

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 13th November 2017

**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

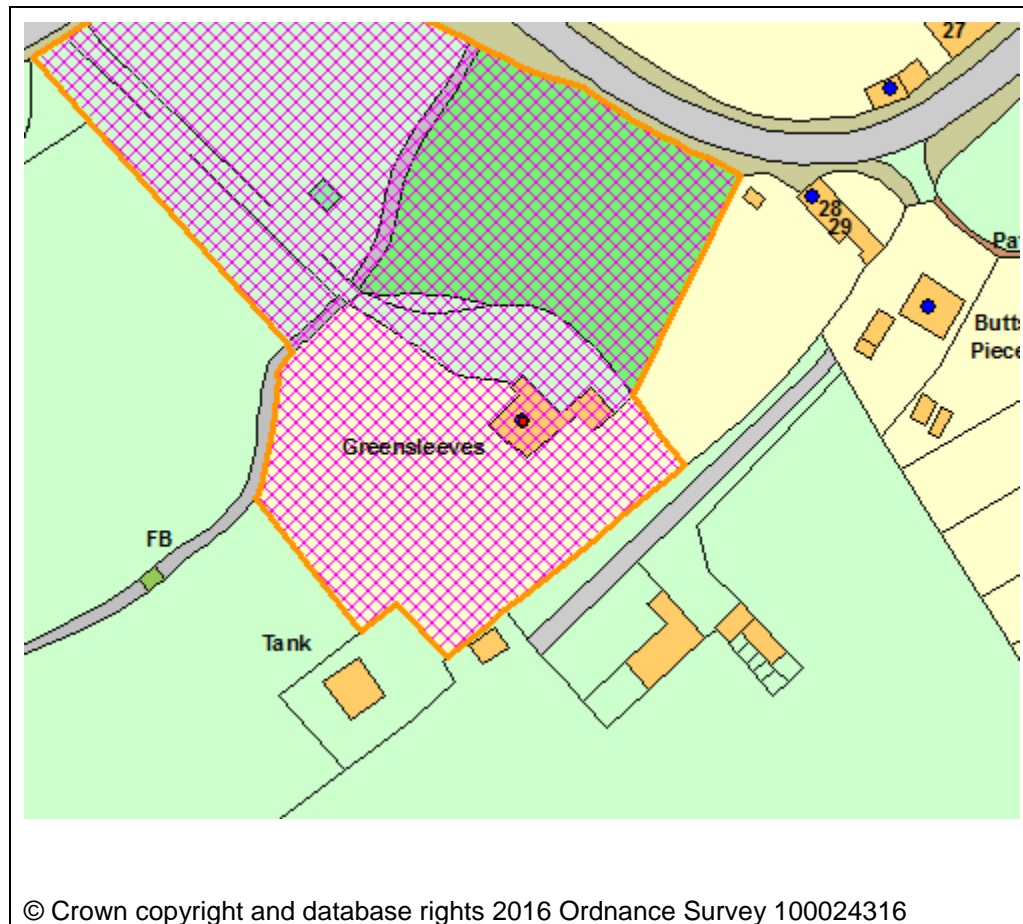
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	Page
17/01247/FUL	Greensleeves, Blackditch, Stanton Harcourt	3
17/02853/FUL	Field 1468, Lower End, Alvescot	14
17/02722/FUL	Meadow Barn, Park Farm, Standlake Road, Northmoor	20
17/02741/OUT	Sunset View, Upavon Way, Carterton	32
17/02882/FUL	Yew Tree Cottage, Lew, Bampton	51

Application Number	I7/01247/FUL
Site Address	Greensleeves Blackditch Stanton Harcourt Witney Oxfordshire OX29 5SB
Date	1st November 2017
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Stanton Harcourt Parish Council
Grid Reference	441289 E 205709 N
Committee Date	13th November 2017

Location Map



Application Details:

Erection of three new dwellings, including associated works related to boundary treatments, parking, vehicular and pedestrian access, landscaping and supplemental planting.

Applicant Details:

Mrs Anne James

C/O Agent

I CONSULTATIONS

- I.1 OCC Archaeological Services
- We would therefore recommend that, should planning permission be granted, the applicant should be responsible for implementing a programme of archaeological work. This can be ensured through the attachment of suitable negative conditions.
- 1) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological investigation, to be undertaken prior to development commencing. The investigation shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)
 - 2) Prior to the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition I, a staged programme of archaeological investigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)
- I.2 WODC Architect
- The area of open space to either side of the Main Road through Stanton Harcourt, of which the site forms a substantial part, makes a significant contribution to the appearance and character of the CA, and reflects a key aspect of Stanton Harcourt's historical pattern of settlement. Specifically, there has historically existed a clear gap between, on the one hand, the detached concentration of settlement around Blackditch Farm and its associated buildings to the west, and on the other the early administrative core of the village to the south-east, which incorporates the church and manor. While subsequent growth, particularly during the C20, has resulted in considerable enlargement of the settlement, particularly at the Blackditch 'end', the visual and physical separation of these two components of the village has conspicuously endured. It is also worth noting that the degree of physical and visual separation between these two parts as experienced when travelling around the curve of the Main Road between the Blackditch junction and the Green is pronounced.

Residential development in this area would erode the degree of visual

and physical separation between these currently distinct parts of the village, and would be likely to cause some harm to the appearance and character of the CA. While the application proposes some screening to the more prominent Plots 1 & 2, in reality it is questionable to what extent this would result in these substantial detached houses being truly screened from the road; as well as the maintenance over time of screening of this nature being generally impracticable through the Planning system.

Notwithstanding the problems with the principle of residential development in this place, there is also a question over the scale and massing of the properties, and the extent to which this aspect of the scheme responds meaningfully to local building types. In essence, the recent and adjoining settlement in the village is dominated, not by large detached houses of this scale and character, but by smaller scale properties (including cottages, often attached).

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|-----|----------------------------------|--|
| I.3 | OCC Highways | The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
No objection subject to
- G28 parking as plan |
| I.4 | WODC Drainage Engineers | No Comment Received. |
| I.5 | ERS Env Health - Lowlands | Mr ERS Pollution Consultation No objections |
| I.6 | Thames Water | No Comment Received. |
| I.7 | WODC Planning Policy Manager | No Comment Received. |
| I.8 | OCC Minerals (Safeguarded Areas) | No Comment Received. |
| I.9 | Parish Council | Whilst we are largely in favour of the applications, the reduced number of houses, however, we must raise the following concerns (as per any new developments proposed in the Parish):
The proposed development does not meet policy H5 (a) and (b) - no new housing except in exceptional circumstances (infilling, which it is not and conservation of agricultural buildings). It cannot be said to enhance and conserve a site in this Conservation Area (see previous Inspector's Reports in earlier Appeals). The Appeal's rationale for refusal remains valid; however, the reduced number of houses and the suggestion of a permanent shop is welcomed. As contrary to WODC Policy H5 and its central position in the village, approval may set an unwelcome precedent. Concerns concerning Highway risks. There are substantial parking problems in Blackditch Road and on the |

verges due to overflow from the Hall carpark, weekdays and weekends and at all times of the day up to and beyond midnight, as well as from vehicles turning in and out of the Village Hall car park. Parking - concern regarding the parking at the new Village Shop being proposed; two parking places only are in the Plans. We do think that the potential Village shop should not rely on the parking at the Village hall (opposite) but should provide its own facilities. With the person in charge living on the premises, we believe that a minimum of five car spaces should be provided and turning space if necessary. The road outside the site (the end of Blackditch) should have yellow lines to indicate no parking permitted. The various footpaths around the junction are heavily used, particularly by children attending the Primary School, a situation that has already resulted in the installation of a flashing light on Main Road. It has also required the 'Playground' sign which warns of the playground attached to the Village Hall. There is also overall risk from proximity of the proposed entrance to the new shop to Main Road itself, which has blind bends in both directions shortly before its junction with Blackditch, and to the customary stopping points for the Secondary School buses. An additional hazard is caused by the worrying habit of children playing in the road close to the entrances to the Village Hall and to the application site. There is no provision of public transport in the village any longer. Shop - if granted, the shop must remain only a shop and annexed flat – Stanton Harcourt cannot sustain 2 similar shops in the village (ie this one and the approved Harcourt Arms food Shop and Butts Piece proposed shop next door) - there is a general view that post office and shop is a vital facility in the village. And its present site at the village hall is temporary (the shop mornings only and the post office 3 mornings a week) lack of capacity at the local primary school - increase in population for which the village lacks amenities and infrastructure. Concern remains over the sewer system and excess rainwater discussion have not taken place with Stanton Harcourt Parish Council on this Application Greensleeves is an extension of the lung which breathes through Stanton Harcourt, which has wildlife etc, owls and kingfishers in particular and is better preserved in this historic village.

2 REPRESENTATIONS

7 letters of support have been received for this application.

3 APPLICANT'S CASE

3.1 The conclusion of the Planning Statement has been submitted has been summarised as;

This document has been prepared in support of scheme proposals at the Greensleeves site, on Blackditch within the village of Stanton Harcourt for the erection of three new dwellings.

3.2 The application scheme hereby presented seeks to make efficient use of the subject site, whilst paying regard to all of the constraints and policy requirements that a proposal of this nature

must address. Stanton Harcourt is recognised in both the adopted and emerging Local Plan as a settlement suitable for limited development; and we believe that our enclosed scheme proposals for low-density high quality housing, can be sympathetically accommodated in the village, whilst preserving and enhancing the site's semi-rural landscape character in the conservation area. The scheme comprises a refined and well devised design response to this site, within the conservation area and if carried through, such development would, in our view, complement the existing built environment and character of the village and the conservation area and its setting. The scheme retains and enhances the important open and green character in the middle of the site, and also proposed significant landscape improvements including supplemental tree, shrub and hedgerow planting.

- 3.3 The NPPF makes clear that there is a presumption in favour of sustainable development; and whilst the NPPF is clear to highlight that heritage assets such as conservation areas should be protected and enhanced, it also recognises: "...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".
- The scheme provides new residential development, which is considered compatible and acceptable in the site's location;
 - The scheme proposes a mix of residential units to meet local housing needs;
 - The scheme proposes a loose-knit low-density development on a semi-rural site to meet housing need and encourage economic growth in the local area;
 - Due care and consideration has been paid in the scheme design to the character, appearance and views within the Stanton Harcourt and Sutton Conservation Area and seeks to respond to the site's history and significance;
 - The scheme has been designed to respect trees of value to the landscape and nature conservation on the site and enhance the distinct landscape character of each part of the site;
 - The proposal seeks to conserve and enhance the environmental quality of the site and proposes significant supplementary tree, hedgerow and shrub planting;
 - The amenity of adjoining properties would not be affected adversely in any way. The proposed scheme will provide a high quality of living standard for future occupiers of the development;
 - The scheme proposes policy compliant car parking standards - including provision for cycle parking;
 - The scheme proposes safe highways accessibility;
 - It has been demonstrated that the proposals will amount to sustainable development in accordance with the Framework and in all other regards they would not give rise to any adverse impacts, which significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole; and
 - The scheme proposals constitute sustainable development and should be approved in accordance with the NPPF.
- 3.4 It has been demonstrated that the proposals will amount to sustainable development in accordance with the Framework and in all other regards they would not give rise to any adverse impacts which significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- 3.5 Taking into account this assessment and all relevant planning and conservation considerations, we maintain that there are sound planning reasons to support this scheme.

