

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 13th August 2018

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



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

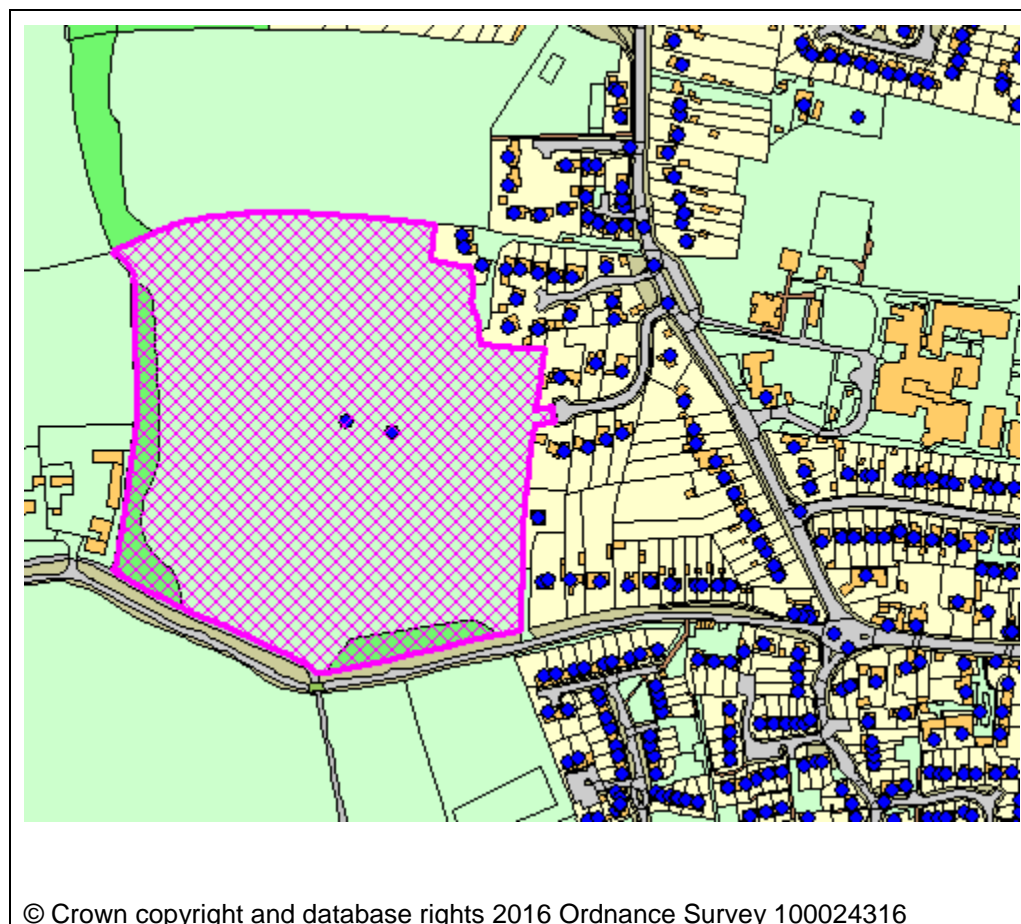
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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18/01509/FUL	<u>Kelmscott Manor, Kelmscott</u>	18
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18/01600/FUL	<u>Store To Rear 8 - 10 Market Square, Witney</u>	33
18/01647/FUL	<u>The Bungalow, Blackditch, Stanton Harcourt</u>	46
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Application Number	18/01009/RES
Site Address	Land West of Thornbury Road Eynsham Oxfordshire
Date	1st August 2018
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Eynsham Parish Council
Grid Reference	442549 E 209439 N
Committee Date	13th August 2018

Location Map



Application Details:

Construction of 160 dwellings and associated works. (15/03148/OUT) To include discharging of conditions 2,5,6,7,8,9,11 and 12 of planning permission 15/03148/OUT.

Applicant Details:

Mr Steven Neal, C/O Agent.

I CONSULTATIONS

I.1 Parish Council

Eynsham Parish Council objects to the following elements of the proposed development:

While the Parish Council does not object to the application in principle, it is disappointed by the unimaginative lack of mix of market and affordable homes which tends to ghettoize the affordable housing within an out of date planning model. This does not reflect the current mix of housing in Eynsham as a whole.

With the emphasis on larger three, four and five bed houses (64%) there is little provision for downsizers or lifetime homes. Also there is restricted availability for first time buyers wishing to buy market homes (only 3% two bed market houses).

The provision of designated parking in the 'mews' area of the proposed development appears to allow vehicle parking to dominate the space, to the inconvenience of pedestrians and cyclists, and the detracting of the visual aspect, contrary to the best practices referenced in the Manual for Streets (at 8.3).

The Council is concerned that the proposed design concentrates the higher, three storey, buildings in the northern, and highest, area of the site, increasing the visual impact of the development from both the surrounding countryside and the village itself.

The Council is also concerned about the future maintenance of the public open space in the proposed development, which is inadequately addressed in this application. This is based on the experience of the applicant's 100 dwelling development of Hazeldene Close, Eynsham, where maintenance provision by the applicant has proved seriously inadequate to the ongoing detriment of the residents of Hazeldene Close and the quality of the development itself.

The Council supports the Construction Traffic Management Plan for the protection of the residents and the village during this large construction project.

The Council also notes that the S278 Agreement plan now clarifies the means of access and road markings for Thornbury Road.

I.2 Major Planning Applications Team

Objection to original plans

Based on the information at hand, it is considered the application has not provided sufficient detail to warrant support from the Highways Authority.

Key points

No Drainage strategy has been submitted for this site so far
Refuse vehicle tracking identifies potential highway safety issues

Absence of cycle parking facilities

- I.3 WODC Landscape And Forestry Officer No Comment Received.
- I.4 Conservation Officer Raised concerns regarding some of the detailing which has now resulted in the submission of amended plans
- I.5 Biodiversity Officer I am satisfied with the information submitted for discharge of condition 5 of planning consent 15/03148/OUT, which requires a programme of works to safeguard the ecological value of the site during construction and to enhance it in the longer term to be submitted to the LPA for approval. An 'Ecological Management and Biodiversity Enhancement Plan' dated February 2018 prepared by Windrush Ecology has been submitted with the reserved matters application and I recommend that this is sufficient for the discharge of condition 5.
- I.6 ERS Env Health - Lowlands I have no adverse observations to make.
- I.7 ERS Env. Consultation Sites No Comment Received.

2 REPRESENTATIONS

2.1 In respect of the original plans 21 letters have been received, albeit that 9 originate from one household.

- The main points raised may be summarised as follows:
- Thornbury Road is inadequate to serve the development
- Would be better if planned as part of the wider development area
- What will happen to the existing western end of Thornbury Road?
- Road needs re surfacing
- Concerned drains will be damaged
- How high will the houses be and what measures are there to retain privacy?
- Pleased there is 50% affordable housing provided
- Impact on school
- Impact on A40
- Toll bridge and A40 needs sorting before further development in West Oxfordshire
- Development should be east of Oxford and not west
- We need more bungalows
- Plans appear more dense than outline application
- Further public consultation is required
- Affordable housing is too clustered
- Too close to Willows Edge
- Apartments are on highest part of site
- Request more open space/lesser density
- Should have smaller houses backing on to neighbours

- A 3d model should be created
- Boundary details are inconsistent
- adjoining properties not shown accurately
- Apartments are too high and will not be an appropriate landmark
- Ground should be lowered or design changed to reduce impact
- concerned at impact on Ridge and Furrow archaeology
- Proper investigation needs to be carried out
- Will not encourage cycling, walking etc
- Village infrastructure is inadequate
- Site is a community asset
- Loss of wildlife value
- Should be lower density/height along the boundaries
- Materials should blend in better
- Concerned at tree loss
- Where is provision for elderly people?
- Concerned at flood risk
- Contrary to adopted plan policies
- Overshadowing will occur
- There is very little 3 storey development in the village
- Open space should be re-allocated nearer to existing residents
- Profits before neighbours
- We don't need big houses
- Development has not taken account of emerging plan policies seeking to encourage green energy use
- Has not had regard to consultation responses or neighbourhood plan
- TW scheme at Hazledene has issues
- Lack of play space

2.2 One letter has been received in respect of the amended plans raising the following points:

- Concerned at tree loss
- More trees should be kept

3 APPLICANT'S CASE

3.1 In summary, the Design and Access Statement has demonstrated how the Land off Thornbury Road can be developed as a high quality residential area which:

- Is in line with outline parameters;
- Is located in a sustainable location, within walking distance of public transport and cycle/pedestrian routes;
- Accommodates an appropriate number of dwellings which reflects densities established in Eynsham;
- Does not appear overbearing to the neighbouring area;
- Provides homes needed for the local area, including affordable;
- Promotes a stronger soft landscaping plan.
- The scheme has evolved through the acknowledgement of:
- The relevant planning policies, national and local;

- The planning officers comments;
- The opportunities and constraints of the site and its surroundings.

3.2 In support of the amended plans the agent advises:

A number of comments were provided by Oxfordshire County Council in respect of layout. I can confirm that separate discussions have been underway with OCC s38 officers in respect of the highways safety points and tracking. Accordingly, I can confirm a number of minor tweaks were made to satisfactorily address the points raised:

1. The master plan has been updated to show sheds within the back gardens of properties without a garage that can provide a secure space for storage.
2. The single large cycle store associated with the apartments has been replaced with several smaller units
3. Speed cushions have been placed opposite Plot 88;
4. A raised table is now located opposite Plots 47/46;
5. A road narrowing opposite Plot 79;
6. Shared surface roads now include a maintenance strip;
7. The surfacing of Thornbury Road is covered as part of the s278 process;
8. A TRO for double yellow lines is currently out for consultation;
9. Trees within 5 m of the carriageway have been considered as part of the layout.

With regards to parking spaces that the area referred to in the OCC comments (within the Mews Court) is not intended to be adopted by the Authority rather it will remain under the control of a management company. In addition it is noted that the addition of landscaping causes some issues in terms of conflicts with waste collection. Notwithstanding that a number of amendments have been made in order to break up the parking and provide more landscaping. This includes the relocation of one of the spaces (133) its replacement with landscaping to break up the larger row of spaces.

Drainage Strategy

I note the comments in respect of drainage which are covered by existing conditions 10 and 14. These require detailed information in respect of drainage. I can confirm that detailed information has now been finalised and will be submitted under separate cover including the required FRA and drainage strategy. For clarity I can confirm that the updated master plan has had regard to the findings with some minor tweaks being required accordingly.

Construction Transport Management Plan (CTMP)

An updated CTMP has been prepared that includes the wheel washing facilities and a site plan showing such facilities.

Travel Plan

An updated Travel plan has been prepared to include the additional elements required. It now includes:

1. The housing mix, the build rate and number of likely future occupants (para 1.2.1);
2. A formal commitment period of 5 years from occupation (para 1.2.1);

3. A site plan in the appendices of the TP (Appendix a);
4. 2011 census travel to work data sets the baseline travel plan targets - a 5-10% reduction in SOV vehicle trips made to and from the site is specified (para 6.2.3 / table 6.1);
5. A target is specified for all modes in numbers and percentages for each year in which a survey will take place (years 2 & 4) (para 1.2.1 and table 6.1 / 6.2);
6. A copy of the residents survey and a commitment to carry it out at years 2 and 4 is specified (para 4.3.1 and appendix B);
7. The targets section includes an action table with measures that support the targets (action table in Appendix C); and
8. It is indicated that the coordinator will provide personalised travel planning for anyone that requests it (Section 8.9).

We also note that the original TA did not include any additional measures and the Plan now states this.

Mews Court

Following our meeting, the scheme architects and TW gave considerable thought to how they could address the comments that were made during our meeting in respect of linking the apartment parking areas to the mews court. Given the requirements for a through route (visibility splays / junction arrangements, tracking etc) and the overarching parking requirements, it was considered that the optimum design approach would be to provide a pedestrian / cycle route through the formal square in front of the apartment blocks. We are strongly of the view that by following this desire line an attractive pedestrian route can be provided.

Architectural Detailing and Boundary Treatment

As requested, we have added an additional 300m of trellis to the eastern boundary (shown in the amended boundary treatment plan. With regards to the architectural comments, as noted our clients house types do not allow for a shallow depth or additional windows due to internal matters, however I am pleased to note that we have been able to make the following additions:

- Chimneys added to plots 5-6, 11-12, 53-54, 55-56, 69-70
- Dummy window to the lounge to break up the elevation (plots 4, 42, 43, 50, 51, 60, 63, 66, 67, 73, 74, 83, 86, 115, 119, 156 and 160).

4 PLANNING POLICIES

BE2 General Development Standards
H2 General residential development standards
OS4NEW High quality design
H2NEW Delivery of new homes
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application relates to the site served from Thornbury Road that members will recall was the subject of a site visit (ref 15/03148/OUT) As part of that application consent was given for a

residential development of up to 160 units and the means of access was fixed at that time. Conditions attached to the Outline application required general compliance with the parameter plans and illustrative material that accompanied the outline application and so these set the context for the assessment of these proposals. This application seeks to provide the remaining details as regards external appearance, siting, landscaping etc along with the discharge of a number of the conditions applied to the outline application relating to ecology, access details, driveways, parking, cycle parking, travel plan and construction management plan.

- 5.2 In terms of its form the scheme comprises two principal routes leading through the site to connect on to the wider development area in due course with a series of secondary/tertiary roads leading away from the main routes. The houses comprise a mix of detached, semi detached and terraced properties along with some 3 storey apartments. Development of up to 3 storeys was allowed for under the terms of the outline permission. 50% of the units to be provided will be affordable units and the Housing Enabling Manager has confirmed that the mix conforms to the requirement of the related section 106 agreement.
- 5.3 Parking is generally on plot other than for the terraced and apartment units where it is generally either frontage parking or small parking courts. The materials to be used are predominantly Bekstone artificial stone with a buff and brown brick type used elsewhere to reflect the materials used elsewhere in the settlement. Officers will make reference to the submitted plans as part of the presentation.
- 5.4 Members will recall that the application was deferred at the last meeting for Officers to seek to improve the design with regards to the height of the apartment block, introducing more modern design and improving the legibility of the layout.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 The site adjoins one of the larger settlements in the district, is part of a wider allocation in the emerging plan and has outline planning permission for a development of this general scale and nature. As such the scheme is acceptable in principle.

