed detached dwellings), the only matter for consideration over and above the principle is access. All other matters are reserved for future consideration.

The access to the site is proposed from the adjoining approved development by David Wilson Homes 13/1752/P/FP. The applicant has a legal agreement which secures access via the David Wilson Homes development within the first phase of that development

5.1 Background Information

5.1.1 The site has been the subject of previous refusals for a new nursing home. It was also considered through the Inquiry into the West Oxfordshire Local Plan 2011.

5.1.2 The two following approvals adjoin this site to the south and west and are also relevant:

13/1752/P/FP - Demolition of Byfield, erection of 250 dwellings with associated access, public open space and landscaping including allotments at land at Swinbrook Road.

14/0399/P/FP - Erection of 66 dwellings with associated access, open space and landscaping. Creation of extension to Kilkenny Lane Country Park and link road at land at Swinbrook Road

5.1.3 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:

5.2 Principle

5.2.1 In terms of considering whether the principle of residential redevelopment of the site can be considered favourably, regard needs to be had as to whether or not, given the context of the site in terms of housing consents, that the development proposal constitutes a logical compliment to the pattern of development in the vicinity of the site which will protect the exiting character of the area and not appear as intrusive urban sprawl into the open countryside.

5.2.2 In this regard, officers are of the opinion in light of the recent grant of planning permissions for dwellings in the vicinity of the site, that subject to the site being adequately screened by a landscape buffer consisting of both existing and additional indigenous planting, that the development which is located on the periphery of one of the most sustainable developments in the District, will not harm the visual amenity of this sensitive urban/rural fringe location. As such the principle can be considered Local Plan policy and NPPF compliant.

5.3 Siting, Design and Form

The application which is in outline is not seeking approval for the appearance, layout or scale of the dwellings. However, the supporting information with the application makes it clear that what is envisaged is up to 10 five bed detached units. Policy H3 of the adopted WOLP states that based on the housing needs of the area, housing development of 6 or more dwellings shall provide a mix of dwelling types and sizes. In addition the NPPF emphasises the need for a mix of houses to meet the needs of various groups. The SHMA (2014) provides an indicative mix for future market housing provision in West Oxfordshire in the period to 2031. Whilst it is only a guide it does confirm that a mix of different unit sizes is needed to meet future needs. Bearing this in mind and in the interests of securing an adequate landscape buffer around the periphery of the site, officers are suggesting that an informative be attached to the grant of planning permission advising that in order to achieve a satisfactory layout on the site with adequate landscaping it is anticipated that a mix of different unit sizes will be required.

5.4 Highway

County Highways has raised no objections subject to a series of conditions, informatives and financial contributions.

5.5 Archaeology

The County Archaeologist has raised no objections subject to a Watching Brief condition.

5.6 Affordable Housing and Financial Contributions

5.6.1 Given that the application site area exceeds 0.5 Ha the proposal for the site attracts an affordable housing contribution under policy H11 of the West Oxfordshire Local Plan. Also as 10 units are proposed requests for contributions have been received in respect of highways, education provision, community infrastructure provision and sport/recreation /play facilities provision.

5.6.2 In respect of these matters Government Planning Practice Guidance has just changed (28.11.2014). The guidance now states as follows:

'There are specific circumstances where contributions for affordable housing and tariff style planning obligations should not be sought from small scale and self-build development

contributions should not be sought from developments of 10 units or less...'

5.6.3 This does not preclude a developer from offering contributions but is clear in this amended guidance that affordable housing and tariff style financial contributions should not be sought for development proposals of 10 or less houses. Bearing this in mind the financial contributions requested in the consultation responses and any contribution to affordable housing cannot be secured through the approval of this application.

Engineers

5.6.4 At the time of writing a consultation response from the Council's engineer remains outstanding. It is anticipated that this will have been received prior to the date of the Sub Committee meeting.

Conclusion

5.6.5 In light of the above planning assessment the application is recommended for conditional approval subject to the Council's Engineer raising no objection.

6. **CONDITIONS**

1. (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.
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. No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
4. No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety
5. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
6. An archaeological watching brief shall be maintained during the period of construction/during any ground works taking place on the site in accordance with a written specification that has been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording and inspection of matters of archaeological importance on site.
7. Prior to the commencement of development details of a 5 metre wide landscaping belt surrounding the periphery of the application site area to include the retention of existing trees and shrubs and new indigenous planting shall be submitted to and approved in writing by the LPA and the said approved landscaping detail shall be implemented prior to first occupation of the dwellings hereby approved and retained and maintained as such thereafter.
REASON: In the interests of the visual amenity of the area.

- 8 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
REASON: To safeguard the character and landscape of the area.
- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.
Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.
The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 10 Development shall not commence until a foul water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To secure adequate means of disposing of foul water and to avoid pollution.
- 11 The ridge height of the dwellings hereby approved shall not exceed 8.5m high above natural ground level.
Reason: In the interests of the visual amenity of the area.
- 12 That the development hereby approved shall be carried out in accordance with the 'Recommendations and Enhancements' (section 7) of the Extended Phase I Habitat Survey issued on 25/8/2014 submitted with the application.
REASON: In the interests of the ecology of the site.

