

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 16th April 2018**

**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***

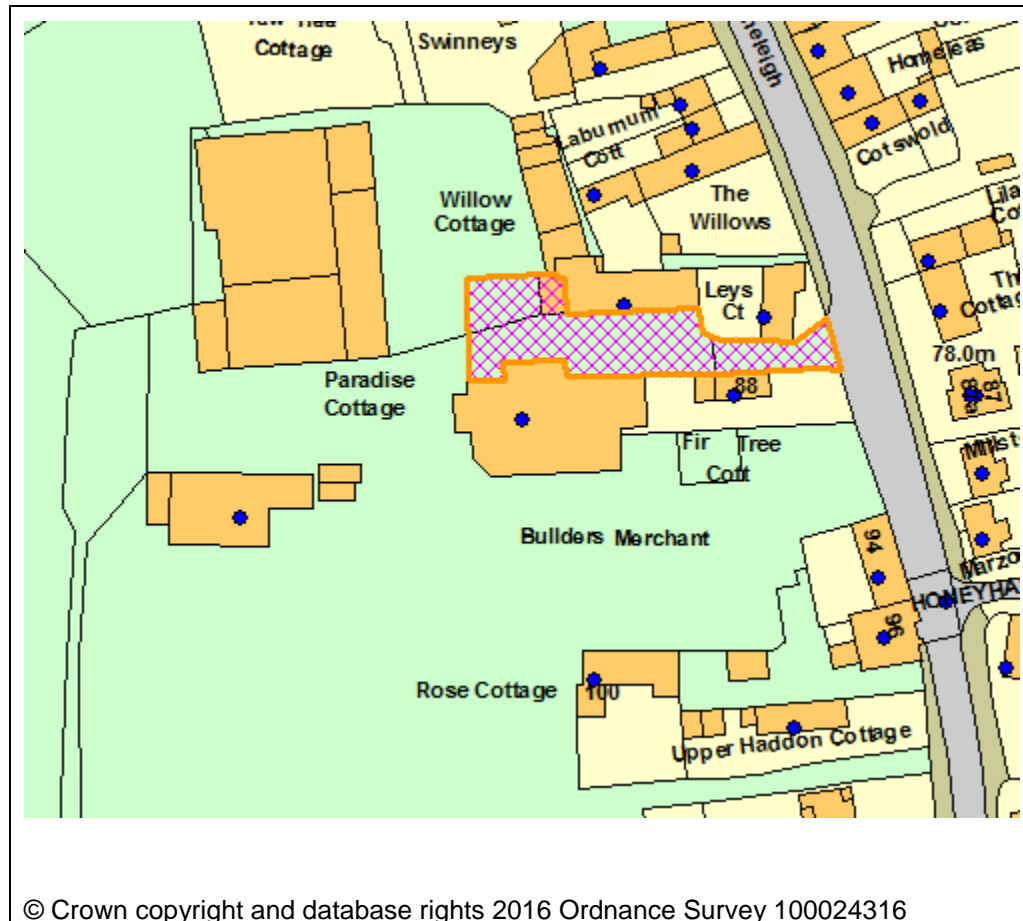
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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](http://www.westoxon.gov.uk/meetings)

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Application Number	17/02058/FUL
Site Address	80 - 82 Station Road Brize Norton Carterton Oxfordshire OX18 3QB
Date	4th April 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Brize Norton Parish Council
Grid Reference	430153 E 207039 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Change of use of part of builders merchants yard (class use A1) to cafe (class use A3). (AMENDED)

**Applicant Details:**

Mr A Timms  
80-82, Station Road  
Brize Norton  
Oxon  
OX18 3QB

**I CONSULTATIONS**

- I.1 Parish Council
- Councillors consider that the proposal does not take into account the full local impact on neighbouring residential properties for noise and air pollution nuisance.
- Councillors consider that the plans submitted do not show public welfare facilities (toilets and hand washing facilities) associated with food preparation and serving. Councillors request that WODC fully consult with Thames Water on this proposal to ensure that they are aware of the impact of this proposal.
- The plans do not show the provision for parking or measures to ensure the safety of customers accessing the proposed café.
- The council OBJECTS to this proposal in its suggested location.
- I.2 OCC Highways
- No objection.
- I.3 ERS Env Health - Lowlands
- Hi, Thank you for the opportunity to consult on this application.
- I recommend the following Condition and Informative:
- (i) Equipment shall be installed to suppress and disperse fumes and/or smell produced by cooking and food preparation and noise from the equipment, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use. (See note below for further details).
- Advisory/Informative:
- The complete extraction system serving the kitchen should be designed and commissioned by competent specialist engineers. The design of air pollution control equipment should be based on peak load conditions, i.e. the worst case scenario.
- The scheme shall include the following:
- ' Careful consideration must be given to the layout of the kitchen. It is vital that the extraction equipment is located in the most effective

position to prevent problems of noise and odour nuisance that may affect nearby noise and odour sensitive properties;

- ' Full details of the system layout;
- ' Housing of filters, motor and fan inside the building;
- ' Integrated grease baffle filters;
- ' Proposed methods of effective odour filtration;
- ' Specification of a quiet motor and quiet axial fan with variable speed controller, supported by documentation to demonstrate this specification for noise sensitive environments;
- ' Circular section ducting with a minimum of bends;
- ' High level exhaust point fitted with a vertical discharge cowl that achieves maximum efflux velocity. This shall be at least 1 metre above eaves level of the host building (some circumstances may require a higher exhaust level);
- ' Its appearance and finish;
- ' Management system to include a program of filter cleaning and changes, and maintenance to ensure maximum performance.

I.4 MOD (Brize Norton) No Comment Received.

I.5 WODC Rural Development No Comment Received.

I.6 ERS Env Health - Lowlands Thank you for the opportunity to consult on this application. I have No Objection to the application.

The applicants have come back with a professional specification for an odour abatement technology from a industry leader in the field. The system proposed includes the use of an Electrostatic precipitator (ESP) to remove cooking odours. In my view the risk assessment approach adopted is sound and the System is satisfactory and proportionate. I suggest a condition which requires the installation of the same is applied to any consent. Extract noise control can also be covered by a suitably worded condition.

I.7 Parish Council No Comment Received.

## 2 REPRESENTATIONS

2.1 4 letters of objection have been received to the original submission. The comments have been summarised as:-

- The site plan submitted by OAD is poorly constructed as it fails to indicate the true location of Laburnum Cottage (70 Station Road) and The Willows (74, Station Road) and omits the property at 72, Station Road.
- However, of far more relevance, the drawing completely fails to detail our property (Willow Cottage, 76, Station Road) which is adjacent to the proposed cafe.
- The email from OAD indicates that hot drinks, sandwiches etc. will be served. What is etc.? Will this be hot food?

- Our cottage is NE of the cafe and the prevailing winds are from the SW. This means any extracted cooking fumes, no matter what the filtration, will pass directly into our property.
- Any ventilation discharge pipe, being 1M plus above the eaves of the café building, will cause a visual impact to our property.
- Although the yard opens at 07:30, currently we do not suffer too much noise intrusion at this early hour. However, due to the nature of a cafe, people will congregate in this proposed location which inevitably will cause noise intrusion to our property.
- Given the size and layout of the builders yard, we would request that a location that is not directly adjacent to our property could easily be found.
- The Proposed location of the café fails to take into account the proximity of neighbouring residential properties.
- An A3 application permits cooking of hot food on site however no level of extraction will deal with the smell of grease & fumes pumped right through our property, windows and garden (our only outdoor amenity) by the prevailing wind from the South West.
- A.K. Timms opens 6 days a week from 7:30am. This means the food smells will be carried in the wind from the south west into our garden and through windows into the property every day bar Sundays. As the yard opens at 7:30am we can only assume cooking would commence earlier than this. This will prevent us from enjoying our garden and opening windows 6 days a week. It is also a key factor that our house is a long cottage which means we only have one garden, at the front, and all our windows open into the south westerly wind direction.
- We note the Senior Officer Technical Pollution has recommended extraction systems with filtration. We do not believe this will reduce smells due to the extremely close proximity of the proposed café to our property and of Willow Cottage (76). This system will also generate additional noise 6 days a week from before 7:30am.
- Intensification of use of this site should also be considered. This site currently generates significant large vehicle traffic on Station Road. Positioning a café in a location near the entrance will create a bottle neck at the entrance to the yard. Whilst the application suggests the café is for customers this is not correct as naturally there will be a significant element of impulse passing trade. These people will either leave their car on Station Road and walk the short distance to the café or leave their car inappropriately by the café causing a queue past No.78 and onto Station Road. Customers are unlikely to drive past the café to park in the car park.
- Overall and on balance, the proposed change of use will fail to relate satisfactorily to the site and its wider surroundings, and should be refused at the earliest opportunity by Officers. This is particularly salient given the very limited supporting evidence provided by the Applicant to date.
- The proposal is undermined by the absence of any detail pertaining to specific matters of amenity, parking, noise and odour pollution, and trip generation.
- Due to the nature of the property, my garden is all at the front of my cottage and all the windows face onto it. If this chimney is fitted, it will be clearly visible from all my windows, especially the bedroom windows and the fumes, if the prevailing wind is blowing in a south-westerly direction will blow straight into my property.
- I have spent many years and a lot of money filling my garden with roses, jasmine and other well-established plants so me and my partner can enjoy their scents when we sit out. My partner is now retired and I work part time so we spend a lot of time outside now. The last thing we want is to be sitting outside and breathing in cooking fumes six days a week as well as having to look at an ugly chimney!

## 2.2 Letter of support - Mr Andrew Timms Cedar House Shipton Under Wychwood

- Having read all the objections I am slightly disappointed in the local Parish Council. I have spoken to many villagers and they have all stated what a great idea this cafe would be. The Cafe would also sell bread and milk etc. This is something the village has been crying out for for years. We have the parking, we have the infrastructure, we have the drainage, we have the toilets, inc disabled.
- We would of course put a full quiet extraction system in place. The cafe would be open from 7.30.
- Most customers will only want bacon sandwiches etc. It is to provide our customers with another service to maintain our trade. The trip generation will be no different from what it is now.
- We provide many jobs for local villagers and would like to do so well into the future.
- We will of course do everything we can to keep the villagers happy but I do feel that many villagers will lose out if this application is turned down.

## 2.3 Two further letters received from the amended information which have been summarised as:-

- Please can you provide a plan to show the location of the proposed ducting and associated extraction equipment (floor and elevation). It was understood that these would be provided and are indeed an essential part of the consultation to enable neighbouring properties to appropriately comment.
- We also would like details of the noise levels of the associated extraction equipment. We note the Officer commented that he has no objection but surely the adjacent neighbours need to be able to comment on this detail given we are directly affected, together with details on maintenance and servicing.
- We are continuing to object as we need to see full details in order to satisfy our outstanding queries.
- I have spoken to Mr Don Miles at Purified Air Ltd regarding the proposed cooker hood extract system. He informed me that this system will discharge air at high level over the road way leading into the builders yard (south side of building) and not in the direction of the two cottages directly affected by this application (north side). He also explained that the extract fan motor will be within the roof pitch.
- With this in mind, could I please request a copy of the installation drawings (plans and elevation), technical specifications including noise levels and service requirements to confirm that my understanding of the above is correct?

## 3 APPLICANT'S CASE

A short statement was submitted as part of the application. It has been summarised as:-

- The site currently comprises a builders yard where building products are for sale to the trade and general public. The proposal is to convert part of one of the existing buildings into a small café for use by customers within the current opening hours of the yard (Monday - Friday: 7:30am - 5pm, Saturday: 7:30 - 12:30, Sunday: Closed).
- At this stage it is not known what equipment e.g ventilation system, will be installed as the exact level of food provision has yet to be confirmed. The applicant would quite happily accept a condition requiring details of such equipment be provided for approval prior to the works commencing.

## **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE18 Pollution

BE19 Noise

E7 Existing Businesses

H6NEW Existing housing

EH6NEW Environmental protection

T4NEW Parking provision

OS2NEW Locating development in the right places

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is to be heard before the Committee as the Parish Council had objected to the original plans. Your officers have not received any further comments despite further information being submitted in support of the proposal.
- 5.2 The application seeks consent for the change of use of part of a building within the existing builder merchant's yard to form a cafe. The cafe will be used in association with the existing business on site.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.4 The existing business use is a well established company which is located within the village. Your officers consider that an ancillary form of cafe use to be used in association with the builders yard is acceptable in principle subject to there being acceptable levels of residential amenity afforded to existing neighbouring residential dwellings.
- 5.5 The original application was submitted with limited technical information which your officers considered that for this type of application, with the close proximity of neighbouring residential properties, needed to be submitted. This included information for extraction and ventilation systems. As such your officers requested this information which has now been received.

### Siting, Design and Form

- 5.6 The existing modern building is currently used as storage to serve the existing business use. There are no changes to the physical scale of the building and there are no further openings to be made to the building. Your officers do not consider that the visual amenity of the locality would be adversely affected nor the setting of any Listed Buildings within the vicinity. As such your officers have no objection to the limited changes to form the proposed cafe use.



## Highways

- 5.7 OCC Highways has no objection in terms of highway safety issues. The cafe use will be used in association with the existing use on site and as such your officers do not consider that there will be an increase in traffic generation that will lead to an unacceptable harm to the residential amenities of the neighbouring properties.

## Residential Amenities

- 5.8 As part of any proposed change of use application to a cafe your officers expect such an application to be accompanied by the proposed extraction and ventilation system. This is to enable a full assessment by your officers on any likely impact to residential amenities in terms of noise and smell issues. This is especially so given the close proximity of existing residential dwellings to the commercial site. As such your officers requested further information to include a proper risk assessment compliant with Defra guidance, with a commensurate level of control for emissions to air (noise & odour).

- 5.9 This has now been received to which your EHO stated:-

The applicants have come back with a professional specification for an odour abatement technology from a industry leader in the field. The system proposed includes the use of an Electrostatic precipitator (ESP) to remove cooking odours. In my view the risk assessment approach adopted is sound and the System is satisfactory and proportionate. I suggest a condition which requires the installation of the same is applied to any consent. Extract noise control can also be covered by a suitably worded condition.

- 5.10 In response to the further neighbour comments, your officers have requested plans to accompany this information but at the time of writing no plans have been received. It is anticipated that the plans will be received prior to the meeting. Your EHO has still requested conditions which officers have included as part of the suggested recommendation.

- 5.11 The opening hours of the proposed cafe are to be the same as the existing commercial use and your officers have also included these as part of the recommendation.

## Conclusion

- 5.12 Your officers consider that the proposed ventilation system to be used will not result in significant harm to the residential amenities of the cottages adjacent to the existing commercial site. Various conditions have been suggested to protect their residential amenities from this use in accordance with your EHO comments.

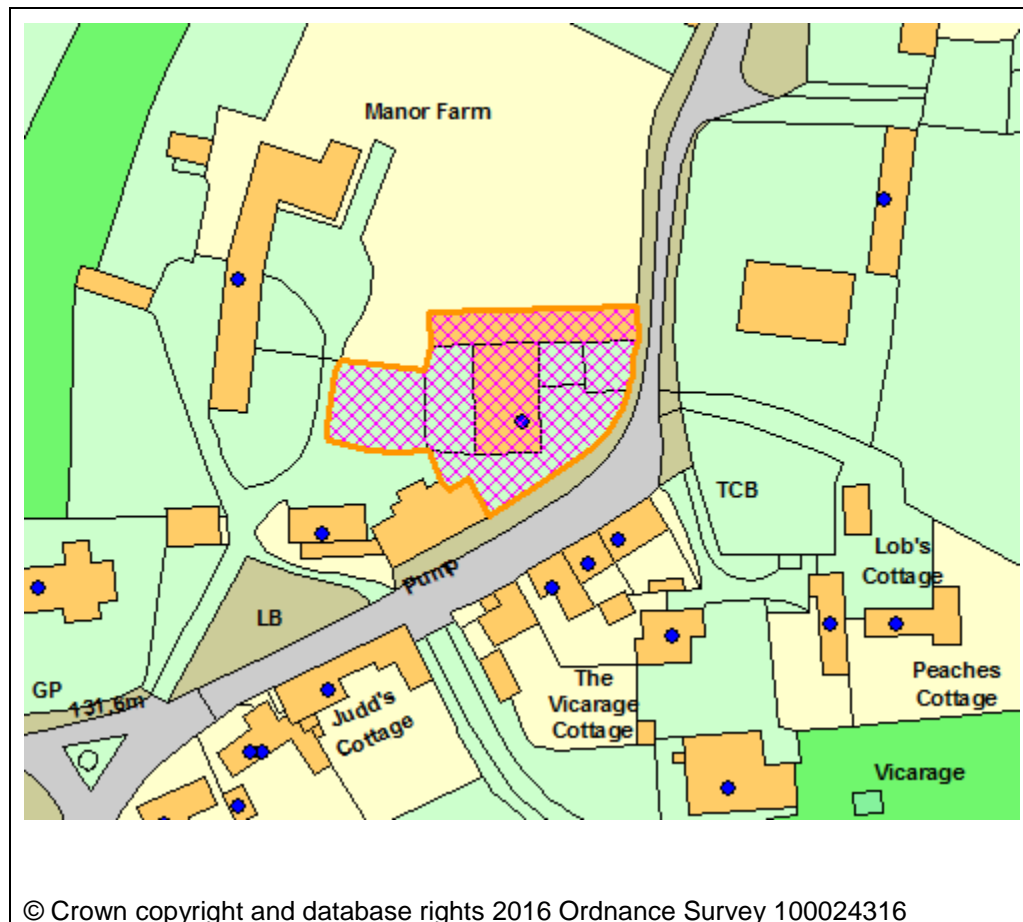
## **6 CONDITIONS**

- 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 carried out in accordance with the plans accompanying the application as modified by the Purified Air Design Specification and agent's email dated 27th February 2018 and accompanying plan(s).  
REASON: The application has been amended by the submission of revised details.
- 4 The premises shall not be open for customers outside the following hours: -  
07:30 to 17:00 Mondays - Fridays  
07:30 to 12:30 Saturdays  
REASON: To safeguard living conditions in nearby properties.
- 5 The hereby approved use shall only be carried out using an Electrostatic Precipitator (ESP) to remove cooking odours.  
REASON: The application details have been amended by the submission of revised details.
- 6 Equipment shall be installed to suppress noise from the equipment, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment shall be submitted to, and approved by, the Local Planning Authority and the equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority prior to the commencement of use.  
REASON: To ensure the protection of residential amenities.