- 3.6 Further to last months meeting, the landscaping plan has been updated. The Design Statement has been amended, and summarised as;
- The application scheme design is for a high-quality, attractive, small development of three new houses well suited to families, and for house types that suit the immediate setting of Greensleeves and this part of the village - with good-sized gardens and wider grounds.
 - The house depths for the current application scheme were reduced compared to the earlier scheme version seen by WODC by circa 1.5 to 2.0 metres, which allowed us to increase the roof pitch from circa 30 to 42 degrees, thus achieving the desired affect that the former conservation and design officer requested. These changes improved the proportion of the roof/wall on the elevations, particularly the side elevations - and they now closely reflect the other properties in the village, without raising the overall ridge height.
 - The weather-boarding to some areas of the elevations were removed and replaced with coarsed stone, to reflect the use of stone throughout the village. Materials samples can be supplied, we imagine, for the forthcoming councillors' site visit, as appropriate.
 - Fenestration and External Doors
 - The detail design of the window and door fenestration was also amended compared to earlier scheme versions, so that the current planning application design has removed the horizontal transoms, replacing them with vertical casements throughout. The windows are currently described as uPVC, as a Heritage Range window, with associated coloring to give the appearance of timber windows, but with a more durable and more thermally efficient finish. Arguably, with espagnolette locking as standard, such windows and doors are also more secure than timber alternatives.
- 3.7 However, if the Planning Authority is so minded, timber windows can of course be substituted, as they are more common in the village - and this can be dealt with at planning conditions stage. Houses located at Plots 1 and 2 - Building Heights
- The heights of the three houses varies according to the three individual designs; indeed, the massing of each house is also broken up with a varying roof form and heights for the wings, bays and integral garages.
 - The ridge heights for the main roofs on Plot 1 and Plot 2 are 8.5m, from DPC to ridge.
 - However, areas of roofing which extend into rear gardens towards the High Street are some 1.2m lower than this, at 7.3m from DPC to ridge. The height to the ridges of the integral garage on Plot 1 and side accommodation of Plot 2 is lower still, at just 6.5m and 6.0m respectively.
- 3.8 Such roof heights are not at all uncommon, and they are certainly in keeping with similar house designs found in and around the village. Working with the Council's former senior conservation and design officer, we made a conscious effort to introduce a broken roof line in our scheme design, with varying ridge heights, to create an interesting roof-scape whilst at the same time replicating similar building forms in and around the village.
- 3.9 When considering the visual impact of the James family's modest development proposal from the site perimeter and beyond the Greensleeves land itself, it is important to take account of several considerations, the most important of which is the marked change in respective ground levels. Indeed, the application site is approximately 1.0 to 1.4 metres lower than the highway. The situation regarding site levels is hard to appreciate without a visual inspection on the

ground. Likewise, the application site boundary with the main road through the village is well planted, with mature shrubs and trees. It provides a high level of visual screening, but can certainly be improved; and we would refer to the application scheme landscape and planting proposals drawn up by an expert adviser and which are integral to the application.

When one considers that the massing of the houses is such that the ridge height of the parts of the building extending closest to the site boundary are approx. 1.2m lower than the main house ridge and the ground level is circa 1.3m above the site level, it is correct to point out that the actual difference is arguably approx. 6.1m (i.e. 7.3m less 1.2m) and thus, with a prevailing height that is more in keeping with the building height normally associated with a "chalet style" bungalow.

- 3.10 In order to try and alleviate any concerns, and following the Lowlands Planning Committee meeting of 9th October 2017, we reviewed the application Site Layout plan - and we have been able to move the footprints of Plot 1 and Plot 2 away from the roadside boundary and closer to the existing house, Greensleeves, by some 2.5 metres for each house - and the two houses are therefore relocated further to the south west. This has very little impact upon the internal arrangements, but does actually improve the amenity space in the gardens.
- 3.11 Given this amendment, the distance between the main ridge to Plot 1 (the house closest to the site perimeter) and the middle-point of the main road is over 25 metres, with the distance to the public footpath lying on the other side of the carriageway exceeding 30 metres. With existing screening, new planting as part of the development scheme, changes in ground levels and the distance to the highway as explained above, we would suggest that the proposed application development will have little or no material impact upon the character of the immediate area or its wider setting.
- 3.12 Taken alongside benefits that will come about through the landscape planning, planting, hedgerow restoration and tree and landscape protection and maintenance now described for the Greensleeves site, it is our considered view that the development proposals now shown in application 17/01247/FUL are appropriate, commendable and deserving of the grant of planning permission.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is located within the Conservation Area, and sits adjacent to Listed Buildings. This application proposes three new dwellings adjacent to the existing property known as Greensleeves. There have been previous applications for housing on the site;
- 04/1359/P/FP - Residential development of 11 dwellings - Refused and Appeal dismissed
05/1019/P/FP - 6 dwellings and one flat, garages and car ports - Refused and Appeal dismissed
15/03126/FUL - 3 dwellings and shop - Withdrawn
17/01245/FUL - Three new dwellings and new village shop with residential flat above - Refused.
- 5.2 This application was deferred at the last meeting to enable the applicant to make amendments to the current scheme, for officers to re-advertise if the changes were too significant to absorb as minor amendments, and for Members to visit the application site. The changes that have been made since the application was heard before the Committee include;
- 5.3 Changes to the proposed site layout, to include a shift/relocation of the two proposed new houses situated closest to the main highway, by some 2.5metres compared to the original application scheme plans.
Minor design changes to the houses and landscaping proposals which have been reworked, to reflect the changed circumstances.
- 5.4 Your officers do not consider these changes to be so significant as to warrant re-advertising of the application.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.7 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .

- 5.8 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.9 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.10 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.11 Paragraphs 14 and 49 of the NPPF need to be applied in these circumstances, given the current situation of WODC housing land supply. These paragraphs state that in such circumstances housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing in the local development plan should not be considered up to date. Further, in circumstances where the relevant policies are out of date (housing policies in this instance) development proposals for dwellings should be granted without delay unless either any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or, specific policies in the Framework which indicate that development should be restricted.
- 5.12 In addition Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. In this regard whilst the housing policies of the local development plan may be considered not up to date, the environmental policies of both the adopted and emerging local plans are considered by officers to generally accord with the relevant paragraphs in the NPPF.
- 5.13 Paragraph 134 of the NPPF establishes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". In this case the harm to the Conservation Area by developing the site has been found unacceptable at appeal in the past. The harm is judged less than substantial. It is noted that the public benefits arising are economic and social, in terms of the development contributing to housing land supply and providing jobs in construction, for example. It is considered in this case that the scale of development offers only limited benefits that do not outweigh the harm. The development is therefore unacceptable in these terms.

Additionally, looking at a broader range of considerations, in addition to heritage harm, including landscape and visual harm arising from the urbanising effect of the development, there would also be adverse impacts that significantly and demonstrably outweigh the benefits under paragraph 14 of the NPPF.

- 5.14 Whilst housing has been permitted elsewhere within Stanton Harcourt village, officers consider that the proposed development will be out of character with the existing form and pattern of development. The application site is within the Conservation Area, and has a distinctive visual rural character and appearance. Your officers consider that the proposed dwellings by reason of the number, scale, form and positioning, will unacceptably urbanise this part of the Conservation Area.
- 5.15 As the site is located within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed dwellings are considered to have a detrimental impact to the character and visual appearance of the Conservation Area, given the nature of what is proposed and its location. The character of the Conservation Area is not preserved in this instance.

Siting, Design and Form

- 5.16 Three new dwellings are proposed. The rear gardens of two of the units will front onto the village road, with the other proposed dwelling being set more within the application site. The application site is largely screened and the submitted landscaping scheme proposes new planting and reinforcement of hedgerows along Main Road. In the 2005 appeal statement, the Inspector stated that the proposed houses in that scheme were approaching 10m and 8m high would be highly visible above the hedgerow. The view from the East were also specifically mentioned.
- 5.17 The proposed height of the two dwellings which are adjacent to Main Road in this scheme is approximately 8.6m which officers still consider will be excessively visible above the hedgerow. Existing and proposed vegetation cannot be relied upon in perpetuity and given that the rear gardens will be adjacent to the road, if the vegetation does become sparse, the actual development would have an adverse impact to the visual appearance and character of the Conservation Area. As with the similar proposals considered under ref 16/01245/FUL given that existing listed buildings are in close proximity to the application site, your officers also consider that the setting of the Listed Buildings will also be adversely affected.
- 5.18 The actual design of the proposed dwellings in themselves is generally considered acceptable albeit as advised by the conservation officer too large in this context.
- 5.19 However, where there is harm to a heritage asset as stated above, the developer has to demonstrate public benefit to set against that harm. As the extent of public benefit proposed in this application is so limited, your officers are recommending refusal.

Highways

- 5.20 The access to the proposed dwellings will utilise the existing driveway and OCC Highways have no objection to the proposal.

Residential Amenities

- 5.21 Given the location of the application, your officers do not consider that there will be a loss of amenity to surrounding residential properties. The proposed dwellings are set away from the existing property at a sufficient distance to avoid any issues in terms of loss of light or loss of privacy issues.

Conclusion

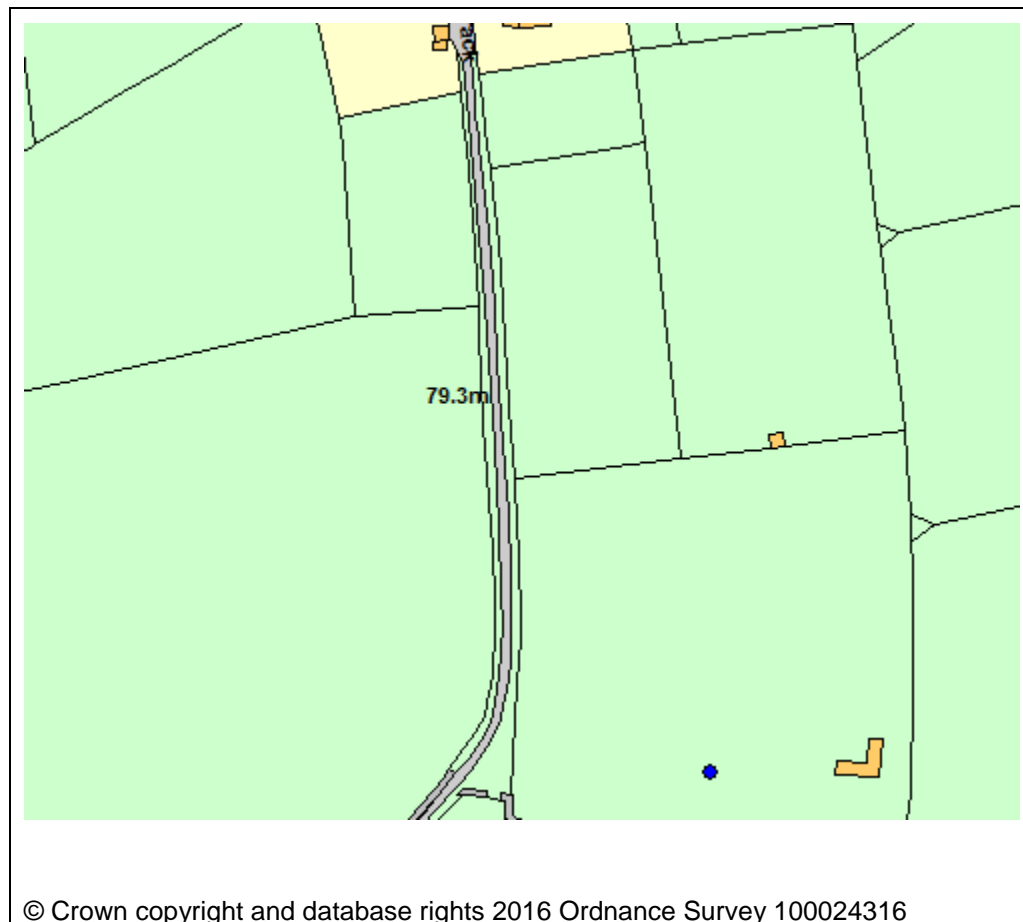
- 5.22 Due to the positioning and scale of the proposed dwellings, your officers consider that the proposal will be contrary to the relevant West Oxfordshire Local Plans and the NPPF causing significant harm to the visual appearance and character of the Conservation Area and to the setting of the Listed Buildings. These harms are not outweighed by the benefits of the scheme.

6 REASON FOR REFUSAL

By reason of the location, layout and scale of the proposed development, it would have an unacceptable urbanising effect and harmful visual impact on an important and prominent area of open space within the Stanton Harcourt Conservation Area. It would not relate satisfactorily to its surroundings and would fail to respect or reinforce local distinctiveness. In addition, the setting of nearby Listed Buildings would be materially harmed by replacing open space with built form and associated development and visual clutter. As such the proposal fails to preserve or enhance the character of the Conservation Area and the setting of the Listed Buildings. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4, BE5, BE8 and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4, H2 and EH7, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF, in particular paragraphs 17, 58, 61, 64, 132 and 134.