Siting, Design and Form

- 5.7 Illustrative plans tabled with the outline application and which the conditions attached to the outline required to generally be followed indicated development of 2 storey height backing onto neighbours with 2 1/2 storey on the outer edge and up to 3 storey in the centre of the scheme. There was also a desire to retain a large area of land a Public Open Space to the south of the site. There was a requirement to make connections through to the land to the west. The scheme delivers against these requirements.
- 5.8 As tabled the first layouts did not reflect the vernacular traditions of Eynsham in terms of its preponderance of terraced units and additionally did not make provision for connections. The flat blocks sat uncomfortably amongst conventional residential units.

- 5.9 The scheme as tabled at the last meeting followed the requirements of the outline but resited the flat blocks to form a focus of the new development in association with an area of open space. Clearer road hierarchy was introduced and various changes were made to the house types to seek to ensure that where they are seeking to reflect vernacular traditions that the detailing is appropriate. However Members considered that further changes were required and as such Officers met with the applicants to seek amendments to i) reduce the massing of the flat block ii) introduce more modern/quirky design at key locations iii) where vernacular forms are proposed to ensure that they correctly follow vernacular principles and have precedents rooted in Eynsham and iv) Improve further the legibility of the scheme by a more conscious road hierarchy associated with the use of landscaping to define key routes. The applicants have agreed to the principle of these amendments but at the time of agenda preparation the amended plans have yet to be received. Assuming that the above principles have been adhered to it is hoped that this will have addressed Members concerns.
- 5.10 In terms of other design issues where houses adjoin key areas of landscaping such as boundary hedges to the playing fields or the countryside beyond sufficient distances have been secured to ensure that the trees/hedges and houses can co-exist. Some lesser trees along the shared boundary with Willows Edge will be removed but these are not protected and as such could be removed without any consent being required from the Council. The open space adjoining the Chill Brook is substantial and should provide a valuable amenity for existing and proposed residents as well as retaining/enhancing the setting of Chill Bridge which is a listed building.
- 5.11 The applicants have sought to create different character areas by the use of differing materials and house types/landscaping and this should add a degree of visual interest in association with the further improvements negotiated above.
- 5.12 Your officers are satisfied that the scheme as now further improved is likely to be acceptable in terms of its design form.

Highways

- 5.13 Members will note that there was an objection from OCC but that the applicants have resolved this such that OCC are now happy subject to the land required to extend the link roads being secured as part of the highway.
- 5.14 Officers have sought as part of the negotiations to reduce the number of parking courts and to ensure that they operate wherever possible as through routes rather than cul de sacs to aid permeability. This has had some success in that vehicular permeability is now generally acceptable and where it has not been possible to allow vehicular permeability through connections for cyclists and pedestrians has been secured. Parking is provided on plot or in front of plot for most units and where parking courts are to be used they are sufficiently close as to be likely to be used by residents.

Residential Amenities

- 5.15 This is a key issue for the objectors many of whom have enjoyed a very pleasant outlook over fields and whose outlook will certainly change as a result of the implementation of the outline consent/allocation. However the developer has had regard to the opinions offered by officers that as a result of the high existing standards of outlook development should not be located at the usual minimum privacy distances. Members will be aware that there are conventions that

suggest a 21m face to face relationship and a 14m face to gable relationship is the minimum standard before privacy is compromised to the extent that refusal is justified. In this instance the face to face relationships with the most affected properties are 24m, 31m and 35m and the face to gable relationships are 23m, 30m, 18m and 21m. In addition additional screening by way of trellising on top of the proposed fencing has been secured and some of the existing trees that have grown up along the rear garden boundaries are to be retained. The massing of the apartment block has been reduced. As such whilst there has been considerable disquiet expressed regarding the neighbourliness impacts your officers are satisfied that the standards of amenity are acceptable and would not justify a refusal.

Ecology/play space/green energy

- 5.16 Members will note that a number of correspondents have cited emerging plan policies requiring green energy etc as not having been complied with. However these policies are not as yet being given weight by the Inspectorate and the requirements were not embodied into the conditions on the outline application (which of course were negotiated well in advance of the most recent LP hearings) As such it is not considered that not complying with such policies would, at this stage in the local plan process, justify refusal. The Councils ecologist is happy with the ecological arrangements and the requirement for an onsite play area was forgone as a means to secure the finding for the additional traffic calming measures requested by the Parish Council as part of the outline consent and because there were already existing play areas in close proximity to the site that could be improved. Nearly £320k is secured for improvements to play and recreation facilities in the vicinity of the site as part of a total benefits package of circa £975k plus delivery of affordable housing. The maintenance arrangements are also picked up by way of the legal agreement attached to the outline application.

Outstanding issues

- 5.17 At the time of agenda preparation Officers have yet to see the amended plans incorporating the improvements secured following deferral at the last meeting. In addition the mechanism to ensure the through roads are delivered to the site edge need to be formalised.

Conclusion

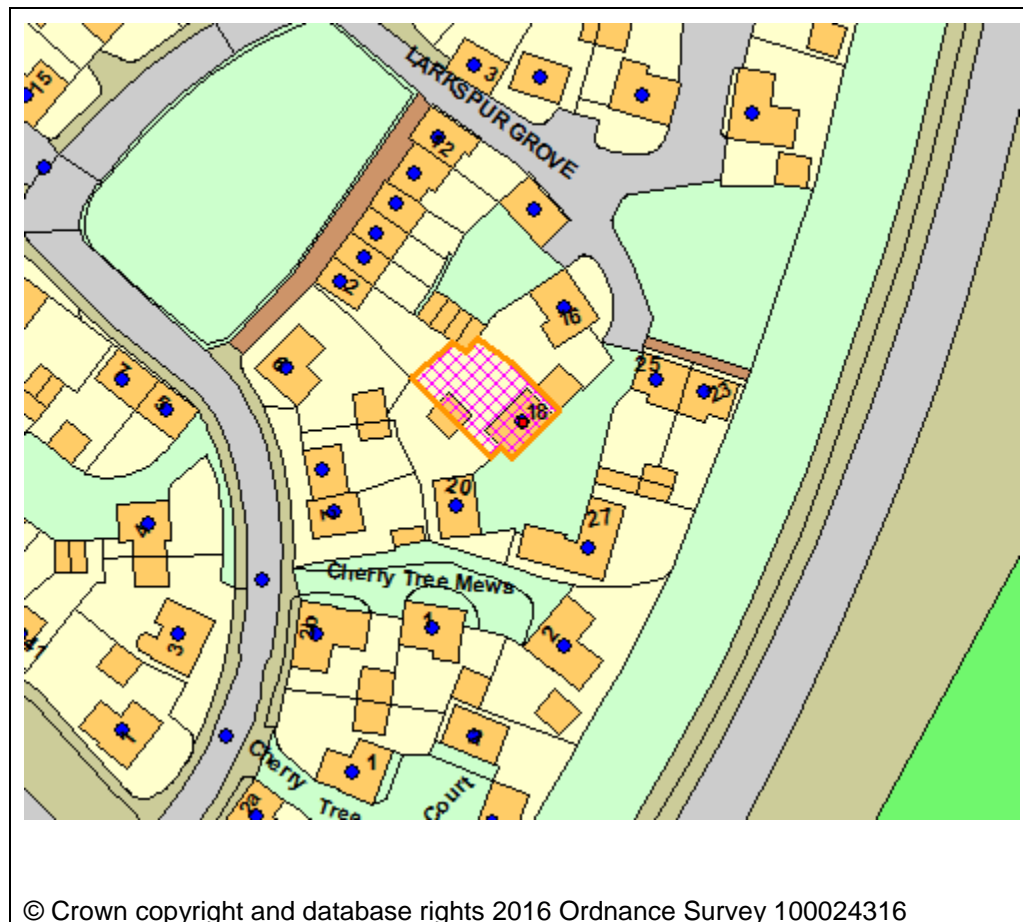
- 5.18 The principle of this scheme is established by way of the outline consent. The details are generally consistent with what was anticipated when outline consent was granted and of themselves are not considered to justify refusal. Further amendments have been negotiated that it is hoped will address the issues as regards the design and layout that were of concern at the last meeting whereupon it is anticipated that the application will be brought forward for approval subject to the receipt of satisfactory amended plans.

6 RECOMMENDATION

Officer to report when outstanding further amended plans have been received and considered.

Application Number	18/01491/HHD
Site Address	18 Larkspur Grove Witney Oxfordshire OX28 1AL
Date	1st August 2018
Officer	Kelly Murray
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	437248 E 210455 N
Committee Date	13th August 2018

Location Map



Application Details:

Garage conversion and extension to form ancillary accommodation (Retrospective).

Applicant Details:

Ms Sally Lydiat, 18 Larkspur Grove, Witney, Oxfordshire, OX28 1AL,

I CONSULTATIONS

- 1.1 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
- 1.2 Town Council Witney Town Council would like to raise concerns over the lack of parking and provision of a separate amenity space for a new one-bed dwelling.

2 REPRESENTATIONS

- 2.1 There have been four letters of objection which can be summarised as follows:-

Principle

- There is clearly now a shower unit instead of a store cupboard and most important a sink which turns it into a kitchen area. Clearly this indicates to me that it is now not ancillary accommodation to the main house, as the proposal title states, but a separate dwelling, which had been the main objection by all the neighbours who objected to the original planning application.
- The original application was granted on the basis it was ancillary and therefore much more careful consideration needs to be taken when evaluating what type of accommodation this development is and whether it is appropriate for the area and whether it sets a precedent the Council is comfortable to stand behind.
- I do strongly object that allowing this site to have the facilities to become a separate dwelling and to be used as a business for renting out, sets a new precedent for Madley Park housing estate.
- If all house owners on Madley Park were allowed to convert their garages into these rental properties it would cause numerous problems such as parking issues and unfamiliar characters coming and going which in turn would greatly increase numbers living on Madley Park, which is already at its maximum capacity, especially regarding parking.

Parking

- Currently, parking is an issue within the cul-de-sac already and having this proposal to allow the site to become more self-contained would only attract further parking issues
- Parking is already stretched to capacity and impacts all neighbours in the area. At the moment it is stretched to capacity in the cul-de-sac and neighbouring area.
- Allowing changes to the property, such that it can be treated as a separate dwelling will only increase the number of cars, especially as there is no way of controlling this as tenants change.
- Support the concerns made by Mrs S. Groth on behalf of the Witney Town Council, pointing out parking space issues, as currently no effort has ever been made to ensure

vehicles are even placed on their one and only drive, leaving vehicles filling the cul-de-sac at all times. Trying to turn vehicles around has become increasingly difficult.

Amenity

There were a number of specific areas the Council failed to address in the original application which are only enhanced by the further planning application: overlooking and loss of privacy - our gardens and rear windows - the new property looks over into our garden, enhanced further by the slope between the two properties.

Design and general

- The property is not built out of Cotswold Stone despite the fact that all surrounding buildings are.
- I strongly oppose this Planning Proposal under the following three points in Policy H2 - General Residential Developments Standards:
 - Erode the character and appearance of the surrounding area, including important buildings and public and private open spaces
 - D) Create unacceptable living conditions for existing and new residents.
 - F) 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.

3 APPLICANT'S CASE

- 3.1 This retrospective application is in relation to an existing planning consent for an extension to the former garage in order to provide an office/studio/ancillary accommodation for the main house, which has access from the garden.
- 3.2 The extension is simple and timber clad so that it feels more like a garden building. Impact on neighbours is negligible. Timber cladding and a flat roof ensure minimum impact on the townscape or any overshadowing.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 Planning permission was granted on 31 July 2017 (17/01615/HHD) for the extension of the garage at 18 Larkspur Grove and its conversion to form ancillary accommodation. 18 Larkspur Grove is part of the Madley Park development in Witney and within a closely-built-up context. The application generated a great deal of concern from neighbours concerned about overshadowing, loss of privacy, overlooking, car parking and traffic generation. They were also worried about the use of the conversion as a separate dwelling. Before the application was decided, the plans were amended to remove a lightwell to prevent loss of privacy. The planning officer took into consideration the facts that the garage was already on site, the proposed extension was single-storey, new windows would be facing into the garden of the host dwelling, and Oxfordshire County Council Highways department had not objected on traffic or parking grounds. It was concluded that there were no valid grounds on which to refuse the application but a condition was imposed restricting the use of the converted garage to ancillary accommodation, as follows (condition 4):

"The building hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this location would be unacceptable in terms of highway safety and residential amenity."

- 5.2 In September, the Council received complaints that the converted garage was being used in breach of condition 4. Officers visited the property and spoke to the owner who informed them that a lodger was occupying the new accommodation. This in itself would not necessarily constitute a breach of condition 4 of the planning permission. However, upon inspection, the conversion did not comply with the approved plans in four respects: French windows into the applicant's garden had been replaced with normal windows; a further vertical window on this north-eastern elevation had not been included; a kitchen had been installed and a shower had been fitted in place of a cupboard. The disparities not only constituted a departure from the approved plans but also pointed to the accommodation being occupied independently of the main house in breach of condition 4.
- 5.3 Officers informed the applicant that she would need to apply to retain the changes to the windows and the shower, but advised the applicant that the kitchen facilities within the conversion would have to be removed in order to ensure the necessary inter relationship between the main dwelling and the converted accommodation to ensure there was no sub-division of the planning unit. As part of the process of monitoring the use of the garage, Officers also asked the applicant to provide details to evidence the use of the garage as ancillary accommodation, which the applicant duly submitted.
- 5.4 This application is therefore a resubmission of the plans for the converted garage to reflect the physical changes to the previously approved plans. It should be emphasised that what is being considered here is not the principle of the conversion and extension itself which have already been approved, but the external and internal built changes to what was approved.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 The principle of the extension and the conversion was considered in the context of the application last year and consent was given for the development. As already stated above, the enlargement of the garage and its use as accommodation ancillary to the main house is therefore not in contention. Officers remain of the view that the relatively densely built-up nature of the Madley Park development is such that it would be unacceptable in terms of highway safety and residential amenity to allow the conversion to be used as a separate dwelling. Any retrospective permission for the changes to the conversion would therefore need to be subject to the same condition as that imposed previously: that the accommodation be kept strictly ancillary to the main dwelling.
- 5.7 The changes to the French windows are acceptable on the basis that they are now of a reduced size and one of the windows has now also been removed. As the Officer concluded in the context of the previous application, the windows do not unacceptably overlook neighbours' properties and as such do not impact unduly on the amenity of adjoining occupiers.
- 5.8 In terms of the internal alterations, Officers consider the inclusion of a shower to be consistent with the use of the conversion as ancillary accommodation, since the provision of personal washing facilities for guests housed there is arguably no different from the use of a bedroom with en-suite bathroom in the main house. With regard, however, to the sink depicted in the living area of the conversion, Officers consider a sink that is unconnected with the bathroom area lends itself to culinary use. If kitchen facilities are provided to a lodger this enables a level of independent living which points to a disconnection between the annexe and the main house and a possible sub-division of the planning unit. For this reason, the inclusion of a sink or any kitchen facilities is considered to be unacceptable.