INFORMATIVES :-

In accordance with the terms of policy H3 of the adopted WOLP, the NPPF and in the interests of securing an adequate landscape buffer around the site you are advised that in order to achieve a satisfactory layout on the site it is anticipated that a mix of different unit sizes will be required.

Application Number	I4/01538/S73
Site Address	Chimney Farm Barns Chimney Bampton Oxfordshire OX18 2EH
Date	3rd December 2014
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	435749 E 200889 N
Committee Date	15th December 2014

Application Details:

Variation of condition 4 of Planning Permission W2001/0924 to allow unrestricted use of the barn for C3 (dwelling) use.

Applicant Details:

Stay Cotswold Limited
Island House
Lower High Street
Burford
Oxon
OX18 4RR

I CONSULTATIONS

I.1 Parish Council

The above planning application was considered at a meeting of Aston, Cote, Shifford & Chimney Parish Council on 6 November 2014. The Parish Council objects to the application.

As you are aware, the District Council considered a similar planning application for change of use from holiday lets to standard dwellings in 2010 (application I0/0782/P/S73). That application was refused by the District Council because it was considered that the application did not present an overriding case to convert the buildings to unfettered dwelling houses, and because it was considered that the conversion to dwelling houses would result in significantly higher levels of traffic movements than those arising from the holiday let use. The applicant appealed against this decision, but the Inspector who heard the appeal upheld the District Council's decision to refuse the application.

The current owner of the buildings has now submitted a new application for the restriction to holiday let use to be removed from the current planning permission for the barns. The applicant's case appears to hinge round the NPPF which presumes in favour of sustainable development, and paragraph 49 in particular, which states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The applicant expresses the opinion that the District Council cannot demonstrate a five year supply, and that the policies of the current Local Plan which were used as the basis for refusing the 2010 application (policy H10 in particular) are not relevant and cannot be used as a justification to refuse this application.

The members of Aston, Cote, Shifford & Chimney Parish Council have been advised by District Councillors Hilary Fenton and Steve Good that, following the approval of the Carterton East

development, the District Council can now demonstrate a five year supply. This is, however, presumably, using the housing targets currently proposed by the District Council following its review of the SHMA, which have themselves, not yet been approved by the Planning Inspectorate.

Notwithstanding the vulnerability of the policies of the current Local Plan, paragraph 14 of the NPPF does state that permission should not be granted on planning applications where "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole." We consider that the very minimal benefit of granting permission for the creation of three unfettered dwellings would be significantly outweighed by the adverse impacts of granting this permission.

The members of Aston, Cote, Shifford & Chimney Parish Council consider that the objections the Parish Council raised against the planning application in 2010 stand, and we would therefore reiterate them:

Original conversion - farm diversification scheme

The conversion of the barns to holiday lets was permitted as part of a farm diversification scheme. The West Oxfordshire Local Plan 2011 (WOLP) states that farm diversification schemes "must be complementary to the agricultural operations, operated as part of the farm holding." It is possible that if the conversion had not been proposed as part of a farm diversification scheme it would not have been granted. In point of fact the holiday lets have never formed part of a farm diversification scheme - the farm was closed and broken up 4 years before the conversion of the barns was even started. It is regrettable that the planning permission did not have conditions attached to ensure that if the farm diversification objectives no longer applied that the permission would lapse.

Previous refusal of residential use at appeal

As noted earlier, this is not the first time that an application has been made for these units to be converted to normal residential use. In addition to the refusal of the planning application in 2010 (which was upheld on appeal), application 05/0492/P/FP for conversion of two of the barns to residential use was refused on several grounds including that residential use would be contrary to Policy H10 of the WOLP and the sustainability criteria for development in the countryside contained within the then Central Government guidance in PPS7. These grounds still apply. The grounds for the restriction of the use of the barns for holiday let purposes contained within the original planning permission W2001/0924 (condition 4) - "the accommodation is provided on a site where development would not normally be permitted, and the nature of accommodation provided makes the units unsuitable for continuous residential occupation" also still applies.

Sustainability

Policy H10 of the WOLP states that conversion of existing buildings outside built-up areas to residential use will only be permitted where retention of the building meets overall sustainability objectives. The properties are located at the end of a single track no-through road. Access to the no-through road that leads into Chimney is by further stretches of single track road leading from the Buckland/Bampton road and the roads into Aston and Cote. These roads have no passing places and are heavily used by walkers, cyclists and horse-riders. There are no amenities within Chimney and it is not served by public transport. People living in Chimney are dependent on the private motor car for all aspects of life. The NPPF focuses very clearly on the importance of the sustainability of development, referring to the importance of the economy (including the rural economy) which is needed to deliver employment, and on the importance of sustainable transport. If permission is given for the conversion of these buildings to unfettered dwelling use, it would be detrimental to rural employment, as the jobs currently supported by the use of the buildings as holiday lets would be lost. The use of these buildings as dwellings would increase non-sustainable transport use because it would increase the number of private car journeys, given the non-sustainable location of the site. Although the applicant seeks to provide information to

support their argument that residential use of the barns would represent a reduction in vehicle movements, the data they supply indicates that the barns were only occupied for 127 out of the 184 days in the period recorded (69%). If the barns are used for residential purposes, they would be occupied 100% of the time, and create multiple car journeys on every day of the year. When considering the appeal in 2010, the planning inspector accepted the District Council's view that "residential generation (of vehicular movements) would be significantly higher than for holiday accommodation use."