Application Number	17/02853/FUL
Site Address	Field 1468 Lower End Alvescot Oxfordshire
Date	1st November 2017
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Alvescot Parish Council
Grid Reference	427133 E 203691 N
Committee Date	13th November 2017

Location Map



Application Details:

Erection of stables and tack room

Applicant Details:

Mr Lewis Abberley
22 Farmhouse Meadow
Witney
Oxfordshire
OX28 5NX

I CONSULTATIONS

- I.1 Parish Council
Alvescot Parish Council objects to the above application for planning permission.
- We have contacted you twice about not having enough information on the site to make an appropriate comment, on one occasion the application notice was loaded but no further information. The drawings show the stables attached to a barn and no planning for a barn has been submitted to date.
- The size of the proposed building, in particular the height, is excessive compared to that of the field and the limited amount of farming which can take place there.
- Proposed building materials are not appropriate to the building's intended use as a stable block. A design using Bradstone walls and tiled roof might be overly domestic in its architecture and would look out of place in the building's open setting. Other more practical materials such as timber and metal sheeting are more usual for a stable block and would deter from future conversion to a dwelling.
- Should the District Council decide to grant permission for this development, the parish council considers that it would only be fair to the applicant to include a condition, for the avoidance of doubt, that the building may be used only for agricultural purposes and for private use only. This is a narrow lane and we wish to keep the amount of traffic use to a minimum.
- I.2 OCC Rights Of Way Field Officer
No reply to date
- I.3 OCC Minerals (Safeguarded Areas)
No reply to date
- I.4 OCC Highways
No reply to date
- I.5 ERS Env Health - Lowlands
Mr ERS Pollution Consultation No objection to the proposal. Given the distance of the proposed stable form neighbouring properties I do not anticipate any problems form noise or odour.

To prevent problems I would ask for a condition covering the following to be attached to any consent granted:

There shall be no burning of stable waste on the site. All waste straw and manure from stable cleaning shall be composted or removed from site by a licensed waste disposal method/collector.

Reason: To protect the amenity of the neighbourhood.

I.6 Mr S Barling, Mrs R Garcia, Christopher Carter, James Gervers and Helen Mason have commented on the application. Their comments are summarised as follows:

- One of the elevation plans shows part of a building that is taller than remainder. Assume this is not included in proposal.
- There is a stable block on adjoining land to the north east of the site about 150 metres away. This is mainly of wood construction. It would be more in keeping if proposed building was constructed in similar materials. This would be in accord with Alvescot P Cs comments on the withdrawn application 17/01237/FUL and would be in line with the current vernacular architecture developed for buildings of this type.
- No part of the proposed building should exceed 3.5 metres in height which is more than adequate for stabling.
- What I presume to be the tack room seems overly large for the number of stables.
- The proposed building would be less obtrusive if the longest section was closer to and parallel with the hedge adjacent to the bridleway
- The proposed use of blockwork and the generously-dimensioned floor plan could be seen as suggesting a greater permanence than is general for such buildings, and could facilitate conversion at some future date as a dwelling, which would be highly inappropriate at this location.
- I am very concerned in general at the extent of the development of such equestrian facilities out into the fields around Alvescot. While the use of fields as paddocks may prove to be a relatively short-term feature, the attendant development of buildings and maneges is less easily reversible and could lead to longer-term development of what would then be a brownfield site. It also brings significant noise (often far into the evening), light (from solar panels or other non-mains sources) and traffic which powerfully erode the rural setting. For example, curlews and quail were formerly regularly audible in the area but are now absent.
- It is great to see an enthusiastic young person, working alongside the community in order to support the farming industry.
- I feel we owe our young generation an opportunity and our support in order for them to fulfil full potential within this industry as we all know how difficult this can be.
- Most importantly i would also like to add that it is nice to see the land has been kept agriculturally and not been turned into a housing development project, as most farms these days are rapidly being converted, therefore we should take this opportunity to

appreciate that this will not be not be a housing development project and that this young person wants to keep what Alvescot originally is known for (farming).

- In principle I have no objection to the erection of stabling and a tack room, however I did talk with Lewis Abberley, saying that I would have preferred that the structure was made of timber, similar to the adjacent stables and tack room belonging to Helen, who owns the field next door, very much in keeping with the rural surroundings and down a quiet bridleway. I am pleased to note that the application states that this is solely for private rather than commercial use. The lane is not suited to significant traffic movement. The stables, tackroom and manege next door are also restricted for private use.
- I own the land directly adjacent to this and fully support Lewis Abberley in this application to build stables in order to provide substantial and safe housing for his livestock. He has worked very hard over the last year to develop his property and build up his own small holding and I find him a very considerate neighbour.
- My only concern, is that the development should be restricted to private use only (as my stables and manege are) and the number of vehicles allowed to be parked (or allocated parking) be kept to a minimum. 10 as requested on the plan is too much. The track leading to the field is a public bridleway, not a byway, with access rights to those who own land that is adjacent to it and there has been a significant increase in traffic travelling down this track in the last 12 months.
- It used to be just the odd tractor or farm vehicle, or my horsebox, but now, especially on weekends there can be a regular flow of all types of vehicles including very noisy quad bikes. This is of great detriment to those who own land or houses surrounding it - my animals get regularly worried and scared by the noise from some of the vehicles (NOT TRACTORS). Furthermore this increase in traffic poses a risk to all who use the bridleway and makes me reluctant to take my young horses out. Access is obviously required to the land for the owner and a few who help them, but the numbers of vehicles permitted should be kept to a bare minimum. This would be helped by restricting the number of motor vehicles (NOT including machinery such as tractors or diggers that are required for working on the land) to under 5.

4 PLANNING POLICIES

BE3 Provision for Movement and Parking

NE1 Safeguarding the Countryside

OS2NEW Locating development in the right places

EH1NEW Landscape character

T1NEW Sustainable transport

BE2 General Development Standards

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is for the erection of a single storey stone building to provide stabling and tack room facilities to serve an established smallholding. The building will also have a toilet, sink and running water and a small room to house all feed and a generator.
- 5.2 The application site is the subject of an enforcement complaint and this application has been submitted in an attempt to regularise the unauthorised development presently located on the land.
- 5.3 The drawings that have been submitted in respect of the building are very basic but they are to scale and for the purposes of a stable block, tack room they adequately indicate the size, design and siting of the building.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.5 It is clear from visiting the site that the land is being actively used for the rearing of livestock including sheep and poultry. Further, horses are being grazed on the site. At present there are a number of unauthorised ad hoc wooden buildings and containers serving the land use. This application will allow for a rationalisation of the existing storage, livestock housing on the site with a potential to tidy the land.

Siting, Design and Form

- 5.6 The design and scale of the proposed building is considered appropriate for the size of the smallholding and is similar in form and materials to other stone barns found in open countryside settings. The building will be sited in close proximity to an established hedgerow which separates the public bridleway from the agricultural land within which the building is to be located.

Impact on highway safety

- 5.7 At the time of writing OCC Highways consultation response remains outstanding. However, there are already vehicular movements serving the smallholding and the proposed development which is to serve the existing use is unlikely to 'materially' increase movements along the access road which is public bridleway. Given that the access road is a public bridleway OCC footpaths has been consulted on the proposal. It is anticipated that these consultation responses will have been received prior to the date of the Sub Committee meeting.

Impact on Minerals Safeguarded Area

- 5.8 At the time of writing there has been no response from OCC Minerals in respect of the proposed development

Conclusion

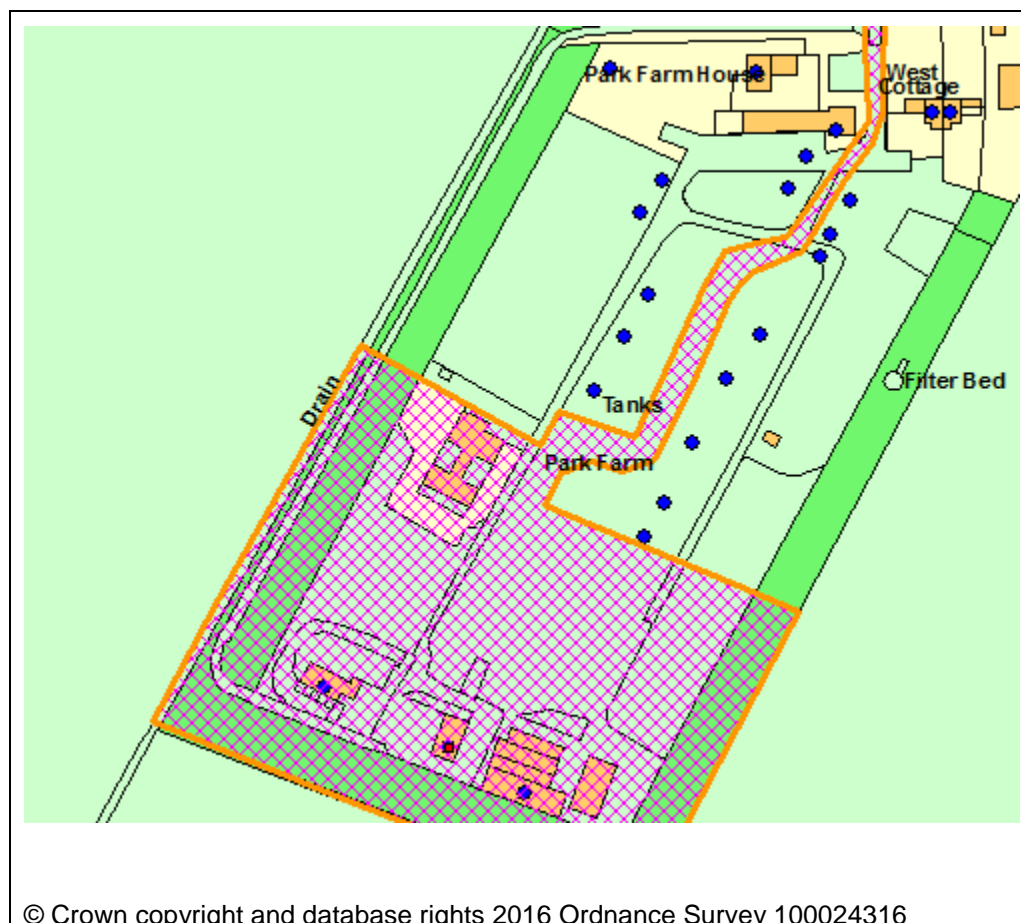
- 5.9 In light of the above the development is considered to be both adopted and emerging Local Plan policy compliant and subject to the remaining consultation responses raising no objections the application is recommended for conditional approval based on the conditions listed at the end of this report.
- 5.10 The Parish Council and a number of the representations received have raised concerns that the form of the building together with the use of stone walling and slate roofing materials indicates that the intended end use of the building is as a dwelling. Given the present size of the smallholding and the fact that it is not a business benefiting from agricultural 'permitted development' rights such a change of use would require planning permission and is not a reason for refusing this application.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof of the building shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 The building hereby approved shall only be used in connection with and incidental to the use of the land for grazing purposes and shall not be used for the purposes of a livery or riding school or for any other commercial purposes.
REASON: To ensure that a use unsuitable to this location is not commenced.

Application Number	I7/02722/FUL
Site Address	Meadow Barn Park Farm Standlake Road Northmoor Witney Oxfordshire OX29 5AZ
Date	1st November 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Northmoor Parish Council
Grid Reference	440751 E 202538 N
Committee Date	13th November 2017

Location Map



Application Details:

Conversion of barn to create holiday let.

Applicant Details:

Mr And Mrs Simeon And Sophie Anderson
C/O Agent

I CONSULTATIONS

I.1 Parish Council Northmoor Parish Council considered this application at its September meeting.

Councillors found this application to be essentially the same as Mr Anderson's unsuccessful Application in April of this year 17/00834/FUL to convert the barn into a dwelling.

Northmoor Parish Council objects to this Application for reasons given previously, namely

- The "barn" occupies the site of the former Oxford University Animal Unit Incinerator block. This building has been demolished and the building that has replaced it has been purpose built to a high specification including underfloor heating, double glazing and glass patio doors. It does not conform to the drawings given as the existing structure, and any application to convert this into a dwelling should in this Parish Council's opinion have been retrospective.
- When the earlier application for the number of houses to be built on the Park Farm site was increased from eight to fifteen, there was an assurance given that the remainder of the land would be a simple paddock maintained by a management company, with a barn to allow the relocation of bats and owls already resident in other redundant buildings on the site - Northmoor Parish Council Minutes for December 2014.
- The plans submitted at the time of the original Application showed this building to be in the flood plain on the South side of the site.

Northmoor Parish Council continues to object to any further development of a residential nature on the Park Farm site and requests the support of the District Council.

I.2 Biodiversity Officer The application site comprises of a barn that provided mitigation for bats for a previous development within the farm complex (ref. 13/0581/P/FP). A floor was inserted into the roof space of the barn to create bat and barn owl roosts. The bat roost in the roof space is being used by two species - Soprano pipistrelle and Brown long-eared bats, including hibernation (brown long-eared bat found in January 2017). Soprano and Common pipistrelle bats are also roosting in the bat boxes.