Application Number	17/04112/FUL
Site Address	Barn at Holwell Manor Farm Holwell Burford Oxfordshire
Date	4th April 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Holwell Parish Council
Grid Reference	423284 E 209164 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Conversion of disused farm building to dwelling (Amended Plans)

### Applicant Details:

Mr & Mrs Tom Shutes  
C/O Agents

## I CONSULTATIONS

- I.1 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 Prior to 1st occupation the provision of vehicular/cycle parking in accordance with standards to be submitted and approved.
- I.2 Biodiversity Officer No Comment Received.
- I.3 Conservation Officer No Comment Received.
- I.4 ERS Env Health - Lowlands I have no objections and no conditions for this application.
- I.5 ERS Env. Consultation Sites Thank you for the opportunity to provide comment on planning application 17/04112/FUL. Our records indicate that there is an area of unknown filled ground approximately 100m from the subject site. The area appears to be associated with a pond which may have been partially in filled over time.
- From the information submitted with the application it is understood that the proposed development building has been used for the storage of agricultural equipment and farm machinery and stabling livestock. There is therefore considered to be potential for sources of contamination to have been stored in the buildings. Please could the applicant confirm if any fuels, chemicals or other potentially contaminating substances have ever been stored in the barns? If this is the case I would request a contaminated land desk study condition if not I would request an encountered contamination condition. I can provide the wording for the condition once I have received a response from the applicant.
- Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner as detailed in the National Planning Policy Framework.
- I.6 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.7 Parish Council I have circulated your two letters and attachments dated 9 January to my predecessor, Ms.J. Edwards, about the above applications to all the households on the Holwell Parish electronic mailing list and made sure that the one resident who has no direct access to email is aware of these applications.
- Ms. Edwards has made the hard copies of the plans which you sent

her available for inspection.

In addition to the one response from a Holwell resident which I forwarded to you yesterday (29 January) one other resident, who wishes to remain anonymous, has indicated support for the applications and expressed concern at the dilapidated state of the present building. Although I am not aware of any, others may have contacted you directly with comments.

## 2 REPRESENTATIONS

2.1 Six letters of support, one letter of objection, and one general comment have been received. They have been summarised as:-

- Whilst I have no objection in principle to the conversion of the barn and sheds to either a dwelling or an office, I am concerned about the floor to ceiling glazing shown in the plans for the cow sheds. This is of particular concern to me since my home, The Brewhouse will look directly at (and into) the proposed yard and these rooms from both the first and second floors.
- I am also concerned that the materials specified for the barn roof (which we have been told will be corrugated and dark in colour) will dominate the view from my windows in an overwhelming way.
- There is not much information about the intended materials for the conversion, particularly for the Cow barn. The drawing shows horizontal lines on the walls, rather than the existing brickwork, nor is it clear what material is to be used on that important element, the roof. The present one is, I think, neither original nor very sympathetic to its surroundings.
- I found the East and West Elevations somewhat misleading. The Eastern elevation appears to show the Cow barn is joined to the Carthouse at its east end, while the drawing of the Western elevation seems to show the Cow Barn connected to the Carthouse just proud of its west end. In reality, as the North and South elevations clearly show, the Cow barn is joined to the Carthouse about a third of the way along its length, measuring from the west.
- I wish to support this application for conversion of redundant agricultural buildings into a family home. The proposed design is entirely in keeping with the traditional old style sheds and will not look out of place within the village of Holwell.
- A dwelling would be much preferable to the alternative proposal to build an office and studio on the site (Planning Application No. 17/04113/FUL) because it would increase the community, bringing active family life which would be most welcome in a small village where many residents are either elderly or second-home owners.
- My only concern is that the proposed large glass windows are adequately screened or curtained at night so as to preserve the rich quality of darkness which gives the village an enviable and much-cherished nighttime skyline.
- The chance of any of the farm buildings being needed for agriculture again seems remote, and empty, neglected buildings are a depressing sight. The plans seem to me to be sympathetic and imaginative, and I would be very disappointed with my council if they were turned down.
- We support the application to reuse these redundant buildings into an accessible building which will greatly improve the setting and landscape of Holwell village.

### 3 APPLICANT'S CASE

3.1 As part of the original submission, a Planning Statement was submitted. It has been summarised as:-

- Research of the planning history has confirmed that this building has been the subject of a number of applications, with a similar planning application having been withdrawn in 2016 and subsequent prior approval notifications having been refused for the reason that insufficient evidence had not been produced to demonstrate that the lawful primary use of the building was solely for an agricultural use as part of an established agricultural unit.
- The planning history has also revealed that permission was granted in 2000 for the northern wing of this building to be converted into a dwelling, a permission that is still extant as the development permitted was lawfully commenced. This is, therefore, a material consideration to be taken into account when this application is determined, a matter that will be expanded later in this statement. It is part of our case that as the brick building that runs at right angles to the south of the permitted residential conversion dates from the C19th, it is a non-designated Heritage Asset that should be preserved and that the best way to do this would be for a new use to be found, rather than for it to be demolished as has been permitted.
- The site is within Holwell, a small village located 4km south west of Burford. The building forms part of Holwell Manor Farm on the Bradwell Grove Estate.
- The application building comprises a former cart shed at the northern end, constructed of natural stone walls and a slate roof with a wider spanned brick, former cow shed with cement fibre roofing projecting southwards. The northern section has extant permission to be converted into a dwelling with the brick building to be demolished but this scheme seeks permission to retain it and use it as additional residential accommodation.
- Whilst the brick built former cow shed is a later addition to the cart shed, it was in place in the late C19th, with it being shown on the 1881 and 1899 Ordnance Survey Maps. Due to its age, it could be classed as a non-designated Heritage Asset, although it is not a traditional or vernacular building but it does reflect the evolution of the building in this part of Holwell.
- This application seeks permission to convert the existing buildings into one dwelling. The northern wing will form the sleeping accommodation, comprising four bedrooms whilst the brick building to the front will contain the kitchen and living areas.
- Externally, the existing openings will be utilised to provide daylight within the proposed dwelling with the post retained in the former cart shed and the gaps infilled with glazed screens. On the brick building, the existing openings will also be retained as windows and doors with the main door on the south elevation to be replaced with a glazed screen. The only new openings will be two rooflights in each of the north, east and west slopes. The only other change will be the installation of photovoltaic panels on part of the west section of the south elevation.
- Planning permission was granted in 1995, by decision reference W95/1658 to convert two barns to residential use, these being the one that is the subject of this application and the other being located to the south. The cowshed was to be demolished as part of this proposal. This decision was renewed in April 2001, by permission reference W2000/1791 and this was subject to 11 conditions, 4 of which were pre-commencement conditions. In January 2006, details were submitted to discharge the conditions and these were duly discharged on 14th March 2006. As stated above, this permission also concerned the barn to the south of this application site and part of the permission included the installation of rooflights into that other barn, a Listed Building, works that were carried out within the

prescribed time period for the commencement of the development (with Listed Building Consent also having been granted). Accordingly, the development that was permitted has been commenced and so that grant of planning permission to convert the northern part of this application building benefits from extant permission.

- In June 2017, planning permission was made to convert the whole of this building into a single dwelling. During the course of this application, the Local Highways Authority confirmed that it had no objection as there would not be a significant detrimental effect on the local road network. The Council's Ecology Advisor also stated that if all the recommendations in Section 6 of the Ecological Report submitted with the application were followed, there would be no harm to bats and it was recommended that a condition be imposed regarding compensatory provision. However, in August 2016, that planning application was withdrawn.
- Applications were subsequently made under the provisions of the Town and Country Planning General Permitted Development Order for Prior Notification Approval, references 16/02685/PN56 and 17/00906/PN56. However, both were refused on the grounds that insufficient information had been submitted to demonstrate that there was a lawful primary use of the building as agricultural as part of an agricultural unit.
- Whilst the building would physically be capable of use for business purposes, an unrestricted Class B1 use, defined as being an appropriate use within a residential area, could generate significant amounts of traffic. Surveys of such uses have been undertaken as part of the TRICS database and the accepted traffic generation for a B1 use is one vehicle movement per day per 10m<sup>2</sup> of gross floor area. For a building of this size, this could mean in the region of 40 vehicles per day visiting the site. The Highways Officer, in the consultation response on the previous application for the re-use of this building as a dwelling (16/01862/FUL), stated that there was no objection as there would be no significant detrimental effect on the local road network. However, I anticipate that the same response would not be forthcoming for a use that would generate five times the amount of vehicle movements that one dwelling would attract. With regard to community use, Holwell is a small village that does not even have a Parish Council. There is no community use that is required in this small settlement nor any recreational use. Significant funds would be required to make the building useable for community or recreational and the applicants are not aware of any potential users that need or could fund such accommodation.
- Tourism accommodation is the other preferred use for buildings of this type but, again, such use would not be financially viable. The costs of converting a building of this type into holiday use would be at least £2,000 per m<sup>2</sup>, which for a building of this size would cost upwards of £800,000, not including the purchase price of the building. Tourist accommodation has vacancy rates in the Cotswolds of about 40% and so to fund such a venture and meet bank and service costs, as well as achieving a yield of about 10%, the income would need to average about £3,500 per week. This is unlikely to be achievable at this location as this is the amount achievable in peak weeks by substantial houses in the Cotswolds, when viewing other holiday accommodation on various websites. No financial institution would lend money to finance such a venture.
- Another factor to support this application concerns the extant planning permission for residential use. This is a material consideration that has to be taken into account in the decision making process and confirms that approximately 44% of the application building is already permitted for residential use. The outstanding matter, therefore, concerns the brick built cowsheds that were added to the stone building in the C19th and whether that building is also appropriate for conversion to residential use. The former cowshed, although a later addition to the cart shed, has been part of the local scene for many years and long before the introduction of planning legislation. In planning terms, it represents the

original building and this was also in place when buildings in the vicinity were listed as being of Special Architectural or Historic Interest. Thus, although wider spanned and with a shallower roof pitch, it is part of the heritage and character of this part of Holwell and, in my opinion, should be retained and a new use identified, which would also enhance the setting of nearby Listed Buildings.

- 3.2 Since the initial submission, amended plans have been received. Comments from the agent have been summarised as:-

These are submitted due to comments raised by some local residents about certain elements of the scheme and I set out below the changes that have been made:

- 1 Close the opening which is currently shown in the south elevation where the existing large steel doors are located.
- 2 Re-instate the original openings in the same elevation and insert smaller and lower glazed screens.
- 3 The two steps above have the effect of reducing the quantum of glazing in that elevation and thereby mitigating the potential issues of light disturbance or overlooking.
- 4 In the south east elevation introducing a new section of French doors into a new opening onto the adjacent garden area. This makes up for the "loss" of the above and is located so that there is no chance of overlooking plus mitigating any potential light disturbance.
- 5 Closing the gap in the wall of the entrance to the barn yard which is currently two gates wide. This is done by extending the existing dry stone wall and leaving only a pedestrian entrance in that area plus extending the verge to the highway to prevent parking in this area. By taking this step it also moves the entrance to the property to other side where neighbours will not be disturbed.
- 6 The introduction of the dry stone wall also helps to further mitigate the potential issues of overlooking and light disturbance.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE8 Development affecting the Setting of a Listed Building

BE10 Conversion of Unlisted Vernacular Buildings

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

NE13 Biodiversity Conservation

T4NEW Parking provision

OS2NEW Locating development in the right places

OS4NEW High quality design

E3NEW Reuse of non residential buildings

EH7NEW Historic Environment

EH2NEW Biodiversity

H2NEW Delivery of new homes

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



## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Parish Meeting have not objected to the proposal. The application was deferred from last month's Committee meeting to enable a formal site visit by Members.
- 5.2 The application involves the conversion of the more traditional barns and a modern barn to a permanent residential dwelling within Holwell which is located adjacent to Bradwell Grove. The application site is not within a Conservation Area but there are Listed Buildings within the vicinity.
- 5.3 The existing buildings comprise of a range of vernacular barns which still have an extant planning permission to convert to residential use, and a more modern structure. Since the extant permission, several planning applications including prior approvals from barn to dwelling have been submitted. However these have been either withdrawn or refused, on the basis that there was not sufficient evidence that the barns had been in agricultural use associated with an established agricultural enterprise.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.5 Your officers consider that as there is an extant planning permission on the existing single storey barns, that the principle of a residential use has been established for those barns. However the applicant proposes to utilise an existing more modern addition which your officers do not consider is worthy to be retained or converted to habitable space.

### Siting, Design and Form

- 5.6 Since the initial submission, amended plans have been submitted in response to comments received as part of the formal consultation process. On balance your officers consider that the changes to the traditional range of buildings is acceptable. However the retention of the more modern building is of concern, with its wide gable span, is not considered to be of a traditional vernacular form. This retention is considered by your officers to adversely affect the visual appearance of the rural streetscene, and harm the setting of the nearby listed buildings. The retention of this building also results in the parking provision and garden amenity area being displaced which again is considered to have an adverse cluttered impact to the general rural visual character and appearance of the locality.
- 5.7 In view of this officers have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

- 5.8 Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits. In this case the proposed alterations are considered not to maintain the building's essential historic architectural character and form, and will result in harmful disruption to the original appearance of the building. Given this assessment, it is considered that the special interest and setting of the listed building would not be preserved and the development would not comply with policies BE2 and BE8 of the adopted West Oxfordshire Local Plan and EH7 and OS4 of the emerging West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 5.9 Your officers have suggested the idea of a consent for conversion of the traditional barn to residential use and remodelling the modern building by removing the roof to form an enclosed garden area thereby reducing the harms of private garden and parking in the open courtyard to the east of the site. The agent has been advised of this alternative concept but officers have not yet received a response at the time of writing.

#### Highways

- 5.10 OCC Highways have no objection in terms of highway safety issues.

#### Residential Amenities

- 5.11 Given the amended plans, officers do not consider that the proposal will result in an adverse impact to residential amenities in terms of loss of light or loss of privacy issues.

#### Conclusion

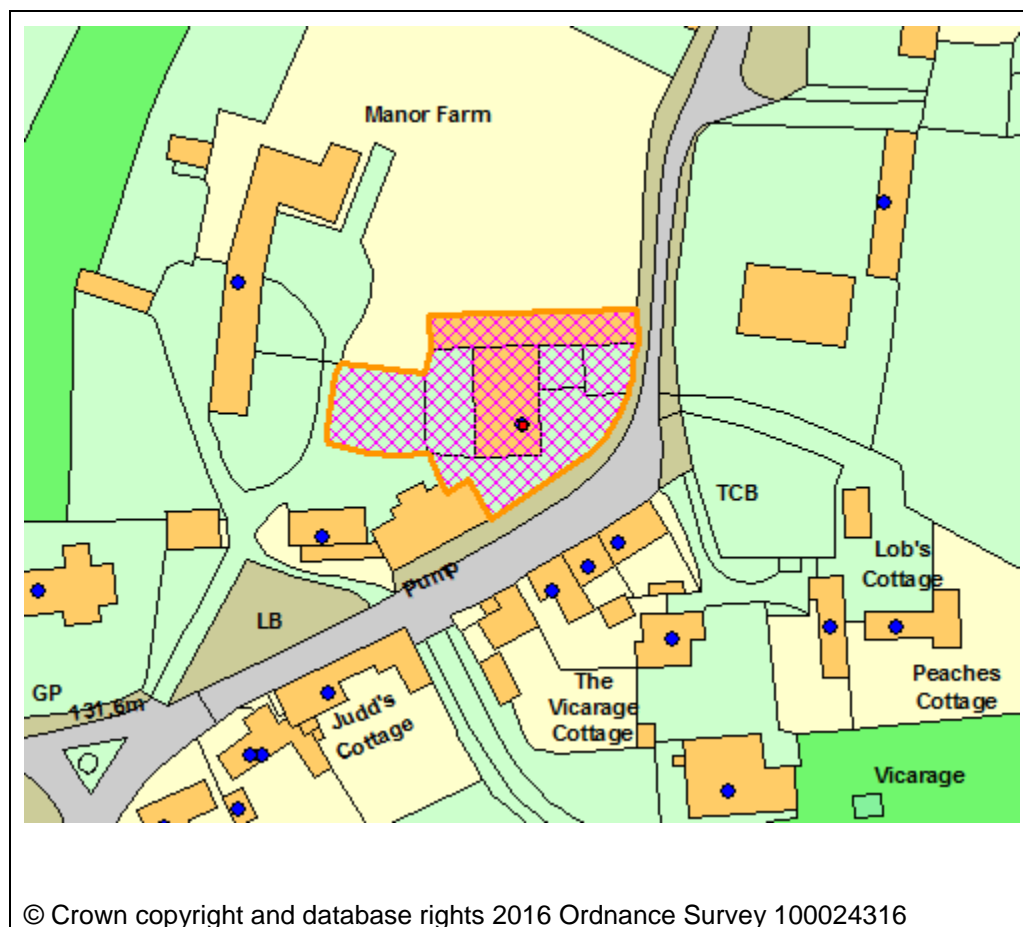
- 5.12 In conclusion your officers consider that there is a scheme which could be supported without the inclusion of the more modern structure which would enhance the visual rural appearance and character of the area. However in its current form, officers consider that the proposal will result in a visually incongruous form, which will lead to more clutter within the streetscene and to the setting of the nearby listed building. As such officers are recommending refusal of the application.

## **6 REASON FOR REFUSAL**

- 1 The proposed conversion of the modern barn, by reason of its form and design and the sensitivity of the existing context would appear incongruous as a residential unit within this historical farmyard setting. In particular, the existing form and design of the modern building does not positively contribute to the visual character of the area and will lead to visual and physical clutter to the setting of the numerous Listed Buildings which are located in close proximity to the application site. As such the proposal is contrary to Policies BE2, BE8 and BE10 of the adopted West Oxfordshire Local Plan, Policy E3 and EH7 of the emerging West Oxfordshire Local Plan, the West Oxfordshire Design Guide and Paragraphs of the NPPF to include paragraph 55.

Application Number	17/04113/FUL
Site Address	Barn at Holwell Manor Farm Holwell Burford Oxfordshire
Date	4th April 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Holwell Parish Council
Grid Reference	423284 E 209164 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Conversion of disused barn to Class B1 Use (offices and studio).

### Applicant Details:

Wakefield Ltd  
38, Berkeley Square  
London W1J 5AE

## I CONSULTATIONS

- I.1 Conservation Officer No Comment Received.
- I.2 OCC Highways  
The site is accessed from narrow rural lanes and poorly served by other than the private car.  
However, the existing use has the potential to generate numbers of vehicular movements including large and slow moving agricultural vehicles.  
  
On balance, I cannot demonstrate that the proposal, if permitted, will 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  
Prior to occupation the submission and approval of a Travel Plan
- I.3 Biodiversity Officer No Comment Received.
- I.4 ERS Env. Consultation Sites  
Mr ERS Pollution Consultation Thank you for the opportunity to provide comment on planning application 17/04113/FUL. Our records indicate that there is an area of unknown filled ground approximately 100m from the subject site. The area appears to be associated with an pond which may have been partially in filled over time.  
  
From the information submitted with the application it is understood that the proposed development building has been used for the storage of agricultural equipment and farm machinery and stabling livestock. There is therefore considered to be potential for sources of contamination to have been stored in the buildings. Please could the applicant confirm if any fuels, chemicals or other potentially contaminating substances have ever been stored in the barns? If this is the case I would request a contaminated land desk study condition if not I would request an encountered contamination condition. I can provide the wording for the condition once I have received a response from the applicant.  
  
Where a site is affected by contamination responsibility for securing a safe development rests with the developer and/or landowner as detailed in the National Planning Policy Framework.
- I.5 ERS Env Health - Lowlands I have no objections and no conditions for this application.
- I.6 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.7 Parish Council I have circulated your two letters and attachments dated 9 January to

my predecessor, Ms. J. Edwards, about the above applications to all the households on the Holwell Parish electronic mailing list and made sure that the one resident who has no direct access to email is aware of these applications.

Ms. Edwards has made the hard copies of the plans which you sent her available for inspection. In addition to the one response from a Holwell resident which I forwarded to you yesterday (29 January) one other resident, who wishes to remain anonymous, has indicated support for the applications and expressed concern at the dilapidated state of the present building. Although I am not aware of any, others may have contacted you directly with comments.