Siting, Design and Form

- 5.9 These matters were dealt with in the original application for the conversion and extension. Members are now considering plans that show only one external alteration, this being the windows. Arguably, the French windows and further vertical window permitted under 17/01615/HHD lent themselves to a closer connection between the main house and the conversion which is less evident now these windows have been reduced in size and removed. However, Officers do not consider this in itself to be a sufficient reason for refusing to accept these revisions.

Highways

- 5.10 Oxfordshire County Council Highways has raised no objection to the application. Parking provision is considered to be acceptable on the basis that the accommodation will not be used as a separate dwelling and so will not generate further traffic.

Residential Amenities

- 5.11 The external alterations proposed will not, for the reasons already described, impact upon residential amenity.

Precedent

- 5.12 With regards to the claimed setting of a precedent each case must be determined on its own merits and on its merits this scheme, with conditions, is considered acceptable.

Conclusion

- 5.13 In Officers' view the external alterations to the plans approved under 17/01615/HHD are acceptable as they are minor and do not impact on neighbours' amenity. As regards the internal alterations shown on the plans, the inclusion of a shower is acceptable as being consistent with guest accommodation ancillary to the host dwelling. This does not, however, apply to the inclusion of a kitchen sink or indeed any kitchen facility as this enables a disconnection between the annexe accommodation and the main house. Officers recommend imposing a condition in the same terms as condition 4 of the previous permission and further conditions to ensure the connection is maintained. An informative is also proposed what is and what is not acceptable.

6 CONDITIONS

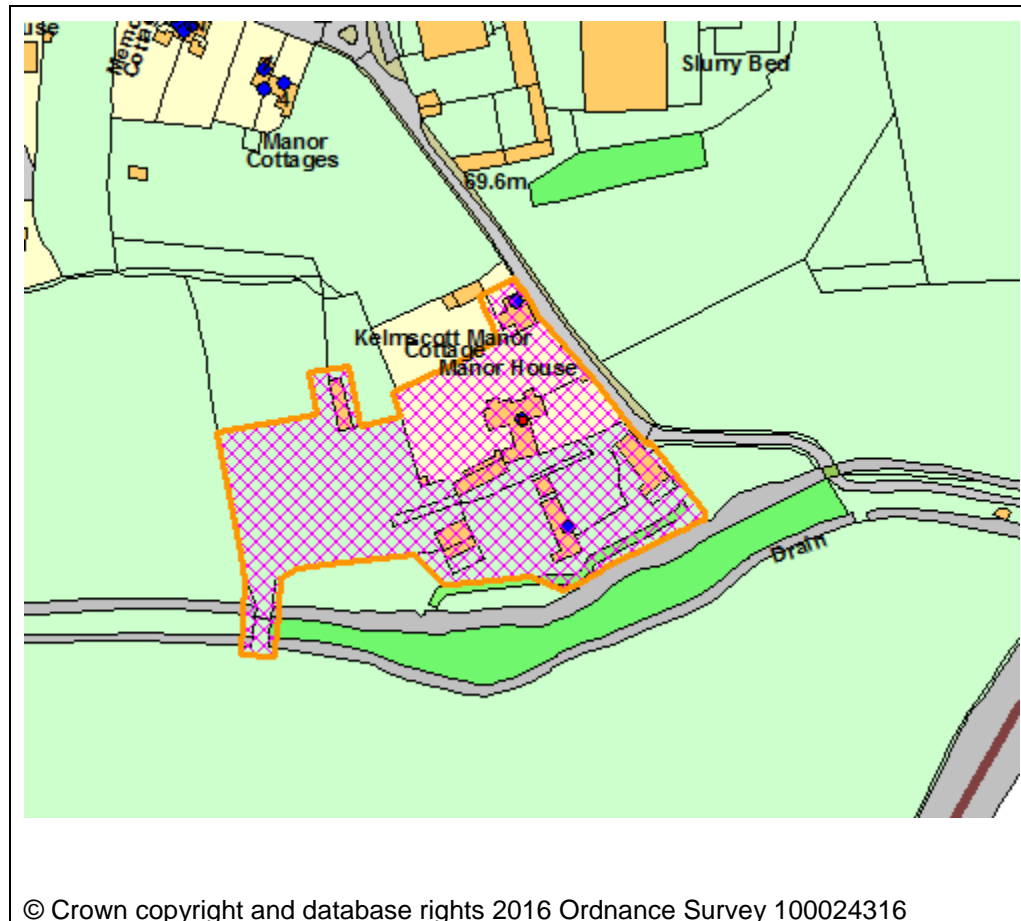
- 1 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 2 The building hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.
REASON: A separate dwelling in this location would be unacceptable in terms of highway safety and residential amenity.
- 3 Notwithstanding condition 1, the sink shown on approved plan I31 Rev D within that part of the development labelled "Home Office/Studio" and all other kitchen facilities in the development shall be removed within 2 months of the date of this permission and shall not be reinstated thereafter.
REASON: To prevent the development being used as a separate dwelling which would be unacceptable in this location in terms of highway safety and residential amenity.

NOTE TO APPLICANT

For the avoidance of doubt this planning permission is for ancillary accommodation to serve the main dwelling on the site. Any occupation separately therefrom would constitute a breach of planning control which given the constraints of the site is likely to be the subject of planning enforcement action.

Application Number	I8/01509/FUL
Site Address	Kelmscott Manor Kelmscott Lechlade Oxfordshire GL7 3HJ
Date	1st August 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Kelmscott Parish Council
Grid Reference	425096 E 198886 N
Committee Date	13th August 2018

Location Map



Application Details:

Internal and external alterations to allow repair to buildings. Erection of new learning building and construction of car park.

Applicant Details:

John Lewis, Burlington House , Piccadilly , London, W1J 0BE

I CONSULTATIONS

- 1.1 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:
G28 parking as plan
Access improvement in accordance with a plan to be submitted and approved
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
- 1.2 Biodiversity Officer I have to object due to insufficient bat mitigation details and no assessment of the impacts of the proposed learning centre and associated car park (in close proximity to the watercourse and affecting potential veteran trees).
- 1.3 Parish Council At the recent AGM of Kelmscott Parish Meeting, as Chairperson, I was asked to write to OCC Highways concerning the state of the road into Kelmscott with particular reference to the passing places. I am copying the letter to you as I believe it is pertinent to planning application 18/01509/FU. If successful the application will result in increased visitor numbers to Kelmscott Manor on more days in the week and, although vehicles in the village may be reduced by the proposed car park, the increase traffic on the access roads is not addressed.

2 REPRESENTATIONS

- 2.1 Two letters neither objecting nor supporting the application have been received. Full versions of these letters are available on the Council's website. The main points raised are summarised as follows:
- Concerns over traffic and unrestricted parking throughout the village associated with visitors of Kelmscott Manor but supportive of the expansion through taking advantage of the Lottery Grant provided expansion is limited and certain aspects can be controlled through planning condition or a S106 agreement such as restriction on opening days; limit on the number of visitors per year; restrictions on location of coach parking; obligation on applicant to ensure that visiting cars are parked in car park not in village; provision of proper passing places on access and exit roads; and a contribution to pay for 30mph speed limit signs at entrance to village.
 - Part of the Lottery Grant money could be used to put in new access from the road to the existing car park.

2.2 17 letters objecting to the application have been received. Full versions of these letters are available on the Council's website. The main points raised are summarised as follows:

General

- The peace and tranquillity of the area will be further lost by the increase in visitor numbers
- Village lacks infrastructure to support such development
- The village is already at saturation point with current levels of visitors
- This type of large scale tourist development is best suited to a town not a rural hamlet like Kelmscott
- The expansion of visitors to Kelmscott Manor has already impacted ability to farm and service agricultural land as having to avoid opening days
- Fully support the conservation of the Manor itself but increasing opening days and visitor numbers is over ambitious.
- Currently the village has a very different atmosphere when the manor is closed.

Heritage Assets

- The car park development will have a detrimental impact on the Grade II* listed St Georges Church
- An increase in visitor numbers on the scale and frequency proposed would completely destroy the peace and tranquillity of the Conservation Area
- Unclear from the drawings if the dry stone wall scheduled for partial demolition is within the Conservation Area
- Visitors having to walk through the village will erode the character of the quiet and rural Conservation Area
- Concerns over loss of vegetation and trees to be cut back/removed to provide traffic vision splays as will negatively impact on rural Conservation Area
- Currently when car park isn't used it retains appearance as a field in keeping with Conservation Area but permanently marking bays with pegs etc. will erode character and appearance of Conservation Area and local landscape

Traffic and Pedestrian Movement

- No designated passing areas on approach into village so verges are badly eroded, uneven and hazardous. Blind bends are also dangerous. Increase in visitor numbers will worsen the problem
- Visitors of the Manor park in the centre of the village which due to narrow roads causes obstructions which are a risk to both pedestrians and other car users; in particular residents, agricultural vehicles, delivery vehicles and emergency vehicles
- The traffic survey submitted does not address the condition of the roads or flow of traffic through the village
- The application does not address how the Manor proposes to ensure the safety of visitors walking in the dark between the Manor and the Car Park in the middle of icy ungritted roads that have no pavements or streetlights during winter months
- Concerns relating to lack of traffic visibility splays for use by drivers and residents approaching the car park from the southern end of village
- Concerns relating to safety of school children waiting for school bus pick up/drop off
- Increase in congestion and pollution from extra vehicles

- The Manor already have 'Coach Only' days but still have coaches on general open days so need to address how they proposed to enforce this
- Electric vehicles proposed to transport disabled visitors are slow, not quiet and pose safety risks to those pedestrians travelling in the same direction

3 APPLICANT'S CASE

The conclusion of the Planning Statement has been summarised as:

- The package of proposals need to be considered in the round. As stated above the HLF money is available to conserve the future of the heritage asset but this comes with certain requirements including the additional learning facility and changes to opening hours.
- The benefits to the heritage assets are overwhelming both from a conservation perspective but also from the enormous benefit to the Manor by the removal of cars from the site.
- The removal of cars and coaches from the heart of the village will also lead to a significant benefit to the local population as well as the character of the conservation area.
- Other sources of funding have been explored but there are no other opportunities to deliver a sufficient level of grant. Even with HLF funding The Society will still need to raise a large amount of money to enable all of the conservation work to take place.
- Without the HLF the works will not be completed and the listed building's future will be put at risk. This opportunity to secure the future is not one that will come around time and again, and it needs to be grasped now.
- Baseline surveys have been completed and assessments carried out in order to assess the impact of the proposed development.
- The proposed development complies with both national and local policy and results in the future of an important heritage asset being secured. Without the proposed development the future of the heritage asset is unclear.
- There are no unresolved issues relating to the proposed development that would warrant a refusal of planning. Accordingly, the planning balance lies with a decision to approve these applications.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 BE11 Historic Parks and Gardens
 BE8 Development affecting the Setting of a Listed Building
 NE1 Safeguarding the Countryside
 NE13 Biodiversity Conservation
 NE15 Protected Species
 T1 Traffic Generation
 TLC5 Existing Outdoor Recreational Space
 TLC9 The Thames Path
 OS4NEW High quality design
 EH11 Historic Landscape Character
 EH12 Registered Historic Parks and Gardens
 EH13 Scheduled Monuments
 EH7NEW Historic Environment
 EH8 Conservation Areas

EH9 Listed Buildings

EH2NEW Biodiversity

E4NEW Sustainable tourism

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 Kelmscott Manor House complex is comprised of one Grade I and seven Grade II Listed Buildings. A number of further listed and non listed barns and structures are also located within the grounds of Kelmscott Manor House. The Park and Garden is also Grade II Registered, within Kelmscott Conservation Area, and adjacent to a SAM and floodplain.
- 5.2 The proposals comprise an extensive repair and conservation programme, with the construction of new single-storey timber-framed thatched building on the southern side of Kelmscott Manor House complex. This building will comprise an learning building, with the possibility of alternative uses as a multifunctional space.
- 5.3 The proposal also incorporates conservation and repair works on one Grade I and six Grade II Listed Buildings within Kelmscott Manor House complex.
- 5.4 Proposed alterations at the existing car park, which is located on a separate site at the edge of the village comprise the construction of a hard surface for coach parking, with ground protection grids utilised within the remainder of the car park which is currently mostly grass/mud.
- 5.5 The current car park can only be used 3 days per week and this application seeks consent for 4 days per week use.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.7 Your officers consider that the principle of maintaining and repairing the various Listed Buildings on site and expanding the facilities at Kelmscott Manor is acceptable. The newly published issue of the NPPF states in paragraph 184 states that heritage assets such as the ones found at and including Kelmscott Manor are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 5.8 As such your officers consider that the repair work and so forth to existing buildings on site are acceptable.
- 5.9 In determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.10 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.11 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Siting, Design and Form

- 5.12 In terms of proposed new development a new long, narrow oak framed building is proposed on the southern side of the courtyard to be used in association with educational purposes. This is required as part of the HLF bid to widen the education offering at the Manor. The application submission indicates that historic records show that there was a building in the farmyard which was of similar proportions to that proposed. A fruit tree will need to be removed to accommodate the building.
- 5.13 Your officers consider that the new learning centre will be an acceptable addition to the farmyard character of this part of the complex. Since the original submission, minor revisions have been made to the overall design, which have been suggested by your officers. As a result your officers consider that the proposed building will not adversely affect the setting of the existing heritage assets on site.

Ecology

- 5.14 Further information following on from your Biodiversity officer's objection has been received, and at the time of writing your officers are still assessing the details. A verbal update will be given at the meeting.