The proposed development is to convert the barn to residential use (1-bed dwelling and work space for the applicants) as it is currently a disused and wasted resource that could be brought back into beneficial use to secure its long term future, without diminishing its ecological function and value for bats and barn owls (as stated in Planning, Design and Access Statement March 2017 by Mike Gilbert Planning). The barn is referred to as the 'Meadow Barn'. The conversion would create living space on the ground floor only and therefore retain the bat and barn owl roosts in the loft. The timber doors will be replaced with patio doors and an external flue will be erected for the wood burning stove. No extensions or alterations are proposed. Adequate sound proofing has already been installed in the ceiling to minimise disturbance to the roosting bats and barn owls in the loft. The northern loft space entrance will remain unlit. Low-level downlighting is proposed at the front door on the western elevation.

Drawing no. 0358-D-1-100-03 (proposed plans and elevations) shows the proposed 'chimney' / flue for the wood burner on the northern elevation next to the bat loft entrance and owl hatch. The western elevation shows that the flue would be externally mounted from the ground floor wood stove to the roof line without affecting the bat loft. Therefore there is no impact upon the internal bat loft. The installation of the flue should ideally be timed to avoid the bat activity season and works close to the bat access point carried out under supervision. However, it is unlikely to cause significant disturbance to the bats roosting inside. Works should not be carried out at dusk / night when bats are active to prevent them leaving/returning to the roost. In my previous email I suggested that a method statement for the installation of the flue would be required. This would confirm timing of installation and/or supervision (if necessary).

It is noted in the ecological report that 1 of the bat boxes is missing and its replacement is recommended in section 7.5.

I recommend that a condition to monitor the bat roosts in the loft space of the barn and the bat boxes should be attached to planning consent to ensure that bats continue to use the building and boxes. This should be for an extended period of 5 years.

The recommendations of the ecological report should also be implemented as a condition of planning consent, namely, section 7 of the Bat Emergence Monitoring Survey 2016 by 4 Acre Ecology dated 26th January 2017.

I can confirm that the 3 derogations tests are likely to be met due to the circumstances described above with regard to the re-use of the barn and the minimal impact on the bat roost.

All relevant legislation, policy and guidance considerations have been taken into account as part of this response, including the following:

- Wildlife and Countryside Act 1981 (as amended)
- The Conservation of Habitats and Species Regulations 2010 (as amended)
- Countryside and Rights of Way Act 2000 (as amended)
- Natural Environment and Rural Communities Act 2006
- Protection of Badgers Act 1992
- Hedgerow Regulations 1997
- ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their impact within the Planning System
- National Planning Policy Framework - paragraphs 7, 9, 17, 109 and 118
- Planning Practice Guidance (how development can affect biodiversity and how biodiversity benefits can be delivered through the planning system)
<http://planningguidance.communities.gov.uk/blog/guidance/>
- West Oxfordshire Local Plan 2006 policies NE13, NE14 and NE15
- Natural England Standing Advice

1.3 OCC Highways

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network

No objection

1.4 WODC Drainage Engineers

The Site

Brownfield (land that has been developed previously)

Fluvial flood risk posed to the site

The site is shown to lie entirely within flood zone 2 and subsequently, an FRA has been submitted in support of the application to address all risks posed to the site from all sources. Key points of the FRA are listed below;

- The ground levels surround the existing building (ignoring the raised FFL of the building) is approx. 64.32 AOD
- The FFL of the building had been raised previously to a height of approx. 65.00 AOD
- Product 4 data obtained from the EA (floodplain 5) models the max flood level for a 1 in 100 year storm + CC to be 64.28 AOD
- A section of the access track to and from the building is however shown to lie at approx. 64.16 AOD and would therefore flood to a maximum of 120mm in max flood level during a 1 in 100 year storm + CC
- The groundwater table is likely to fluctuate with the adjacent watercourse and as the building FFL level is approx. 720mm above the 1 in 100 year + CC flood level, the building is not at risk of

ground water flooding.

A risk assessment on the hazard from the 120mm of flooding to the access track will need to be produced.

The SuDS hierarchy must be adhered too at all times.

Brownfield land (land that has been developed previously) The calculation to determine brownfield rates should be carried out in accordance with CIRIA C753 section 24.5. We would expect to see the proposed surface water drainage system achieve a minimum of a 40% reduction in peak runoff volume.

We are however happy for the applicant to design a new surface water drainage system to accommodate all return periods up to and including a 1 in 100 year storm + 40% CC.

Due to the site lying entirely within FZ2 and more importantly the high ground water table associated with the site, soakaway/s would not be viable and therefore other SuDS options should be considered i.e Rain Water Harvesting.

General

A drainage plan must be submitted showing all components of the existing (with a minimum of a 40% betterment) or proposed surface water drainage system. In addition, sizing of the components will need to be shown.

An exceedance plan must be submitted, showing the route At which surface water will take, if the proposed surface water drainage system/s were to over capacitate and surcharge, with all exceedance flows being directed towards the highway and not towards private property or land. This plan must include existing/proposed CL, FF/slab levels.

2 REPRESENTATIONS

1 third party representation has been received from Mrs Taylor. This comments on the proposed ecological mitigation and queries whether habitation of the building would be detrimental to site ecology.

3 APPLICANT'S CASE

- 3.1 The proposal will find Meadow Barn a beneficial use, which in turn will secure the long-term future of both the building and the remaining one third of the Park Farm site and avoid the site becoming neglected and falling into low value scrubland with little ecological value. The proposal will be a high quality tourist facility in an area of strong demand and limited current supply, with the holiday let making a valuable contribution to the local economy, supporting local jobs, raising the profile of tourism and ensuring maximum economic gain to the District.

- 3.2 Support for the principle of the proposal and its tourism / economic benefits is drawn from paragraphs 17 and 28 of the National Planning Policy Framework, Policy TLC2 of the adopted Local Plan and Policies E3 and E4 of the emerging Local Plan. In addition, the proposal will retain the simple character of Meadow Barn, enhance its setting, and retain the ecological value and function of the roof space. There are no flood risk impediments to the proposed holiday let use of Meadow Barn.
- 3.3 In accordance with paragraphs 14 and 49 of the National Planning Policy Framework, therefore, planning permission should be granted as there are no adverse impacts which would "significantly and demonstrably" outweigh the benefits of granting permission and no harm would be caused by permitting the development.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
TLC2 Use of Existing Buildings
E4NEW Sustainable tourism
OS4NEW High quality design
OS2NEW Locating development in the right places
EH1NEW Landscape character
EH5NEW Flood risk

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the conversion of an existing building to form holiday let accommodation. The building is a modern timber clad structure located within the southern half of Park Farm. The Northern half of the site previously consisted of an industrial/research use and is in the process of being redeveloped for the purposes of providing 15 dwellings, which replaced a series of buildings formerly located on the site(15/00320/FUL as amended by 15/04506/S73 and 15/02710/S73). The application site comprises of the barn, subject of the proposed change of use application, alongside a vehicular access, hardstanding and undeveloped meadow land.
- 5.2 The existing building was retained as part of the wider redevelopment of the site for housing, with the intention that the building would be used to house bats. Subsequent alterations were granted under planning reference 13/0581/P/FP to transform the appearance of what was previously an incinerator building of an industrial appearance into a building which has the appearance of a barn. These changes were accepted to be beneficial at the time of the previous application. Alongside the proposed change of use, it is intended that the site would be landscaped, with the inclusion of additional planting.
- 5.3 A recent planning application in 2017 (17/00834/FUL) for the conversion of the building to a residential dwelling was refused for the following reason:

“The proposed change of use would amount to the provision of a dwelling within a remote, isolated and unsustainable area of open countryside that is liable to flooding. The development as proposed would fail to represent an enhancement of the immediate setting and by reason of the urbanising impact of the proposed change of use would be detrimental to the character and appearance of the local landscape setting. The development would consequently be contrary to the provisions of Policies BE2, NE1, NE3, H4 and H10 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4, H2 and EH1 of the Emerging Local Plan 2031; in addition to the provisions of Paragraphs 17, 55 and 109 of the NPPF”.

- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
 - Design, scale and siting
 - Flood risk
 - Biodiversity

Principle

- 5.5 The proposed use of the building would be for holiday let accommodation. Policy TLC2 of the Existing Local Plan and Policy E4 of the Emerging Local Plan are permissive in principle of the conversion of appropriate existing buildings to form tourist accommodation, providing that the existing building is appropriate and capable of conversion without requirement for extensive alteration or rebuilding; and providing that the development would not adversely impact on either the character of the area or the amenity of any adjacent occupants or land uses.
- 5.6 The existing barn is structurally sound and reasonably capable of re-use for residential purposes. The exterior of the building was extensively altered following the grant of planning consent 13/0581/P/FP and the building operations required to convert the building into holiday let would be minimal and limited to the insertion of new external doors and windows. The building is a non-vernacular structure, which is not of architectural merit, however given the minimal extent of the works required to convert the building, the appearance of the barn would not be significantly altered. Accounting for this, officers consider that the proposed change of use of the building to holiday let accommodation would not be unduly harmful in visual terms.
- 5.7 A previous planning application to convert the building to a residential dwelling was refused in 2017 (17/00834/FUL) on the basis that the development would have an urbanising impact on the character and appearance of the immediate landscape contrary to the provisions of Policies BE2, NE1, NE3, H4 and H10 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4, H2 and EH1 of the Emerging Local Plan 2031. The curtilage area associated with the property is extensive and officers considered that permanent residential occupation of the site would result in the spread of domestic uses associated with the dwelling into the presently rural open meadow land. Whilst it was proposed that the wider site area would be landscaped and retained as meadow land, officers were concerned that the incorporation of the site into a domestic use associated with the residential occupation of the dwelling would be counterproductive and would offset benefits arising from the landscaping works.

- 5.8 The proposed use as holiday let accommodation would exert less pressure on the wider associated curtilage area, as the occupation of the building would not be permanent, this would reduce the likelihood of the spread of domestic uses and domestic paraphernalia into this space. Alongside the potential enhancements arising from the landscaping of the site and the long term management of this space, officers consider that the proposed change of use would be unlikely to harm the immediate setting.
- 5.9 In summary officers consider that the proposed change of use would not result in undue harm to the character of the area and factored alongside the potential economic benefits arising from the provision of tourist accommodation, officers consider that the development as proposed would be acceptable and compliant with the provisions of Policies TLC2 of the Existing Local Plan and Policy E4 of the Emerging Local Plan.

Highways

- 5.10 The barn would be accessed by an existing means of access through the housing development in the northern area of the site. Officers consider that the proposed development would not be detrimental to highway safety or amenity and note that no objections have been raised by OCC Highways Officers.

Flood Risk

- 5.11 The building falls within Flood Zone 1, however a significant section of the proposed access falls within Flood Zone 2. The application is accompanied by an FRA, which suggests that the development would not significantly exacerbate on site flood risk. Officers note that subject to the attachment of appropriate conditions the Councils drainage engineers have raised no objection to the proposed change of use. Given that the building itself lies within Flood Zone 1 and in the absence of any technical objection from the Councils Drainage Engineers, officers consider that there would be insufficient grounds to recommend refusal on the basis of flood risk.

Residential Amenities

- 5.12 The building lies in an isolated location and the proposed change of use would have no adverse impact on the residential amenity of any adjacent properties.

Biodiversity

- 5.13 The retention of the building and subsequent enhancements were made on the basis that the building would serve as a habitat for roosting bats. It is noted that bats are present within the building however the application is accompanied by a supporting ecology survey which suggests that the change of use of the lower floor of the dwelling would not result in harm to protected species. The Councils consultant ecologist has confirmed that subject to conditions, the development would not result in adverse harm to protected species. The use of the building for holiday let purposes would, in officers opinion have less of an impact on the site ecology compared with a more intense permanent residential use of the site.