## **2 REPRESENTATIONS**

2.1 3 letters have been received and summarised as:-

- At the moment the buildings in question are abandoned and the result is a semi-derelict area in the middle of this little village. As a small friendly community including several weekenders. I feel the residential application would definitely be the preferred option and another family unit most welcome, while the commercial scheme, with that degree of office accommodation, would be likely to generate traffic and attendant parking difficulties.
- In my view, a dwelling would be much preferable to the alternative proposal to build an office and studio on the site (Planning Application No. 17/04113/FUL) Appropriate uses are need to be found for this buildings.

## **3 APPLICANT'S CASE**

- Research of the planning history has confirmed that this building has been the subject of a number of applications, with a planning application having been withdrawn in 2016 and subsequent prior approval notifications having been refused for the reason that insufficient evidence had not been produced to demonstrate that the lawful primary use of the building was solely for an agricultural use as part of an established agricultural unit.
- The planning history has also revealed that permission was granted in 2000 for the northern wing of this building to be converted into a dwelling, a permission that is still extant as the development permitted was lawfully commenced. This is, therefore, a material consideration to be taken into account when this application is determined. It is part of our case that as the brick building that runs at right angles to the south of the permitted residential conversion dates from the 19th, it is a non-designated Heritage Asset that should be preserved and that the best way to do this would be for a new use to be found, rather than for it to be demolished as has been permitted.
- The application building comprises a former cart shed at the northern end, constructed of natural stone walls and a slate roof with a wider spanned brick, former cow shed with cement fibre roofing projecting southwards. The northern section has extant permission to be converted into a dwelling with the brick building to be demolished but this scheme seeks permission to retain it and use it as office accommodation and a studio, a B1 Use.
- Whilst the brick built former cow shed is a later addition to the cart shed, it was in place in the late 19th, with it being shown on the 1881 and 1899 Ordnance Survey Maps. Due to its age, it could be classed as a non-designated Heritage Asset, although it is not a traditional or vernacular building but it does reflect the evolution of the building in this part of Holwell.

- Externally, the existing openings will be utilised to provide daylight within the proposed dwelling with the posts retained in the former cart shed and the gaps in filled with glazed screens. On the brick building, the existing openings will also be retained as windows and doors with the main door on the south elevation to be replaced with a glazed screen. The only new openings will be two rooflights in each of the north, east and west slopes. The only other change will be the installation of photovoltaic panels on part of the west section of the south elevation.
- The proposed B1 use will be accessed from the existing openings to the south and west with cars to be parked in the area to the east of the building and west of the boundary wall.
- The supporting text to the policies states that any proposed employment use must be compatible with its surroundings and with the Class B1 Use, by its definition, being acceptable within a residential area, the proposed use will be wholly appropriate to this location. Another paragraph in the justification states that the policy applies to all settlements in the district and reuse may also be acceptable in the open countryside if the location is not too remote from existing settlements and public transport. Holwell is only a few miles away from Burford and is not remote, isolated or inaccessible.
- Policy E5 concerns the reuse of non-vernacular buildings and says that their use for employment purposes will only be allowed where all four of the following criteria are met. The form, bulk and general design of the building are in keeping with the surroundings - the building has been here for at least 135 years and is an accepted part of Holwell. The second requirement is that the building is within or adjoining an existing settlement, or forms part of an agricultural holding and will form part of a farm diversification scheme - the application building is within Holwell and does form part of a farm diversification scheme as the land owners are, like many other estates in the area, using contractors to carry out their farming operations, which results in a surplus of buildings. The third requirement is that the scale and type of employment use is suitable for the building and the location and the small-sale office use with an artist's studio would be wholly suitable for this building. The final requirement is that the building must be capable of being converted to an employment use without excessive rebuilding or enlargement which will be tantamount to the erection of a new building. Inspection of the site and the application drawings will reveal that no rebuilding will be necessary with the only change of any significance being the replacement of the roof on the southern section.
- The only potential material considerations that could override this policy support concerns traffic generation, the concurrent application for residential use stating that unrestricted B1 use could generate in the region of 40 vehicle movements per day. However, it is not the aim of this application and the end user that this will be a significant traffic generator. The owners of the building, by the covenants that will be imposed, will ensure that there will be controls on both the amount of traffic that will be generated and the number of people working here. It is recognised that this is out with the planning process and that usual mechanism to address such potential concerns is the submission and approval of a Travel Plans or a Traffic Management Plan which will demonstrate how traffic generation will be monitored and managed to ensure that there will not be significant movements on the local road network. Such travel plans are monitored at regular intervals and a log of visitors to the building and the modes of transport used can be kept and made available for inspection. However, it is the applicant's intention that this will be a low-key B1 use that once established, will become barely discernible in terms of traffic generation.
- With regard to car parking, I am aware that for a building this size the maximum parking standard is one space per 30m<sup>2</sup>. On that basis, the building would require a maximum of 13 car parking spaces. This number is not achievable, if laid out in accordance with normal parking standard requirements. However, the site can easily accommodate the parking of 8

cars with proper turning and manoeuvring areas provided with room for a further 6, if ever necessary, but these would have to be parked in a tandem arrangement and would require some manoeuvring of vehicles but this could be done without the need to utilise the public highway for such manoeuvring. There would also be space available within the site for covered parking of cycles. Accordingly, I consider that the site is capable of providing adequate parking spaces for the likely numbers of vehicles generated by the proposed use.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE8 Development affecting the Setting of a Listed Building  
BE10 Conversion of Unlisted Vernacular Buildings  
H6NEW Existing housing  
E3NEW Reuse of non residential buildings  
OS4NEW High quality design  
EH7NEW Historic Environment  
T4NEW Parking provision  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Parish Meeting have not objected to the proposal. The application was deferred from last month's Committee meeting to enable a formal site visit by Members.
- 5.2 The application involves the conversion of the more traditional barns and a modern barn to an office and studio use (Use Class Order B1) within Holwell which is located adjacent to Bradwell Grove. The application site is not within a Conservation Area but there are Listed Buildings within the vicinity.
- 5.3 The existing buildings comprise of a range of vernacular barns which still have an extant planning permission to convert to residential use, and a more modern structure. Since the extant permission, several planning applications including prior approvals from barn to dwelling have been submitted. However these have been either withdrawn or refused, on the basis that there was not sufficient evidence that the barns had been in agricultural use associated with an established agricultural enterprise.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

##### Principle

- 5.5 Your officers consider that as there is an extant planning permission on the existing single storey barns, that the principle of a residential use has been established for those barns. A business use would be more in keeping with the adopted policy H10 and as such officers could support this use in principle. The emerging West Oxfordshire Local Plan Policy E3 also discusses

such proposals. However the applicant proposes to utilise an existing more modern addition which your officers do not consider is worthy to be retained or converted to habitable space which is at odds with the criteria given for the re-use of non residential buildings for Policy E3.

#### Siting, Design and Form

- 5.6 On balance your officers consider that the changes to the traditional range of buildings is acceptable. However the retention of the more modern building is of concern, with its wide gable span, is not considered to be of a traditional vernacular form. This retention is considered by your officers to adversely affect the visual appearance of the rural streetscene, and harm the setting of the nearby listed buildings. The retention of this building also results in the parking provision being displaced which again is considered to have an adverse cluttered impact to the general rural visual character and appearance of the locality.
- 5.7 In view of this officers have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.8 Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits. In this case the proposed alterations are considered not to maintain the building's essential historic architectural character and form, and will result in harmful disruption to the original appearance of the building. Given this assessment, it is considered that the special interest and setting of the listed building would not be preserved and the development would not comply with policies BE2 and BE8 of the adopted West Oxfordshire Local Plan and EH7 and OS4 of the emerging West Oxfordshire Local Plan and relevant paragraphs of the NPPF.
- 5.9 Your officers have suggested the idea of a remodelling the modern building by removing the roof to form an enclosed parking area thereby reducing the harms from the amount of parking within the open application site. The agent has been advised of this alternative concept but officers have not yet received a response at the time of writing.

#### Highways

- 5.10 OCC Highways have no objection in terms of highway safety issues.

#### Residential Amenities

- 5.11 As an office use is proposed, officers do not consider that an adverse level of noise and disturbance will result to the residential amenities of nearby residential occupants.

#### Conclusion

- 5.12 In conclusion your officers consider that there is a scheme which could be supported without the inclusion of the more modern structure which would enhance the visual rural appearance and character of the area. However in its current form, officers consider that the proposal will



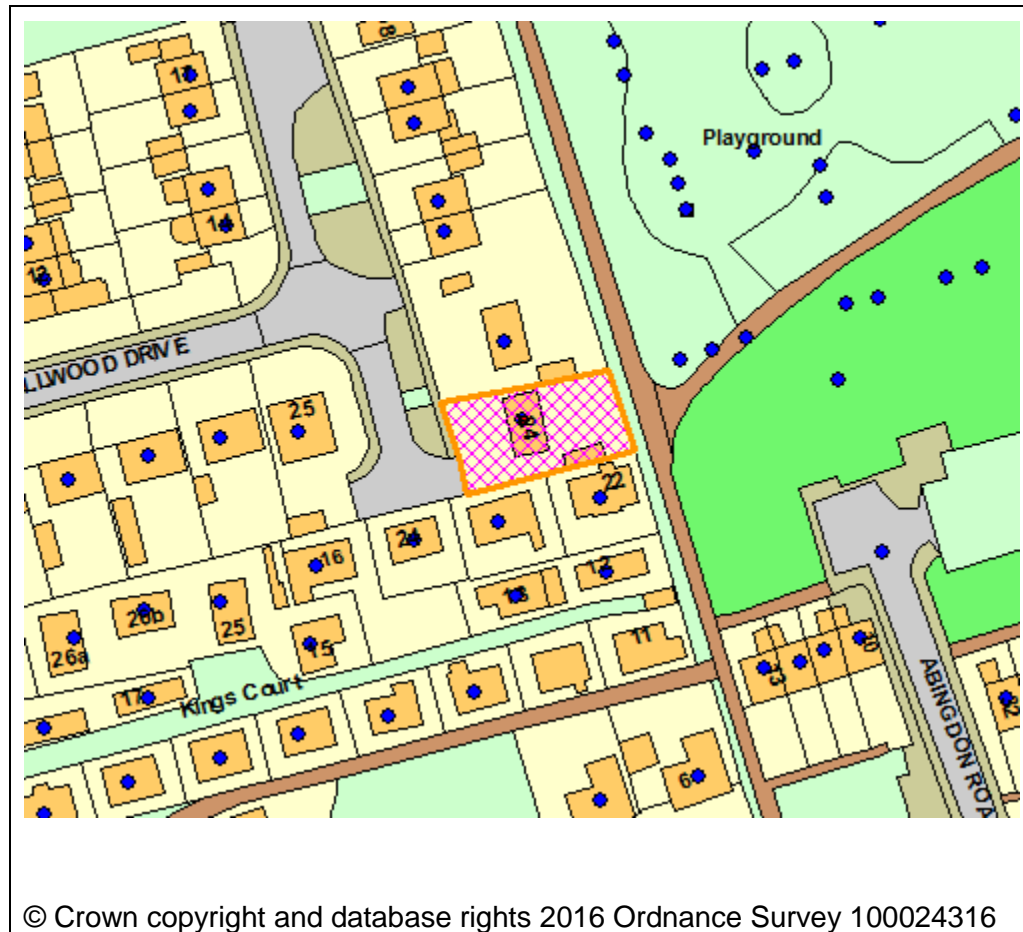
result in a visually incongruous form, which will lead to more clutter within the streetscene and adversely affect the setting of the nearby listed building. As such officers are recommending refusal of the application.

## **6 REASON FOR REFUSAL**

- I The proposed conversion of the modern barn, by reason of its form and design and the sensitivity of the existing context would appear incongruous as a residential unit within this historical farmyard setting. In particular, the existing form and design of the modern building does not positively contribute to the visual character of the area and will lead to visual and physical clutter to the setting of the numerous Listed Buildings which are located in close proximity to the application site. As such the proposal is contrary to Policies BE2, BE8 and BE10 of the adopted West Oxfordshire Local Plan, Policy E3. OS4 and EH7 of the emerging West Oxfordshire Local Plan, the West Oxfordshire Design Guide and Paragraphs of the NPPF to include paragraph 55.

Application Number	18/00075/S73
Site Address	24 Sellwood Drive Carterton Oxfordshire OX18 3AZ
Date	4th April 2018
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	428211 E 207087 N
Committee Date	16 <sup>th</sup> April 2018

### Location Map



### Application Details:

Variation of Condition 2 of Planning Permission 17/02515/FUL to allow amendments to the fenestration and design.

### Applicant Details:

Mr Simon Taylor  
13 Halton Road  
Carterton  
Oxford  
OX18 3SD

## **I CONSULTATIONS**

- 1.1 Town Council                      The Committee did not think the design and layout was appropriate.

## **2 REPRESENTATIONS**

- 2.1 No neighbour objections received.

## **3 APPLICANTS CASE**

- 3.1 A Design and Access Statement has been submitted by the applicant, in support of the application and is summarised as follows:
- 3.2 The existing house at 24 Selwood Drive is a post war non-standard construction build house. The property is non mortgageable and at the lowest level of the SAP performance table. The build format makes upgrading the house unrealistic.
- 3.3 It is requested to replace the current house with a new build Potton timber frame chalet house. The new dwelling is to be highly insulated and at the upper end of the SAP performance table.
- 3.4 Carterton Village is designated a Hierarchy of Settlements GROUP C: Service Centre Main Centres and as such has fewer restrictions on style and no scale limitation.
- 3.5 The existing street scene is varied with the main northern side of Selwood Drive being two storey semi-detached and detached houses, some with side extensions and some with dormer windows to the third floor. The southern side of the road is single story bungalows. The entrance to Selwood Drive from Burford Road has a bungalow to the North and three chalet houses to the south. The chalet houses are similar in style and proportion to the requested replacement chalet dwelling.
- 3.6 The site location at 24 Selwood Drive falls at the intersection where the two storey houses and bungalows meet and forms a natural change in style junction. The side which the site sits is predominantly two story houses.
- 3.7 The replacement dwelling will enhance the setting replacing a two bed roomed outdated property with a highly insulated four bed family home providing better land utilisation. The upgrade to a new home that exceeds current building regs provides a family home and a carbon footprint reduction. A family home close to schools, services and employment provides increased sustainability.
- 3.8 A high design standard provides windows to the front and rear with no overlooking issues.
- 3.9 The front and rear garden is the same format as the existing and provides substantial family outdoor space.

- 3.10 To the west is the road frontage. To the east is open green space. To the north is a bungalow its existing drive separates the properties with no living windows to the side. To the south is the caravan park.
- 3.11 Consideration has been given to light, a chalet bungalow has no effect on neighbouring properties.
- 3.12 Three parking bays are to be provided within the site to the front of the road. Ample turning space is provided on the road and there is no traffic conflict at the end of cul-de-sac location.
- 3.13 The application fully accords with the West Oxfordshire Local Plan 2011 - Adopted 2006, in particular the objective to locate new housing where it will have the least adverse impact upon the character and resources of West Oxfordshire and to ensure that the new development makes a positive contribution to high quality built environment.
- 3.14 In addition it accords with Policy H2 in respect of replacement dwellings. Furthermore the application caters for varying dwelling sizes and designs. The application provides a change in style that supports and compliments the existing but fails to replicate. The design fully accords with policy and the proposed development would not erode the quality of the environment.
- 3.15 Policy 5.49 calls for a wide range of densities is a feature of villages and market towns as typified by a large detached property in its own grounds sitting alongside terraced cottages. New housing with large groups of standard unvarying dwelling sizes, all set within individual standard sized plots, is unlikely to be appropriate. This form of development is rarely complementary to the local character and does not make a positive contribution to the wide range of residential accommodation required to meet future needs.
- 3.16 The new house will be built by the new owner and full accords with the NPPF requirement to provide self build plots. The self builder is not a developer but works for the RAF at Brize Norton and is building a home for his family.

#### **4. PLANNING POLICIES**

BE2 General Development Standards  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H6NEW Existing Housing

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

## 5. PLANNING ASSESSMENT

### Background Information

- 5.1 The application seeks planning permission for changes to the previously-approved application Reference 17/02515/FUL for erection of a replacement dwelling at 24 Sellwood Drive in Carterton. The site previously contained a small single storey bungalow, which has now been demolished and matched the neighbouring bungalow at No.23, which is still in existence. Otherwise, the street scene comprises a mix of modern twentieth century dwellings, varying between single and two storey height.
- 5.2 Planning permission was granted under Reference 17/02515/FUL on 19 September 2017 for the erection of a replacement dwelling, for which this current application seeks amendments to the design.
- 5.3 A previous application, Reference 17/01618/FUL had been refused on 13 July 2017 on the grounds of being of a scale height and massing which would be visually dominant and represent over-development of the site, appearing incongruous and unduly prominent to the detriment of surrounding properties and the immediate street scene.
- 5.4 In addition, a further application Reference 18/00161/FUL is currently under consideration at the time of writing this report, which seeks amendments to Planning Permission 17/02515/FUL in relation to re-positioning of the dwelling two metres forward on the site, in the same position as was previously refused under Reference 17/01618/FUL.
- 5.5 There is no other relevant planning history for this site.
- 5.6 The main changes to design being proposed are a reduction in ridge height of the dwelling of approximately 250mm, lowering of eaves height of approximately 300mm, increase in dormer heights to both front and rear elevations from 2.2 metres to 2.4 metres, removal of one kitchen 4 bay window to the north side elevation, replacement of two five panel bi-fold doors to the rear west elevation with a two pane patio door and two single pane full height windows respectively, removal of the large dormer window to the rear west elevation and change of roof design to a half hip roof with a window in the same position and same size, replacement of 5 pane bi-fold doors to the south side elevation with two pane patio doors and removal of three rooflights to the south side elevation.
- 5.7 Carterton is classified in the current Local Plan as a Group C settlement (Service Centre). The town benefits from a full range of services. In addition, the Emerging Local Plan 2031 refers to development within the main service centres being primarily focused within and on the edge of these settlements. The site is not within the AONB, Conservation Area or Green Belt and there are no listed buildings on, or near the site.
- 5.8 This application is to be considered by Committee, as the Parish Council has objected to the scheme on design grounds.
- 5.9 Since the principle of a replacement dwelling has already been established by the previous consent, the key considerations of this application are whether the changes to design are acceptable, whether there is adverse impact on the street scene, significant detrimental impact to neighbouring amenity, and whether highway safety would be compromised.