Car park and hours of opening

- 5.15 The existing car park is located at the north edge of the village. This requires visitors for Kelmscott Manor to walk through the village to the complex. Parking is currently provided within the grounds of the Manor for the parking of vehicles for staff, volunteers, and disabled visitors. Coaches reverse down South Road and park outside of the Manor entrance.
- 5.16 The current car park can accommodate 120 vehicles as set out on the application form for the change of use, however it was shown in a recent survey that at its peak it generally accommodates 90 cars.
- 5.17 The Society's vision is to remove all vehicles visiting the Manor from the application site to avoid travelling through the village. As such it is proposed to expand the current car park to accommodate 145 vehicles, i.e. those removed from the Manor Site and space for three coaches. This results in an increase in space to park 25 cars and 3 coaches. The land used as car

park would be laid with a plastic mesh to reinforce the ground but the field will still retain its rural feel, with grass growing through the mesh.

- 5.18 The access road and the coach parking and turning area would be laid with grasscrete to provide a more substantial surface to meet both the arboricultural and structural engineer's requirements whilst still providing the opportunity for a green surface.
- 5.19 Although the existing car park is adjacent to the Grade II* Listed Church of St George to the western boundary of the car park alterations will be entirely screened within views at ground level from within the churchyard, with the only possible visibility afforded when the car park is utilised by vehicles (i.e. cars and coaches). The principal contributors to the significance of the church, namely the heritage values embodied within its physical fabric, would remain unaffected, as would the key elements of its setting, comprising its surrounding churchyard, and the important historical and spatial relationships with the village of Kelmscott. Views would be screened from within the churchyard due to additional tree planting proposed along the south-western boundary of the car park.
- 5.20 Your officers consider that the improvements to and expansion of the existing car park will not adversely affect the setting of the heritage assets.
- 5.21 At the time of the consent for the car park it was restricted to be used on Wednesdays and Saturdays April to October, and group visits on Thursdays. As the Kelmscott Manor complex is to increase its opening times in order to meet HLF requirements, it is requested that the car park can also be used at those time. The proposed times are as follows:
- Thursdays to Saturdays - public use
Wednesdays - pre-booked use
April to October only
- Educational visits - January to July, and September to November, Mondays and Tuesdays
Schools and community use - October - Mondays-Thursdays
- 5.22 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposals are considered to respect the local area and the development would comply with policies BE2 and BE5 of the adopted Local Plan and EH7 and OS4 of the emerging Local Plan and relevant paragraphs of the NPPF.
- 5.23 This does however need to be set against the increased impacts on the Conservation Area of the above stated additional use, albeit that this use will presumably aid in securing the future of the village pub and will contribute to the general benefits of tourism in WODC. On balance officers consider that the benefits to the heritage assets of the main complex outweigh any harms to the setting of the Church and Conservation Area generally, especially given the collateral tourism benefits.

Highways

- 5.24 Your officers have had full regard to the representations received regarding this issue. Oxfordshire County Council Highways has not objected to the proposal. However it has been suggested to the applicants whether they would consider resurfacing/reconstructing/repairing the informal passing bays in some locations. Additionally, a signing scheme (comprising 5 brown 'tourist' signs indicating Kelmscott Manor parking) could direct traffic from the B4449 via the eastern lane to the car park thus avoiding the need for vehicles to pass some of the dwellings in the village has also been suggested. A verbal update on this matter will also be given.
- 5.25 However given that the car park will be extended and improved to ensure that the anticipated number of vehicles will be accommodated without the need to go through the village, your officers consider that the highway safety and convenience of pedestrians and other road users - horse riders for example, will not be adversely affected by this development. There will be no increase in traffic movements on a daily basis. The only increase is the extra days of opening.

Residential Amenities

- 5.26 The proposed development located within the Kelmscott Manor complex is not considered to adversely affect neighbouring properties' residential amenities in terms of loss of light or overbearing issues, given the location of the site.
- 5.27 The car park is also located away from residential amenities and as such officers are of the opinion that residential amenities will not be adversely affected by the proposed improvements to the car park.

Conclusion

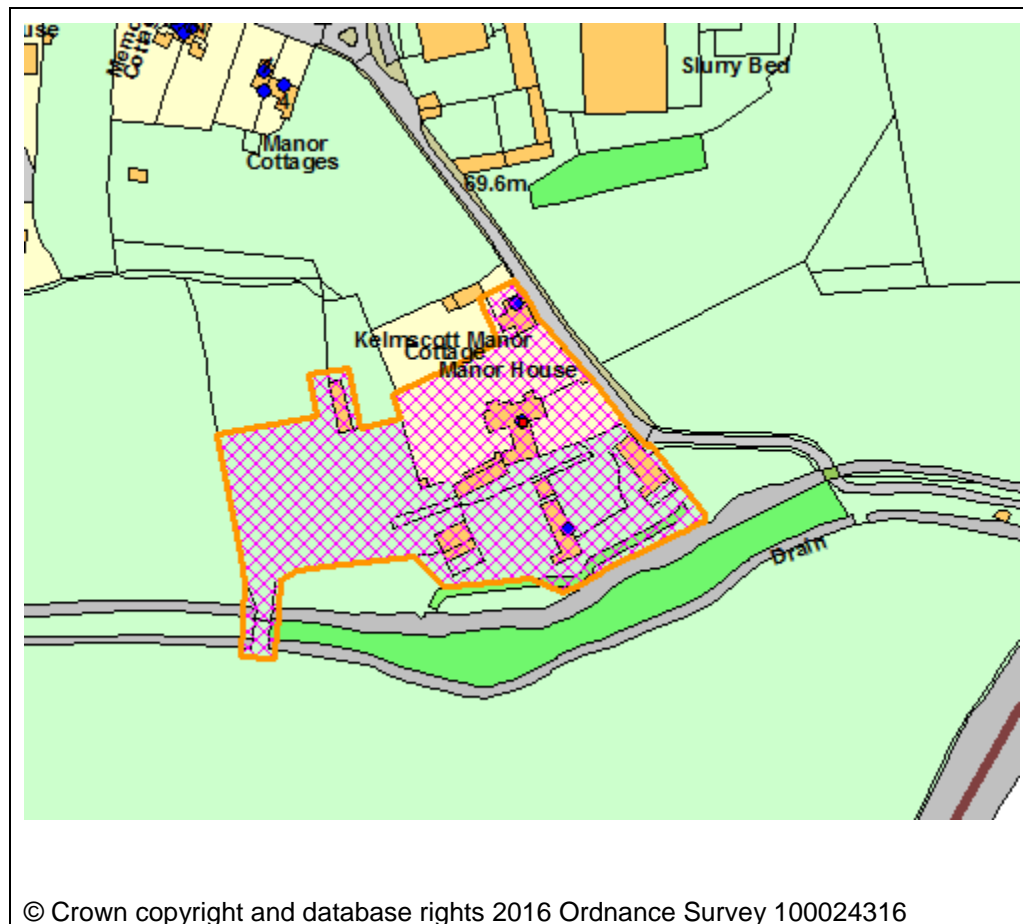
- 5.28 Whilst officers have fully considered the representations and comments received in response to the application, your officers have had to have regard to the paragraphs of the NPPF. Whilst it could be argued that there is a harm resulting from the development to the heritage assets of the Church and Conservation Area, officers have had to weigh this against the public benefits of the proposals including securing its optimum viable use. Your officers consider that the public benefits which include the retention of the historic importance and significance of Kelmscott Manor, local tourism and the contribution it makes to the local economy, and the possible improvements to the immediate local road network outweigh the harm. On that basis your officers are recommending approval of the application.

6 RECOMMENDATION

- I A full list of conditions will be presented before the meeting. They are likely to include detailed specifications of materials, methodology of storing materials, construction methodology, restriction on car park use, passing bay reconstruction/resurfacing/repairing and signage in accordance with a scheme to be submitted and approved, ecology mitigation, tree protection measures and so forth.

Application Number	I8/01510/LBC
Site Address	Kelmscott Manor Kelmscott Lechlade Oxfordshire GL7 3HJ
Date	1st August 2018
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Kelmscott Parish Council
Grid Reference	425096 E 198886 N
Committee Date	13th August 2018

Location Map



Application Details:

Internal and external alterations to allow repair to buildings.

Applicant Details:

John Lewis, Burlington House, Piccadilly, London, W1J 0BE

I CONSULTATIONS

I.1 Conservation Officer No Comment Received.

I.2 Parish Council At the recent AGM of Kelmscott Parish Meeting, as Chairperson, I was asked to write to OCC Highways concerning the state of the road into Kelmscott with particular reference to the passing places. I am copying the letter to you as I believe it is pertinent to planning application 18/01509/FU. If successful the application will result in increased visitor numbers to Kelmscott Manor on more days in the week and, although vehicles in the village may be reduced by the proposed car park, the increase traffic on the access roads is not addressed.

I.3 Historic England The Society of Antiquaries have over many years striven to conserve the character of Kelmscott Manor so that it remains as entrancing and appealing as William Morris found it in 1871. The current proposals represent the latest stage of that process. The repairs proposed are timely and sympathetic to the historic fabric while the adaptations to house would better reveal its significance by returning the interior to a state closer to that in which it was when the Morris's lived here. The adaptations to the farm buildings and the new learning building are sensitively conceived to improve the visitor experience while retaining both important historic fabric and the agricultural character of the farmstead. Car parking on site is an issue that clearly needs addressing and the proposed new car park is sensitively sited to avoid harming the significance of the manor. It is adjacent to the Kelmscott conservation area and the grade II* listed Church of St George and Morris's grave is of course in the churchyard and is itself listed grade II. Despite this proximity the natural materials and careful landscaping employed would mean that the car park is likely to have a minimal impact on the significance of these heritage assets. In our view any harm to significance would be heavily outweighed by the gain of better management of parking in the village.

As the proposals have a positive impact on the historic environment in our view the proposal meets the requirements of the NPPF for to sustain and enhance the significance of heritage assets set out in paragraph 131. Any harm to the significance of the church or conservation area caused by the car park is minor and in our view justified as the best way of solving the parking problem and outweighed by the public heritage benefits improving car parking would bring, as is required by paragraphs 132 and 134 of the NPPF.

Recommendation

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131, 132 and 134.

2 REPRESENTATIONS

2.1 Two letters neither objecting nor supporting the application have been received. Full versions of these letters are available on the Council's website. The main points raised are summarised as follows:

- Have Historic England been consulted on the application?
- Part of the Lottery Grant money could be used to put in new access from the road to the existing car park.

2.2 Three letters of objection have been received. Full versions of these letters are available on the Council's website. The main points raised are summarised as follows:

- Please ensure an internal method of strengthening the walls of the North Road barn porch is adopted and the dishonesty of adding stone buttresses (as seen on drg.8742/SK03) is avoided. In this connection too is oak boarding the right solution to removal of stone tiles on the hip porch apex above?
- Please ensure the design approach to the 6-light W 38 of the Tapestry Room from renewal (All[ow?] for new mullions and transom) to 'repair existing stonework by a conservator mason' (drg 8747 SK05).
- I note the introduction of downpipes to the gutter chutes are provided well back from the corners of the eaves. Does this mean that the chute ends will no longer oversail, since new stepped leads will mean they can't simply act as overflows. Loss of the oversail characteristic is likely to be objectionable.
- The traffic management aspects have not been addressed, and if the proposed numbers of visitors become a reality, the minor roads here are quite simply insufficient to sustain the traffic.
- The amount of pedestrians proposed will turn the village into a thoroughly unpleasant place to live in.
- Fully support the conservation of the Manor itself but increasing opening days and visitor numbers is over ambitious.
- Currently the village has a very different atmosphere when the manor is closed.
- The significant increase visitor numbers and opening times proposed by the Manor will have a significant, detrimental, effect on the peace and tranquillity of the area
- Visitors of the Manor park in the centre of the village which due to narrow roads causes obstructions which are a risk to both pedestrians and other car users; in particular residents, agricultural vehicles, delivery vehicles and emergency vehicles
- The traffic survey submitted does not address the condition of the roads or flow of traffic through the village

3 APPLICANT'S CASE

3.1 The conclusion of the Planning Statement has been summarised as:

- The package of proposals need to be considered in the round. As stated above the HLF money is available to conserve the future of the heritage asset but this comes with certain requirements including the additional learning facility and changes to opening hours.
- The benefits to the heritage assets are overwhelming both from a conservation perspective but also from the enormous benefit to the Manor by the removal of cars from the site.

- The removal of cars and coaches from the heart of the village will also lead to a significant benefit to the local population as well as the character of the conservation area.
- Other sources of funding have been explored but there are no other opportunities to deliver a sufficient level of grant. Even with HLF funding The Society will still need to raise a large amount of money to enable all of the conservation work to take place.
- Without the HLF the works will not be completed and the listed building's future will be put at risk. This opportunity to secure the future is not one that will come around time and again, and it needs to be grasped now.
- Baseline surveys have been completed and assessments carried out in order to assess the impact of the proposed development.
- The proposed development complies with both national and local policy and results in the future of an important heritage asset being secured. Without the proposed development the future of the heritage asset is unclear.
- There are no unresolved issues relating to the proposed development that would warrant a refusal of planning. Accordingly, the planning balance lies with a decision to approve these applications.

3.2 The proposal incorporates conservation and repair works on one Grade I and six Grade II Listed Buildings within Kelmscott Manor House complex. Although the development would introduce change within the surroundings of a number of Listed Buildings within Kelmscott Manor House complex, it would not impact upon the ability to appreciate their agricultural character or their heritage significances. The implementation of a sympathetic design and materials would ensure that there are no adverse effects, with additional beneficial consequences through the repair and reuse of these buildings.

4 PLANNING POLICIES

BE2 General Development Standards

BE7 Alterations and Extensions to Listed Buildings

BE11 Historic Parks and Gardens

EH7NEW Historic Environment

OS4NEW High quality design

EH12 Registered Historic Parks and Gardens

EH9 Listed Buildings

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 Kelmscott Manor House complex is comprised of one Grade I and seven Grade II Listed Buildings. A number of further listed and non listed barns and structures are also located within the grounds of Kelmscott Manor House. The Park and Garden is also Grade II Registered, within Kelmscott Conservation Area, and adjacent to a SAM and floodplain.
- 5.2 The proposals comprise an extensive repair and conservation programme.
- 5.3 The proposal also incorporates conservation and repair works on one Grade I and six Grade II Listed Buildings within Kelmscott Manor House complex.

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 the principle of maintaining and repairing the various Listed Buildings on site and expanding the facilities at Kelmscott Manor are acceptable in principle. The newly published issue of the NPPF states in paragraph 184 states that heritage assets such as the ones found at and including Kelmscott Manor are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.6 As such your officers consider that the repair work and so forth to existing buildings on site are acceptable.