Conclusion

- 5.14 Officers consider that there would be justifiable grounds to suggest that the conversion of the building to holiday let accommodation would represent an enhancement of the immediate setting and as such the development would comply with the relevant provisions of Policy TLC2 of the Existing Local Plan and Policy E4 of the Emerging Local Plan.
- 5.15 Officers are satisfied that the proposed use of the building would not impact adversely on existing biodiversity and are satisfied that the proposals would not exacerbate existing flood risk. For these reasons officers consider that the development, as proposed would be acceptable and compliant with the provisions of Policies BE2, BE3, NE8, NE9, NE13 and TLC2 of the Existing Local Plan.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be completed in accordance with the recommendations in Section 7 of the Bat Emergence Monitoring Survey 2016 dated 26th January 2017 prepared by 4 Acre Ecology Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that bats and barn owls are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 4 All retained bat roost features and bat access points shall be protected prior to first occupation of the development. Thereafter, all retained bat roost features and bat access points shall be maintained in accordance with the submitted bat report for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that the bat and barn owl mitigation is retained and protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy NE 15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 5 No development shall take place until a Bat Method Statement for the installation of the external flue/chimney has been submitted to and approved in writing by the Local Planning Authority. The approved Method Statement shall be implemented in full according to the

timescales laid out in the Strategy, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that roosting bats and barn owls are protected in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policy NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 6 No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to ensure the continued use of the bat and barn owl roosts in the loft space of the converted dwelling. The content of the Strategy shall include the following.
- i. Aims and objectives of monitoring to match the stated purpose;
 - ii. Identification of adequate baseline conditions prior to the start of development;
 - iii. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged;
 - iv. Methods for data gathering and analysis;
 - v. Location of monitoring;
 - vi. Timing and duration of monitoring (a minimum of 5 years);
 - vii. Responsible persons and lines of communication; and
 - viii. Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that the aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

REASON: To ensure that the bat and barn owl mitigation continues to be fit for purpose in accordance with The Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policy NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 7 Prior to occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any 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 foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of the West Oxfordshire / Policy 9 of the Cotswold District Local

Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

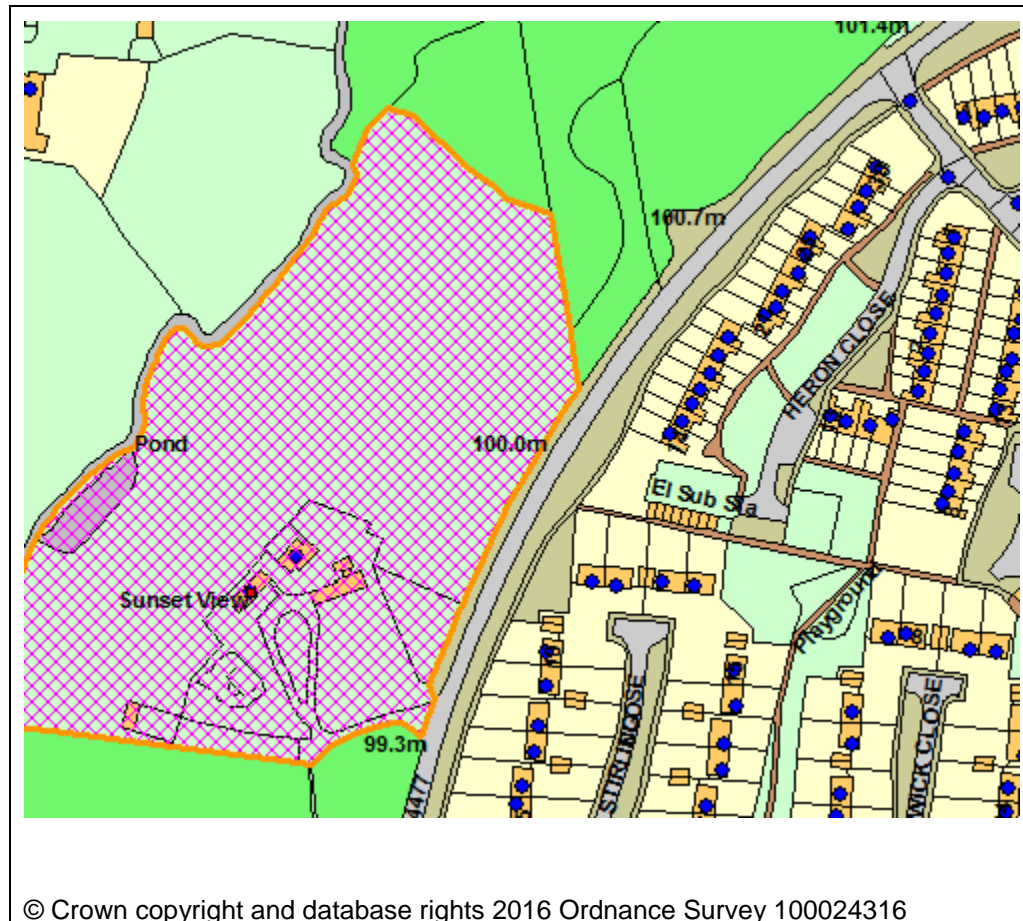
- 8 That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 9 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The landscaping plan shall include a clearly defined area of curtilage associated with the property. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 10 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 3 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods or as a phase of residence. A record of all occupiers shall be kept at all times and shall be made available at the request of the Local Planning Authority.
REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.
- 11 The domestic curtilage area associated with the property should not exceed the area of hardstanding immediately adjacent to the building as indicated on landscape drawing no. 840.1/01B.
REASON: To protect the character and appearance of the immediate area
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: To protect the visual amenities of the area

NOTE TO APPLICANT

You are advised that prior to implementation you should be satisfied that the likely business use is sustainable in the long term as a relaxation of the conditions applied to prevent permanent residential use are unlikely to be considered acceptable on its planning merits.

Application Number	17/02741/OUT
Site Address	Sunset View Upavon Way Carterton Oxfordshire OX18 1BU
Date	1st November 2017
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	427223 E 207088 N
Committee Date	13th November 2017

Location Map



Application Details:

Erection of 41 dwellings (means of access only)

Applicant Details:

Mr O'Brien
Oxford Road
Chipping Norton
OX7 5QL

I CONSULTATIONS

- | | | |
|-----|----------------------------------|--|
| I.1 | Major Planning Applications Team | Highways - Contributions required towards bus services and cycling facilities. View on other access and transport matters to be confirmed.
Education -A contribution to Primary education of £151,588.00 is required for the necessary expansion of permanent primary school capacity serving the area, at Edith Moorhouse Primary School
A contribution of £15,745.00 is required as a proportionate contribution to sustainable provision of sufficient nursery education provision.
Archaeology - No objection |
| I.2 | WODC - Arts | A contribution of £5,670.00 towards temporary public art activity as a means to develop good connectivity between the new settlement and the existing community |
| I.3 | Wildlife Trust | No comments received |
| I.4 | Environment Agency | No objection subject to conditions |
| I.5 | ERS Air Quality | No comments received |
| I.6 | ERS Env. Consultation Sites | No objection subject to conditions |
| I.7 | ERS Env Health - Lowlands | The erection of new dwellings should be designed so as to accord with the appropriate British Standard in relation to safeguarding and ensuring internal sound levels and satisfactory external amenity space outdoors. |

I therefore suggest the following condition:

The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) These standards currently require:

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

45dB LAFmax

and any external amenity space(s) should achieve 50dB

I.8	WODC Housing Enabler	No objection subject to agreement on type and tenure of affordable units in respect of 35% on site provision.
I.9	WODC Landscape And Forestry Officer	No comments received
I.10	MOD (Brize Norton)	No comments received
I.11	WODC - Sports	A contribution of £47,396.00 off site contribution towards sport/recreation facilities in the area. In addition, £33,538.00 for the enhancement and maintenance of play/recreation areas in the area.
I.12	Thames Water	<p>Waste Comments</p> <p>Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.</p> <p>With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied -</p> <p>"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.</p> <p>Water Comments</p> <p>Thames Water recommend the following informative be attached to</p>

this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

I.13 WODC Env Services - Waste Officer

No Comment Received.

I.14 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

I.15 Adjacent Parish Council

Alvescot Parish - objects.

This proposed infringement of the western edge of Carterton is in direct contradiction to both established planning policy and WODC's draft Local Plan. In particular it presents an incursion into the sensitive Shill Brook Valley, which is a designated Biodiversity Conservation Target Area. The draft Local Plan identifies this area as an opportunity for future wildlife enhancement through habitat restoration and management, an aspiration supported by Carterton Town Council and neighbouring parishes.

Sufficient - many would argue, more than sufficient - provision for future housing development to meet Carterton's needs is proposed through sites identified in the draft Local Plan. Additional potential sites in the sub-area were identified in the 2016 Strategic Housing and Economic Land Availability Assessment, which excluded this site.

- I.16 Adjacent Parish Council Shilton Parish - strongly objects to this development. it is an unnecessary intrusion into the green space between the conservation area of Shilton and Carterton. The site is part of the dedicated green space in the Carterton Master Plan.
Due to its proximity to the Shill there will inevitably be an increased risk of flooding further upstream that could affect Shilton. There will also be implications for the wildlife in the Shill Valley corridor.
- I.17 Biodiversity Officer No objection subject to conditions and legal agreement.
- I.18 Town Council Carterton Town Council supports the application

2 REPRESENTATIONS

2.1 Ten objections have been received referring to the following matters:

- (i) Impact on drainage and flood risk.
- (ii) Impact on wildlife and ecology.
- (iii) Increase in traffic, and effect on highway safety.
- (iv) Development on this side of Carterton has been resisted in the past. Would potentially lead to resurrection of Carterton West scheme.
- (v) Impact on green infrastructure/conservation.
- (vi) Would create precedent for further development in this part of Carterton and would ruin the countryside and environment.
- (vii) Unacceptable encroachment into countryside.
- (viii) Site is 1km from Shilton Conservation Area.
- (ix) Impact on the character and appearance of the area.
- (x) Will make living in Shilton more difficult.
- (xi) New Government algorithm suggests fewer houses are needed in Oxfordshire.

2.2 CPRE has objected on the following grounds -

- (i) This site and adjoining sites have been deemed unsuitable in the recent SHELAA and the site is not an allocation in the Local Plan.
- (ii) The site is within a Conservation Target Area and the Biodiversity Area of the Shill Brook Corridor. It is adjacent to a Local Wildlife Site and in close proximity to another and a SSSI downstream. It is located between two areas of Priority Habitat Woodland. This is the most ecologically sensitive location in the area. The best way to protect a natural environment is to leave it alone.
- (iii) Potential contamination of the river.
- (iv) Past planning decisions have considered the site to be extremely sensitive and unsuitable for development.
- (v) The 5 year housing land supply position is debatable, but in any event the development is not sustainable.
- (vi) There are already significant permissions in Carterton and elsewhere in the District which are not being progressed by developers.
- (vii) Carterton's Masterplan explicitly commits to protecting the Shill Brook.
- (viii) Carterton TC supports development of large houses on the site.
- (ix) Carterton TC expects this application to help fund an access road from Alvescot Road direct to RAF Brize Norton to reduce traffic in the town but there is no assessment of suitability, safety or deliverability. It is not a good reason to approve the development.

- (x) Carterton TC's aspirations for other development north of the site are inappropriate.
- (xi) Carterton TC believes the site is unkempt and unattractive and not a suitable soft edge to the town. They suggest that the Shill Brook itself would provide a better soft edge to the town, but it's in a ravine and will not be visible, not least because under this application there would be a significant number of houses in the way. The current green buffer along Upavon Way would be interrupted and obstructed. Clearly the site provides a better soft edge than what is proposed.
- (xii) The Design and Access Statement mentions access to a large area of public open space. It is not clear where this is, as the steep sloped area is not suitable for public access and public access would affect natural habitat. How and where would a bridge over the brook be constructed?
- (xiii) The proposed use of reconstituted stone is inappropriate.
- (xiv) The safety of the access points and traffic generation have not been considered. No traffic assessment has been provided.
- (xv) A full flood risk assessment has not been provided.
- (xvi) Existing foul sewers are at capacity and not isolated from surface water drains. The pumping station becomes overloaded and floods.
- (xvii) Surface water run-off from the site could lead to contamination of the brook and this needs to be assessed.
- (xviii) In view of the sensitivity of the site, it is surprising that only a Phase I survey has been done. More information about ecological mitigation is required, but in any event measures would not be adequate to mitigate the harm from construction on this sensitive site.
- (xix) In the current flat housing market of Carterton, as demonstrated by the sluggish delivery of extant planning permissions, the economic and social benefits claimed are debatable. Whilst affordable housing is needed, there are better places to build it and some already in the pipeline.
- (xx) The environmental role the application plays is non-existent, as all measures proposed are mitigation and not enhancement. The development would do significant harm.

2.3 Five expressions of support have been received referring to the following matters:

- (i) Site is accessible to facilities in Carterton.
- (ii) No impact on landscape.
- (iii) No impact on flooding.
- (iv) The development would be within Carterton and not Shill Brook Valley.
- (v) Opportunity to link open spaces and provide recreation.
- (vi) Smaller developments make more sense than larger ones.
- (vii) No enough new build in Carterton.