### Siting, Design and Form

- 5.10 An objection has been received from the Parish Council in relation to the design and layout not being appropriate. These points have been carefully evaluated below.
- 5.11 Firstly in relation to design and street scene aspects, the key adopted Local Plan 2011 policies in the determination of the application are H2 and BE2.
- 5.12 Policy H2 of the adopted Local Plan identifies in the general principles in section a) that replacement dwellings should not erode the character and appearance of the surrounding area, with Policy BE2 section a) reinforcing that proposals will only be permitted if the proposal is well-designed and respects the existing scale, pattern and character of the surrounding area.
- 5.13 In broad terms, officers note that the hipped roof design being proposed to the front is in-keeping with nearby bungalows, with the roofs representing a dominant design feature along this part of the street scene.
- 5.14 In consideration of the amendments proposed to the design, officers are of the view that the proposed changes are acceptable. The front elevation street scene would not be significantly different from the previous scheme, with a slight reduction in overall ridge and eaves height being more in-keeping with the adjoining bungalow. The slight enlargement of the dormers is also considered acceptable, with other similar dormers in the street scene towards the far end of Sellwood Drive.
- 5.15 The overall reduction in fenestration would also be more reflective of the generally 'pared down' and simple window detailing prevalent in the surrounding area.
- 5.16 Another key feature is that the siting of the dwelling would be positioned in a similar location to the previously-demolished bungalow, with an L-shaped extension to the back, which officers consider to help complement the surrounding street scene by keeping a simple, modest frontage and set-back from the road, to reflect the surrounding pattern of development. Officers are therefore of the opinion that the proposed development would respect the existing scale, pattern and character of the surrounding area and is now designed to respect and enhance the form, siting, scale and massing of the surrounding area and would therefore now comply with Policy BE2.

### Highways

- 5.17 No change to access or parking is proposed in relation to the previously approved application Reference 17/02515/FUL. The local highways authority has raised no objections to the application and therefore officers consider the proposed development to be acceptable in regards to highway safety and raises no new issues in that respect.

### Residential Amenities

- 5.18 In relation to amenity considerations, no objections have been received from adjoining neighbours. The proposed development would be set off the boundaries and of one and a half storey height. Given the amended design comprising fewer windows and rooflights to the side elevations of the property, and a similar height and volume to the re-designed rear wing, with a half-hipped roof in substitution for the previously-approved hipped roof and dormer to the rear,

Officers consider that it would not cause an undue additional adverse impact to neighbouring properties in regards to the loss of light or loss of privacy or to the surrounding area.

### Conclusion

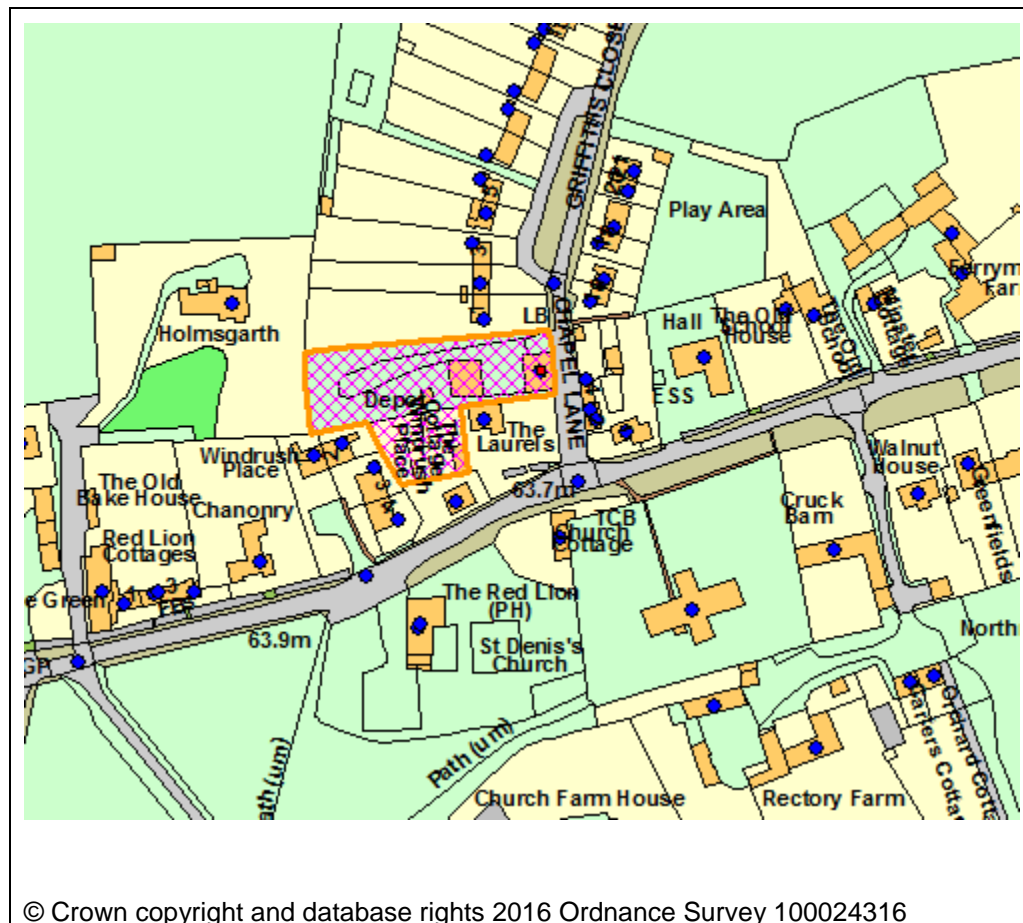
- 5.19 Given the above officers are of the opinion that the proposed development is considered to be acceptable and in accordance with policies BE2, BE3, H2 and H7 of the adopted Local Plan, Policies OS2, OS4, H2, H7 and T4 of the emerging Local Plan and relevant paragraphs of the NPPF.

## **6. CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding 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 Article 3 and described within Classes A-E of Part 1 Schedule 2 shall take place; other than those expressly authorised by this permission.  
REASON: Control is needed to avoid potential impacts caused to neighbouring amenity and the surrounding area
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows, rooflights or dormer windows shall be constructed in any elevations of the building.  
REASON: To safeguard privacy in the adjacent property.
- 6 Before first occupation of the building hereby permitted all bathroom windows; shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 7 Notwithstanding any indication given on the plans hereby permitted all rooflights shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.  
REASON: To safeguard privacy in the adjacent property.

Application Number	I8/00320/FUL
Site Address	Bints Yard Chapel Lane Northmoor Witney Oxfordshire OX29 5SZ
Date	4th April 2018
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Northmoor Parish Council
Grid Reference	442060 E 202951 N
Committee Date	16th April 2018

**Location Map**



**Application Details:**

Erection of eight dwellings with associated works.



**Applicant Details:**  
Jack B Developments Ltd  
Care of Agent

## **I CONSULTATIONS**

### **I.1 Parish Council**

This Planning Application was considered by Northmoor Parish Council at its meetings on 14 February and 7 March 2018. The meetings were well attended by both Parishioners and representatives of the Developer, Jack B Developments Ltd.

Bint's Yard in Northmoor was formerly a coal depot, then the base for a family haulage business, before closing circa 2008. The land falls within the Northmoor Conservation Area.

A Planning Application for Bint's Yard Northmoor was first made in April 2015 - 15/01150/FUL - and was for eight dwellings with five being designated for "affordable housing". The Parish Council considered the Application on 13 May 2015 and with the proviso that a number of concerns expressed at the meeting were addressed, welcomed the scheme. This was particularly because Bint's Yard was the last brown-field site in the village and therefore the last realistic chance to include some provision for young buyers or renters who could not afford full market price.

Council Members were concerned that "affordable housing" was, and is still, an ill-defined term, but was qualified in the original reply as a preference for these affordable homes to be help-to-buy properties for local families. This request was made with the knowledge that a local development within Northmoor at Park Farm had a S106 condition to provide funding for affordable housing and that this would be earmarked for Bint's Yard.

The current Application for Bint's Yard is again for eight dwellings, and our council has serious concerns. The developer has anticipated approval for their scheme by cutting down all the conifers on the site, a site within the Conservation Area, without prior consent. They have also demolished a building they consider unsafe ahead of a decision from the District Council, and cleared the site of most vegetation and earth, quite possibly including contaminated spoil.

This scheme, with a similar layout to the earlier one, has no provision for affordable housing. This Parish Council accepts that there is no obligation on the development to do so, but it was a key reason for the Council back in 2015 giving support to the original Application, and remains so today. This Council believes that our community would be enriched by an increase in the social diversity of those wishing to live here. Indeed, our Parish Council Chairman stated "I do not want to live in a village populated only by middle-class, well-off, able-bodied people" and this view was echoed by other members of

the Parish Council.

It is clear that the preemptive works have made this parcel of land visually more unacceptable than the old yard did before, and if any development were permitted to restore the visual aspect then a small number of dwellings would be overwhelmingly preferred to the commercial site status being permitted.

This Council would not approve this Application without an amendment to include a significant number of help to buy affordable homes in the scheme that would be preserved in perpetuity.

Parish Council Members were unanimous in opposing the present Application.

I.2 WODC Housing Enabler

I agree that the 5 x discounted market or shared ownership units would be a suitable compromise, providing that the ;

-If they are discounted market sale, then the level of discount should be 40% and in perpetuity, by condition

-If they are to be shared ownership with a housing association retaining the freehold, then the initial equity shares should be between 40% and 70%, with no ceiling for rural location.

I.3 OCC Highways

The existing lawful commercial use has the potential to generate more movements than that proposed.

A residential use will not generate significant numbers of commercial vehicles. Visibility at the Chapel Lane/Standlake Rd junction is substandard - however given the proposed reduction in vehicular movements does not warrant the refusal of a planning permission for reasons of highway safety and convenience.

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

I.4 WODC Drainage Engineers

Although the site and surrounding area is situated on a dry island within Floodzone 1, the majority of Northmoor is within Floodzones 2 and 3. The site is shown within Area 2 in the Parish Flood Report of 2008, within which 4 properties were reported as being flooded in 2007. Flooding was attributed to i) inadequate maintenance to the River Thames and the River Windrush and its tributaries to the south of the village, ii) ineffective control of the downstream sluice gate, iii) excessive surface water entering the combined sewer in the village, iv) overloading of the 2 village pumping stations. No remedial works to address these issues are referred to in the parish flood report updates.

As the site and surrounding dry island are enclosed by Floodzone 2,

safe access / egress to and from the site is critical. A topographical survey of potential safe access routes has been undertaken and a safe route has been identified and included in a flood warning and evacuation plan which has been submitted and which will be included in house buyers' purchase packs. Homeowners will be encouraged to sign up to the EA's Floodline Warnings Direct Service. As the site is on a dry island it can be considered a safe refuge in times of flooding.

I.5 WODC Planning Policy Manager

No Comment Received.

I.6 ERS Env. Consultation Sites

Review of the records we hold and the information submitted with the application indicate that the site has previously been used for haulage and as a coal depot. There are a number of garage/workshops on the site and there is considered to be potential for sources of contamination to be present on site. Given the former and current use of the site and the proposed residential use please consider adding the following condition to any grant of permission.

#### 1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems.

#### 2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details'.

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

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

Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

I.7 ERS Env Health - Lowlands

I am able to support the application in principle and advise that the acoustic design of dwellings should be robust enough to afford occupiers the internal room space sound levels as prescribed by British Standard BS 8233:2014.

Suggested condition:

The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00).

I.8 Biodiversity Officer

I am satisfied with the findings and recommendations of the Updated Bat Survey Report by Windrush Ecology dated February 2018, which updates previous survey findings from 2013. All four of the buildings on site have negligible potential for roosting bats due to their

construction (metal roofs with steel frames), structure (no roof void or crevices) and lack of suitable roosting features. Five old scattered bat droppings with butterfly wings in Building 2 is indicative of an opportunistic feeding perch by an individual brown long-eared bat, which may have entered the building to feed during a period of rain. There was no other evidence of roosting bats in this building. I agree with the approach recommended in Section 6.2 of the report that a precautionary approach should be taken to demolition of this building and that provision of alternative/replacement feeding perch sites for long-eared bats should be incorporated into the car ports (plots 1 and 2, and 6, 7 and 8). These are open-fronted car ports that would allow bat access into the interior. Bats should be able to access the ridge beam to hang from whilst feeding, so details of the internal roof space of the car ports with features for roosting bats should be submitted as a condition of planning consent.

The 3 derogation tests do not need to be considered in this case as there is limited evidence and suitability for bats on site. The evidence contained within building 2 is indicative of an opportunistic bat having used one of the buildings once as a feeding perch, e.g. during a period of heavy rain, rather than sustained use during the season or as a more significant roost type such as maternity or hibernation roosts. I am therefore satisfied that the precautionary approach (i.e. reasonable avoidance measures) would be appropriate in this case.

Full details of bird nesting provision should be submitted for approval as a condition of planning consent.

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|------|-------------------------------------|--|
| I.9  | OCC Minerals<br>(Safeguarded Areas) | No Comment Received.   |
| I.10 | OCC Rights Of Way<br>Field Officer  | No Comment Received.   |
| I.11 | OCC Archaeological<br>Services      | <p>There are no known archaeological features within the application site. However, the area is of considerable archaeological potential with extensive spreads of cropmarks to the west and south. Cropmarks are visible, often from the air as marks in some types of growing or mature crops and in pasture when conditions are suitable. They are essentially the result of differential growth in vegetation due to the presence of archaeological features and outlines of them are visible within the crop. These date from the later prehistoric and Romano British periods. The features that are visible include trackways, enclosures, hut circles and pits and form an area of concentrated settlement and activity. Although the cropmarks do not extend into the application area this is probably due to an accumulation of medieval and post medieval overburden that effectively masks cropmarks. However, given the density of settlement in the area the presence of discreet archaeological features within the application site should be considered.</p> |

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken in advance of development. This can be ensured through the attachment of suitable negative conditions.

## **2 REPRESENTATIONS**

2.1 A total of five supporting comments were received in support of this application, in summary the comments are supportive on the following basis:

- The proposed plan is modern and fits in well with its surroundings.
- Housing development is preferable to a continued commercial use of the site on a visual and amenity basis.
- The development is of sympathetic design, which would fit in with the surroundings.

2.2 1 objection to the development was received from Mr McHugh for the following reasons:

Ecology  
Design and layout  
Highways  
Increased flood risk  
Landscape  
Neighbourliness

## **3 APPLICANT'S CASE**

- The application is supported by a design and access statement and planning statement. The design and access statement draws the following conclusions:
- It is considered that the proposed development would be appropriate for the site and context and would constitute an attractive architectural addition to the area. The proposals certainly enhance the Conservation Area over its current brownfield and dilapidated condition and makes excellent use of this brownfield site.
- There is an appropriate level of parking provision made and the scheme would be accessible on foot and by bike. Residents would also have access to a regular bus service to other nearby villages and towns.
- In response to officers concerns regarding the provision of affordable housing the applicants have clarified the following:
  1. The applicant is prepared to amend the scheme to provide for five of the eight units to be offered as shared ownership affordable housing units (the remainder will be market units).
  2. The Housing Association will retain the freehold of those five affordable units.
  3. The initial equity shares will be between 40% and 70% with no ceiling for a rural location.

## 4 PLANNING POLICIES

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
H2 General residential development standards  
H4 Construction of new dwellings in the open countryside and small villages  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
EH1NEW Landscape character  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application relates to the development of 8 dwellings on brownfield former employment land located in the centre of Northmoor, within the designated Conservation Area. The application site comprises of a vacant, predominantly open area of land, existing development on the site is limited to two rendered buildings located to the front of the site, adjacent to Chapel Lane.
- 5.2 The land was formerly used as a coal yard, which was formerly in a neglected and overgrown condition; the site has recently been cleared of foliage and waste materials, whilst it has also been brought to officers attention that a number of Leylandii Trees located along the northern boundary of the site adjacent to No.1 have also been removed without the prior authority of the Council.
- 5.3 Members resolved to grant planning approval for a similar development comprising of 8 dwellings in March 2015 (15/01150/FUL). Within the previously proposed scheme, provision was made for 5 of the 8 dwellings to be affordable. A notice of approval was never formally issued as the required Section 106 legal agreement has not been completed.
- 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  
Loss of employment land  
Impact on Conservation Area  
Design, scale and siting  
Residential Amenity  
Highway Amenity

## Principle

- 5.5 In terms of five-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a five-year housing land supply with anticipated delivery of 5,258 new homes in the 5-year period 1st April 2017 - 31st March 2022.
- 5.6 The issue of five-year housing land supply was debated at length through the Local Plan examination hearings in 2017 and on 16 January 2018 the Local Plan Inspector wrote to the Council setting out his thoughts on the Local Plan. Importantly there is nothing in his letter to suggest that the Council is unable to demonstrate a five-year housing land supply. This is a key component of 'soundness' and if the Inspector had any concerns in this regard it is reasonable to suggest that he would have set those out.
- 5.7 On this basis it is considered that the Council is able to demonstrate a five year housing land supply albeit this cannot be confirmed with absolute certainty until the Local Plan Inspector's Final Report is received and the draft Local Plan 2031 is adopted.
- 5.8 Given the current position it is considered appropriate to continue to adopt a precautionary approach in relation to residential proposals and apply the 'tilted balance' set out in paragraph 14 of the NPPF whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in this Framework indicate development should be restricted.
- 5.9 The application site is located within Northmoor, which is a small village and lies outside the settlement hierarchy as referenced within Policy OS2 of the Emerging Local Plan and Policies H4-H7 of the Existing Local Plan. Northmoor has a comparatively low level of services and facilities, which is limited to a village hall, pub and church and is relatively isolated in relation to other basic services including local shops and a primary school, the nearest of which located in Standlake. Furthermore the site is not served by regular bus services and there are no public footpaths connecting the site with neighbouring services and facilities in Standlake. In relation to existing services and facilities the site would be considered isolated, though evidently the site falls within a small defined settlement.
- 5.10 Given the sites location within a small village, the provisions of Policy H4 of the Existing Local Plan would be applicable; as would be the provisions of Policy H2 of the Emerging Local Plan, furthermore officers consider that the provisions of Paragraph 55 of the NPPF would be applicable given the sites isolated location in relation to existing services facilities and higher order settlements.
- 5.11 In relation to the aforementioned policies Policy H2 of the Emerging Local Plan should be attributed significant weight, given the increased status of the Emerging Local Plan and given that this policy is consistent with the provisions of Paragraph 55 of the NPPF.
- 5.12 Paragraph 55 of the NPPF seeks to restrict the development of new isolated homes in the countryside unless there are special circumstances, including essential workers accommodation, the reuse of existing buildings or dwellings of an exceptional design. Policy H2 of the Emerging Local Plan applies these principles to the siting of residential development in small villages including Northmoor.



- 5.13 Given the location of the site, residential development would not ordinarily be considered permissible unless there were special circumstances for example if the development met an identified housing need. As the Council consider that they are presently able to demonstrate a five year supply of housing, officers consider that there would not be an overriding need for market housing within this location, which would justify a significant departure from the policies of the development plan, both in terms of the sites location as well as in terms of the loss of employment land.
- 5.14 Paragraph 54 of the NPPF does however allow for the development of rural exception sites for affordable housing. Within these sites local authorities may consider allowing some market housing to facilitate the provision of affordable housing to meet local needs.
- 5.15 The applicant's initial planning statement identified that the proposed scheme would comprise entirely of market housing, with no provision made for affordable housing, this being compared with 5 of the 8 dwellings being identified as affordable within the previous scheme (15/01150/FUL). Officers consider that this level of provision would be unacceptable for the reasons referenced and following negotiation the applicants have reverted to a scheme where 5 of the 8 dwellings would be made available as shared equity affordable housing.
- 5.16 The proposals would be tantamount to a rural exception site by reason of the quantity of affordable housing provision. As identified within Policy H3 of the Emerging Local Plan, there is an identified unmet need for affordable housing within the district and officers consider that the delivery of five affordable dwellings on this site would be beneficial in helping to meet this need and would justify the siting of 8 dwellings in a location where residential development would not typically be supported as it is contrary to policy. The provision of 3 market dwellings would be considered acceptable in order to make the proposed scheme viable and facilitate the provision of the affordable housing.