5.7 In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.8 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.9 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Siting, Design and Form

5.10 There are various proposals to improve or alter some of the existing buildings on site. The main proposals are as follows:

Within the manor:

- Removal of modern partitions inserted in the C20th to form the old curator's flat.
- Replacement of the lead lined oak trough gutters with cast iron, as seen on early photographs, to improve rainwater disposal
- Reinstatement of the lost closet partitions, to Green Room and Tapestry Room
- Blocking of the 1940s first floor bathroom window

Across the wider site:

- The introduction of a new building bounding the south side of the farmyard, echoing the former byre building in this area. This will house the new learning facilities.
- A new simple lean-to structure on the north side of the farmyard against the existing wall, on the footprint of the former pig sties - providing rain cover for visitors, and overflow outdoor cafe seating.
- Construction of a new single storey toilet facility within the former piggery walls at the south end of the South Road Barn
- Conversion of the south end of the South Road barn (within the projecting bay) to provide new wc facilities.
- Repairs to the reinforce the connection between walls and roof structure in the South Road Barn and introduction of new large barn door openings with wicket gates to improve weatherproofing and access. These will form the new entrance to the site, via the South Road Barn.
- Repairs to the roof structure and renewal of roof coverings (over insulation) to the Stable barn.
- Removal of the existing wcs from the Stable Barn and reopening of the blocked large barn doorway, and reinstatement of large barn doors as shutters, with a new glazed screen behind.
- Renewal of roof coverings to the granary and byre, with some structural repair to both structures.
- Introduction of new services across the site (in trenches), and installation of a new sewerage treatment system to overcome existing capacity shortfalls in the existing cess pit arrangement.

5.11 Your officers consider that the proposed improvements, repair and maintenance works will not adversely affect the historic significance or fabric of the Listed Buildings.

5.12 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, 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. Paragraph 195 and 196 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. In this case the proposed alterations and extensions maintain the buildings essential historic architectural character and form, and avoid harmful disruption to the original appearance of the buildings. Given this assessment, it is considered that the special interest and setting of the listed buildings would be preserved and the development would comply with policies BE2 and BE7 of the adopted Local Plan and EH7, EH9 and OS4 of the emerging Local Plan and relevant paragraphs of the NPPF.

Highways

5.13 As this is a Listed Building application this issue is not relevant, and has been addressed under reference 18/01509/FUL.

Residential Amenities

- 5.14 As this is a Listed Building application this issue is not relevant, and has been addressed under reference 18/01509/FUL.

Conclusion

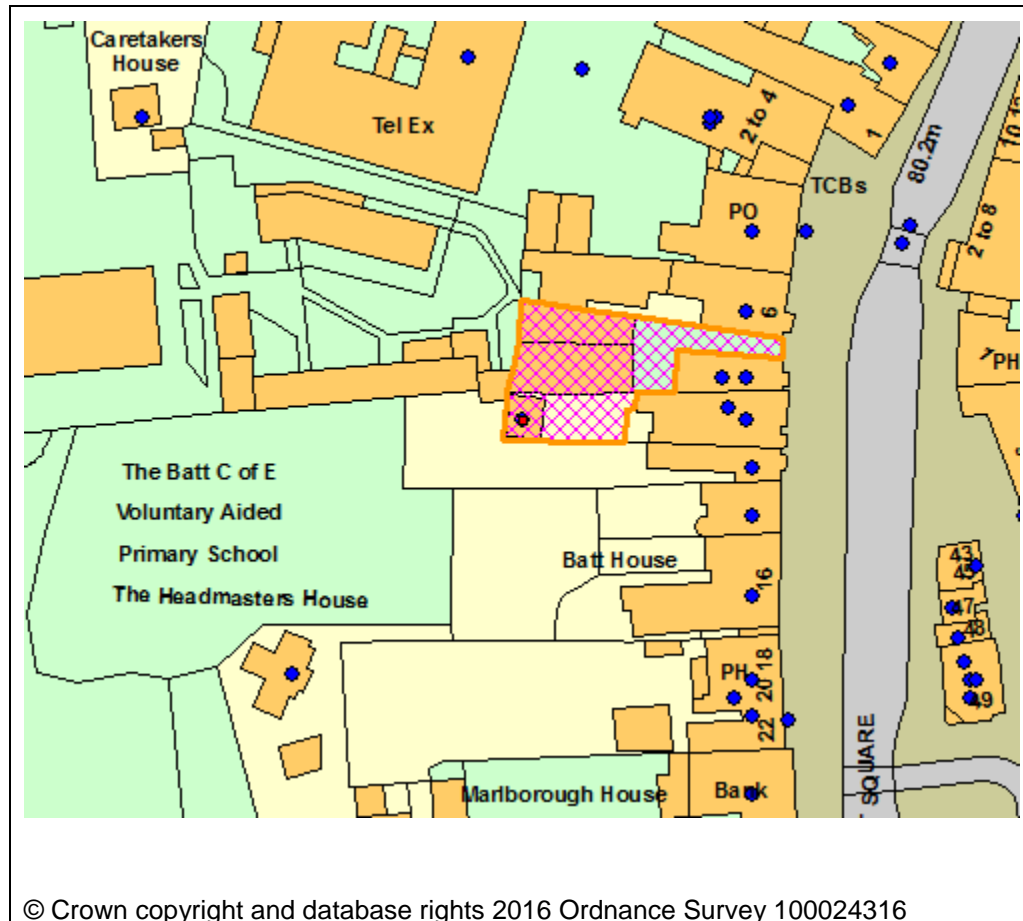
- 5.15 In view of the above your officers consider that the proposed alterations to the existing Listed Buildings on site to which this Listed Building application refers to, will enhance and sustain the significance of the heritage assets and will put them to viable use consistent with their conservation. As such the application is recommended for approval.

6 RECOMMENDATION

- I A full list of conditions will be presented to Members before the meeting. However they are likely to include conditions relating to detailed specifications of materials, construction methods, and demolition only where shown.

Application Number	I8/01600/FUL
Site Address	Store To Rear 8 - 10 Market Square Witney Oxfordshire OX28 6BB
Date	1st August 2018
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435530 E 209715 N
Committee Date	13th August 2018

Location Map



Application Details:

Demolition of existing structures and erection of six apartments with associated private space, bin and cycle storage.

Applicant Details:

Keble Homes, C/O Agent.

I CONSULTATIONS

- 1.1 Town Council
Witney Town Council is concerned that the design of this development, including wood cladding is not in-keeping with the town centre street scene and there is only a limited amenity space per dwelling. If accepted the Town Council, by way of Section 106 contributions, would like to request £30,000 per dwelling towards the development of Unterhaching Park Play Area and for future long-term provision of its town centre facilities.
- 1.2 WODC Drainage Engineers
If full planning permission is granted, could you please attach the following condition:-

That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).
- 1.3 OCC Highways
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:

G28 cycle parking as plan
- 1.4 ERS Env. Consultation Sites
No Comment Received.
- 1.5 Conservation Officer
No Comment Received.

2 REPRESENTATIONS

- 2.1 28 letters of objection have been received which may be viewed in full on line. It is considered that the main points raised may be summarised as follows:

- This is over development
- There is no parking provided
- Occupiers will not use public transport but will fly park
- The use will compromise the operation of neighbouring businesses
- Windows will overlook the school
- Loss of trees/shrubs
- Difficulty of access in case of fire/emergency
- Cladding is out of keeping
- Existing use is being proposed as a "community Asset"
- Will give rise to pedestrian /vehicle conflicts
- Existing community use should be retained
- Existing use is very positive for dementia sufferers
- There is an increasing societal imperative to recognise the impacts of dementia
- Adverse impact on Grade ii listed buildings and conservation area
- Previous application was withdrawn to get rid of the objections it had received
- Contrary to policy TLC12
- Use positively contributes to Witney but the flats will not
- Previous objections should stand
- Ecology impacts
- Flooding impacts
- Loss of light
- Noise and disturbance during construction
- Overlooking from balconies
- Difficulties with refuse collection
- There are too many flats in Witney
- Its belongs to a Councillor and so should go to committee
- Same reasons as before prevent this development
- Site is not level
- Will impact on gardens and leisure use of adjoining properties
- Plans are difficult to properly assess
- Bulk will be harmful
- It is taller than existing buildings
- It is garden grabbing
- Screening to balconies will not work
- Loss of rear views
- Materials proposed are out of keeping
- Precedent for further such developments
- Contrary to policy H2
- This will only benefit the developer
- Is there a limit to the number of no parking flats that can be provided ?
- Will increase pressure on sewer network
- Will increase pressure on public parking
- Contrary to BE5 and NE8
- Loss of historic buildings
- They are too tall and stark
- The provision of 6 flats as a benefit does not outweigh the harms
- No affordable housing is provided

3 APPLICANT'S CASE

3.1 Writing in support of the application the agent has tabled a suite of supporting information that may be viewed in full on line. The summary of the Planning Statement is reported below:

- The application seeks planning permission for the demolition of existing structures and the erection of a building to provide six flats. The application proposes a car free development and as such no car parking facilities will be available on site. The scheme provides for three (no.) one-bedroom apartments of between 53 and 56 square metres and two (no.) two-bedroom apartments of 65 square metres. The final, top floor apartment will also provide a two-bedroom apartment but with a larger floor area of around 80 square metres. Each property will be served by private amenity space in the form of a terrace or balcony. The principle of residential development has previously been supported on the site. Whilst this is the case, the central Witney location means that the principle of residential development is supportable within both the adopted and emerging Local Plans advocating the provision of dwellings in such sustainable locations. However, in the current context, whereby sufficient five-year housing land supply cannot be demonstrated, relevant policies for the supply of housing should not be considered up to date. Paragraph 14 of the NPPF makes it clear that where policies are out of date, planning permission should be granted unless there would be any adverse impacts of development that would significantly and demonstrably outweigh the benefits (my emphasis). The current use does not fall within the type of use considered a 'community facility' in the Local Plan. Notwithstanding this, the use which is currently contained in the building would use other halls within the vicinity and as such, adequate alternative provision remains. The proposed development will replace a range of buildings which are identified as harmful to the character of the Conservation Area. By virtue of this, they can also be considered harmful to the setting of the Listed Buildings. The proposed development will have better reference to the former burgage plots and will improve the vista along the former carriageway which are noted as important features in this part of the Conservation Area. The contemporary form will ensure the development reads as a later phase of development however, reference to the locale will be made through use of appropriate materials. The scheme is considered to provide the opportunity for improvements to the setting of the Listed Buildings and the character of the Conservation Area. The proposed car free development would not give rise to significant levels of traffic increase. Visitors will have access to on street parking in the vicinity which is time restricted when demand is at a premium. The proposal would not give rise to harm to the safety and convenience of highways users. Great care has been taken with regard to the relationship with neighbouring properties and the use of appropriate windows and screening is proposed to ensure that the amenity of existing and future residents in the area is protected. The building has been slightly relocated within the site to provide a better level of amenity space for occupiers on the northern side of the building. The re-arrangement of the internal layout also ensures that the outlook for each of the properties is appropriate and provides the best amenity. A noise survey undertaken given the town centre location and the proximity of the adjacent restaurant has demonstrated that the scheme would not give rise to an unacceptable impact upon the amenity of future occupiers by virtue of noise disturbance.
- Overall the application proposes a residential development in a highly sustainable town centre location. The scheme provides for a more affordable form of development which is much needed within the area. The scheme does not give rise to any significant or demonstrable harms which would outweigh the benefits of the provision of housing in this sustainable location. In light of the above the application should be granted without delay.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

H2 General residential development standards

TLC12 Protection of Existing Community Services and Facilities

OS2NEW Locating development in the right places

OS4NEW High quality design

E5NEW Local services and community facilities

EH8 Conservation Areas

EH9 Listed Buildings

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application has been submitted on a site owned by a serving Member of the Council and so is brought before committee for determination rather than being dealt with under delegated powers. It seeks planning consent to demolish the existing structures on the land (which appear to have been fire damaged at some point) and which are currently being let to Muzoakademy. In their place it is proposed to erect 6 flats in a contemporary design style ranged over three floors- albeit that because in changes to levels across the site the building has a number of half levels too. No onsite parking is proposed and the site is surrounded by a number of existing residential and commercial premises some of which have amenity areas at above ground level i.e raised terraces/gardens

5.2 There are a series of applications which are of relevance to the consideration of this proposal as set out below:

W91/1189 - Erection of temporary storage building to rear. Approved 16 October 1991.

08/1425/P/FP - Erection of three dwellings with associated parking. Refused 21 October 2008. The application was refused for the following reasons:

By reason of the height and design of the proposed dwellings and their positioning behind the existing frontage of development on Market Square the proposed development would appear as an incongruous addition to the existing street scene detrimental to the character of the surrounding Conservation Area and the setting of the adjacent Listed Building. As such the proposed development is contrary to Policies BE5 and NE8 of the West Oxfordshire Local Plan 2011.

By reason of the inadequate level of private amenity space, poor outlook and restricted access for vehicles and pedestrians the proposed development does not provide an adequate level of amenity to meet the needs of future occupants. As such the proposed development is considered contrary to Policy H2 of the West Oxfordshire Local Plan 2011.

09/1021/P/FP - Removal of existing buildings and erection of four dwellings with associated parking and turning area. Planning permission was refused on the 21 October 2009 for the same reasons as set out above. The refusal of planning permission was subject of an appeal and the

appeal was allowed by the Planning Inspectorate. The main relevant points made by the Inspector were that the proposed layout would create an interesting vista for this Conservation Area setting and would not detract from the setting of the adjoining Listed Buildings. Overall the scheme would introduce an appropriate form of development in this 'backland' location and would complement the character and appearance of the area. The environment created for the proposed occupants would be satisfactory for the town centre location.

13/0146/P/FPEXT - Removal of existing buildings and erection of four dwellings with associated parking and turning area (extension to time limit) was granted planning permission on the 20 March 2013.

14/0891/P/FP - Change of use of storage building and covered storage area to provide space for community projects was granted planning permission on the 19 August 2014.

17/03929/FUL - Demolition of existing structure and erection of six apartments with associated private space, bin and cycle storage on land to the rear of 8-10 Market Square. This application was withdrawn

- 5.3 This history sets a number of important principles relevant to the determination of this application:

The existing buildings were not considered worthy of retention
Residential development in this context was considered acceptable
Development with sub standard parking provision was considered acceptable

- 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 The site lies in a highly sustainable location adjacent to the main bus facility of the town and where there is the greatest access to services and facilities. Policies of both the adopted and emerging plan seek to encourage development in sustainable locations and the principle of residential use of this site has already been found to be acceptable at appeal with that consent having been renewed by the Council. As such the principle of residential development is acceptable in this location.
- 5.6 Additionally in the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.7 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with

the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.