3 APPLICANT'S CASE

- 3.1 The following text is drawn from the conclusions of the applicant's Design and Access Statement.
- 3.2 The submitted illustrative layout plan and accompanying documents demonstrated that 41 dwellings can be accommodated on the site within a landscape setting.
- 3.3 At the current time the existing Local Plan 2011 is now out of date with regard to the provision for housing and significant shortfalls in housing supply have been identified. In such

circumstances, the NPPF paragraph 14 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.

- 3.4 The submitted technical evidence in support of this application has demonstrated that there is no adverse impact in respect of:
1. Landscape Impact;
 2. Highway Impact;
 3. Ecology;
 4. Contaminated Land; and
 5. Land Stability.
- 3.5 The submitted plans demonstrate how a development of 41 dwellings can be accommodated on the site through the implementation of a landscape led and visually sensitive, high quality design and the delivery of a positive benefits packages, including:
1. The timely delivery of 41 new homes;
 2. A landscape led design solution, providing the opportunity to promote the local distinctiveness seen elsewhere across West Oxfordshire;
 3. The provision of 35% on site affordable housing;
 4. A diverse housing mix including flats and family homes;
 5. The provision of local construction jobs;
 6. The opportunity to release 50% of the site as open space, providing public access to local residents, school children engaging in 'Forest School' activities and other community groups in the town;
 7. Public access to 'The Dell';
 8. Unlocking the opportunity to provide the 'green links' promoted in the Carterton Masterplan;
 9. The enhancement of local biodiversity; and
 10. The creation of a softer landscaped buffer.
- 3.6 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: and economic role; a social role and an environmental role. The benefits and adverse impacts of the proposal are summarised under these headings.

An economic role

- 3.7 The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs and will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.

A social role

- 3.8 The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The need for housing on the site is already accepted in principle in the Draft Local Plan.

An environmental role

- 3.9 In developing the design strategy, particular regard has been given to the impact of the physical landscape and the visual character of the Shilton Downs Conservation Area as well as to the local area.
- 3.10 Existing mature trees and landscaping of significance will be retained and enhanced. The central band of trees splitting the upper parts of the site should be retained and enhanced as it breaks the site into two zones.
- 3.11 The layout has taken account of significant views, notably from the footpath running though Alvescot west of the site.
- 3.12 Safe and suitable access, appropriate drainage and acceptable levels of amenity can be achieved.
- 3.13 The proposal will lead to environmental benefits, notably as a result of the ecological enhancements and high quality design. There are no significant and adverse environmental impacts.
- 3.14 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits and planning permission should be granted without delay.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 BE18 Pollution
 BE19 Noise
 BE21 Light Pollution
 H2 General residential development standards
 H4 Construction of new dwellings in the open countryside and small villages
 H7 Service centres
 H11 Affordable housing on allocated and previously unidentified sites
 TLC7 Provision for Public Art
 NE1 Safeguarding the Countryside
 NE2 Countryside around Witney and Carterton
 NE3 Local Landscape Character
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE7 The Water Environment
 NE11 Water Quality
 NE13 Biodiversity Conservation
 NE15 Protected Species
 T1 Traffic Generation
 T2 Pedestrian and Cycle Facilities
 CA3NEW Carterton sub-area Strategy
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH3NEW Public realm and green infrastructure

EH5NEW Flood risk
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
OS5NEW Supporting infrastructure
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is a re-submission of a withdrawn outline application (16/04253/OUT) for the erection of up to 41 dwellings on a site to the west of Carterton which forms part of the Shill Brook valley. The site slopes down in a westerly direction from a high point adjacent to Upavon Way to the valley bottom. The illustrative layout shows where the houses would be likely to be built and indicates development would not take place on the steeper slope to the river. A range of supporting information has been provided. It is envisaged that the buildings would be 2 storey in height.
- 5.2 The site lies in a prominent position on the west side of Upavon Way which is one of the principal roads in Carterton. It is bounded on all sides by hedgerow and trees, providing varying density of screening. Part of the site is occupied by a house and other buildings, but the majority of the site is grassed and gives views out from the settlement edge to the countryside beyond. The land to the west of the road in this location is predominantly undeveloped. The east of the road skirts a modern housing estate. To the west of the river the land is in agricultural use and there are farm buildings associated with Alvescot Downs Farm. A public footpath runs along the plateau to the west of the valley in a north-south alignment between Shilton and Alvescot.
- 5.3 The site is within a Conservation Target Area, the main aim of which is to restore biodiversity at a landscape scale through maintenance, restoration and creation of UK priority habitats and areas for priority species. A designated Local Wildlife Site adjoins to the site to the north. There are no listed buildings in close proximity.
- 5.4 The relevant planning history is as follows:
- W74/315 -Erection of a detached bungalow and garage with associated access works. Planning permission was refused and was subsequently dismissed at appeal. The Inspector noted that the development was "not a natural or logical extension to the present village" and "would harm the rural quality of the area and encourage further similar development west of the road".
- W75/747 - Permission for the siting of a caravan at the north of the site. Planning permission was refused and subsequently dismissed at appeal.
- W76/181 - Demolition of a stable and erection of bungalow. Planning permission was refused and was subsequently dismissed at appeal. The Inspector found that the development would reduce the attractive feature of a clear cut distinction between the built up area to the east and countryside to the west.

W2003/0925 - Conversion of an existing store to use as a carers flat (the building now known as Sunset Lodge). Planning permission was granted September 2003.

04/0221/P/FP - Change of use of land to allow parking facilities for four commercial vehicles (retrospective) at the south end of the site - adjacent to the stables. Temporary planning permission was granted in March 2004.

06/0493/P/S73 - To allow indefinite use for the parking of four commercial vehicles (non-compliance with condition 1 of planning permission 04/0221/P/FP. Planning permission was refused in May 2006.

- 5.5 Parts of the site have been put forward in the SHELAA November 2016, as sites 148 and 231. Neither is deemed suitable for development in relation to landscape and ecological considerations. In addition, a number of other sites promoted on the west side of Carterton have not been supported. None has been allocated in the emerging Local Plan.
- 5.6 Taking into account planning policy, other material considerations, and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Siting, design and form

Landscape

Highways

Trees, landscaping and ecology

Drainage

Contamination

Residential amenity

SI06 matters

Principle

- 5.7 Carterton is classified in the Local Plan 2011 as Group C settlement (main service centre). Based on the settlement sustainability, weighted assessment (Nov 2016), the town is ranked fourth of the service centres assessed in terms of services and facilities available.
- 5.8 The town benefits from services, including four primary schools, a secondary school, community buildings, sports facilities, shops and pubs.
- 5.9 Local Plan 2011 Policy H7 would not allow for the development of the application site because it involves new build housing that does not constitute infilling or rounding off. However, this policy is considered to be out of date.
- 5.10 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.

- 5.11 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.
- 5.12 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.13 The Council has made great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council has made a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.14 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.15 Emerging Local Plan 2031 Policy OS2 refers to the main service centres, such as Carterton, being the focus for a significant proportion of new homes. Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria (now expressed in OS2), and is consistent with other policies in the plan. The emerging Local Plan does not impose a ceiling on development in any given settlement or sub-area, and Officers are mindful of the Government requirement that authorities should boost significantly the supply of housing.
- 5.16 It is acknowledged that the site does adjoin the existing built up area of the town, albeit not immediately adjacent to existing development, which is set back from Upavon Way. However, development here is not envisaged in the strategy for the Carterton sub-area. Emerging Policy CA3 identifies a number of allocations in Carterton (none of which is on the west side of the town) and explicitly refers to the protection and enhancement of the biodiversity and leisure value of the Shill Brook Valley, as well as the protection and enhancement of the character and setting of Carterton and the identity of neighbouring villages.
- 5.17 With reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.18 An indicative layout has been provided, and this shows that a scheme of 41 dwellings could be accommodated within the site area. However, the arrangement is generally cramped and does not achieve suitable separation of buildings.
- 5.19 The layout shows an intention to locate buildings on the less steeply sloping part of the site and retain much of the existing planting. The placing of buildings and hardstanding shows some in very close proximity to retained trees that could affect root protection areas, and create pressure for pruning and felling because of concerns from householders about light and leaf litter. This is not a suitable arrangement.
- 5.20 It is understood that the houses would be up to 2 storey and a mix of house types ranging from 1 bed flats to 4 bed houses is indicated. Officers have concerns about the illustrative site plan, which shows an overtly urban layout with a number of blocks of terraces and flats, and large areas of hard standing and car parking. This is not sympathetic to the rural edge environment in this location and would introduce a density of built form that is not in keeping with character of the valley of which it forms part. The prevailing character on the valley edge to the north is bungalows with large rear gardens. The built form in the vicinity of the site is very sporadic with established woodland dominating. It is, however, acknowledged that this is an outline application and layout, scale and appearance would be reserved for future consideration.

Landscape

- 5.21 The site lies within the Shilton Downs character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is minor valleys. Within this landscape type, the enhancement priorities are: retain and manage areas of pasture and meadows within the minor valleys; encourage sensitive management of watercourses, planting of riparian vegetation, and traditional pollarding of willows; and introduce new woodland planting along the valley sides. The development sensitivities are noted to be: the intimate landscape of the minor valleys has a rural, pastoral and generally unspoilt character and is very sensitive to built development; the upper, more open valley sides are particularly visually sensitive and development would be highly prominent and exposed; the landscape buffer provided by Shill Brook along the western edge of Carterton should be maintained and strengthened. Carterton itself is identified as a key settlement in the assessment. It is noted in relation to the west of the town that there is high inter-visibility in the landscape and the urban edge is strongly silhouetted in views from the west and very sensitive to change. The minor valley is an important landscape resource and its landscape strength should be maintained.
- 5.22 The development would have significant visual impact locally, in replacing predominantly open space with a substantial amount of housing. There is a very clear and defensible boundary formed by Upavon Way and the built extent of Carterton to its east, and the rural character of the Shill Brook Valley to the west of the road.
- 5.23 When approached in either direction along Upavon Way, the site is prominently located on the outside of the bend in the road, with an extensive road frontage of verge and gappy hedge. In the winter it is possible to see through existing planting into the site and across the valley to the west. The proposed introduction of the visibility splays and provision of a new footway on the west side of Upavon Way would have an urbanising effect on the frontage.

- 5.24 From the public right of way to the west, which is well used and links Shilton and Alvescot, the Shill Brook valley can be readily appreciated. Although some urban influences are visible on the valley edge to the north of the site, development is predominantly recessive and views are filtered by existing trees and hedges. A notable exception in the large buildings at Carterton Community College, which are acknowledged to be more visible because of their scale and use of materials.
- 5.25 On the west side of Upavon Way, the college is the last significant built form when travelling south. After this there is a clear sense of a change of character into a green and rural environment. The road is a ring road to the town and benefits from a wide planted verge on its eastern margin. There is also a verge on the west side. Existing modern housing is set well back behind fences and walls and does not address the road. Mature garden planting adds to the established street trees. Between the college and the junction of Upavon Way and Alvescot Road there is significant woodland planting and little sense of an urban environment beyond. The application site forms a significant break in the woodland, being predominantly open grass. This makes it very visible when viewed from the west and the topography of the land and its relationship to the valley is evident. Looking across the valley from the west and through the site, even in the winter, the existing housing east of the site is recessive given existing screening. Therefore, development here would be very prominent and entirely at odds with the rural character of this part of the valley.
- 5.26 The Inspector's Report on the examination of the current Local Plan dated June 2005 refers to the application site as part of a larger proposed allocation and finds as follows: "The omission site is linear in form and stretches northwards along Upavon Way from The Warren to The Dell. About midway between the two the site is split by a group of buildings [Sunset View]. There are wide gaps between these buildings and development could not be described as infill. The omission site sits on the eastern side of the Shill Brook Valley. Viewed from the public footpath linking Alvescot Road to Shilton, the wooded sides of the valley hide much of the development on the eastern side of Upavon Way. Development on the valley slopes would result in the loss of the soft green edge to the town. In addition, the valley sides have a rural character which would be destroyed by the incursion of built development. I do not consider that this could be satisfactorily mitigated by landscaping or by the gift of areas of open space between the proposed housing and the brook". Officers do not consider that there has been any pertinent and material change in circumstances that would lead to a different conclusion now.
- 5.27 The Carterton Master Plan produced by the Town Council envisages green infrastructure and amenity space along the Shill Brook Valley forming part of a network of green spaces wrapping around the north, east and west of the town. There is no suggestion in this document that housing development would be appropriate or supported in the river corridor.
- 5.28 Objectors have referred to the proposal being too close to the villages of Alvescot and Shilton, and closing the gap between settlements. Whilst it is acknowledged that the proposal would encroach into open countryside beyond the existing edge of Carterton, there is no sustainable planning argument that the development would lead to an unacceptable narrowing of the distance between settlements and coalescence.
- 5.29 Lighting to streets and parking areas, as well as light spillage from the houses themselves, would have significant visual effects on this relatively unspoilt area. Whilst it is acknowledged that there is street lighting to Upavon Way. Light spillage would be perceptible from the development into

the valley, drawing the eye and appearing completely incongruous in the wooded setting of the valley slopes here.