#### Loss of Employment Land

- 5.17 Policy E6 of the Existing Local Plan 2011 states that the change of use of existing premises and sites with an established employment use to non-employment uses will not be allowed unless:
- a) it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
  - b) the site or premises is considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
  - c) substantial planning benefits would be achieved by allowing alternative forms of development.
- 5.18 Policy E1 of the Emerging Local Plan 2031 states that non-employment uses on employment sites will be resisted except in the following circumstances:
- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
  - where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
  - where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6 - Town Centres; or

- where substantial community benefits would be achieved by allowing alternative forms of development.
- 5.19 The NPPF (Para 22) confirms that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 5.20 Officers in their previous report to the planning committee in 2015 accepted that the loss of employment land would be acceptable in principle. The application site is brownfield land of low environmental value, the redevelopment of such sites is promoted under paragraph 111 of the NPPF. The application site is located within a conservation area in the centre of the village in close proximity to a number of residential dwellings. Given the location of the site officers would consider that the site would be potentially unsuitable for a significant range of employment use given the likelihood of noise and other disturbance arising in addition to the likely use of the access and surrounding roads by HGV's or larger vehicles, which would be of potential detriment to highway safety and amenity.
- 5.21 Taking these factors into account officers consider that a residential use would be preferential on amenity, environmental and highway safety grounds. Of itself this would not justify residential use, though significantly there would also be demonstrable public benefits, namely the provision of five affordable housing units and to a lesser extent three market dwellings. Taking these factors into account, officers consider that the loss of employment land is justified on the basis of Policy E6 of the Existing Local Plan and Policy E1 of the Emerging Local Plan.

#### Siting, Design and Form

- 5.22 The proposed dwellings would be of a contemporary design and appearance in contrast to the previous proposals, which were for dwellings of a neo-vernacular form and appearance. The site is located in the Northmoor Conservation Area and whilst officers note there are traditional buildings in the vicinity, notably a red brick cottage located to the east of the site entrance, the majority of buildings within the immediate area comprise of 20th century non-vernacular properties and officers consider that a contemporary design approach would be acceptable within this context.
- 5.23 Officers consider that the proposed dwellings would be of a good design quality and consider that the scale of the dwellings would be appropriate and commensurate with the scale of existing properties in the immediate vicinity. There would be visual benefits arising from the overall redevelopment of the site, including the replacement of the existing workshop buildings to the front of the site.

#### Conservation Area

- The application site is located within the Northmoor Conservation Area.
- 5.24 Within a Conservation Area, decision makers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the

paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

- 5.25 The proposed development would change the use of the existing site from a commercial B8 (Storage and Distribution) use to a residential use, which is potentially less disruptive and visually detrimental to the character of the area, considering the range of uses which could be undertaken under a B8 use though notwithstanding this, the proposals would be an intensification of the built form on the site, which is predominantly open, with the exception of two buildings to the front (east) of the site.
- 5.26 Officers consider that the resulting harm to the Conservation Area as a result of the intensification of the built form on the site and the overall visual impact as experienced within public views would be towards the lower end of less than substantial. In accordance with the required balancing exercise, as specified under Paragraph 134 of the NPPF, the public benefits of the proposed development must be assessed against the identified harm to the heritage asset.
- 5.27 When assessing the public benefits of the proposed development, namely the provision of 5 affordable homes, to meet an identified housing need, alongside the provision of 3 market dwellings; in addition to the potential visual and amenity benefits arising from the redevelopment of this former commercial site, officers consider that the public benefits would clearly outweigh the resulting lower level of less than substantial harm to the Conservation Area even having given that harm great weight.

#### Highways

- 5.28 The proposed development would be served by an existing means of access located adjacent to 1 Chapel Lane. The existing junction onto Chapel Lane has substandard visibility, though the proposed use is likely to generate a lesser number of vehicle movements than possible commercial uses of the site and furthermore, were the use to be residential the site would not be accessed frequently by larger commercial vehicles. On balance officers consider that the proposed development would not have a severe impact on highway safety or amenity whereby permission should be refused.
- 5.29 Each of the dwellings would be served by an acceptable number of parking spaces and officers consider that the development would not lead to a significant displacement of vehicles onto the adjacent roads.

#### Residential Amenities

- 5.30 The general scale of development is broadly consistent with that of the previously proposed scheme on this site, as is the positioning of the proposed dwellings. Accounting for the positioning of the dwellings and respective separation distances between the proposed dwellings and existing properties, officers consider that the development as proposed would not have a significant detrimental impact on the amenity of existing occupants, by reason of overshadowing, overbearingness or loss of light. Officers in noting the position of the proposed windows consider that the development would not result in undue overlooking of any adjacent properties. A Juliet balcony previously proposed to the rear elevation of Plot 6 has since been excluded. Each of the proposed dwellings would be served by an adequate quantity of private amenity space.

### Trees

- 5.31 Officer's note that a number of trees on the site have been removed without the prior authority of the Council, which would ordinarily be required given that the site is located within a Conservation Area. The trees which have been removed consist of a row of Leylandii located along the northern boundary of the site adjacent to No.1 Chapel Lane. The trees are of a fairly low value in visual terms and in terms of their contribution to the Conservation Area. The value of the trees was related more to their role in providing screening between the site and the adjacent property.
- 5.32 The removal of the trees has removed the screening between the site and the adjacent property No.1 Chapel Lane. Without the provision of screening there would be an increase in overlooking and a loss of privacy to the rear garden and internal spaces of this property as a result of the siting of dwelling 8 and also the siting of the access road serving the development. The removal of these trees could be effectively mitigated through the provision of a replacement tree/hedgerow along this boundary, this would be controlled by planning condition.

### Ecology

- 5.33 The application is accompanied by an ecology report, the findings of which are supported. Subject to the attached conditions being satisfied officers consider that the proposals would not result in ecological harm.

### Conclusion

- 5.34 Officers consider that as 5 of the 8 proposed units are being made available as affordable units, this would justify the siting of residential development within a location where new residential development would not typically be supportable in line with Policy H2 of the Emerging Local Plan. The provision of 3 of the units as market dwellings is considered acceptable in order to facilitate the delivery of the 5 affordable units.
- 5.35 Officers consider that there would be significant public benefits arising from the provision of affordable housing as well as visual and amenity benefits, which would outweigh the loss of employment land and the less than substantial harm to the Conservation Area.
- 5.36 For the reasons expressed above, officers recommend conditional approval of the application subject to a legal agreement to secure the provision of on-site affordable housing.

## **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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 28/03/18;  
REASON: The application details have been amended by the submission of revised details.

- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 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 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.  
REASON: To safeguard the character and landscape of the area.
- 6 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the building(s) is occupied.  
REASON: To safeguard the character and appearance of the area and because details were not contained in the application.
- 7 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 8 A hedge or row of trees shall be planted along the north; boundary of the land before first occupation of the dwellings; in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The hedge or trees shall thereafter be retained in perpetuity.  
REASON: To safeguard the privacy or adjacent occupiers.
- 9 The development shall be completed in accordance with the recommendations in Section 6 of the Updated Bat Survey Report dated February 2018 prepared by Windrush Ecology Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.  
REASON: To ensure that roosting bats and nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section

11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 10 Before development takes place, details of the provision of brown long-eared bat feeding perches within the car ports and integrated nest boxes/bricks for house sparrows, starlings and swifts into the new buildings shall be submitted to the local planning authority for approval, including architectural/technical drawings showing the locations, materials and other features of the bat feeding perches and the types of bird nest boxes, their locations and positions within the new buildings. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently retained.  
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 12 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
- 13 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.  
  
The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 14 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.  
REASON: In the interests of road safety.

- 15 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety.
- 16 No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.  
REASON: In the interest of road safety.
- 17 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.  
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 18 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: In the interests of residential amenity and to preserve the character of the Conservation Area.
- 19 The proposed market dwellings shall not be occupied until such time as the affordable housing units have been delivered.  
REASON: Due to the special circumstances of the development, because of the location of the site and to ensure the indicated level of affordable housing provision is delivered.
- 20 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
  - (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
  - (iii) A developed conceptual model of the potential pollutant linkages with an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems.

#### Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a

condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Implementation of Approved Remediation Scheme

The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

#### Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.  
REASON: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

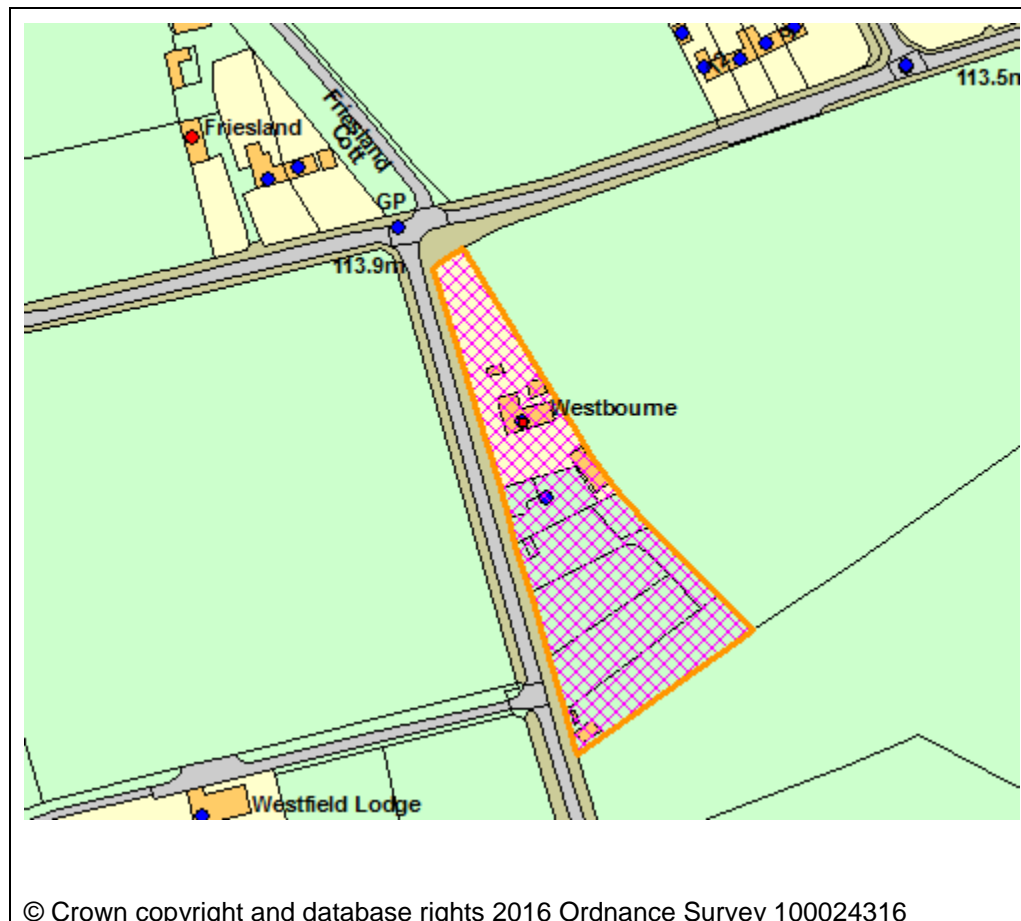
- 21 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)



- 22 Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation 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 identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

Application Number	I8/00498/OUT
Site Address	Westbourne Shilton Burford Oxfordshire OX18 4AW
Date	4th April 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Shilton Parish Council
Grid Reference	426300 E 208252 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Removal of dwelling and outbuildings and erection of up to ten dwellings with associated works.

**Applicant Details:**

Mr And Mrs Peter Handley  
Westbourne  
Shilton  
Burford  
Oxfordshire  
OX18 4AW

**I CONSULTATIONS****I.1 Parish Council**

The Parish Council object to this application on the following grounds.

Not in accordance with the following policies detailed in the West Oxfordshire Local plan 2011:

1. Policy H2 General residential development standards - Specifically 'Should not set an undesirable precedent for other sites where in equity development would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area'.

2. Policy H4 Construction of new dwellings in the countryside and in small villages. Proposals for the construction of additional new dwellings in the countryside and in all villages and groups of houses not listed in Figure 5.2 will only be permitted if there is a genuine essential agricultural or other operational need for a full-time worker to live on the site and: a) the need cannot be met through the use of existing buildings on or close to the enterprise or in any other way; and b) the proposed dwelling is of a size appropriate to both its functional requirement and the financial viability of the enterprise; and c) the enterprise is in operation, is economically viable and is capable of being sustained for a reasonable period of time. An occupancy condition will be imposed on a new dwelling permitted in response to an essential operational need as well as on appropriate existing dwellings on the holding. The condition will limit occupation of agricultural dwellings to: i. a person employed or last employed in agriculture or forestry, or ii. to a widow or widower of such a person, or iii. to any resident dependants. Conditions restricting occupancy will only be removed where it is clearly demonstrated that the dwelling is no longer required to serve the needs of the agricultural community in the area as a whole. Where appropriate, a legal agreement will be sought tying the provision of a new agricultural dwelling to buildings and land comprising the agricultural holding.

3. Policy H11 affordable housing on allocated and previously unidentified sites. Taking into account the housing needs of the area and subject to any site specific constraints, an element of affordable housing will be sought as part of residential development schemes on

the following basis: a) on land allocated in this plan for residential development or mixed uses including housing; 30% on sites in the towns of Witney and Carterton and up to 50% in the remainder of the District; b) on unallocated land, which comes forward in accordance with the locational policies of this plan, up to 50% affordable housing will be sought where: i) the site is in Witney, Carterton, Chipping Norton or Eynsham and has an area of 0.5 ha or greater or when 15 or more dwellings are proposed; or ii) elsewhere, when a development of 2 or more dwellings are proposed.

Not in accordance with the following policies detailed in the West Oxfordshire Emerging Local Plan 2031

1. Policy H2 Small Villages, Hamlets and Open Countryside New dwellings will be permitted in the small villages, hamlets and open countryside in the following circumstances: - where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings; - where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset; - residential development of exceptional quality or innovative design; - new accommodation proposed in accordance with policies specifically for travelling communities; - accommodation which will remain ancillary to existing dwellings\*; - replacement dwellings on a one for one basis; and - re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.: and - on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.

2. Policy H3 Affordable Housing Specifically if the maximum gross floor area exceeds 1,000m<sup>2</sup> will be required to provide affordable housing on-site as a proportion of the market homes proposed as follows: - High value zone (50%).

Not in accordance with the following policy of the emerging Shilton Neighbourhood Plan 2031

1. Policy SH1: Village Boundaries. The Neighbourhood plan defines village boundaries at Shilton and Bradwell Village. Proposals for small scale infill development within the boundary will be supported provided they accord with the design and development management policies of the development plan and other policies of the Neighbourhood Plan. Proposals for development outside the

boundary will only be supported if they are appropriate to a countryside location and they are consistent with local development plan policies applying to the countryside.

The Parish Council considers this application to be purely speculative and hoping to benefit from the proposal in the emerging Neighbourhood Plan to build 10 affordable homes with an open community space on an adjacent six acre site belonging to the village. It would provide no benefit to the community and would not provide any affordable housing that is so urgently needed in our village.

The application itself appears to be confusing in that one layout drawing shows 14 plots and a second drawing shows 10 plots. The Design and Access Statement has many incorrect statements including that there is 'very little traffic in the village' and that the pub 'could soon close'. A recent survey showed that speeding traffic through the village was a major issue for the majority and is a recurring theme at Parish Council meetings.

I.2 Major Planning Applications Team

Highways

Objection for the following reasons:

- Lack of safe and suitable access to the development for all road users in accordance with the National Planning Policy Framework.
- Vehicular Access C will need to have a bell-mouth with a radii of 6m and will either need to be a shared space area of 6m in width or an access way with a carriageway of 4.8m in width and 2 x footways of 1.5m in width.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission, the applicant to enter into a S278 agreement and S38 agreement to mitigate the impact of the development plus planning conditions and informatives as detailed below.

Archaeology

No Objection

I.3 Thames Water

No objection

I.4 Environment Agency

No objection

ERS Env Health - Lowlands

I support the application in principle and have no adverse observations.

Any new build dwellings should accord with the appropriate British Standard for acoustic design and a condition is recommended to ensure that the internal rooms spaces are afforded the criteria sound levels

The dwellings hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal 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

- 1.5 WODC Planning Policy Manager Development in this location would be detrimental to the setting of the historic and rural character of Shilton village in an unsustainable location where there are extremely limited services or options for accessing these. The landscape is highly sensitive as identified in the Carterton Landscape Assessment (2009) and development of this site would have a significant harmful impact that is unlikely to be able to be mitigated without causing harm. In addition, development of this site may result in pressure for the release of similar parcels of land which would cumulatively create a greater degree of harm within a sensitive rural location. There is also no identified need to release the site for housing when the Council is able to demonstrate a 5-year housing land supply as well as a robust overall supply in the period to 2031.
- 1.6 WODC Housing Enabler No Comment Received.
- 1.7 WODC - Arts No Comment Received.
- 1.8 WODC - Sports No Comment Received.
- 1.9 ERS Env. Consultation Sites Thank you for the opportunity to provide comment on planning application 18/00498/OUT. Review of the historical maps we hold indicate that the site has remained largely undeveloped until the 1970 - 1980 map where a building of approximately the same layout as the present building can be seen. From the information submitted with the application it is understood that there are a number of out buildings on the site used for storage of machinery and other items. Would it be possible for the applicant to confirm if any fuels or other potentially contaminating materials have been stored at the site and if there is any potential for contamination to be present on site. The wording of the human health contaminated land planning condition requested will depend on the response provided.

## **2 REPRESENTATIONS**

No third party comments have been received in relation to this application.