- 5.8 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.9 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report shortly.
- 5.10 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.11 The application site is located in the centre of Witney, which is listed as a Main Service Centre under the Existing Local Plan 2011 and Policy H2 of the Emerging Local Plan 2031. Policy H2 of the Emerging Local Plan is permissive in principle of the residential development of previously developed sites within an existing settlement and where the development is considered to be compliant with the general provisions of Policy OS2 of the Emerging Local Plan. Officers consider that the site would represent a sustainable location for residential development in terms of its proximity to existing services and facilities in Witney.
- 5.12 As such, the proposal is considered acceptable in principle.

Siting, Design and Form

- 5.13 As indicated earlier the scheme takes a contemporary design form comprising of a series of linked pitched and flat roofed elements in a mixture of render and grey cladding. The existing building is in a poor state of repair and has been adapted in such a manner post what appears to have been a significant fire at some point such that little of the buildings historic character remains. Nonetheless the agent advises that the design influence for the new building has been taken from the light industrial character of the building and other 'burgage' plots in the area.
- 5.14 The form of the building has derived from a considered mix of pitch and flat roof forms, both of which are prevalent in immediate area.
- 5.15 The façade materials combine white coloured render and grey rainscreen cladding with a light metal standing seam roof. The wall finishes reflect the material pallet of the neighbouring restaurant and the college buildings to the west of the site whilst the metal roof finish references the corrugated roof covering on the existing building. The overall appearance of the

building is contemporary however the form and massing has been influenced by the sites history and surrounding architecture.

- 5.16 In terms of its scale and bulk the height of the proposed development has been carefully designed with consideration for the mass and bulk of neighbouring buildings as well as the general character of the surrounding area and reduces in height from 3 storeys at the rear of the site to 2 storeys as it nears the smaller retail buildings aligning Market Square. The proposal seeks to retain the substantial boundary walls enclosing the site. The retention of the walls will screen much of the proposed building further minimising the mass and bulk of the structure.
- 5.17 Officers will wish to take Members through the plans in some detail as the slope of the site and the geometry of the building is such that the relationship of the proposed building to its neighbours requires considerable analysis. However it is your officers opinion that the result will be a sympathetic modern building which sit relatively unobtrusively when viewed in the public domain because of the backland nature of the site and the retention of existing screen walls etc.

Impact on Heritage Assets

- 5.18 The existing buildings on site were clearly of historic interest at some point in the past but have been adapted and compromised over the years and were not considered of sufficient merit to justify refusal when the application for their redevelopment was considered at appeal. Your officers would concur that any loss of historic interest lies at the very bottom of the less than substantial harm end of the spectrum and the public/visual benefits of redevelopment of the site with a new purpose designed building would outweigh any such harms.
- 5.19 In terms of the impacts upon the Conservation Area and setting of adjoining listed buildings the backland nature of the site is such that only glimpsed views will be available in the public domain and of themselves these are considered to have a neutral impact on the conservation area and setting of the listed buildings. When viewed from the rear of adjoining properties the new building will replace the existing and as such the developed character of the site will be retained. Whilst the appearance will be changed the new building is considered acceptable in context and as such is not considered to harm the CA or setting of the listed buildings.

Loss of Community facility

- 5.20 This is a key issue as far as objectors are concerned and raises many questions in terms of the application of planning policy to it. On the one hand the facility is clearly attracting widespread support and appears to give considerable benefits both socially and medically. It is understood that there is the potential for an application to have the use listed as an Asset of Community Value (ACV), although at the time of writing this has apparently not occurred. Clearly the use provides a benefit to the community and its retention thus attracts weight in the planning balance.
- 5.21 However, to set against this is the fact that the use is not as yet listed as an asset of community value. Even were that not the case the listing as an ACV is not an embargo on the loss of the facility- merely a mechanism to enable community groups to make an offer to the landowner to purchase the site within the specified moratorium period. There is no subsequent obligation on the landowner to accept any such offer. Similarly it is understood that the use is operating upon a 2 week notice period and as such the owner would apparently be entitled to force the closure of the use by terminating the current lease arrangements irrespective of and outside the

planning application process. In terms of policy, the policies of the adopted and emerging plans (TLC 12 of adopted plan and E5 of emerging plan) seek in general to retain community uses unless adequate suitable alternatives are available. Whilst the use apparently operates in a particular niche in the entertainment/medical/education nature of its operation it is difficult to conceive of a case where it could not operate equally successfully from alternative premises such as halls or other vacant town centre buildings ie it is the nature of the use rather than the physical characteristics of the building that appear most relevant/important. Whilst the financial terms offered by the owner have apparently been important in enabling the use to continue again the financial arrangements lie outside the remit of the planning process but presumably could be reviewed were the owner wish to do so thereby forcing the use to cease operating from this site - again irrespective of the planning application. Finally there is the fact that redevelopment has previously been considered acceptable on its planning merits by the Inspectorate and thus this establishes an expectation for the value for the site which presumably the current use could never realistically be expected to meet.

- 5.22 Much of the above strays at the margins of what is and is not a Planning consideration but has been included to try to explain in a rounded and balanced way the fact that in your officers opinion, whilst the use currently operating is clearly of considerable benefit and has widespread support, it appears that it could be closed down irrespective of the planning decision and were that the case there would appear to be suitable alternative venues or other providers such that whilst clearly regrettable the cessation of use would not, in your officers assessment , be such as would justify a policy based refusal reason. Officers would however be prepared and willing to assist the use in seeking suitable alternative premises and indeed that offer has already been made.

Highways

- 5.23 The use is proposed without onsite parking. OCC has raised no objections to this arrangement and flats in town centres above shops etc often operate with such arrangements in place. The site is very well located to use the public transport network that is available and the non provision of onsite parking will reduce any potential for pedestrian/vehicular conflicts as there will be no necessity to cross the pavement in a vehicle to access the site. In the absence of technical objections this aspect of the scheme is considered acceptable.

Impact on and of adjoining businesses

- 5.24 As identified earlier in this report the proposed flats sit within a mixed residential /commercial part of Witney. Existing businesses have outside seating areas used by patrons and the immediate business has extensive extract equipment that has the potential to give rise to noise and disturbance to the occupiers of the flats. However in this latter regard the reports accompanying the application conclude that the noise impacts are not such as would justify a refusal and were issues of noise and amenity harms to arise they could be addressed under other legislation as they would be likely to affect existing as well as the proposed occupiers.
- 5.25 With regards to the impact of the proposed flats upon the outside commercial seating areas these areas will have the potential to be more overlooked than at present. However none of these areas is at present completely private and as such it is more a case of the commercial areas being more overlooked rather than of introducing overlooking. The extent of such an impact on the operation of the extant businesses is not in the circumstances considered likely to have any material harm as the occupiers of the flats will be well aware that they are moving into

a town centre location where the levels of activity are likely to be greater than in quieter suburban or rural areas and presumably will be balancing the greater vibrancy and amenity of town centre living against the potential for greater impact from the operation of legitimate town centre uses.

Residential Amenities

- 5.26 Along with the loss of the extant use this is considered to be the other key issue. The existing buildings on site have a physical impact on the outlook and amenity of the neighbours and the quasi commercial use involving comings and goings to the backland location will of itself generate some disturbance. Noise complaints have been received regarding the operation of the existing use and an Inspector has determined that introduction of residential use into this location is acceptable.
- 5.27 However the approved scheme was for more conventional units with living accommodation confined to ground floors and bedrooms etc at first floor. In contrast this scheme has living accommodation at first and second floor and is a different footprint than the approved schemes such that bulk, massing, overshadowing etc impacts all need to be considered afresh. To add to the complexity neighbours have outside amenity areas at first floor level to the rear of the existing frontage buildings so the potential for undue mutual overlooking from first floor areas is also a potential issue.
- 5.28 The architect has given considerable thought as to how seek to address these relationships and in the main Officers consider that this has been well handled to the extent that mutual overlooking has been largely avoided or where it does occur is in the context of the area overlooked already being overlooked from existing properties. Your Officers do have concerns regarding the balconies proposed. These have been designed with screens to seek to shield key views but this appears a somewhat contrived solution that will neither completely avoid the harm nor provide a useful amenity for the occupiers of the flats. Use of the outside areas could also give rise to additional harms to neighbours in terms of noise etc and as such your officers have suggested that they be removed from the scheme and a condition be imposed to require selective use of obscure glass/screens for the windows affected. With this amendment, whilst tight, your officers consider that the amenity impacts are not such as would warrant refusal by way of overlooking.
- 5.29 In terms of the mass and bulk the building will certainly be higher in some parts that what is being replaced and this additional height will be visible from third party properties. That is not however the same as stating that the increased bulk/mass causes planning harms and in your officers assessment that is not the case.

Conclusion

- 5.30 This is a contentious application that has been the subject of much debate both by way of the submissions received and through the local press. The existing use is clearly well regarded and of benefit and as such it would clearly be highly desirable that it could continue to operate. However the use by the current occupiers was undertaken in the knowledge that the site already had consent for redevelopment and with terms and conditions that apparently mean the use could be stopped irrespective of the planning process - or perhaps would be more likely to be stopped were it to be perceived as inhibiting the owners ability to redevelop the site, as has

previously been considered acceptable by the Planning Inspectorate. Policies aimed at preventing loss of community facilities do not prevent the loss as suitable alternatives appear to be available

- 5.31 The impacts to the listed buildings/streetscene/Conservation Area are considered acceptable and highways are raising no objections. It is not considered that the flats would unduly inhibit the operation of the extant businesses and the impacts of the operation of those businesses upon the proposed occupiers is considered acceptable. With amendments to remove the balconies the neighbour impact is also considered acceptable.
- 5.32 Thus, subject to the receipt of amended plans and the imposition of conditions approval is recommended.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of 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 plans accompanying the application as modified by the letter(s) dated and accompanying plan(s).
REASON: The application has been amended by the submission of revised details.
- 3 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 4 Demolition and construction works shall not take place outside 0830 hours to 1730 hours Mondays to Fridays and 0830 hours to 1200 hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.
REASON: To safeguard living conditions in nearby properties.
- 5 Before first occupation of the building/extension hereby permitted the window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

- 6 Before first occupation of the building details of those windows to be fitted with obscure glazing or screening shall be submitted to and approved in writing by the LPA and installed in the building and shall be retained in the approved form thereafter.
REASON: To safeguard privacy in the adjacent property.
- 7 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.
- 8 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been let and planning permission has been granted for the redevelopment for which the contract provides.
REASON: In accordance with Section 17 of the Planning (Listed Buildings in Conservation Areas) Act 1990 to prevent demolition before confirmation of reconstruction.
- 9 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.
- 10 Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.
- 11 Prior to the above ground works commencing, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/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 175 of the National Planning Policy Framework 2018, 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.

- 12 Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 13 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

- 14 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.

- 15 The cycle parking areas shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

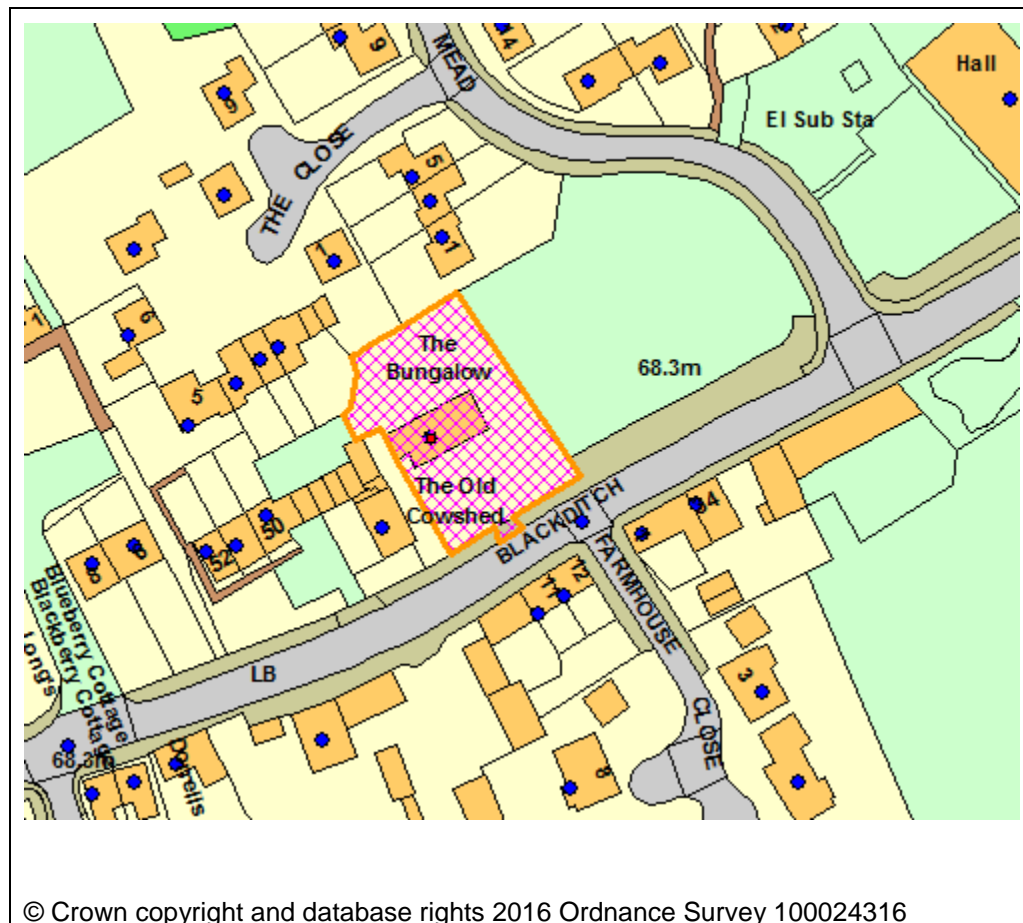
REASON: To ensure that adequate cycle parking facilities are provided.

- 16 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. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

Application Number	I8/01647/FUL
Site Address	The Bungalow Blackditch Stanton Harcourt Witney Oxfordshire OX29 5SB
Date	1st August 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Stanton Harcourt Parish Council
Grid Reference	441106 E 205745 N
Committee Date	13th August 2018

Location Map



Application Details:

Erection of two detached dwellings, formation of vehicular access and provision of parking together with associated works.