Policy H2 criteria d) of WOLP

The application also needs to be considered under the requirements of Policy H2 of WOLP. The Parish Council is of the opinion that the application does not meet two of the criteria contained within this policy. Criteria d) states that any proposal should not "create unacceptable living conditions for existing and new residents." There are 5 other residential units in Chimney. If the removal of the holiday let condition is granted this would increase to 8 units - a 60% increase. If the increase is considered in the terms of potential residents rather than units, the potential increase would be even greater - there are currently 16 bedrooms in the existing housing units. The barns have been converted to contain respectively 4 bedrooms (Rose Barn), 5 bedrooms (Owl Barn) and 6 bedrooms (Snipe Barn). The number of bedrooms in Chimney would therefore increase to 31 - a 94% increase with the relating increase in traffic, noise and general activity within the hamlet. The Parish Council is aware that the residents of Chimney are strongly opposed to this planning application because of concerns about the impact the removal of the holiday let condition and the occupation of the barns as residential dwellings would have on the tranquility of the hamlet and their quality of life. The application therefore does not meet criteria d) of Policy H2.

Policy H2 criteria e) of WOLP

The poor access to Chimney and these properties is well understood and documented. As noted above, the roads leading to the no-through road also present safety concerns, as they are single track with no passing places. The Parish Council is of the opinion therefore that the application does not fulfil criteria e) of Policy H2.

Policy H2 criteria a) and b) of WOLP

The Parish Council is of the opinion that the application does not meet either of these two criteria and believes that conversion of the barns would not have been permitted, except for certain types of restricted use, such as those listed in Policy H10 (including for tourist accommodation) if the original application had been for the conversion of the barns to residential use. Although the barns have now been converted, the Parish Council is of the opinion that criteria a) and b) of Policy H2 must still be applied when considering whether the holiday let condition should now be removed.

In conclusion, the Parish Council objects to this planning application because it conflicts with Policies H2 and H10 of The West Oxfordshire Local Plan 2011. Even though the strength of these policies is somewhat undermined by the fact that the Plan is technically out-of-date, and the NPPF has been put into place since the publication of the Plan, the Parish Council considers that the adverse impacts of granting this application would significantly outweigh the benefits of its approval.

We request that the District Council refuses the application. Given the planning history of this site, including the previously failed appeals, and the strength of public opinion against this application, the Parish Council would also request that this application is taken to the Lowlands Planning Committee for decision rather than being decided under delegated powers. The Parish Council would aim to send a representative to speak at the Planning Committee meeting where this application is considered.

1.2 OCC Highways

The proposal, if permitted, will not have a significant detrimental impact on the local road network. No objection

I.3 WODC Planning Policy Manager

No Comment Received.

I.4 Environment Agency

No Comment Received.

2 REPRESENTATIONS

Representations have been received from Martin and Jane West of Chimney House, Jenni Howard of 3 Chimney Cottages, D Morley of 4 Chimney Cottages and James and Kate Fulford of Chimney Farmhouse. Their comments are summarised as follows:

- Background and History - The conversion of the barns to holiday lets was permitted as part of a farm diversification scheme. The WODC Local Plan 2011 states that farm diversification schemes must be complimentary to the agricultural operations operated as part of the farm holding. The holiday lets never formed part of a farm diversification scheme, once permission had been granted the farm was sold in lots, one lot being the barns in question, complete with permission granted for 3 three bed holiday lets.
- Application 05/0492/P/FP - Conversion of two of the barns to residential use was refused on appeal.
- Application 10/0782/P/S73 - Removal of occupancy (holiday let) condition refused on appeal.

We are objecting to Application No.14/01538/S73 for the following reasons:

- Residential use would be contrary to Policy H10 of the West Oxfordshire Local Plan 2011 (WOLP) and the sustainability criteria for development in the countryside contained with Central Government guidance in PPS7.
- Policy H10 of the WOLP states that conversion of existing buildings outside built up areas to residential use will only be permitted where retention of the building meets overall sustainability objectives. The barns are located at the end of a single track road, accessed by further stretches of single track road from the Bampton/Buckland road and Aston and Cote. There are no amenities in Chimney and it is not served by public transport. The use of the barns for residential accommodation neither accords with PPS7 nor its principles contained in Policy H10 of the WOLP.
- Policy H2 criteria (d) of WOLP states that any proposal should not "create unacceptable living conditions for existing and new residents. There are 5 residential units in the hamlet, removing the holiday let condition would mean 8 residential units, an increase of 60%. This in turn would create an unacceptable permanent increase in traffic, noise and general activity in the hamlet.
- Policy H2 criteria (e) of WOLP -The poor access and condition of the extremely narrow single track no through road does not fulfil the criteria of Policy H2
- In essence there has been no material change in circumstances as the same policies and material considerations apply.
- As residents of Chimney we are content with the barns being used as low key three bed holiday lets for holiday purposes in accordance with the original permission, and in keeping with the very rural nature of the hamlet.