- 5.30 Notwithstanding the submitted landscape assessment and the assertions of the applicant in referring to its findings, Officers are of the view that there would be significant visual and landscape harm arising from the proposal. The development would unacceptably urbanise the valley and its tranquillity would be affected. This harm needs to be factored into the planning balance.

Highways

- 5.31 Access would be taken from Upavon Way by way of two estate roads, which correspond approximately to the existing access to the dwelling on the site and a field gate. The site is located within a reasonable level walking and cycling distance of the town facilities.
- 5.32 Access plans have been provided to show the position in relation to Upavon Way, a footway between the two accesses along the west side of Upavon Way and pedestrian crossing points to link with the east side of Upavon Way.
- 5.33 The comments of OCC on the suitability of the access arrangements will be reported at the meeting.
- 5.34 The proposed accesses are approximately 80m and 130m from an existing bus stop on the eastern side of Upavon Way where it meets Carr Avenue. This is served by service S2 which operates at two buses per hour during the day between Carterton and Oxford via Witney. A contribution is sought in the sum of £41,000.00 to increase frequency to three buses per hour. In addition, all of the walking and cycling routes to the town are along main roads without cycling provision. Whilst the site is not significant enough in scale to remedy this issue, OCC is seeking £41,000.00 (£1000.00 per dwelling) towards the cycle scheme on Alvescot Road, as identified in LTP4.
- 5.35 Off-site highways works to provide the access, footway and proposed crossing points at Upavon Way would be required. These would be the subject of a S278 agreement.

Trees, landscaping and ecology

- 5.36 The boundary of the site with Upavon Way is formed with established trees/hedgerow. Adjoining land to the north and south features significant numbers of trees. The western boundary follows the brook and there are sporadic trees and scrub adjacent to the watercourse. There are also a number of trees within the site.
- 5.37 The illustrative site plan indicates that the majority of the trees within the site can be retained and would be supplemented by additional planting along the contour where the valley side begins to steepen, and also amongst the proposed buildings. Subject to the submission of a full tree protection plan which can be secured by condition, it is considered that there would be no unacceptable loss of trees on the site.
- 5.38 Notwithstanding the intentions of the applicant as regards new landscaping, it is considered that given the scale and extent of the development proposed the buildings would be unlikely to be satisfactorily screened and successfully assimilate into the environment of the valley.

- 5.39 The submitted ecological report and management plan were considered by the Council's Biodiversity Officer and no objection is raised in principle. The upper part of the site has limited ecological value at present and the lower part of the site could be maintained and enhanced for biodiversity. A legal agreement would be necessary to ensure that any approved Landscape and Ecological Management Plan would be properly instituted and managed in perpetuity (for the lifetime of the development). As part of the South Cotswolds Valleys Conservation Target Area, and with regard to the adjacent Local Wildlife Site, this is particularly relevant to this application. Further details would be required by condition as regards badger mitigation. The long-term management and enhancement of the habitats within the buffer area should be clearly established. This would contribute towards the targets and objectives of the Conservation Target Area.
- 5.40 The Local Wildlife Site boundary to the north-east of the application site must be protected and adequately buffered. A condition for a Construction Environmental Management Plan would be necessary. This would deal with matters such as: identification of potential risks associated with damaging construction activities; timing of works; and protective fencing.
- 5.41 The applicant suggests that public access could be provided into the valley and open countryside. Whilst this would theoretically be possible on the site itself, separate adjoining land ownerships, and there being no crossing point for the brook in this location, suggest a wider recreation benefit is unrealistic at present. There is no immediately adjacent public right of way to which connection could be provided. In any event, given the sensitivity of the river corridor and conservation objectives here, public access and the protection of ecology are largely incompatible. In addition, the steepness of the slope would require significant intervention to create suitable and safe paths which would also be contrary to maintaining a natural and unspoilt environment.
- 5.42 The illustrative layout does not show buffers to the houses and gardens and there would be an abrupt interface between development and open space. This raises questions as to how garden boundaries are to be formed and maintained and may lead to unwanted effects such as fly tipping over fences into adjoining land, annexation of open space, unauthorised access into adjoining land, and damage to or removal of peripheral planting. Such potential effects do not appear to have been factored into the illustrative plans.

Drainage

- 5.43 Most of the site area is within Flood Zone 1, however the lowest part of the site adjoining the brook is partly in Flood Zones 2 and 3. The Environment Agency has previously advised that provided the built development is confined to the area shown on the indicative layout they have no objection on flood risk grounds.
- 5.44 The Environment Agency objected to the previous application (16/04253/OUT) in terms of pollution risk to controlled waters. However, the current proposal included additional information to address the concerns expressed. The Environment Agency doesn't now object and instead recommends a number of conditions in relation to contamination remediation and verification, surface water drainage, and foul drainage.

- 5.45 Thames Water has been unable to determine that the waste water infrastructure is sufficient. A condition is therefore recommended to require agreement of a drainage strategy prior to commencement of the development.
- 5.46 Surface water drainage would need particularly careful consideration in this sensitive location. No details of proposed drainage features or where surface water would be discharged to have been provided. This would need careful consideration in respect of the Environment Agency position. OCC has also expressed concern about a lack of information on sustainable drainage. Nevertheless, it is considered that a surface water drainage strategy is capable of being addressed by way of condition.

Residential amenity

- 5.47 The indicative layout provided shows that buildings are placed too close together to provide an appropriate level of privacy and outlook. The proximity of trees to some units would be likely to result in loss of light and pressure for pruning or removal.
- 5.48 Properties on the east side of Upavon Way are some distance away and would not be affected in terms of loss of light or privacy. Their outlook would be affected in terms of the loss of an attractive view, but effect on a private view is not material to the decision.
- 5.49 There is potential for occupiers of the site to be affected by aircraft noise and WODC Environmental Health Officers advise a condition to deal with noise mitigation.
- 5.50 It is acknowledged that short term effects can be experienced during the construction phase, such as construction vehicle movements, noise from construction activities, and pollution such as dust. However, such impacts arising could be ameliorated through compliance with a construction management plan.

Contamination and land stability

- 5.51 Reports in relation to ground conditions have been provided, and both the Environment Agency and WODC Pollution Control advise that further details, incorporating remediation and verification can now be provided and agreed by way of condition.
- 5.52 Although consent is not sought under this outline application for siting and layout, the illustrative material indicates that buildings and car parking areas would be placed adjacent to the contour where the gradient of the site steepens considerably. In addition, there are areas of the site which are made ground where land stability is a concern. On the basis of the information provided, and having regard to paragraph 120 of the NPPF, it is considered that a suitably worded condition could address the matter of the appropriate siting and construction methods of built form to address potential stability issues.

SI06 matters

- 5.53 The applicant has referred to the provision of 35% affordable housing which is a policy compliant contribution.
- 5.54 A contribution of £5,670.00 towards temporary public art activity as a means to develop good connectivity between the new settlement and the existing community.

- 5.55 A contribution of £47,396.00 off site contribution towards sport/recreation facilities in the area. In addition, £33,538.00 for the enhancement and maintenance of play/recreation areas in the area.
- 5.56 A contribution to Primary education of £151,588.00 is required for the necessary expansion of permanent primary school capacity serving the area, at Edith Moorhouse Primary School.
- 5.57 Given pooling constraints under the CIL regulations a Secondary education contribution is not sought.
- 5.58 A contribution of £15,745.00 is required as a proportionate contribution to sustainable provision of sufficient nursery education provision.
- 5.59 A contribution of £41,000.00 towards increasing the frequency of bus service S2 which runs between Carterton and Oxford via Witney from its current two buses per hour, to three buses per hour . £41,000.00 (£1000.00 per dwelling) towards the cycle scheme on Alvescot Road, as identified in LTP4.

Other matters

- 5.60 Objectors have referred to the site's relationship with Shilton Conservation Area. In this regard, the heritage asset is located approximately 1,177m away as the crow flies, and there is no clear inter-visibility given the distance, land levels and the intervening Alvescot Downs Farm. The only other heritage assets in the vicinity are at Lawton Avenue approximately 385m south east with modern estate development between. On this basis, Officers consider that there would be no material effect on the setting of these assets.

Conclusion

- 5.61 The site adjoins the town of Carterton, which provides a range of amenities and is considered a suitable location for new development. This is recognised in policy OS2 of the emerging Local Plan, and a number of specific site allocations are made in policy CA3. The strategic requirements for development in this part of the District have therefore been considered. In addition, a review of the SHELAA has appropriately had regard to sites promoted for development in this location. The application site, along with others west of Carterton, have been deemed unsuitable for housing development.
- 5.62 Existing trees and hedgerow would be largely retained, save for limited removal to facilitate the development as illustrated. However, even with additional planting, it is considered that the development would not assimilate satisfactorily into the landscape and environment of this location.
- 5.63 The development would encroach unacceptably into a largely unspoilt part of the Shill Brook Valley and would be highly prominent in public views from open countryside to the west and Upavon Way to the east. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree.

- 5.64 Access plans have been provided and the view of OCC on transport and highway safety will be reported at the meeting.
- 5.65 Consent is not sought under this outline application for siting and layout, and it is considered that a suitably worded condition could deal with potential land stability issues.
- 5.66 The part of the site where it is intended to build the houses is in Flood Zone I and at low risk of flooding. The Environment Agency raises no objection in relation to potential pollution risk to controlled waters but does recommend a number of conditions. Conditions dealing with contamination are also recommended by WODC Pollution Control, but they are satisfied that the Environment Agency conditions address their concerns.
- 5.67 The submitted ecological report and management plan have been assessed by the Council's Ecological Officer. Whilst no objection in principle is raised, a legal agreement would be necessary to ensure that any approved Landscape and Ecological Management Plan would be properly instituted and managed in perpetuity (for the lifetime of the development). As part of the South Cotswolds Valleys Conservation Target Area, this is particularly relevant to this application. Further details would be required to secure the badger mitigation.
- 5.68 The illustrative layout is not satisfactory for the reasons set out above. However, as this is an outline application delivery of an appropriate arrangement could be forthcoming at the reserved matters stage. This does not therefore constitute a reason for refusal.
- 5.69 There is no reason to believe that the residential amenity of existing residents would be adversely affected by the development. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place.
- 5.70 As regard the various contributions required, as set out above, satisfactory legal agreements have not been completed and this therefore adds to the grounds of refusal in the proposal failing to make provision for affordable housing, education, sports/recreation, public art, bus services and cycling facilities.
- 5.71 Given that the saved Local Plan Policies for the supply of housing are out of date, and the emerging Local Plan is yet to be adopted, the Council cannot currently definitively demonstrate a 5 year supply of housing. In this context, paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.72 The applicant has suggested that a number of benefits arise from the scheme, as set out in the "applicant's case" above. In this context, significant weight is attached to the benefit of the provision of new housing, and in particular 35% affordable housing in this case. The economic benefits associated with the construction of new dwellings are acknowledged.
- 5.73 The assertion that the site will provide in excess of 50% open space has not been fully demonstrated, given the constraints of levels, and incompatibility of recreation and ecology on a relatively small area of land in a sensitive valley location.
- 5.74 Given that adjoining and other land is in separate ownerships it is not at all clear how the development provides "public access to 'The Dell' to the north and unlocks the opportunity to provide 'green links' promoted through the Carterton Town Master Plan".