## **3 APPLICANT'S CASE**

- 3.1 The application is supported by a design and access statement, the design and access statement makes the following points:

- Transport to and from the village has improved in recent years.
- Drainage problems in the village have receded in recent years.
- The village requires additional housing to stay sustainable with additional housing required for the young and elderly.
- The siting, design and form of the buildings would draw upon traditional design in the village.
- The new district plan has yet to be completed and at this time the Council does not have enough houses planned.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

H2 General residential development standards

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

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1NEW Landscape character

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks outline planning approval (access only) for the removal of an existing single storey dwelling and the erection of 10 dwellings. The application site is located on the edge of Shilton and is a triangular section of land comprising of a dwelling, associated amenity space and an undeveloped area of paddock land located between Hen N Chick Lane and Alvescot Road. The application site is located outside the Shilton Conservation Area. The southern area of the site has planning permission (14/0100/P/FP) for use as a caravan and camping site.
- 5.2 The application has been referred to planning committee as the applicant is a District Councillor.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
  - Siting and visual impact
  - Residential Amenity
  - Highways and Access

## Principle

- 5.4 In terms of five-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a five-year housing land supply with anticipated delivery of 5,258 new homes in the 5-year period 1st April 2017 - 31st March 2022.
- 5.5 The issue of five-year housing land supply was debated at length through the Local Plan examination hearings in 2017 and on 16 January 2018 the Local Plan Inspector wrote to the Council setting out his thoughts on the Local Plan. Importantly there is nothing in his letter to suggest that the Council is unable to demonstrate a five-year housing land supply. This is a key component of 'soundness' and if the Inspector had any concerns in this regard it is reasonable to suggest that he would have set those out.
- 5.6 On this basis it is considered that the Council is able to demonstrate a five year housing land supply albeit this cannot be confirmed with absolute certainty until the Local Plan Inspector's Final Report is received and the draft Local Plan 2031 is adopted.
- 5.7 Given the current position it is considered appropriate to continue to adopt a precautionary approach in relation to residential proposals and apply the 'tilted balance' set out in paragraph 14 of the NPPF whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in this Framework indicate development should be restricted.
- 5.8 The application site is located on the edge of Shilton, outside of the main body of the settlement. Shilton is a small village which lies outside the settlement hierarchy as referenced within Policy OS2 of the Emerging Local Plan and Policies H4-H7 of the Existing Local Plan. Shilton has a comparatively low level of services and facilities, which are limited to a pub and church. The nearest facilities are located in Carterton approximately 2 miles from the application site. Furthermore the site is not served by regular bus services and there are no public footpaths connecting the site with neighbouring services and facilities in Carterton. In relation to its proximity to existing services and facilities the site would be considered isolated.
- 5.9 Given that the site is significantly detached from the settlement envelope of Shilton, officers consider that the application site would be considered to be within an area of open countryside, though even were the site to be considered to be within Shilton, the provisions of Policy H4 of the Existing Local Plan would still be applicable; as would the provisions of Policy H2 of the Emerging Local Plan, furthermore officers consider that the provisions of Paragraph 55 of the NPPF are applicable.
- 5.10 In relation to the aforementioned policies Policy H2 of the Emerging Local Plan should be attributed significant weight, given the status of the Emerging Local Plan and given that this policy is consistent with the provisions of Paragraph 55 of the NPPF. Paragraph 55 of the NPPF seeks to restrict the development of new isolated homes in the countryside unless there are special circumstances, including essential workers accommodation, the reuse of existing buildings or dwellings of an exceptional design. Policy H2 of the Emerging Local Plan applies these principles to the siting of residential development in small villages including Shilton.
- 5.11 Given the location of the site, residential development would not ordinarily be considered permissible unless there were special circumstances for example if the development met an



identified housing need, such as the significant provision of affordable housing. As the Council consider that there is probably a five year supply of housing, officers consider that there would not be an overriding need for market housing within this location, to justify a significant departure from the housing location policies of the development plan.

- 5.12 In summary officers consider that the site would represent an unsustainable location for residential development given its isolated location and lack of proximity in relation to existing services and facilities. Consequently officers consider that the proposals would be contrary to the provisions of Policy H4 of the Existing Local Plan; Policies OS2 and H2 of the Emerging Local Plan and Paragraph 55 of the NPPF.

#### Siting and Visual Impact

- 5.13 The application is all matters reserved, though a material planning consideration is whether the siting of any development would be complementary to the scale and pattern of existing development and/or the character of the area. The site is located on the periphery of Shilton and is detached spatially from the main body of the settlement and beyond this the settlement is notably dispersed.
- 5.14 The application site currently comprises of a single dwelling, whilst the remainder of the site comprises of undeveloped curtilage space and paddock land, though the southern area of the site benefits from a current caravan and camping use.
- 5.15 Notwithstanding this the character of the site is semi-rural and is largely surrounded by agricultural land. The proposed development would introduce 10 dwellings to the site and would be a substantial intensification of the built form on the site. The siting of the development would, in officer's opinion fail to read as a logical complement to the village, given its detached location and the extent of development would be visually detrimental and would have a clear urbanising impact on the rural/semi-rural character of the village and would have a harmful impact on the character of the open countryside.
- 5.16 The West Oxfordshire Landscape Appraisal identifies the application site as falling within an area characterised as semi-enclosed limestone Wolds. The Landscape Appraisal document identifies the need for development to be sensitively integrated with existing buildings and closely integrated within a strong landscape structure. Officers consider that the development as proposed would fail to integrate either the existing built form or landscape structure and the siting of the development would appear incongruous and would have an urbanising impact, which would erode the semi-rural/rural character of the area.
- 5.17 The landscape within the vicinity of the site is highly sensitive as identified in the Carterton Landscape Assessment (2009) and development of this site would have a significant, harmful impact that is unlikely to be able to be mitigated without causing harm to the wider area. The site falls to the far north of Area DI as identified in this assessment. This comprises a plateau with a generally weak landscape structure and high intervisibility and no direct connection with Carterton. The report suggests that the integrity of the agricultural setting of Shilton would need to be maintained with no development on the north facing slope south of Shilton, to maintain the open fields around the village.

- 5.18 Consequently officers consider that the proposals would be contrary to the provisions of Policies BE2, NE1, NE3 and H2 of the Existing Local Plan; Policies OS2, OS4, H2 and EH1 of the Emerging Local Plan; and Paragraphs 17, 64 and 109 of the NPPF.

#### Highways

- 5.19 As referenced within the preceding sections of the officer's report, officers consider that the location of the site would be unsustainable in relation to its proximity to existing services and facilities, furthermore as referenced in the above sections pedestrian access between the site and Shilton Village is poor, as there is no footway between the site and the junction of Hen N Chick Lane and Ladburn Lane and pedestrian access between the site and the village is sporadic. Given the substandard nature of the pedestrian access serving the site, officers consider that safe and suitable access for all road users would not be achievable.
- 5.20 Proposed vehicular Access C is shown on the indicative drawings as serving 7 of the 10 dwellings. Officers note the objection raised by OCC Highways in respect of the width of the proposed access. It is required that the radii of the bell mouth access must be increased to 6 metres and that the access road be widened to allow sufficient room for refuse vehicles to turn and exit the development safely in forward gear. Visibility in a southern direction is also restricted by the provision of a hedge. Within their consultation response OCC Highways Officers have raised concerns about the restricted visibility in this particular direction and require that speed surveys are carried out along Alvescot Road, which would inform whether the access to the site is safe and suitable. In the absence of this information, officers are not satisfied that safe and suitable vehicular access can be achieved. Furthermore no information has been submitted regarding refuse collection arrangements and no assessment has been made as to whether there is sufficient space for refuse vehicles to manoeuvre within the site and exit in forward gear.
- 5.21 Taking the above factors into account, officers consider that there is an insufficient basis to suggest that safe and suitable access can be achieved for either pedestrian or vehicular road users and consequently the development would fail to comply with the provisions of Policy BE3 of the Existing Local Plan and Policies OS2, T1, T2 and T3.

#### Residential Amenities

- 5.22 Neither the scale nor siting of the development would be likely to have an adverse impact on the residential amenity of any existing properties and there would be sufficient space on site to provide adequate amenity space.

#### Conclusion

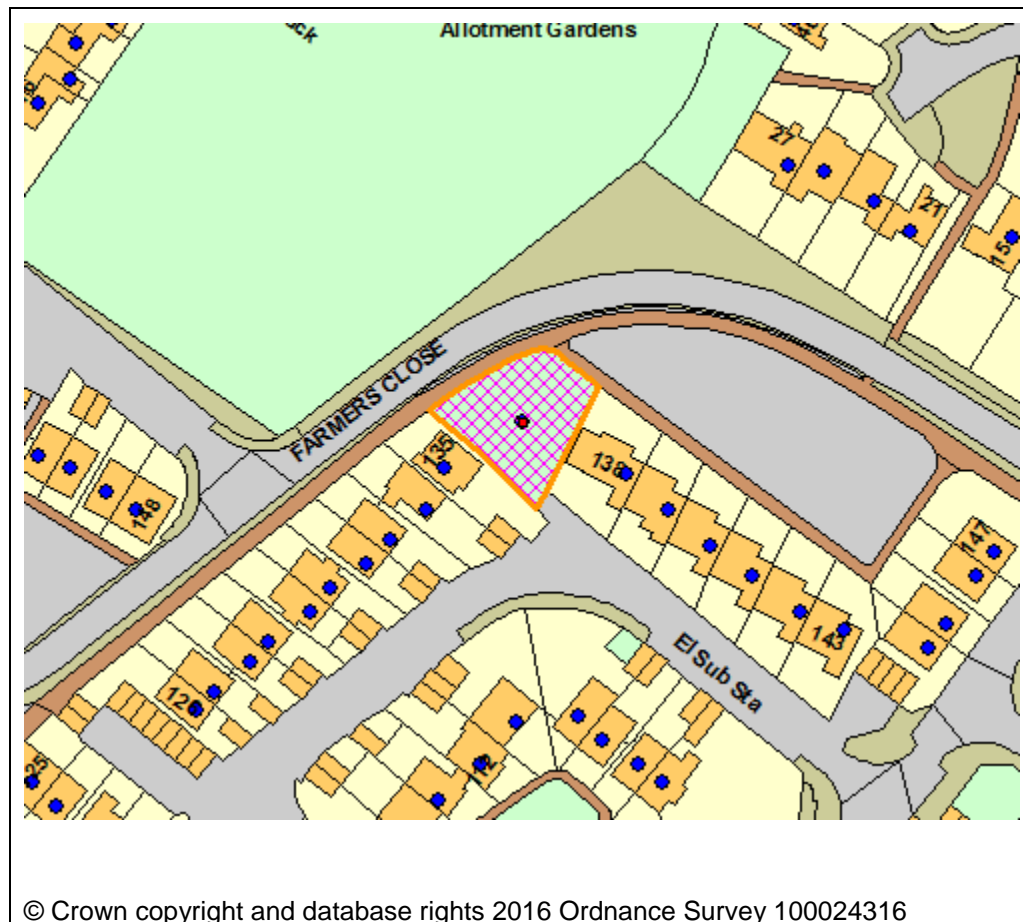
- 5.23 Taking the above factors into consideration, officers consider that the site, by reason of its isolated location and its relative lack of proximity would represent an unsustainable location for residential development, furthermore officers consider that the siting of the development would fail to complement the existing settlement pattern and would have an adverse urbanising impact on the rural/semi-rural character of the area and local landscape character. In addition to these factors insufficient details have been submitted in respect of vehicular or pedestrian access and officers are unsatisfied that safe and suitable access can be achieved for all users. For the reasons expressed officers recommend that the application be refused.

## **6 REASONS FOR REFUSAL**

- 1 By reason of the sites isolated location, particularly in relation to existing services and facilities, occupants of the proposed dwelling would be dependent on private means of transport, consequently the proposals would fail to represent sustainable development and would be contrary to the provisions of Policy H4 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, T1 and T3 of the Emerging West Oxfordshire Local Plan 2031 and Paragraphs 17 and 55 of the NPPF.
- 2 The siting, scale and density of the development would fail to complement the existing pattern of development and the character of the area. Consequently the proposals would result in harm to the character of the settlement of Shilton and the character of the countryside and local landscape setting. The proposals would therefore be contrary to the provisions of Policies BE2, BE4, NE1, NE3 and H2 of the Existing Local Plan; Policies OS2, OS4, H2 and EH1 of the Emerging Local Plan; and the relevant provisions of the NPPF, in particular paragraphs 16, 64 and 109.
- 3 In the absence of sufficient details in respect of the vehicular means of access to the site and in the absence of safe and suitable pedestrian access to the site, there are insufficient grounds to suggest that safe and suitable means of access to the site by road and pedestrian users can be achieved. Consequently the development would fail to comply with the provisions of Policy BE3 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, T1, T2 and T3 of the Emerging West Oxfordshire Local Plan 2031; and the relevant provisions of the NPPF, namely 17 and 32.

Application Number	I8/00419/FUL
Site Address	Land East of 135 Farmers Close Farmers Close Witney Oxfordshire
Date	4th April 2018
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Witney Town Council
Grid Reference	435840 E 210841 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Erection of a detached dwelling with associated access, parking and landscaping

### Applicant Details:

Mr Bradshaw  
c/o Agent

## **I CONSULTATIONS**

- 1.1 Town Council                      Witney Town Council supports this application subject to a contribution of a commuted sum being made for the provision of a play area to replace the amenity land that will be lost. The Town Council also considers that 1 lighting column is insufficient and requests that another one is sited to light the footpath. The Town Council also recommends that a different material is used for the footpath to the property to differentiate it from the public footpath for the safety of vehicles and pedestrians. The Town Council also requests that the property in constructed from materials in keeping with the vernacular.
- 1.2 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
  - G25 drive etc specification
  - G32 turning facility
  - The provision of a 3m wide footway including the build out and lighting column as per application drawing
  - The first 2m of boundary wall adjacent to the access shall be no more than 0.6m high in order to provide pedestrian vision.
- NB Records show the site to be public highway. The area to be used as residential curtilage will need to be 'stopped up' prior to nay development taking place Prior to the commencement of development, a separate consent must be obtained from Oxfordshire County Council's Road Agreements Team for the proposed access and off site works under Section 278 of the Highway Act 1980. For guidance and information please contact the County Council's Road Agreements Team  
roadagreements@oxfordshire.gov.uk

## **2 REPRESENTATIONS**

- 2.1 One letter of support has been received from Ms Bradford from 25a Mill Lane Clanfield which states:

What an absolute pleasure to see a decent development on this eyesore. When I lived in Farmers Close this area was, and still is, used by the occasional dog, and as an unofficial short cut home, it's just a tarmac blot on the landscape, as well as being dark and horrible. It's great to see an official pathway will be installed, which in the interests of safety is much needed. The line of houses will flow much better. The original developer must have planned for a house to go there because of the gap in numbering. I read about this area being some sort of open space for leisure, really? The area is by the road, IF the council were to for example put a children's play area there, I can't see many parents feeling safe there next to the road, for a few obvious reasons.

- 2.2 One letter of comment has been received from Mr Flemming from 135 Farmers close which states:

On Monday morning 26/02/2018 a planning notice was tied to the entrance gate of the proposed development, with a piece of string. This was removed/disappeared by sometime on 28/02/2018. Because it was displayed less than 21 days and the weather was very bad, not many people would have been able to see or read it, and you could not have seen it driving past. I can see no extra valid reason to build on the designated play area, from applications that were rejected or withdrawn previously, other than the personal gain of people who do not live on the estate. In the 46 years + we have lived next to the play area, we have observed and heard it being well used by children, and people passing through. It is not a blot on the landscape, is well lit by a lamp post opposite it and another near the entrance, and because we live here all year round, we have never seen any loose dogs using it. The missing house numbers are because it was designated a play area by the then council at the time. This was checked by my solicitor when I purchased the then new house in 1971.

### **3 APPLICANT'S CASE**

- 3.1 Supporting information has been provided as part of the application which can be viewed in full on the Council website, the summary and conclusion of the planning, design and access statement states:
- 3.2 The Planning Design and Access Statement has been prepared for Mr Bradshaw in support of a full planning application for the erection of a detached dwelling with associated access and landscaping on land between 135 and 138 Farmers Close, Witney.
- 3.3 This submission has given due regard to the planning history of the site and has evolved through the analysis of the site and relevant planning policies.
- 3.4 A single dwelling is proposed which appropriately fronts the adjoining green and has been designed to reflect and respect the existing layout and architectural character of the estate.
- 3.5 The existing Local Plan 2011 is now out of date with regard the provision of housing and sufficient housing supply cannot be demonstrated. The Draft Local Plan 2031 is well advance but remains subject to modifications and consultation and cannot be afforded full weight in the decision making process.
- 3.6 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 or specific policies in the NPPF identify that development should be restricted.
- 3.7 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
- 3.8 The proposal will provide an additional dwelling where there is an identified requirement to boost housing supply. The associated construction jobs and local investment during its build out as well as longer term expenditure in the local economy will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.
- A social role
- 3.9 The site lies within the built up area of Witney which is identified as the main service centre in the area and a highly sustainable location for new development to meet housing needs. The development will provide a new dwelling in a sustainable location where there is an identified requirement to boost housing supply. This a benefit of the proposal.
- 3.10 Through discussions with the Highway Authority the proposal has maintained a safe and convenient pedestrian access way through the site whilst also making appropriate provision for vehicular access and parking.
- 3.11 Whilst it may have been intended that the site was a children's play area when the original estate was planned, there is no condition or legal agreement securing the site as public open space. Furthermore, against an up to date quantitative and qualitative assessment of open space provision in the area the site is demonstrably surplus to requirements. The loss of this open tarmaced area is of neutral or no weight in the planning balance.
- 3.12 There are social benefits and no significant and demonstrable adverse social impacts resulting from the proposal.

- An environmental role
- 3.13 The proposal site is not of high environmental value and does not contribute positively to the character of the area. The proposed dwelling has been designed to respect the character and amenity of the surrounding area. There are no significant and demonstrable adverse environmental impacts.

- The planning balance
- 3.14 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic and social benefits as a result of the provision of an additional dwelling in a sustainable location. The open tarmaced area is demonstrably surplus to requirements against open space standards and its loss is of neutral or no weight even when considered against up to date open space policies.

- 3.15 There are no significant or demonstrable economic, social or environmental harms. The planning balance accordingly falls in favour of granting permission for the proposal at the current time.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
TLC5 Existing Outdoor Recreational Space  
OS2NEW Locating development in the right places  
OS4NEW High quality design

H2 General residential development standards  
EH3NEW Public realm and green infrastructure  
T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

- 5.1 The application seeks planning permission for the erection of a detached dwelling with associated access.
- 5.2 There is extensive planning history on the site of which has involved several applications for a dwelling that have all been refused.
- 5.3 The most recent application to be refused on the site was an outline application 16/02880/OUT of which was refused for the following reasons:
- 5.4 The proposed change of use and construction of dwellings would result in the loss of a recreational open space which is of benefit to the local community. Furthermore, the loss would set an undesirable precedent that could result in the loss of similar amenity areas within the locality, to the detriment of the character of the area and amenity of residents. The proposed development is therefore considered to be contrary to Policies BE2, BE3, BE4 and TLC5 of the West Oxfordshire Local Plan 2011 and policies OS2, OS4, H2, EH3 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.
- 5.5 The proposal would lack adequate visibility between the proposed footway and vehicular access. As submitted the proposal would also obstruct cycling/walking routes and would displace parking onto other areas of the street network which would be detrimental to safety and convenience of other highway users and therefore would be contrary to policy BE3 of the Adopted West Oxfordshire Local Plan 2011 and policy T4 of the Emerging Local Plan 2031.

### Background Information

- 5.6 The land has historically been retained as an open space and provides a public right of way for residents of the estate. There is no physical barrier between the site and perimeter footpath that runs adjacent to the site.
- 5.7 In 2003 (planning reference: W2003/0717) planning consent was refused for a dwelling and a Purchase Notice for the land was also dismissed by an Inspector and the Secretary of State. The applicant applied for a purchase notice following the refusal of the Council to grant planning permission for development on the land; this is a process whereby an applicant can apply for the local authority to purchase the land off them where the land cannot be rendered capable of reasonable beneficial use by the carrying out of any other development.
- 5.8 The site was identified as a children's play area within the residential layout for the estate when planning permission was first granted (Reference: W65/772) and is understood to have been used for this purpose ever since - this is corroborated by evidence from local residents. The Purchase Order for the site also confirmed that the land was also adopted public highway. The Secretary of State concluded that a Purchase Order should not be granted for the site given that the land formed a constituent part of the layout of the housing estate and provided a valuable amenity resource for residents.