- I have lived here for over thirty five years; Chimney is a very special place because it has never been developed. The holiday lets do not have the same impact that permanent residences would have in terms of traffic, noise and additional activity in the hamlet.
- We don't have any facilities in Chimney and the only way to get to the shops etc. is by car. The road is single track all the way, very narrow and not suitable for a large volume of traffic on a daily basis.
- There has been no material change in circumstances since the previous appeals were refused. The grant of planning permission would be inconsistent with the previous decisions.
- We are a neighbour whose property shares a significant boundary and right of way with the properties under consideration. We find the high occupancy of the short term lets ,normally 20-40, normally young holiday makers, arriving each weekend, by our observations some 40+weeks a year, often in cars with only one occupant, not a helpful addition to the hamlet, both whilst they are here in residence for the weekend (or week) and the significant traffic movements, many of which occur late at night as the revellers leave for their celebration and then return, sometimes in mini buses or coaches, as well as their original arrival and final departure.
- The proposal contemplates converting the three properties into 3 residential units. We think that this would be a useful addition to the hamlet, would be a far lighter use of the access road and other infrastructure/utilities, and at far less antisocial times. The advent of 3 occupants, hopefully families would greatly add to the balance and wellbeing of the hamlet.

3 APPLICANT'S CASE

Introduction

There is a detailed statement submitted with the application which in a précised form advises as follows:

The application is seeking removal of condition 4 of planning permission W2001/0024 which limits occupation of the converted barns to holiday tenancies not to exceed 6 weeks in each case. The condition was attached as the accommodation was provided on the site where unfettered dwellings would not normally be allowed and the nature of the accommodation provided made the units unsuitable for continuous residential occupation.

The barns are located in the hamlet of Chimney and are constructed of natural stone with blue slate roofs. The site is accessed by an existing vehicular access, is not subject of any heritage or landscape designations and is located within flood zone 2.

Planning History

W2001/0924- Planning permission granted for three Residential barn conversions all fettered by a holiday let occupancy condition..

05/0492 - Planning permission refused for conversion of barns to unfettered residential. Dismissed at appeal.

07/2140 - Planning permission granted for conversion of barns to holiday lets (renewal of W2001/0924)

08/0311- Planning permission granted for the conversion of barns to holiday lets, to include the insertion of 2 rooflights.

10/0768- Planning permission granted for engineering works to include a change in levels on 21 July 2010. A number of conditions attached to this permission were the subject of an appeal. The appeal was allowed.

10/0782 - Planning permission was refused for non-compliance with the holiday let condition on the following grounds 'The accommodation is provided on a site where development would not normally be permitted and the nature of the accommodation provided makes the units unsuitable for continuous residential occupation'. A subsequent appeal was dismissed. In considering the appeal the inspector stated that ' there is agreement that this should be assessed against policy H10, which deals with the conversion of existing buildings to residential use in the countryside and smaller villages'. The Inspector continues 'it sets out the exceptional circumstances where such conversion will be permitted including a) the building is not suitable or reasonably capable of re-use for employment purposes, recreational or community uses, visitor facilities or tourist accommodation and it is demonstrated that its retention can only be secured through residential use.' The policy contains other elements, but the dispute on the requirement for the condition arises from an application of this test.

Policy Context

NPPF

Para's 6 (purpose of the planning system is to contribute to the achievement of sustainable development), 8 (three dimensions of sustainable development are mutually dependent), 14 (presumption in favour of sustainable development), 47 (Governments objective to boost significantly the supply of housing), 49 (relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites), 55 (housing should be located where it will enhance or maintain the vitality of rural communities and support should be given for new homes in the open countryside where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Development Plan Policy

The saved policies of the WOLP 2011 are currently being used for development management purposes. The WOLP is currently under review.

WOLP 2011

Policy H10 identifies the criteria whereby the Council will support the conversion of existing buildings to residential uses in the open countryside.

Policy BE2 identifies general development standards for new development.

Policy BE3 identifies the criteria for the provision of movement and parking.

SPD

The West Oxfordshire Design Guide and the West Oxfordshire Landscape Character Assessment are material considerations in the determination of this application.

PLANNING ASSESSMENT (APPLICANT'S CASE)

Principle

Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year housing land supply of deliverable housing sites. The Council's Housing Land Position Statement was considered by Cabinet on the 8 April 2014, where the Council confirmed that it is currently unable to demonstrate a five year housing land supply.

Policy H10 specifically controls the conversion of existing buildings for residential purposes and therefore directly controls the supply of housing. This view is supported by recent case law.

Para 14 of the NPPF states that where policies are considered out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

This approach was followed in the Council's recent decision to grant planning permission in respect of Walcot Barn, Charlbury under 14/0225. In this case it was recommended that planning permission be granted on the basis that the harm associated with the application would not significantly and demonstrably outweigh the presumption of what is considered to be sustainable development.

Importantly, in considering application 10/0782 the only harm identified in the reasons for refusal related to the accommodation being provided on a site where development would not normally be permitted and the nature of the accommodation makes the units unsuitable for continuous residential occupation.

Planning permission was also approved for removal of a holiday occupancy condition at The Byre, Widford on the same grounds as above (14/0674).