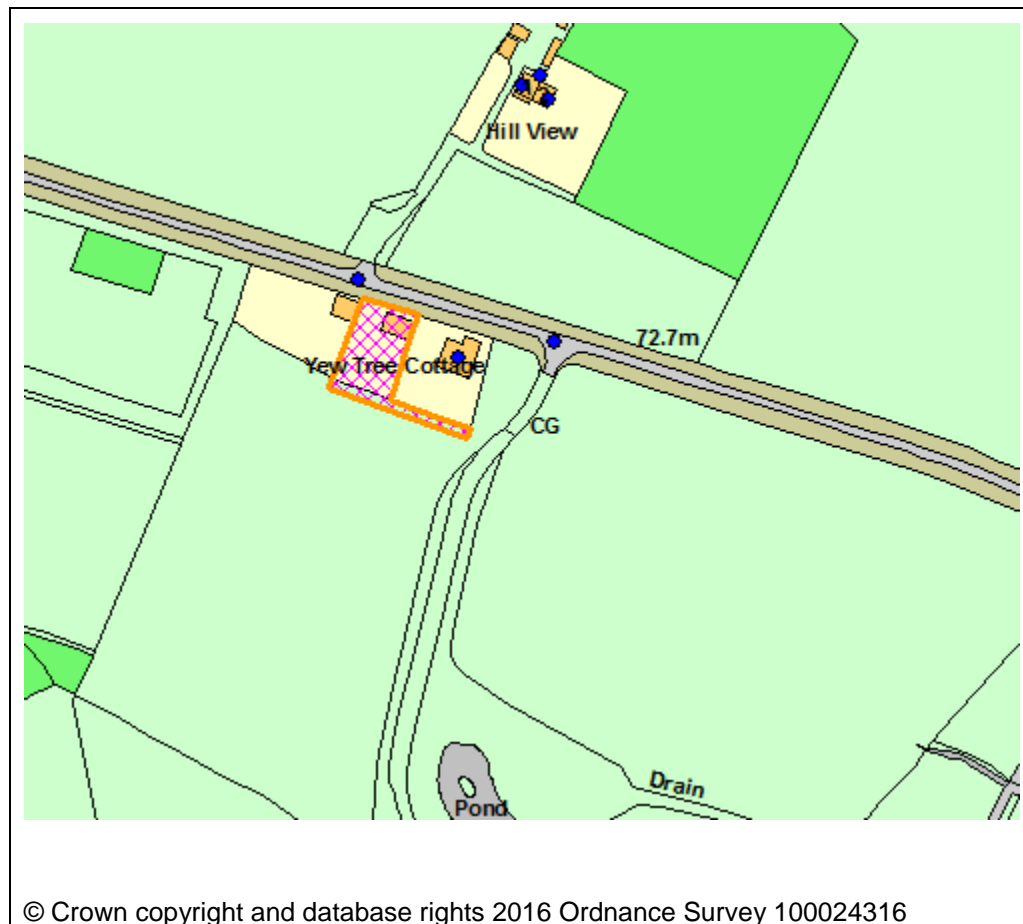
- 5.75 There is no objection in principle on ecological grounds, and appropriate ecological management can be secured by condition. However, the ecological benefit compared to the current primarily greenfield conditions on the site are perhaps overstated.
- 5.76 The further claim that the development presents "the opportunity to promote the local distinctiveness" cannot be counted as a benefit. The Council, as well as the NPPF, would require high standards of design and finish in all cases. In effect the proposal would erode the local distinctiveness of the Shill Brook Valley which is a disbenefit.
- 5.77 A diverse housing mix would be expected on a scheme of this scale and is not a benefit particular to this development.
- 5.78 With respect to this analysis, it is considered that the harm to the landscape, visual amenity and character of the Shill Brook Valley and the western edge of Upavon Way, outweighs the benefit of housing delivery in this case. A suitable mitigation package by way of legal agreement has not been resolved. Accordingly, the proposal does not represent sustainable development and is recommended for refusal.

6 REASONS FOR REFUSAL

- 1 The site is located in the countryside beyond the existing settlement edge of the town of Carterton. The development would encroach unacceptably into a largely unspoilt part of the Shill Brook Valley where woodland and meadow prevail. It would fail to relate satisfactorily to the town or the existing rural environment which provides a setting for the town, and it would not easily assimilate into its surroundings, resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be highly prominent in public views from open countryside to the west along a public right of way, and from Upavon Way to the east. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE2, NE3, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, EH1, EH3, and CA3, West Oxfordshire Landscape Assessment, and the relevant policies of the NPPF, in particular paragraphs 17, 58, and 109.
- 2 The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, ecology, secures the provision of affordable housing, and makes an appropriate contribution to public transport provision, cycling facilities, and public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, H3 and CA3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

Application Number	I7/02882/FUL
Site Address	Yew Tree Cottage Lew Bampton Oxfordshire OX18 2BB
Date	1st November 2017
Officer	Hannah Wiseman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Lew Parish Council
Grid Reference	433205 E 206504 N
Committee Date	13th November 2017

Location Map



Application Details:

Extension and linking of buildings formally known as Garages A and B at Yew Tree Cottage, together with Change of Use from Ancillary use to House B to estate management accommodation, laundry, storage, office and guest facilities use.

Applicant Details:

Mr Stephen Palmer
Yew Tree Cottage,
Lew
BAMPTON
OX18 2BB

1 CONSULTATIONS

- | | | |
|-----|-------------------------|---|
| 1.1 | OCC Highways | No objections |
| 1.2 | WODC Drainage Engineers | No objections but suggest raising finished floor level. |
| 1.3 | Parish Council | The Parish Council wish to object to this application. The number of units for guests on the site has grown out of all proportion. The increase in traffic around the site is to the detriment of the neighbours. |

2 REPRESENTATIONS

- 2.1 Three comments of support have been received stating that there is a demand for accommodation and these services within the district.
- 2.2 One letter of objection has been received with a list of 25 signatories which make comments on the application. A Summary of those comments are listed below;

No further development at Lower Farm
The traffic at the weekend is horrendous
There is enough development of this holiday complex
Strongly object to more development
Rural Village should stay Rural
Disagree with building even larger development.

3 APPLICANT'S CASE

The applicant has submitted a planning design and access statement in support of their application which sets out the description of the development and the recent planning history which has led to the submission of this application.

4 PLANNING POLICIES

BE2 General Development Standards
TLC1 New Tourism, Leisure and Community Facilities
E2NEW Supporting the rural economy
E5 Re-use of Non-vernacular Buildings
E7 Existing Businesses
EH1NEW Landscape character
H2 General residential development standards
OS2NEW Locating development in the right places

NEI Safeguarding the Countryside

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is seeking planning permission for the extension to the existing garage buildings on site, with a change from ancillary use in connection with House B, instead being occupied by Employees involved in the estate management of Lower Farm. This would still be ancillary to the use of the Farm as Holiday let accommodation.
- 5.2 Yew Tree Cottage is situated south of the Lew Road and access from the access track which leads further south to Lower Farm and Farm House. It is situated between House B which is a holiday let, and Barn F which is also a holiday let. The site is not within the conservation area however it is in a relatively open countryside, rural location.
- 5.3 The application is before members due to the Parish Council raising objections to the proposal, contrary to the officer recommendation. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle
Siting Design and Form
Highways
Residential Amenities

Principle

- 5.4 The proposal is seeking planning permission for an extension to an existing building and the use of that subsequent extended building to be for accommodation for employees of Cotswold Manor Estate and within space provide storage and office space for reception facilities and storage of linen etc.
- 5.5 Presently the building is tied by legal agreement to House B as ancillary accommodation under application ref. 16/00496/FUL. This application would see that legal agreement varied to make Yew Tree cottage accommodation for estate management staff, ancillary to the use of Lower Farm and the Cotswold Manor estate Holiday let business which was approved, subject a legal agreement under 16/00314/FUL.
- 5.6 There would appear to be some mis-interpretation of the development proposed given the consultation responses received, as the proposal is not for expansion of, or new additional holiday let facilities. The proposal does involve a modest extension, but it is merely the subtle change of use of the existing building which is the main 'in principle' consideration.
- 5.7 The existing building has an extant use as an ancillary form of accommodation and the proposed use would continue as a form of accommodation, but instead of being ancillary to the holiday let known as House B, it will be as staff accommodation and office/storage space in connection with Cotswold Manor Estate. Materially, there will be little difference between the current situation and the proposed use.

- 5.8 Policy E2 of the Emerging Local Plan 2031 is generally supportive of proposals which help support the rural economy. The council supports the re use of existing buildings for new employment, providing it is in accordance with Policy E3 of the Plan. It also states that existing buildings should be re used where possible.
- 5.9 Policy E4 of the emerging Local plan 2031 relates to Sustainable Tourism and states that development of visitor related facilities can offer benefits to local communities such as supporting shops and pubs etc., and that existing buildings should be utilised where possible. It also goes on to say that where tourist accommodation is proposed, in locations where new dwellings would not normally be permitted, a legal agreement would likely be imposed to restrict to holiday use. This is the case here which forms part of the existing legal agreement.
- 5.10 Information has been submitted by way of confidential financial data and viability figures which do indicate that the level of turnover and occupation throughout the year would, on balance, justify the need for an on-site presence and ancillary staff accommodation on site to ensure security and to man the reception and guest facilities throughout the duration of guests stays.
- 5.11 There are therefore, no in principle objections for the existing building to be extended and have the use changed from ancillary use to the existing holiday let, to be used as staff accommodation in conjunction with the running of the existing business on site.

Siting, Design and Form

- 5.12 The main changes to the built form relates to the addition of a single storey extension on the west elevation of the existing accommodation and a single storey extension to the existing garage on the south elevation to allow for the storage of maintenance vehicles which will have been, in part, taken up by the additional living space as a result of the internal conversions.
- 5.13 A small 'link' extension is proposed to join the two buildings together. This will enable the staff and estate management accommodation to provide an additional 2 bedrooms and the office space for receptions and enquiries and a staff room for grounds/maintenance staff. This would be separated internally from the garage and laundry facilities.
- 5.14 In terms of the overall scale and form of the proposed extensions and alterations, they are considered to form an appropriate visual relationship with the host buildings and are sufficiently subservient which continue to respect to original form. The extensions could, arguably, be considered to improve the design and visual interest by adding variances in roof height and forms. The extensions would be constructed under wooden frame with concrete tiled pitched roofs.
- 5.15 Officers note the east elevation will result in a longer flank elevation; however this is broken up, in part, by the addition of windows and the gable end of the rear of the garage and store, and therefore, on balance, is considered acceptable.
- 5.16 In terms of the impact on the street scene, the extension on west elevation would be adjacent to the public road; however it respects the existing building line and retains the overall L shaped footprint. It is of a modest form and scale and set behind the existing mature boundary treatment fronting the road. As such it is not considered the extensions would have any harmful

impact on the street scene or the wider countryside setting, given the containment of the built form within an existing L shaped arrangement.

Highways

- 5.17 The Oxfordshire County Councils Highways Liaison officer has assessed the application and has stated that the proposal would not have a significant detrimental impact, in terms of highway safety and convenience, on the adjacent highway network. Sufficient off street parking is available on site and therefore, there are no objections in terms of highway safety.

Residential Amenities

- 5.18 The site is set within large grounds, although Yew Tree Cottage is set between House B (a holiday let) and Barn F which is also a holiday let as part of the wider enterprise. In terms of the separation distances between the three plots, the amenity space provided is considered acceptable to provide sufficient level of amenity for the holiday makers and the occupiers of the staff accommodation.
- 5.19 The proposal will result in the addition of two new windows on the east elevation which will face on to the garden area of House B. There is a closed boarded fence proposed along this section which will provide privacy to the occupiers of House B, but given the distance between the window and the position of the fence, sufficient light will be available to the habitable rooms as to not impede on the residential amenity of future occupiers.
- 5.20 Due to the single storey nature of the extensions, position and orientation, the proposal would not result in any harmful impacts in terms of loss of light or overshadowing etc. The proposal is therefore considered acceptable on the grounds of residential amenity.

Conclusion

- 5.21 The proposal for the extension of the existing ancillary accommodation, to allow for the provision of sufficient residential accommodation for the existing estate managers on site, is considered of a scale which is commensurate to the need for the on-site presence of staff given the duration of stays and turnover of the existing holiday lets business on site. The proposals will not result in any harm to existing residential amenity, the local highway network or the rural landscape qualities of the area. As such the proposal is recommended for approval subject to the conditions suggested and the variation of the existing legal agreement to ensure the extended accommodation remains as staff accommodation in conjunction with existing business on site, namely the Cotswold Manor Estate.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The living accommodation hereby permitted shall only be occupied by members of staff (and any resident dependents) employed at Lower Farm, Lew, for the Holiday let business known as 'Cotswold Manor Estate', and for no other purpose.
REASON: To preclude the establishment of a separate residential unit on the site having regard to Policies, H2 of the Adopted Local Plan and OS2 and H2 of the emerging Local Plan.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to ensure appropriate development in this area.
- 6 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include all boundary treatments and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 7 The garage and storage accommodation hereby approved shall be used for the parking of vehicles ancillary to the use of the site as holiday let accommodation and for storage of laundry and laundry facilities for guests of Cotswold Manor Estate and for no other purposes.
REASON: In the interest of ensuring sufficient facilities on site, protecting existing residential amenity and to safeguarding the character and appearance of the area.