Applicant Details:

Mr David Bury, c/o Agent.

I CONSULTATIONS

- 1.1 WODC Drainage Engineers No objection subject to condition.
- 1.2 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:
G28 parking as plan
G11 access specification
No surface water to discharge to the highway
The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980
- 1.3 Parish Council Whilst the Parish Council has no objections to the applications, we would just like to point out that the current local plan, which is in the midst of being replaced, does not allow for new houses in the village except for infilling and agricultural building in exceptional circumstances.

2 REPRESENTATIONS

- 2.1 No comments received at the time of writing.

3 APPLICANT'S CASE

- 3.1 The conclusion of the Design and Access Statement has been summarised as:

As noted earlier, consents are in place for a residential redevelopment of this site, with a range of agreed supporting detail, so fundamental principles should not, in our view, be in question here, as noted in 1.2c).

- b) Again as noted earlier in this statement, each of the two consents granted rely heavily on Officers opinion and preference, which we do not believe has resulted in the best outcome here and our client's definite preference is for the layout design and detail as submitted with this application, which more closely follows that put forward at Pre-App stage.
- c) We believe that the design and detail in respect of the Residential Units, should be acceptable, having already been approved in an earlier scheme and should therefore meet Officers concerns and views, set out in the pre-app commentary.
- d) Further we believe that enhancements, in terms of detailed landscape proposals, enhanced boundary treatments, materials and design have been included, again with approval within the earlier approved scheme.
- e) As noted in 1.2c) we believe that the principle of access from the site frontage, off Blackditch has been accepted in the approval granted for the earlier scheme & that this proposal, with a significant reduction in the hardstanding area due to the different layout, with exactly the same access design, albeit relocated, will at the least be 'no worse' than the previously approved & in our view offer a better balanced arrangement, with the additional

benefit of keeping parking & vehicle movement as far as possible, away from neighbouring properties, to the rear of the site.

- f) On the basis of c), d) and e) above in particular we believe that concerns have been addressed, with enhancements offered to overcome any perceived impact on the Conservation area arising out of the revised scheme, with effective screen planting to the site frontage & East side.
- g) On the basis of the above and bearing in mind the detail and content of existing consents, we trust that the detail of this revised proposal will enable Officers to reconsider earlier reservations and offer support for this scheme, which is our clients preferred option for the development of this site.

4 PLANNING POLICIES

T4NEW Parking provision

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

EH8 Conservation Areas

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located within Stanton Harcourt and the Conservation Area. The existing site accommodates a dilapidated bungalow and proposes the erection of 2 dwellings and associated works. The application site has already gained planning consent the replacement of the bungalow with two dwellings;

14/0727/P/FP Removal of existing bungalow and erection of two dwellings with associated parking and new vehicular access. Approved Parking to serve the new accommodation was taken at the rear of the site.

16/03616/FUL Remove existing bungalow and erect two dwellings with associated works.
Approved

This application gained consent for part of the front area of the site to be used for parking, and new access of Blackditch. The remaining car parking was to the rear as per the 2014 consent.

17/01942/FUL Resubmission of 2014 application for an extension of time to the planning consent.

17/02993/FUL Erection of two dwellings - Withdrawn.

- 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 As advised below as regards to the proposed development officers consider that the proposed development would result in less than substantial harm (but at the top end of that spectrum) due to the impact caused to the Conservation Area and there are only limited public benefits that outweigh the harms. The only public benefit is the provision of two houses. Officers consider that this should be given only limited weight and that in paragraph 134 terms this is clearly outweighed by the combined harm to the designated assets to which officers give considerable importance and weight.
- 5.4 Notwithstanding that this proposal does not pass the relevant para 134 balance the scheme has also been assessed against policy under a tilted balance para 14 approach. Policy H5 of the adopted Local Plan deals with the creation of new dwellings within Villages of which includes Stanton Harcourt and Sutton. The policy states that new dwellings will be permitted in circumstances of infilling, and the conversion of appropriate buildings. The emerging local plan contains policies H2 and OS2 which relate to building in the right places and states that new dwellings will be permitted in Villages for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities.
- 5.5 The Council accepts that whilst it is highly likely to have one it cannot currently demonstrate to have a five year deliverable housing land supply and therefore the adopted Local Plan policies are considered out of date. In this instance where saved policies are out of date or the development plan is absent, paragraph 14 of the NPPF states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the framework when taken as a whole. Although the principle of two dwellings has already been approved, in this case when viewed in the balance, the 'benefits' of two dwellings proposed are not considered to outweigh the harms to heritage assets already discussed above. Moreover in a paragraph 14 balance the following harms also apply.

Siting, Design and Form

- 5.6 The proposed design of the dwellings follow those dwellings approved in 2017. However this approval incorporated the rear access only scheme for parking. There was no access from Blackditch, and no parking to the front of the site. Although the proposed dwellings were of a large scale and positioned closer to the road, this scheme retained the existing mature hedging on the site, and as such officers considered that the impact to the visual appearance of the Conservation Area was not unduly affected.
- 5.7 The 16/03616/FUL permission allowed the new site access from Blackditch into the site at the side boundary, and half an area of parking to the front. The proposed dwellings were designed to be of semi detached nature and scale set back more into the site. This scheme still retained a large portion of hedging to the front, and the views across Blackditch into the application site, retained the rural character. This results in less harm to the visual appearance of the Conservation Area. Further parking was retained to the rear of the site.
- 5.8 However the current scheme whilst set back from the road, follows the much larger scaled detached dwellings from the 2014/2017 applications. The proposed access is within the centre of the front boundary, rather than to one side. Your officers consider that as a result of the

increased impact of the hardstandings and dwellings the proposal will urbanise and harm the visual appearance of the Conservation Area.

- 5.9 Within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application. In this regard the proposed alterations would not respect the special qualities and historic context of the Conservation Area and would not maintain the appearance of the heritage asset given the nature of what is proposed and its location. The proposals are therefore not to considered to respect the local area and the development would not comply with policies of the adopted Local Plan, emerging Local Plan and relevant paragraphs of the NPPF.

Highways

- 5.10 OCC Highways have not raised highway safety or parking objections to the proposal.

Residential Amenities

- 5.11 Given that the residential amenities of the neighbouring properties were fully assessed at the time of the previous approvals, your officers do not consider that any adverse loss of residential amenities to existing neighbouring properties, or to the proposed occupants of the new dwellings.

Conclusion

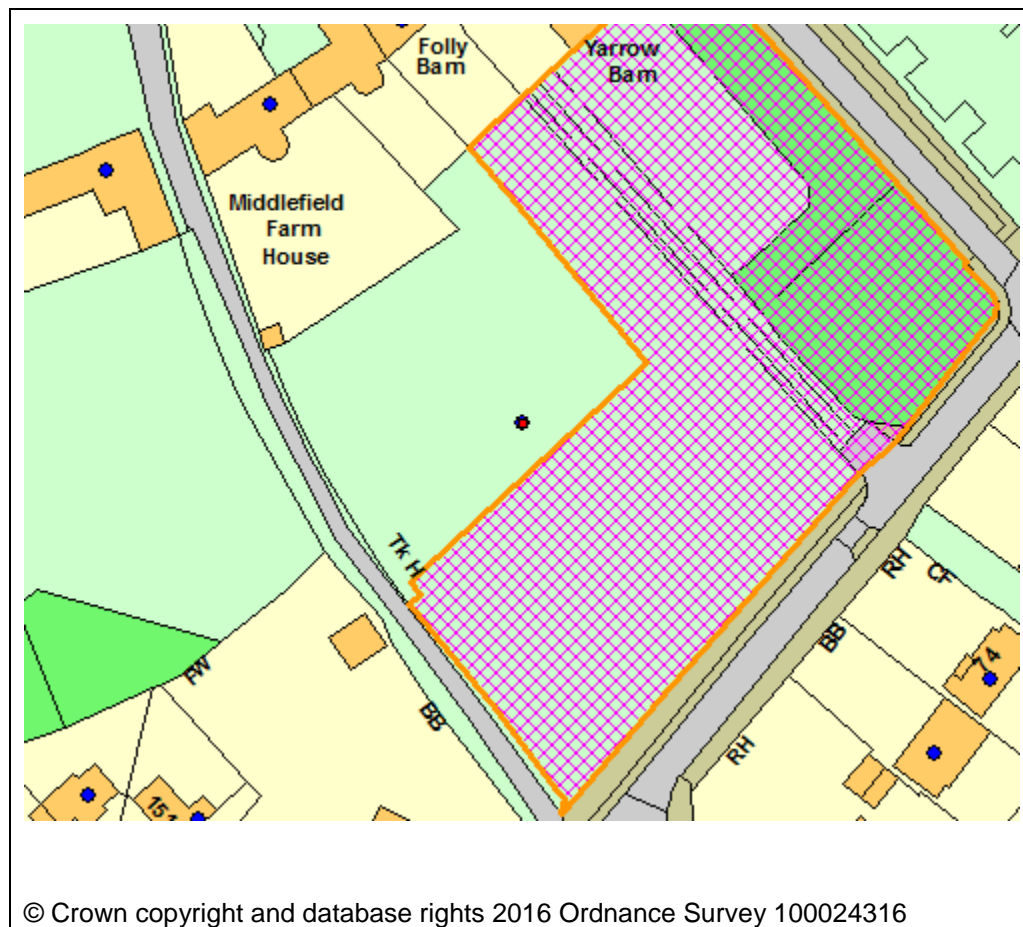
- 5.12 The design of the proposed dwellings per se is not considered to be an issue. However the introduction of a larger and more open area of parking to the front of the site as a result of the positioning of the access together with the larger scaled and more visible dwellings would harm the Conservation Area and the harms to this heritage asset is such that the benefit of the provision of two houses do not outweigh the harm.
- 5.13 Given the above officers are of the opinion that the proposed development is contrary to policies BE2, BE5, H5 of the Adopted West Oxfordshire Local Plan 2011 and policies OS2, OS4, H2, EH7, and EH8 of the Emerging Local Plan 2031 and the relevant paragraphs of the NPPF.
- 5.14 Refusal is therefore recommended.

6 REASON FOR REFUSAL

- 1 By reason of the harmful urbanising impact on the low key character and visual context of this part of the Conservation Area, the proposed development is considered to unduly urbanise an attractive area and detract from the character of the village. These harms are considered to substantially outweigh the public and other benefits of the development and would be contrary to policies BE2 and BE5 of the Adopted West Oxfordshire Local Plan 2011 and policies OS2, OS4, EH7, and EH8 of the Emerging Local Plan 2031 and the relevant provisions of the NPPF.

Application Number	I8/01670/OUT
Site Address	Land South of Middlefield Farm New Yatt Road Witney Oxfordshire
Date	1st August 2018
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	436427 E 211145 N
Committee Date	13th August 2018

Location Map



Application Details:

Outline Planning Application (all matters reserved except for access) for the erection of up to 4 dwellings.

Applicant Details:

Mr David Carrington, C/O Agent.

I CONSULTATIONS

- I.1 WODC Drainage Engineers
The application includes an FRA produced in 2018 by Forge Engineering design Solutions. The conclusion of the FRA is that individual infiltration soakaways would be constructed to accommodate the surface water generated by the new dwellings. I support that idea, subject to the landscaping being constructed to allow the free flow of exceedance water (in the event that the soakaways become blocked or surcharged) away from the new dwellings. The individual home owners would be responsible for the maintenance of the individual soakaways.
The proposed access road is to be drained by another soakaway in presumably communal land. That soakaway will also need to have a clear exceedance route and an oil interceptor installed prior to the soakaway inlet to ensure the quality of the water infiltrating into the land is of an acceptable quality. The ownership and the maintenance of the soakaway will need to be confirmed to WODC.
If the above details can be agreed prior to the application being presented, there will not be a need for a condition to be attached. Therefore, at this stage, I have no objection subject to a condition being attached to any consent granted that will require the applicant to have the surface water drainage detailed design approved by WODC, prior to commencement of work on site.
- I.2 OCC Highways
Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the conditions
- I.3 ERS Env Health - Lowlands
I have No Objection in principle to this outline application..
- I.4 Biodiversity Officer
Recommendation: objection due to a lack of a botanical survey to effectively evaluate the more diverse semi-improved grassland area in the northern part of the site
- I.5 Adjacent Parish Council
Hailey PC has no objection to this planning application.
- I.6 Parish Council
No Comment Received.

2 REPRESENTATIONS

- 2.1 6 letters have been received. The comments have been summarised as:
- Speaking as local residents, we object to any development on the paddock - it will spoil the setting of the nearby listed buildings; have a negative impact on local ecology; and result in a general loss of visual amenity for future generations. We note that this is a slightly amended version of the previously withdrawn application from November last year, however, our objection remains.
 - The farmstead and school buildings are all set well back from the road and are separated from the town by the paddock area and open fields all around. This open aspect clearly

adds quality to the locale and setting of the listed buildings, as well as providing a habitat for wildlife - in particular the variety of bird species hereabouts.

- We note that the original April 2008 application for the extension to the King's School was refused as it was against planning policy [quote] "...by reason of the scale, siting and lack of landscaping the proposed buildings would urbanise the rural approach to the settlement and harm the setting of the adjoining Listed Buildings." The design of the extension was duly modified to reduce its visibility from the New Yatt Road and lessen impact on the adjacent Middlefield farmstead.
- Although the school is a much bigger building, it is well away from the listed buildings and the adjacent landscaped car park maintains the open character of the area.
- Contrary to this, the proposed development will "urbanise the rural approach" by forming a solidly built-up edge on what is at present a green field site. The separation of the farmstead buildings from the town is an intrinsic aspect of the setting - closing-off the paddock and conjoining the farmstead with the town will undermine this. The supplied Heritage Statement appears dismissive but considerable effort was made to retain the original character and form of the farmstead buildings when converted to residences. The proposed layout, mimicking the form of the existing farmstead buildings, looks contrived and suggests that the main aim is in fact the demarcation of the paddock as a housing plot paving the way for additional development on the remainder.
- The proposed houses will surely heavily impact on the setting of the listed buildings because of their close proximity. They will close-off the open aspect of the paddock; dominate the backdrop in any views of the dovecote from the bridleway; and block any views from the east. There is an attractive view from The Kings School access road across the paddock to the dovecote and farmstead - although partially screened by the existing close-boarded fence (which could be lowered) it is clearly visible on Google Street View - a view that would be lost forever if the paddock is built over.
- Access to the New Yatt Road is between the Kings School road and the traffic-calming restriction. The New Yatt Road is already a very busy road and that section is particularly confused, with Early Road, Kings School Road, entrance to Middlefield Farm and associated buildings all entering the road close to the proposed access road for the new development, as well as the traffic calming restrictions, switching vehicles across the road.
- Flooding
- Owls roost in the trees where the site adjoins the New Yatt Road. These would be disturbed by this building work.
- Middlefield Farm House and its dovecote have historic significance to the area. The dovecote is thought to be one of the oldest buildings in Witney and it and the house are both Grade II Listed. It is important to keep the integrity and the natural balance of the surrounding land. The dwellings built around the said land have all evolved organically from buildings and barns. New builds no matter how tastefully erected are simply not part of the original farm and would detract from the beauty of this small and historic part of our town.
- The sewage system from the 8 houses of the Middlefield Farm complex, off the New Yatt Road, goes through the field and ménage to a macerator and it appears from the plans that the proposed houses are being constructed over the sewage pipes which could cause serious problems if any of the pipes fractured.
- Restrict any potential overlooking to the existing properties that face directly onto the proposed development, ensuring the privacy that is currently enjoyed is maintained.