Having regard to the above, the principle of the proposed development is considered acceptable.

Landscape Impact

No alterations are proposed and as such the impact of the barns in the wider landscape will remain unchanged. If there are concerns about the impact of domestic paraphernalia upon the wider landscape the applicants would be willing to enter in to a Unilateral Undertaking to prevent the provision of such items.

Flood Risk

The site is located 300m to the north of the River Thames within flood zone 2.

Para 48 of the NPPF identifies that a change of use may involve an increase in flood risk if the vulnerability classification of the development is changed.

In this instance there is no change of use class. The lawful use of the barns is as a dwelling. A planning condition restricts the use of the dwellings to short term holiday lets.

In light of the above there is no change in vulnerability classification.

Ecology

The proposal will not impact upon any notable or protected species.

Highways

The access to the site is gained via an existing vehicular access from the B4449.

Owl Barn comprises 5 beds (10-12 guests)

Rose Barn comprises 4 beds (8-10 guests)

Snipe Barn comprises 6 beds (12-14 guests)

This accommodation lends itself to group bookings. As such, the existing accommodation together with the associated maintenance and servicing generates a significant number of vehicle movements, above that which one normally associates with holiday accommodation.

A summary of bookings was undertaken for the period from 1 March to the 30 August. During this period 48% of the bookings were in respect of hen, stag, wedding and friends parties. The bookings also detail the number of vehicles associated with the individual bookings during that period. More than 86% of the bookings had three cars associated with each barn. 16% had more than eight cars associated with each barn.

During the weekend of 20 to 22 June Rose Barn was booked for a hen comprising 10 individuals and 7 cars. Snipe Barn for a hen comprising 13 individuals and 10 cars and Owl Barn for a hen comprising 12 individuals and 8 cars. During that weekend a total of 35 guests and 25 cars on site.

In addition to the vehicle movements associated with the guests, there would be additional movements associated with the manager, cleaners, gardening, laundry and specialist maintenance. These would generate an additional 12 vehicle movements per booking.

Given that the barns lend themselves to group bookings further vehicle movements include:

Taxi's, delivery of takeaways and mini bus movements

Having regard to the above and given the extent of the accommodation , it is considered that the group of buildings at Chimney Farm Barns is unique and as such the use of TRICS data is not considered appropriate.

In light of the above, the proposed unfettered residential use would represent a reduction in vehicle movements and thus accord with BE2 and BE3 of the adopted WOLP 2011 and guidance contained in the NPPF.

Conclusion

Having regard to para 49 of the NPPF , policy H10 is not considered up to date and therefore planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. It has been demonstrated that the development respects landscape

impact, neighbour amenity, highway safety and ecology. Indeed the proposed development will result in a reduction in the number of vehicle movements. As such, planning permission should be granted.

Having regard to para 49 of the NPPF, policy H10 is not considered to be up to date.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H10 Conversion of existing buildings to residential use in the countryside and

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

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

5 PLANNING ASSESSMENT

This application is for non-compliance with a condition which fetters the use of the converted barns to holiday tenancies not to exceed more than 6 weeks in each case.

5.1 Background Information

5.1.1 There is both a planning and enforcement history on the site. Historically two applications for non-compliance with the holiday let condition have been refused and dismissed at appeal. In the latest appeal the Inspector concluded as follows:

'I conclude it has not been demonstrated based on viability that the buildings are not suitable or reasonably capable of appropriate alternative use such that unrestricted residential use is the only option for securing their retention. The condition therefore remains reasonable and necessary in ensuring compliance with policy H10.'

5.1.2 In consideration of the appeal the Inspector stated as follows:

'The appellant's figures, although updated in February 2011, relate to the first year of operation of the units. It is clear that substantial capital expenditure was incurred in purchasing, converting and fitting out the units, and the analysis includes annualised depreciation over a 50 year period and finance costs. The figures demonstrate substantial losses on this basis. This is consistent with the agreed position on viability of such a scheme in the previous appeal. It also indicates that the investment involved a substantial financial risk, despite that permission existed for the conversion.

Nevertheless, that expense has been incurred, and it is not the appropriate basis for the current decision to recompense the appellant for the consequences of the investment risk. The relevant question is whether or not there is a reasonable likelihood that tourism use will continue in the future.

The appellant's alternative analysis shows a positive return on investment for two of the units based on income and the establishment costs; for the other unit the figures are distorted by including 6 months of restricted use. While the returns are low compared to other investment options, the analysis suggests that the current use would continue in the absence of an alternative.

Moreover, there has been no marketing of the units to establish whether or not there would be interest in running them by another operator. The submitted evidence relates to only one year of operation, and does not cover potential alternative forms of operation which could include different management and

running costs. This is despite that the units have been promoted and achieved good occupancy, and the existence of competition and possible implications of tax changes. An absence of marketing at an appropriate guide price was identified as a shortcoming by the Inspector in the earlier appeal, who suggested a need to advertise the barns for a significant period of the order of 12-18 months. Despite the change in the physical circumstances of the barns, the principle of testing the market still applies.

Similarly I note the appellant's arguments on difficulties of attracting employment or storage uses to the buildings, but again there has been no market testing for such uses as recommended by the previous Inspector.