- 5.9 Within the Secretary of State's Purchase Notice report (for which an inquiry was held on the 17th February 2004) - reference: APP/03/D3125/176/1093 - the Secretary of State concluded that he agreed with the previous Inspector's decision that the site should be preserved as an amenity for residential development in accordance with the 1966 planning permission and therefore decided not to confirm the purchase notice. The accompanying Inspector's report to this decision sets out in a systematic manner the appellant's case and then the case for the District Council. Within this document the Inspector's conclusions commence under Paragraph 9.
- 5.10 The Inspector, in referring to the status of the land as public highway notes that the appellant has an interest in the land by virtue of his ownership of it, but notes that it is not unusual for the subsoil to remain in private ownership even after the land has been adopted as public highway. Within paragraph 12 of the Inspector's report he notes the legal ramifications (if the Secretary of State had chosen to allow the purchase notice), as he concludes the identification of the land is adopted highway.
- 5.11 Further dialogue was made with Oxfordshire County Council Highways following the above that resulted in officers being furnished with a copy of the Highways Records Map, which clearly defines the land as public highway. The guidance which accompanies these records (Protocol for requests to amend highway status) clearly states that Highways Records Maps do not record ownership.
- 5.12 The applicants are stating that the site is in private ownership and as the land was not conditioned, and there was no legal agreement securing the land as open space, there is no requirement for the retention of the site as open space.
- 5.13 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

- 5.14 Witney is classified as a service centre in both the adopted and emerging local plan. Policy H2 of the emerging local plan is permissive of new homes and states that development may be acceptable on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. Given this the principle of a new dwelling is considered acceptable subject to compliance with the other relevant policies of the plan.
- 5.15 The application site is located in a highly visible location on the street scene. The site currently comprises an area of hard standing which was originally designated as a play area when the estate was constructed.
- 5.16 The application states that the site is in private ownership and as the land was not conditioned, and there was no legal agreement securing the land as open space, there is no requirement for the retention of the site as open space.
- 5.17 Policy BE4 and EH3 relate to the loss of play areas in the district, policy EH3 of the emerging local plan seeks to resist development where it would result in a loss of a recreational space

unless it can be demonstrated there is either an enhancement to the existing provision; alternative provision of at least equivalent suitability and accessibility can be provided; or there is clear evidence the land will no longer be required for its current purpose.

- 5.18 Paragraph 73 and 74 of the NPPF also refers to the retention of open space.
- 5.19 The application provides supporting information which states that the site should not be considered a public open space due to the lack of an appropriate restriction on the site and notwithstanding this, the quality of the space would fail to meet the tests set out in the Council's Open Space Assessment.
- 5.20 Officers are of the opinion that it is clear from the original application that the site was designated as an open space and therefore the loss of this space is a material consideration in the determination of the application alongside the other relevant policies. The Open Area Assessment states that whilst there is sufficient supply of green spaces in Witney there is a under supply of other types of recreational spaces within the Town. Officers are therefore of the opinion that the loss of the area as a play space would be contrary to policy.
- 5.21 Comments made throughout the history of the application site, along with the letter from the neighbouring property with regard to this application suggests that the site has been used as open space for recreational activities over the years. Officers are therefore of the opinion that notwithstanding the appearance of the site, there is longstanding evidence to suggest that the site has been used as a recreational area for children and the community.
- 5.22 In addition to the loss of the space as a play area the development of the site would result in the loss of an open space which currently adds positively to the character and appearance of this area of the estate as well as the wider street scene. Officers are of the opinion that the open space currently allows for a visual break in development both in terms of the contribution it makes to the openness of this part of the estate and to the setting of Farmers Close, especially in relation to the open area on the opposite side of the road and the allotments, and in terms of the overall estate design.
- 5.23 Policy BE4 of the adopted local plan and policy OS2 and OS2 of the emerging local plan refer to open spaces and one of the general principles of policy OS2 states that new development should "not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area". Officers are of the opinion that the development of the site would result in the loss of an area that adds positively to the area.

#### Siting, Design and Form

- 5.24 The dwelling is proposed to be located fronting on to the main road and has been designed to feature a small grass frontage with access to the front. The parking and manoeuvring area is proposed to be located to the rear and side and the private amenity area will be enclosed to the side parallel to the main road. Given the position of the dwelling in a visible corner location, as well as adjacent the footpath, the dwelling will be highly visible in the street scene from a number of views. This area of Farmers Close has a distinct pattern of development with one side benefiting from the properties being set back with open frontages and the other side benefiting from being located closer to the road with hedging screening the houses from the road. The Farmers Close estate has been designed to minimise domestic paraphernalia by

locating the car parking and private amenity areas to the rear allowing for open and minimalist frontages.

- 5.25 The proposed dwelling will be located in a position which is separated from both areas of development due to the footpath and proposed turning area. Officers are of the opinion that the position of the dwelling would fail to form a logical addition to the pattern of development in the area and instead appear as an incongruous addition in the street scene. In addition the dwelling includes a boundary wall to enclose the private garden area of the dwelling. Officers are of the opinion that the boundary wall and position of the parking would have an urbanising impact and would not be in keeping with the general layout of the area.

#### Highways

- 5.26 Oxfordshire County Council Highways has been consulted on the application and raise no objection subject to conditions

#### Residential Amenities

- 5.27 In terms of the impact on neighbouring amenity, the proposal is considered to have been design and located in a position which would not have an adverse impact on neighbouring amenity.

#### Conclusion

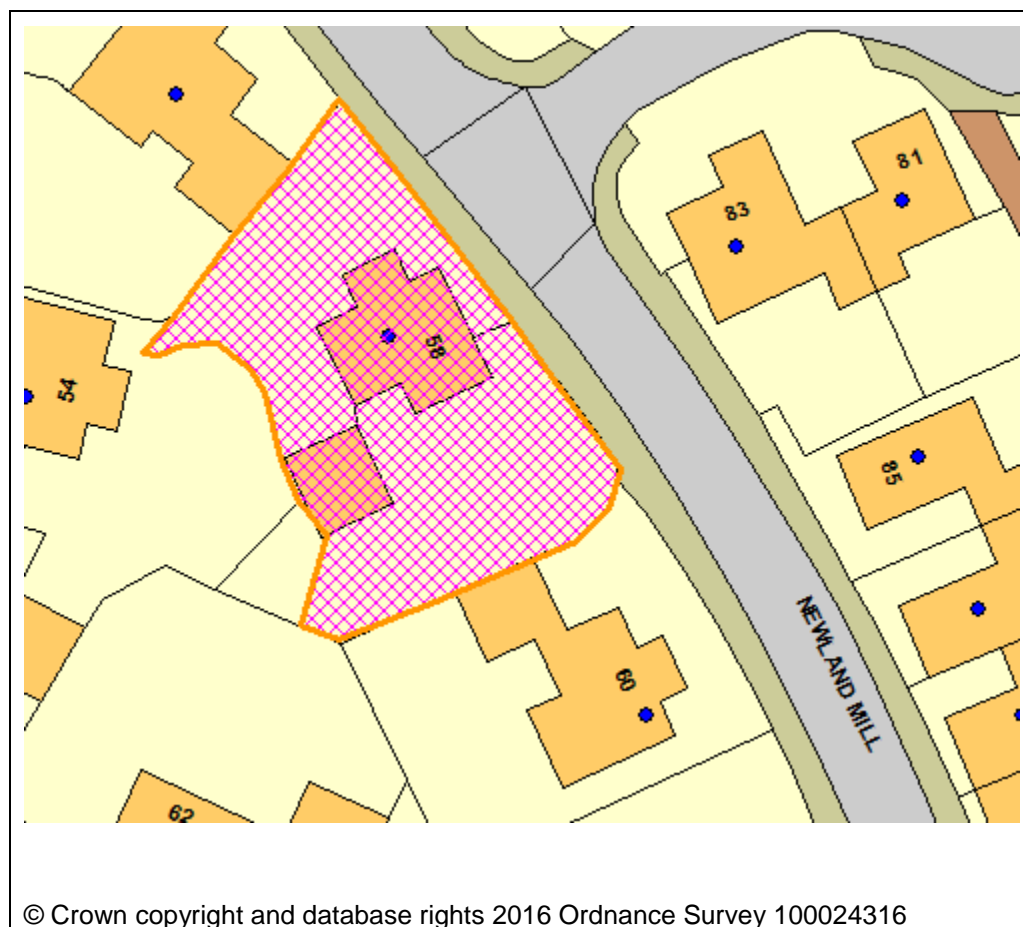
- 5.28 It is considered that due to the harm to the visual amenity and character of the area, the location of the proposed dwelling would fail to create a logical addition to the pattern of development in the vicinity and would result in the loss of a recreational open space which is of benefit to the local community and visual amenity and the harm would significantly and demonstrably outweigh the benefit. Accordingly, the application is contrary to policies BE2, BE4 and TLC5 of the West Oxfordshire Local Plan 2011 and policies OS2, OS4, H2, EH3 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.

## **6 REASONS FOR REFUSAL**

- 1 The proposed dwelling would result in the loss of a recreational open space which is of benefit to the local community. Furthermore, the loss of this area of open space would have an adverse impact on the character and appearance on this part of the street scene which could set an undesirable precedent that could result in the loss of similar amenity areas within the locality, to the detriment of the character of the area and amenity of residents. The proposed development is therefore considered to be contrary to Policies BE2, BE3, BE4 and TLC5 of the West Oxfordshire Local Plan 2011 and policies OS2, OS4, H2, EH3 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.
- 2 The dwelling by reason of its position on the site which sits in a corner position in a highly visible on the street scene and which would include a 1.8m brick boundary wall, would fail to form a logical addition to the pattern of development in the vicinity and would instead have an urbanising impact to the detriment of the appearance of the area. The proposed development is therefore considered to be contrary to Policies BE2, BE4 of the West Oxfordshire Local Plan 2011 and policies OS2, OS4 and H2 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.

Application Number	I8/00512/FUL
Site Address	58 Newland Mill Witney Oxfordshire OX28 3SZ
Date	4th April 2018
Officer	Kelly Murray
Officer Recommendations	Refuse
Parish	Witney Town Council
Grid Reference	436203 E 209983 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Change of use from HMO to Guest House (Retrospective).

### Applicant Details:

Mr Jaroslaw Piotrowski  
10A Cornwell Gardens  
Witney, Oxfordshire, OX28 4DF

## I CONSULTATIONS

- I.1 Town Council
- Witney Town Council objects to the application for change of use on the following grounds:-
- Removal of kitchen and living room and therefore no provision for guests to have food or drink;
  - Insufficient washing and bathing facilities;
  - Nowhere allocated for reception or management;
  - Concern about health and safety especially in terms of fire risk assessment;
  - Lack of access for service vehicles;
  - No provision for waste services;
  - Insufficient parking provision for 16 guests and management vehicles;
  - Over occupation of the property.
- Witney Town Council is also concerned that this proposal has an impact on the entitlement to peace and quiet in a residential neighbourhood and also on the impact of additional traffic and noise, especially late at night.
- I.2 OCC Highways
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they object to the granting of planning permission.
- Comments:
- The proposal is for the building to be used as a guest house with seven bedrooms. OCC guidelines on parking require one space per bedroom, whereas only six spaces are indicated on the marked-up site plan. Of these six, two are in the garage, which makes them impractical as another residents may park in the spaces in front of the garage doors. The spaces marked as 5 and 6 on the plan have recently been created as loosely gravelled areas. It was clear from my site visit that these spaces are of a sub-standard construction as the gravel is rutted and has spread, and the adjacent grass has been disturbed by wheel tracks. Furthermore, these spaces are laid at angles which make them difficult to get into and out of. I do not believe that these spaces are fit for purpose, and are unlikely to be used by residents in future. Thus I consider that there are only two usable parking spaces, and so many of the residents will park their vehicles on the road nearby.
- During my daytime visit there were several vehicles parked on the road nearby. I expect demand to increase in the evening when local residents return from work. Newland Mill has a wavy alignment and an incline, so the potential addition of five parked vehicles associated with the guest house will have a highway safety implication and, therefore, I object to the application
- I.3 WODC Licensing
- No response received to date.

- 1.4 ERS Env Health - Lowlands I have reservations about the impact on neighbouring residential amenity from traffic movements, people noise etc but I do not have sufficient grounds or evidence to object per se.
- 1.5 WODC Building Control Manager No response received to date.

## 2 REPRESENTATIONS

- 2.1 44 objections and 3 support comments were received, as follows:-

Objection comments:

### Design and Layout

- Small cul-de-sac cannot accommodate the additional traffic or parking needs. Not enough parking for planned guest house capacity of 14+ guests.
- Unsightly additional parking has already been added in the front garden of the property.
- No communal living space or kitchen provision cause for concern as to its functionality. If guests bring in food, questions arise as to where do they wash up after themselves if there is no allocated kitchen sink. Could cause many health and safety issues.
- Residential area, not tourist location.
- As a guest house it will be overcrowded for the amount of guests they are hoping to accommodate.
- Not suited for a commercial purpose.
- Not clear as to where staff will reside during operational hours. If staff are not present to supervise, will this pose a health and safety issue for guests and neighbours alike.

### Highways

- Increased traffic will pose danger to children on the estate, who play outside the front of their houses. Unknown visitors on the street also causes unease to parents who let their children play outside.
- Lower speed restriction could be introduced to ensure safety in residential area. Children from local Primary School use road to get to and from school.
- Business and commercial vans have already caused parking issues with residents on the road. Will come and go at unsociable hours. Unfriendly responses when asked to move by neighbours if they are blocking neighbours' driveways.
- Risk to access for emergency services with influx of vehicles parked on the roads and blocking driveways. With elderly and young residents in the area this is further cause for concern.

### Neighbourliness

- Will cause noise disturbances in a quiet residential area.
- Increase of non-residents coming in and out of the neighbourhood could result in crime and theft.
- Unsociable behaviour outside the property.
- Loud music played from cars and taxis pulled up outside the guesthouse.

## Other

- Neighbours wondering if regulations have been looked into and followed in the first place. This including health and safety, building regulations and fire safety.
- Property has already been advertised on both UK and European websites. Apparently in some cases stating cash only, leaving neighbours questioning legitimacy and professionalism.
- Application states 'Holiday Letting without any food service' - could this spiral into low-cost accommodation.
- Will set a precedent that others can do the same in the local area. Will in turn cause problems for young buyers trying to get a house.
- Non-smoking establishment will lead to gatherings outside the front of the property to smoke, eat and drink.
- Increase in littering from smoking out the front of the property.
- Previous guest stated no fire regulations were displayed. Fixtures were not secure and lighting not working.
- Increased waste. Have measures been put into place to avoid overspill, which would only encourage vermin to the area. Guests have also previously put rubbish into neighbours' bins when there was no room left in No. 58's bins.
- Lack of respect and consultation with neighbours.
- Neighbours feel that the 1% donation to charity is a feeble amount and to a degree, bribery.

## Support Comments

- Low cost accommodation in Witney.
- Someone will be on reception to oversee the guesthouse.
- 1% of turnover from guesthouse will be donated to the John Radcliffe Hospital.

### **3 APPLICANT'S CASE**

There is no supporting statement submitted with this application.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

TLC1 New Tourism, Leisure and Community Facilities

TLC2 Use of Existing Buildings

OS2NEW Locating development in the right places

OS1NEW Presumption in favour of sustainable development

H6NEW Existing housing

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

### **5 PLANNING ASSESSMENT**

#### Background Information

- 5.1 This is a retrospective application for a material change of use of 58 Newland Mill from its previous use as an HMO to its current use as a guesthouse. The property has undergone extensive purely internal conversion that does not require planning permission and the effect of

this has been to convert the kitchen, dining room and living areas within the house to bedrooms, thereby removing all shared amenity space and increasing the number of bedrooms from 5 to 7. The property is advertised online on various websites as guest house accommodation with at least one of the bedrooms containing two double beds. It has also recently been advertised as a venue for children's or adults' parties. Two parking spaces have been created on the front garden area by replacing the pre-existing turf with a loose layer of gravel.

- 5.2 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

- 5.3 Newland Mill is a densely built-up residential area comprising many three to five-bedroomed houses suitable for occupation by families. Whilst there is no particular principle against the establishment of guest house accommodation, consideration has to be given to the potential number of guests occupying the premises at any one time and the likely impact on other residents of the area, especially those in the immediate vicinity of the property.

#### Impact on Residential Amenity

- 5.4 The number of bedrooms provided within the guest house enables at least 7 and potentially in excess of 14 occupiers to stay on the premises at any one time, as at least one of the bedrooms has two double beds. Since there is no food provided on the premises and there are neither facilities for making meals nor any communal amenity areas, it is envisaged that guests are likely to have to make more frequent trips from the property than would be the case were such facilities available on site. In view of this there would also seem to be more potential for guests to return late at night to the premises, causing noise disturbance. Since there are no communal areas, when guests are on site, it seems reasonable to assume that they will be largely confined to their bedrooms and in this regard it is noted that some of the bedrooms at first and second floor level overlook neighbours' properties.

#### Highways

- 5.5 Highways have responded objecting to the application on the grounds of inadequate off-street parking. Whilst the application states that 6 parking spaces are available, it is noted that two of these are accessed by reversing onto a driveway shared with other residents of Newland Mill. Two spaces are available within the garage at the property but these can only be accessed if the two spaces in front of the garage are not occupied. This is a densely occupied urban area in which parking is in demand in particular outside working hours and given the problems with the off-street parking identified it is likely that guest parking will further increase demand for spaces on the street.

#### Conclusion

- 5.6 Given (i) the increase in the number of people that are reasonably able to be accommodated at the guest house, (ii) the fact that these people will be unrelated and unconnected with each other; (iii) the likelihood - due to the location of the property - that many guests will be travelling to the property by car; (iv) the lack of off-street parking, and (v) the lack of facilities



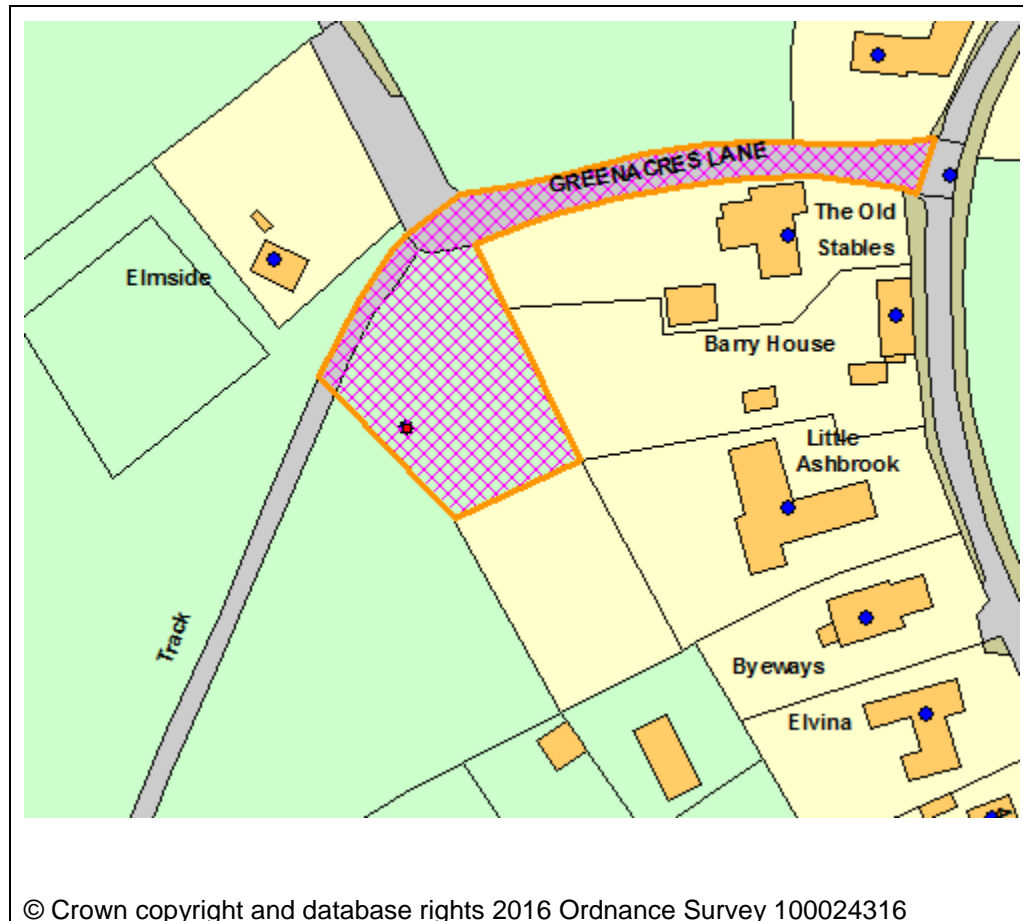
available at the guest house, it is considered that this use of the property is causing, and has the potential to cause, harm to the amenity of the neighbouring occupiers at Newland Mill and congestion on the estate roads in the immediate vicinity of the property. This is by reason of the increase in comings and goings by guests at different hours of the day and night and parking of an increased number of cars on the street on those occasions when the very limited off-street car parking is unavailable. Potential overlooking by guests from their bedroom windows into neighbours' windows and gardens is also considered to intrude upon the privacy of neighbouring occupiers. For these reasons the application is considered to be contrary to policies BE2, BE3, TLC1 and TLC2 of the adopted Local Plan 2011, policies OS2, OS1 and H6 of the emerging Local Plan 2031 and relevant paragraphs of the NPPF as such your Officers would recommend this application be refused.