The suggested amenity implications of holiday lets use and the cited previous complaints by nearby occupiers about this carry little weight given that the use has been granted permission and that consultation on the current application generated just objections to residential use.'

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:

5.2 Principle

5.2.1 This applicant seeks to argue that notwithstanding the earlier dismissed appeals that the application for non-compliance should be approved because there has been a change in the policy position since the earlier decisions. The change that is being asserted is that the Council is presently unable to demonstrate a five year housing land supply and on that basis paragraph 49 of the NPPF is triggered. This paragraph states as follows:

'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'.

5.2.2 Having regard to the above and in accordance with paragraph 14 of the NPPF the applicant seeks to argue that where relevant policies are considered out of date ,planning permission should be granted , unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2.3 In addition to the above argument the applicant seeks to assert that in all other regards the merits of the application are acceptable and indeed there will be a reduction in vehicle movements to and from the site.

5.2.4 In respect of the contention that the Council does not have a five year housing land supply your Officers would advise that based on the assumptions set out in the most recent position statement and having regard to the decision at east Carterton, we can claim to have a 5-year housing land supply (provided that the Council's methodology and assumptions are accepted).Bearing this in mind policy H10 is considered to have full weight and has indeed been confirmed NPPF compliant in a number of recent appeal decisions, including when the Council were not claiming a 5 year housing land supply.

5.2.5 Bearing this in mind the applicant needs to demonstrate that there are exceptional circumstances in this case to allow the barns to be used for unfettered residential use as opposed to the sequentially preferable alternative uses cited in the policy. This application has failed to address the terms of this policy.

5.2.6 In addition to the failure to comply with policy H10 of the adopted WOLP, paragraph 55 of the NPPF is of relevance. This paragraph advises that new isolated homes in the open countryside should be avoided unless there are special circumstances to allow them.

5.2.7 In this regard the most pertinent exceptions are considered to be the following:

Bullet point 2 of the paragraph which states 'where such development would represent optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of the heritage assets'.

Bullet point 3 of the paragraph which states: 'where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting'

5.2.8 Given that the buildings have already been converted bullet point three is not considered to apply and given that there is no information submitted with the application to confirm that unfettered residential use is the optimum viable use of the non-listed heritage assets, then compliance with paragraph 55 has not been proven through the application.

5.2.9 Indeed, in respect of appeal reference APP/D3125/A/11/2144225 cited above, the Inspector confirms at paragraph 17 of the decision letter that the residential conversion of the barns which lie well outside any settlement and in a remote countryside location, does not accord with the overall sustainability objectives of planning policy relating to the location of new housing. In that the NPPF supports sustainable development this is a key issue.

5.2.10 In light of the above assessment and even if the Council's position on the 5 year Housing land supply comes in to question, the harm associated with the unsustainable isolated location of the unfettered dwellings is not, in your officers opinion, outweighed by the very limited benefit that the three units will have in terms of a contribution to the Council's Housing land supply.

5.3 Impact on Highway Safety and Residential Amenity

5.3.1 The applicant has provided evidence to seek to substantiate that there is a gain to be had in terms of a reduction in vehicular activity as a result of unfettered residential use of the barns. This is outlined in some detail in the 'applicant's case' section of this report. The case that is being made is that by reason of the types of holiday lets which is often to groups of people and the numbers of people that the barns can accommodate, that the holiday let use has a worse impact in terms of vehicular movements to and from the site than unfettered residential use would have.

5.3.2 In this regard the evidence that has been provided is limited covering only the months of March to August of 2014. Whilst this might be the case if all of the barns have the maximum occupancy rate and are fully let across the year, evidence to substantiate this has not been submitted with the application such that any benefits in terms of a reduction in vehicular activity /reduced impact on the residential amenity of the adjoining occupiers can be given enough weight to outweigh the harm to the sustainability objectives of the Local Plan and the NPPF.

5.4 Landscape Impact

Given that the barns have already been converted to residential use the impact of removing the holiday let condition will have a neutral impact on landscape character and appearance.

5.5 Ecology

Given that the barns have already been converted there are no ecological issues arising from this application

5.6 Conclusion

In light of the above planning assessment the proposal is considered to constitute unsustainable development contrary to the key objectives of the NPPF and policy H10 of the adopted West Oxfordshire Local Plan. No overriding case has been made as part of the application submission which allows for the said policy context to be set aside. The application is recommended for refusal accordingly.

6 REASON FOR REFUSAL

- I. It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings, which lie well outside any settlement and in a remote open countryside location, are not suitable or reasonably capable of holiday let use or alternative uses e.g. workshops, storage units, offices such that unrestricted residential use of the barns (in this highly unsustainable location which does not accord with the overall sustainability objectives of planning policy, both local and national, relating to the location of new housing), is the only option. As such, the proposal is considered contrary to policy H10 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF (at the heart of which is a presumption in favour of sustainable development).

Application Number	I4/01496/FUL
Site Address	Thistle Cottage Ham Lane Aston Bampton Oxfordshire OX18 2DE
Date	3rd December 2014
Officer	Phil Shaw
Officer Recommendations	Approved subject to Legal Agreement
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	434057 E 202920 N
Committee Date	15th December 2014

Application Details:

Erection of 7 dwellings and alterations and extension to main dwelling at Thistle Cottage.

Applicant Details:

Ede Homes Ltd
Eden House
Two Rivers Business Park
Station Lane
WITNEY
Oxfordshire
OX28 4BL
United Kingdom

I CONSULTATIONS

I.1 Parish Council

No Comment Received.

I.2 OCC Highways

No objections subject to conditions

I.3 WODC Architect

No Comment Received.

I.4 WODC Head of Housing

No Comment Received.

I.5 WODC Planning Policy Manager

No Comment Received.

2 REPRESENTATIONS

A substantial letter and enclosures has been submitted by Mr Taylor which may be inspected in full on line. In essence he raises concerns regarding overdevelopment of the site, increased pressure on Ham Lane for access and parking, congestion in Ham Lane, poor quality/safety of the access arrangements, large vehicles use Ham Lane, inadequate turning provision is provided, on street parking limits capacity and safety, road is well used by pedestrians and riders, access would be better from the rear, problems with emergency vehicle access, impact upon the conservation area, damage to trees, new buildings will dominate the views, it is not sustainable development, bat survey is inadequate, loss of habitat, sewage problems in the village, full affordable housing claim should be maintained as site has been left to fall into disrepair.

3 APPLICANT'S CASE

3.1 Writing in support of their application the applicant has submitted a Design and access statement that includes details of additional costs of restoring the cottages, a structural engineers addendum and a viability analysis. There is also a Tree report and habitat survey. All these documents may be viewed in full on line.

3.2 In essence the applicant is stating that the revised scheme will enhance the Conservation Area and not harm neighbours or highway safety. The concerns that led to the refusal of the last scheme have been addressed and the scheme complies with the design guide and will provide new houses to meet the 5 year housing land supply. It can make a contribution to affordable housing and deliver other benefits making good use of the site and so should be supported as it is policy compliant.

NB. Just before agenda preparation the Government has issued revised PPG that obviates the needs for schemes of less than 10 units to make affordable housing or other contributions. Additionally schemes that involve existing floorspace can trade this floorspace against developer contributions. The agent is seeking his clients instructions as to whether the tabled offer made when the application was submitted is therefore to be retained, amended or withdrawn and a verbal update regarding this matter will be given at the meeting.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE10 Conversion of Unlisted Vernacular Buildings
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE5 Conservation Areas
H10 Conversion of existing buildings to residential use in the countryside and
BE11 Historic Parks and Gardens
NE13 Biodiversity Conservation

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

5 PLANNING ASSESSMENT

5.1 Background Information

5.1.1 This application seeks to restore the existing cottage on site, convert the remains of the former cottages to provide 4 further units and to provide three new units by way of new build. Members will recall that the site has been the subject of a considerable amount of history including resolutions to approve, certificate of lawfulness applications and refusals. The refusal reasons earlier this year were as follows:

5.1.2 By reason of the extent of tree loss, the pressure on retained trees, the density of development, the design detailing and the treatment of the retained cottages, the proposed development is considered to represent an overdevelopment of the site that will be detrimental to the character and appearance of the Conservation Area and, as such, is contrary to Policies BE2, H2, BE5 and NE6 of the West Oxfordshire Local Plan and the provisions of the NPPF.

5.1.3 By reason of the lack of affordable housing or other community infrastructure with no evidence as to why it is not possible to make such provision the scheme is considered contrary to Policies BE1 and H11 of the West Oxfordshire Local Plan and the provisions of the NPPF.

5.1.4 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:

5.2 Principle

In that the site has already been the subject to previous resolutions to allow residential development and that Aston is one of the more sustainable settlements in the District the provision of houses on a site within the settlement that is well located to its facilities is considered acceptable in principle

5.3 Siting, Design and Form

5.3.1 The layout of the proposal is very similar to the previous scheme of seven houses (application no. 12/1024/P/FP) which was considered favourably by the Council. The eight houses have a combined total of 55 habitable rooms. In terms of the number of habitable rooms, the amount of development proposed is very similar to application no. 12/1024/P/FP. The layout is also very similar to application no. 12/1024/P/FP. All eight houses are accessed via a private road off Ham Lane, which has been aligned to retain the significant trees on the site close to Ham Lane. The alignment of the new road has been simplified compared to the recently refused scheme and is now very similar to application no. 12/1024/P/FP.

5.3.2 The location of the existing cottages dictates the proposed layout, with the three new houses infilling the gaps between the existing buildings. The retained group of mature trees adjacent to Ham Lane will help to soften the appearance of the development when viewed from the road. The houses towards the rear of the site are laid out as a loose-knit courtyard with the mature yew tree retained as a central focal feature. The link-detached extensions to units 7 and 8 have been designed to respect the simple form of the original cottages. The extension to unit 7 is noticeably smaller than that proposed in application no. 12/1024/P/FP, whilst the extension to unit 8 is a similar size to the proposal in that previous scheme. The extension to unit 8 has been moved onto the east side of the original cottages compared to the recently refused scheme to ensure the front elevation of the cottages is not obscured.