## **6 REASON FOR REFUSAL**

- I By reasons of the density of the residential context, the lack of useable off-street parking to serve the use, the level of activity associated with the comings and goings serving the use and the level of overlooking from first and second floor guest room windows onto the private amenity space (gardens and windows) of the neighbouring occupiers, the use of the former HMO as a seven-bedroomed guest house with accommodation for potentially in excess of 14 people, is considered an over-development of the site which adversely impacts on the residential amenity of neighbouring occupiers and results in harm and inconvenience to users of the highway in the immediate vicinity of the site. As such, the development is considered contrary to policies BE2, BE3, TLC1, TLC2 and H6 of the adopted Local Plan 2011 and policies OS1, OS2 and H6 of the emerging Local Plan 2031 and relevant policies of the NPPF.

Application Number	I8/00446/FUL
Site Address	Land South of Elmside Greenacres Lane Aston Bampton Oxfordshire
Date	4th April 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433756 E 203163 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Erection of dwelling with associated works.

### Applicant Details:

Mr Cole, C/O Agent

## **I CONSULTATIONS**

- I.1 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
- I.2 ERS Env Health - Lowlands No adverse comment.
- I.3 Thames Water No Comment Received.
- I.4 WODC Drainage Engineers No objection subject to conditions
- I.5 Parish Council The Parish Council does not wish to object to the application.
- However, the Parish Council would like to submit the following comments for consideration:
- We would like the District Council to ensure that the applicant prepares and agrees a construction traffic management plan with the District Council before construction can commence, and would like this to include a prohibition on contractors' vehicles being parked on Back Lane, as such parking could cause a highway safety hazard. Furthermore we would like there to be a requirement placed on the applicant that no construction traffic passes Aston & Cote Primary School on Cote Road, in the interests of highway and pedestrian safety;
- Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, the Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents.

## **2 REPRESENTATIONS**

- 2.1 Two letters of objection have been received in respect of this planning application.

2.2 Mr Gale and Ms Young made the following comments:

- The proposals would not represent infilling but speculative development of open grassland, which would set a precedent for further development.
- Permission was recently refused at Ferndale, Back Lane on highway safety grounds and because the development would fail to conserve or enhance the visual appearance of the Conservation Area.
- The development would be overbearing and would have an adverse visual impact on the surrounding properties.
- There would be no public benefit from the proposed development and the proposed materials would be out of keeping.
- The development would have an adverse impact on biodiversity.
- The development would exacerbate existing drainage problems.

2.3 Mr and Mrs McKee objected for the following reasons:

- Traffic Generation – an increase in traffic using Back Lane would be detrimental to highway safety and to the safety of pedestrians.
- The development would have an adverse impact on the character of the area, including the Conservation Area.
- The development would have an adverse impact on existing properties by reason of overlooking and the increase in vehicular use of Greenacres Lane. The development would cause light pollution and spillage.
- The development would be out of character with the properties in the immediate area.
- Existing sewerage infrastructure will be unable to cope with the proposed development.
- There would be no public benefits from the proposals which would justify allowing windfall development in this location.

2.4 One letter of support has been received from Mrs Edwards, the comments are summarised below:

- There is no objection to the increase in traffic using Greenacres Lane.
- The design would blend in well with the character of the existing properties in the area.
- The development would have a minimal impact on the privacy of existing properties.

### **3 APPLICANT'S CASE**

3.1 A Design Access and Heritage Statement has been submitted in support of the application and is concluded as follows:

The proposal is for a new home to enable the applicant and her extended family to remain living together in Aston. The proposal constitutes infill development on an area of rough grassland on the western edge of the village. It is a high quality scheme which will make a positive contribution to the architectural heritage of the village and the Conservation Area. The proposal would not harm the historic form of the village or the character, appearance or significance of the Conservation Area. As such, the proposed development accords with the relevant policies of the adopted and emerging Local Plans and complies with the objectives of the West Oxfordshire Design Guide 2016.

Therefore, in accordance with paragraph 14 of the NPPF, the scheme should be approved as there are no adverse impacts which would "significantly and demonstrably" outweigh the substantial benefits of granting planning permission

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
H6 Medium-sized villages  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH7NEW Historic Environment  
EH1NEW Landscape character

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 erection of a detached dwelling on an area of agricultural land located on the edge of Aston. The application site lies to the south of Greenacres Lane and is located adjacent to three existing properties; The Old Stables and Barry House to the east and Elmside to the North West. The site is located within the Aston Conservation Area. The application site forms part of a wider agricultural field.
- 5.2 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  
Impact on Conservation Area Setting  
Residential Amenities  
Highways

##### Principle

- 5.3 In terms of five-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a five-year housing land supply with anticipated delivery of 5,258 new homes in the 5-year period 1st April 2017 - 31st March 2022.
- 5.4 The issue of five-year housing land supply was debated at length through the Local Plan examination hearings in 2017 and on 16 January 2018 the Local Plan Inspector wrote to the Council setting out his thoughts on the Local Plan. Importantly there is nothing in his letter to suggest that the Council is unable to demonstrate a five-year housing land supply. This is a key

component of 'soundness' and if the Inspector had any concerns in this regard it is reasonable to suggest that he would have set those out.

- 5.5 On this basis it is considered that the Council is able to demonstrate a five year housing land supply albeit this cannot be confirmed with absolute certainty until the Local Plan Inspector's Final Report is received and the draft Local Plan 2031 is adopted.
- 5.6 Given the current position it is considered appropriate to continue to adopt a precautionary approach in relation to residential proposals and apply the 'tilted balance' set out in paragraph 14 of the NPPF whereby permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or specific policies in this Framework indicate development should be restricted (SSSI, AONB etc.).
- 5.7 The application site is located on the edge of Aston, which is listed as a medium sized village and the provisions of Policy H6 of the Existing Local Plan 2011 and Policy H2 of the Emerging Local Plan 2031 are applicable. Policy H6 of the Existing Local Plan allows in principle for residential development, where this constitutes infilling or a rounding off of the existing settlement area.
- 5.8 Policy H2 of the Emerging Local Plan is permissive in principle of the residential development of undeveloped sites within an existing settlement or within land adjoining the settlement area, where this is necessary to meet an identified need and where the development is considered to be compliant with the general provisions of Policy OS2 of the Emerging Local Plan. In all instances it is expected that the development should form a logical complement to the existing pattern of development in terms of its siting.
- 5.9 The proposed dwelling would be sited to the west of the rear aspect and rear curtilage area of two properties fronting Back Lane, The Old Stables and Barry House. There is a further property to the north west of the site, called Elmside. The application site forms part of a wider agricultural field, the character of the area is semi-rural and there is no built form to the south or north of the site. Elmside is an outlying property and is somewhat detached from the settlement edge of Aston. The surrounding development to the east fronts Back Lane, with the rear gardens facing the application site.
- 5.10 Whilst there is built form of two sides, officers consider that the siting of the development would neither round off the settlement edge nor would it form a logical complement to the existing pattern of development owing to the positioning of the existing built form and the somewhat dispersed pattern of development within this part of the village. In this sense the proposals would constitute a backland form of development.
- 5.11 Given that the natural settlement edge extends up to the properties fronting Back Lane, officers consider that the proposals would represent an encroachment beyond the natural limits of the village into a wider agricultural field, which would be of detrimental to the character and appearance of the settlement, conservation area and local landscape character.
- 5.12 The issues associated with the siting of the proposed dwelling are explored in greater depth in the following section of this report; however officers consider that the general siting of development would fail to constitute either a rounding off of the settlement area or a logical complement to the existing pattern of development, consequently in officers opinion the

proposed development would fail to comply with the provisions of Policy H6 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan.

#### Conservation Area

- 5.13 Within a Conservation Area, decision makers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.14 In accordance with the provisions of Paragraph 132 of the NPPF an assessment must be made as to the sites significance and specific contribution to the character and appearance of the Conservation Area. The character of the immediate area is semi-rural and the site forms part of a wider open field. The area to the rear of Back Lane and Greenacres Lane consists of paddock land and open fields, including the application site and the land to the north of the application site. The Conservation Area boundary for Aston extends beyond the settlement limits and includes open fields and areas of countryside beyond the settlement edge, this highlights the importance of these open spaces and their contribution to the rural character of this particular part of the settlement.
- 5.15 The sites contribution to the Conservation Area is derived from its open undeveloped and rural character, which would be significantly eroded by the addition of the dwelling and associated hardstanding, particularly as the siting would be largely uncomplimentary to the existing pattern of development. Though public views of the site are limited, given that Greenacres Lane is a private road, officers would still consider that the siting of the dwelling would have an adverse urbanising impact on the rural character of this part of the settlement and the local landscape character.
- 5.16 Officers consider that the likely level of harm to the Conservation Area would be less than substantial and in accordance with the balancing exercise required under Paragraph 134 of the NPPF, the level of harm must be assessed against the public benefits of the proposed development.
- 5.17 Following receipt of the inspectors letter dated January 2018, the Council are confident that they are able to demonstrate a five year housing land supply and consequently in a situation where the Council were in a position to demonstrate a five year supply, consequently there would be no overriding need for additional market housing, particularly on undeveloped edge of settlement sites where there are identified harms. In this instance even if the Council were not able to demonstrate a five year housing land supply, officers consider that the public benefits arising from the provision of a single market dwelling would be insufficient to outweigh the less than substantial harm identified.

#### Siting, Design and Form

- 5.18 The proposed dwelling would be relatively large in scale and would be prominent in views from Greenacres Lane. The majority of the existing dwellings and buildings in the area comprise of vernacular and neo-vernacular stone properties of a residential, rather than agricultural character. The proposed dwelling to the contrary would replicate the design and form of an

agricultural barn, though there are no buildings of this character or form within the immediate context.

- 5.19 Officers consider that the design and external appearance of the building would appear incongruous within the context of the existing characteristically domestic built form. Whilst the building is located within an agricultural field, the building would not be sited within the immediate context of either traditional or modern agricultural buildings and the general form is unreflective of the general character of existing buildings in the immediate area.
- 5.20 For these reasons officers consider that the development would fail to respect the scale, pattern and character of the area, contrary to the provisions of Policies BE2 and H2 of the Existing Local Plan and Policies OS4 and H6 of the Emerging Local Plan.

#### Highways

- 5.21 The proposed development would be served by a new access formed off an existing unmade track. The site would be accessed via Green Lane an unmade narrow road leading from Back Lane. The proposed development would generate a relatively low level of additional traffic and officers consider that the minimal additional traffic generation which would arise would not be detrimental to highway safety or amenity. Parking is provided within the site for two vehicles, which is considered to be sufficient for the scale of the proposed dwelling.

#### Residential Amenities

- 5.22 The development would be sited adjacent to the boundary of three existing properties. There would be a separation distance of 40-60 metres between the proposed dwelling and the rear elevation of The Old Stables and Barry House respectively and 3.5 and 8.5 metres between the proposed dwelling and the curtilage area of these respective properties.
- 5.23 Whilst the proposed dwelling would be visible from the rear of these properties, officers consider that the proposed siting of the dwelling would not have a significant adverse overbearing impact on these properties by reason of its scale or by reason of overshadowing or loss of light. There is also significant separation between the proposed dwelling and Elmside.
- 5.24 A single window is proposed on the east facing side elevation of the dwelling facing The Old Stables and Barry House, which is indicated as obscure glazed on the proposed plans. Consequently officers consider that the proposed development would not result in undue overlooking of the adjacent properties.

#### Conclusion

- 5.25 For the reasons outlined the siting, scale, design and form of the proposed dwelling would fail to respect the settlement character and would fail to preserve or enhance the character of the Conservation Area. Consequently the proposals would result in less than substantial harm to the character of the Conservation Area and when assessed in relation to the balancing exercise required under Paragraph 134 of the NPPF, officers consider that the level of harm would fail to be outweighed by the limited public benefits of the proposed development.
- 5.26 Officers consider that the proposed development would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing Local Plan; Policies OS2, OS4, EH1,



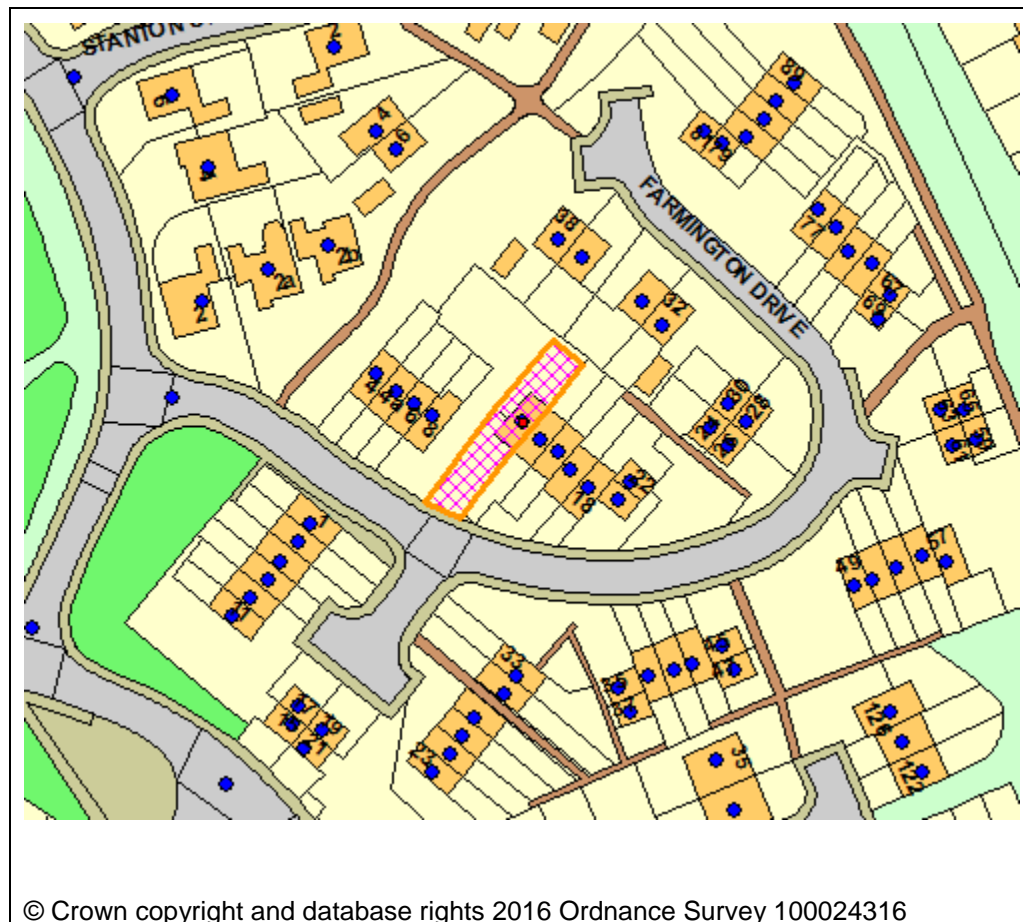
EH7 and H2 of the Emerging Local Plan and the relevant provisions of the NPPF, in particular Paragraphs 16, 64, 109 and 134.

## **6 REASONS FOR REFUSAL**

- 1 By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently the proposals would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, EH1 and EH7 of the Emerging Local Plan; and the relevant provisions of the NPPF, in particular paragraphs 17, 64, 109 and 134.
  
- 2 The design, scale and form of the dwelling as proposed would appear incongruous within the context of the immediate built form and would fail to harmonise with the existing settlement character. Consequently the proposals would fail to preserve or enhance the setting of the Conservation Area. The proposals would be contrary to Policies BE2, BE5 and H2 of the Existing Local Plan 2011; Policies OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of Paragraphs 17 and 64 of the NPPF.

Application Number	I8/00496/HHD
Site Address	10 Farmington Drive Witney Oxfordshire OX28 5GJ
Date	4th April 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	434165 E 209710 N
Committee Date	16th April 2018

### Location Map



### Application Details:

Conversion of one bay of the existing carport to create a shower room/WC. Insertion of window in existing side elevation.

**Applicant Details:**

Mr Harry Eaglestone  
10 Farmington Drive  
Witney  
Oxfordshire  
OX28 5GJ

**I CONSULTATIONS**

- I.1 Town Council No objections  
I.2 OCC Highways No objection

**2 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H6NEW Existing housing  
T4NEW Parking provision  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

**3 PLANNING ASSESSMENT**Background Information

- 3.1 This application is to be heard before the Lowlands Planning Sub-Committee as the applicant is a Member of the Committee.
- 3.2 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

- 3.3 The application relates to an end of terraced dwelling located within a modern estate. The proposal is to convert part of the existing car port to a bathroom. Your officers consider that the principle of converting a garage or car port is acceptable.

Siting, Design and Form

- 3.4 The development will involve infilling the side and front of one of the carport spaces with cedar wood cladding to form the bathroom and two high level windows to the side elevation. As the existing dwelling is set back from the road your officers consider that the proposed form and materials are acceptable in this location.

### Highways

- 3.5 OCC Highways were formally consulted as part of the application process and have no objections to the proposal.

### Residential Amenities

- 3.6 Due to the modest scale of the proposed development, your officers do not consider that the residential amenities of neighbouring properties will be adversely affected by the proposed works.

### Conclusion

- 3.7 In view of the above your officers consider that due to the modest scale and design of the proposed development, the visual appearance of the existing dwelling and streetscene will not be adversely affected, and the development will comply with the relevant policies as stated above.

## **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.