5.3.3 The two storey extensions on the rear of units 1 and 2 and on the end of Thistle Cottage have also been designed to respect the simple form of the original cottages. All of the extensions proposed to units 1, 2, 7 and 8 will ensure the four houses created from the eight original small cottages will retain a good view of the original form of the buildings. Unit 6 is a new house which fits comfortably between Thistle Cottage (unit 5) and the extension to unit 7. Units 3 and 4 are two new semi-detached houses which fit in the large gap between units 1 and 2 at the front of the site and Thistle Cottage towards the rear. The recently refused scheme included two detached houses in this location, and the replacement with a pair of semi-detached houses now fits better on the site. In addition, the integral garages included in the recently refused scheme have now been omitted which lessens the bulk of these houses.

5.3.4 The layout of the new houses has been carefully designed to avoid mutual overlooking within the site or any harmful overlooking, overshadowing, or overdominance of the existing neighbouring properties.

5.3.5 In your officers assessment, notwithstanding that the scheme is still for a total of 8 units rather than the 7 that previously secured a resolution to approve, the fact that it is now much more closely based on the key design principles that led to that approval means that the scheme is now considered to respect the character of the Conservation Area, the need to respect the unlisted heritage assets of the former cottages and the important trees that lie within and around the site

5.4 Highway

Members will note that the County Council in its capacity as Highway Authority has not raised objections regarding the number of units or the layout of the site. Notwithstanding that considerable concerns have been raised by a neighbour at the inadequacies of the highway network the comments were made following a site visit by the Highway Officer and as such it is not considered that there is any technical basis to disagree with his assessment that the highway impacts are acceptable

5.5 Residential Amenities

As outlined above the scheme closely follows the design principles set out by the resolution to approve the earlier scheme and the disposition of the units and window locations have been designed such that the usual privacy and separation standards are met or exceeded

5.6 Ecology

The ecology report has been updated and concludes that there is no adverse impact on species or habitats and proposes a series of mitigation and enhancement measures. As such it is not considered that there is an ecology based refusal reason

5.7 Contributions

5.7.1 Members will recall that as part of the scheme that secured a resolution to approve substantial contributions towards affordable housing were negotiated. As part of the submission of this application the applicants were seeking to make the case that the costs of restoring the existing buildings plus the affordable housing contribution were such that the scheme was unviable and that as such a lesser contribution was necessary. However, as of 28/11/2014 the Government has issued guidance that means that other than within the AONB neither contributions nor affordable housing can be secured against

schemes of less than 10 units. There is additional guidance that allows existing floorspace to be traded against proposed floorspace to reduce contributions

5.7.2 A number of commentators have raised queries regarding whether such changes should be enshrined in Regulation rather than in Guidance but notwithstanding the legal semantics the fact is that it is clear that the Government are not enabling LPA to require such community infrastructure on schemes of less than 10 units.

5.7.3 However, just because the funding cannot be required does not mean that if it is offered it cannot be given weight in the determination of an application i.e. delivery of community benefits such as affordable housing is a material consideration that can be given weight in the decision making process. Your officers have approached the applicants to advise that if they were to honour their commitment set out when the application was made that this would be a matter that would carry weight in the determination of the application. The agent has subsequently written to advise that he is prepared to honour his commitment to make £74,183 available towards off site affordable housing and this factor is to be welcomed given the pressing need for such housing in a rural area such as West Oxfordshire and where the supply of such units seems likely to be much more limited in future as a result of the recent changes. The recommendation to approve is therefore subject to a legal agreement that the said monies be made available

5.8 Conclusion

The principle of development of this general nature has already secured a resolution to approve and this application follows the main principles that were set out in that resolution. In that regard it has addressed the concerns that led to refusal of the last application and the continued commitment to provide for affordable housing (notwithstanding that it can no longer be required and is reduced from the amount originally to be secured on the back of the resolved scheme) is a further factor in favour of the development. Approval subject to conditions and a legal agreement is recommended.

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 the Town and Country Planning Act 1990 as amended by S51 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. 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 character and appearance of the area, living conditions and road safety.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no developments, other than those expressly authorised by this permission, shall be undertaken.
REASON: Control is needed to protect the trees and Conservation Area
5. Before 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.
6. The walls of the proposed building shall be laid and pointed with 'bagged' joints unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that a traditional practice of the area is carried out in the interests of the finished appearance of the building.
7. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
8. All new external joinery shall be White or cream and shall thereafter be retained in that colour.
REASON: To safeguard the character and appearance of the area.
9. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve the Character and appearance of the Conservation Area
10. Before development commences, details of the provision of boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be installed as approved before first use or occupation of the building and so retained thereafter.
REASON: To safeguard and enhance biodiversity.
11. No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2005: 'Trees in Relation to Construction' and has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To safeguard features that contribute to the character and landscape of the area.
12. The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all

ancillary works therein specified shall be undertaken in accordance with the said specification before.

REASON: To ensure a safe and adequate access.

13. Development shall not begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

REASON: In the interests of road safety.

14. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

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 the supporting Technical Guidance).

15. 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.

16. The building shall not be occupied until the private road, parking and manoeuvring areas shown on the have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.

REASON: To ensure that a usable parking area is provided and retained.