3 APPLICANT'S CASE

The conclusion of the Design and Access Statement has been summarised as:

- The site to the south of Middlefield Farm along New Yatt Road will deliver up to 4 residential units set amongst high quality landscaping. The proposals are based on urban design principles that have taken into account the constraints and opportunities presented by the site as well as careful consideration of the existing character of this part of Witney. The historic character of the area has also been considered.
- The application site is located to the north of Witney, one of Oxfordshire's most sustainable towns, and is therefore considered a sustainable location for new housing, with good access to the existing facilities and services it has to offer. This includes nearby modes of sustainable transport such as the local bus. The proposed high quality homes reflect the needs of the local area, accommodating a range of different people, families and ages. The design approach will provide a safe and attractive development where people will want to live.
- Access will be provided from New Yatt Road as set out in the Transport Assessment. The site is located within Flood Zone 1 and is therefore at a low risk of flooding. The proposal has been designed to reflect the existing architectural character of the area whilst providing a contemporary and high quality development. The layout, scale and visual appearance has been carefully considered to enhance the surrounding area whilst ensuring that there is less than substantial harm to the setting of the nearby listed buildings.

4 PLANNING POLICIES

BE3 Provision for Movement and Parking
 BE2 General Development Standards
 H2 General residential development standards
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 H2NEW Delivery of new homes
 BE4 Open space within and adjoining settlements
 EH1NEW Landscape character
 EH2NEW Biodiversity
 NE13 Biodiversity Conservation
 NE1 Safeguarding the Countryside
 BE8 Development affecting the Setting of a Listed Building
 BE21 Light Pollution
 NE2 Countryside around Witney and Carterton
 TLC8 Public Rights of Way
 OS1NEW Presumption in favour of sustainable development
 T4NEW Parking provision
 EH6NEW Environmental protection
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks outline permission for the erection of 4 dwellings with principle and access to be considered at this stage. The site comprises a parcel of land on the edge of Witney. To the north west of the site there is the Grade II Listed Middlefield Farmhouse and Dovecote. To the north east there is a relatively new school building and there is existing housing to the west and on the opposite side of New Yatt Road. The former farm buildings have

been converted to form a traditional farmstead group which retains an open countryside setting. The access to the site is proposed through an existing access opening located on New Yatt Road.

- 5.2 Outline permission was sought in 1987 for residential development, including the land now be considered under reference 0783/87. This was refused for a number of reasons based around the need for, and appropriateness of, new housing in this location, as well as concerns about traffic generation.
- 5.3 Permission for the erection of 3 detached houses and 2 semi-detached houses and associated garaging was refused in 2001 in relation to: the proposal not comprising acceptable infilling or rounding off; design, siting and impact on setting of listed buildings; and impact on residential amenity. This was subsequently appealed and dismissed on 2nd July 2002, with the Inspector finding in favour of the Council on all grounds.
- 5.4 More recently an outline application for 5 dwellings (17/03259/OUT) was withdrawn before a formal decision was made.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 The adopted and emerging local plan identifies Witney as a service centre based on the settlements sustainability where new development is acceptable in certain circumstances. Emerging policy H2 refers to new dwellings and takes a less prescriptive approach. The policy states that new housing will be allowed on sites allocated for housing, on previously developed land within the built up area or on undeveloped land within or adjoining the built up area where development is necessary to meet identified housing need and is consistent with the general principles as outlined in the policy.
- 5.7 In the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.8 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.
- 5.9 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now

proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.

- 5.10 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.11 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.12 Emerging Local Plan 2031 Policy OS2 refers to the main service centres, such as Witney, being the focus for a significant proportion of new homes. Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria (now expressed in OS2), and is consistent with other policies in the plan.
- 5.13 With reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.14 The application red line area comprises an "L" shaped piece of land which fronts New Yatt Road. The development as shown on indicative plan and by the shape of the red line area would focus any development on the edge of the site. The indicative plans shows that the majority of the dwellings would be located on the North East edge of the site to allow them to sit in line with the existing barn range.
- 5.15 The site currently in its undeveloped form allows views of the listed building and Dovecot to be seen from the street scene as well as from the public footpath. The listed building and its associated buildings form an important cluster of building which when viewed together allow for sites historic past to be recognised as a result of the undeveloped rural context.
- 5.16 The site is located on the edge of Witney where there is a change from urban development to countryside. There is no designation on the land and it lies close to, but not within, the policy area around Witney which seeks to prevent urban sprawl and protect existing character.
- 5.17 There is a public footpath which runs to the west of the site which is well used and, in common with New Yatt Road, affords public views across the site. Officers are of the opinion that the site in its current form adds positively to the character and appearance of this part of the Town acting as a buffer between the built up form of Witney and the countryside beyond.

- 5.18 Whilst the application is in outline your officers have concerns with the way the land is shown to be developed in the indicative plans. The 4 dwellings proposed on the North East of the site is shown to follow the line of development of the barn range. Your officers are of the opinion that a development in this pattern would fail to respect the historic pattern of development, more so because the pattern of development here relates to a barn range. Historically barn ranges would not evolve in this overly long linear pattern and therefore the indicative plans fail to show how the development would respond appropriately to the pattern of development in the area and the overall character and appearance. Furthermore this pattern of development would allow for all the domestic paraphernalia to be located in a highly visible location facing in to the open space in the centre of the site. The positioning of the dwellings would require an access road to be created which further opens up the site creating further domestication and urbanisation of the site.
- 5.19 As the site is located within the setting of a listed building, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.20 In line with the NPPF great weight should be given to an assets conservation and any harm should be assessed against any public benefits. Your officers are of the opinion that the benefit of 4 new homes in this location to the housing supply would not outweigh the harm to the setting of the listed building and the overall character and appearance of the area.
- 5.21 In addition at the time of writing, your Biodiversity officer has raised objections to the scheme, and has requested a botanical survey and assessment of the species-rich grassland area and the results submitted as an addendum to the Preliminary Ecological Appraisal to provide sufficient information on the biodiversity value of the site and a consideration of the mitigation hierarchy to inform what will be implemented as part of the proposed development further surveys to be undertaken. A verbal update will be given at the meeting on this matter.

Highways

- 5.22 OCC Highways have not raised objections to the proposed outline application.

Residential Amenities

- 5.23 The application is made in outline and therefore an indicative plan had been provided showing how the properties could be located on the site. From the plans provided it is shown that the dwellings would likely be accommodated without compromising the amenity of neighbouring properties in this pattern with minimal distances being adhered to. Notwithstanding this, given the shape of the site if the layout were to be amended this may give rise to neighbour impact issues specifically with regard to Yarrow Barn.

Conclusion

- 5.24 Your officers consider that by reason of the location and proximity to the neighbouring listed building and public footpath, the development would encroach unacceptably into a largely unspoilt edge of settlement location which currently contributes positively to the setting and character and appearance of the area. The development would fail to complement the existing

pattern of development and consequently would appear incongruous, eroding the character and appearance of the wider area.

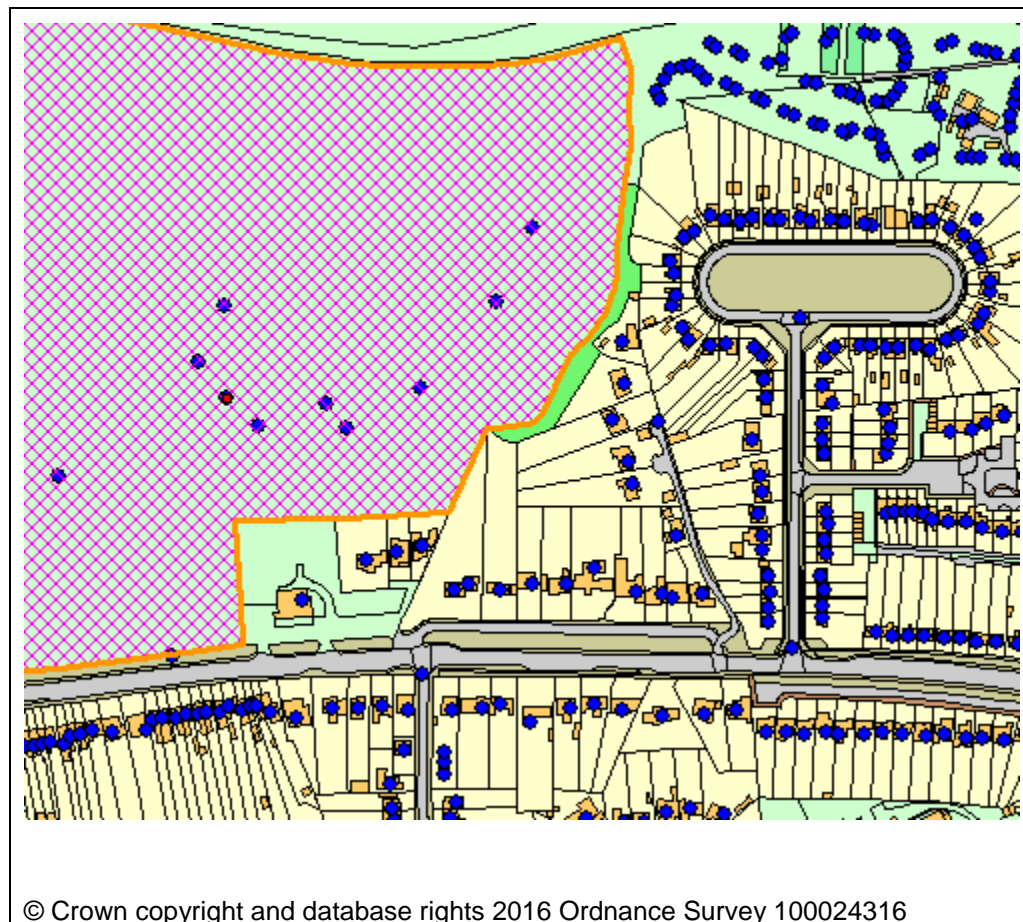
- 5.25 Taking in account the assessment above, significant weight is attached to the benefit of the provision of new housing (in general terms), and the economic benefits associated with the construction of new dwellings, and the potential economic activity associated with new residents are also acknowledged.
- 5.26 The benefits arising from the delivery of four new dwellings are outweighed by the adverse impacts that would result from the development. For these reasons officers recommend the application be refused.

6 REASONS FOR REFUSAL

- 1 The location of the site is within an open space that provides a rural edge setting for Witney and the neighbouring listed buildings. The proposed development would have an urbanising effect on the setting of the Listed Buildings Middlefield Farmhouse and Dovecote. This would lead to less than substantial harm to the setting and significance of the assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2 and BE8, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4 and EH7, and the relevant paragraphs of the NPPF.
- 2 The proposed development fails to form a logical compliment to the existing loose knit pattern of development along this section of New Yatt Road. In addition the siting of dwellings and associated domestic paraphernalia together with a vehicular accessed from New Yatt Road to serve the development would be likely to result in an adverse urbanising impact of an important open space which currently contributes positively to the semi- rural character and appearance of the area. As such the proposal fails to preserve or enhance the character and appearance of the area and adversely urbanises the semi - rural setting of both the adjacent Grade II listed building Middlefield Farmhouse and Dovecote and the public footpath which runs both alongside the site. In light of the above the development proposal is considered contrary to West Oxfordshire Local Plan Policies BE2, BE4, H2 and BE8, Emerging West Oxfordshire Local Plan Policies OS1, OS2, OS4, H2 and EH7, and relevant paragraphs of the NPPF.

Application Number	I8/01684/S73
Site Address	Land North of Burford Road Witney Oxfordshire
Date	1st August 2018
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	434666 E 210448 N
Committee Date	13th August 2018

Location Map



Application Details:

Non compliance with condition 2 of planning permission 17/03338/RES to allow realignment of road and plot substitution.

Applicant Details:

Mr Luke Webb, David Wilson Homes, Remus 2, 2 Cranbrook Way, Solihull Business Park, Solihull, B90 4GT

I CONSULTATIONS

- I.1 Town Council No reply at the time of writing
- I.2 Major Planning Applications Team No reply at the time of writing

2 REPRESENTATIONS

- 2.1 At the time of writing there have been 47 objections received in respect of the application. Given that the application relates to only very minor modifications (slight road realignment required following further technical investigations resulting in minor amendments to the approved layout to include the substitution /variance of house types on a limited number of plots in the south eastern sector of the site) to the approved Reserved Matters application 17/03338/RES for 260 dwellings on the land, the objections relating to the principle and detail of what has been approved to date will not be reported.
- 2.2 Access to the objections in full can be found on the Council's website.
- 2.3 The objections in respect of the proposed amendments are as follows:
- Wasn't the original plan to include 3 storey properties? This was rejected. Please do not allow this change;
 - I totally object to this recent change of plan regarding increasing the height of the houses facing Burford Road. It is a complete outrage to increase the number of floors to these properties. It is a total devastation of our beautiful Windrush Valley and the local community of Witney;
 - The proposed increase in height , floor space will impose itself onto the landscape and without doubt the local Witney residents and be totally out of character. Increased accommodation size equals increased residents, more cars, more noise
 - There is already a great loss in the view to the valley from the Burford Road so any increase in height would limit the views to a greater extent.
 - I object to change in planning on the Burford Road it will cut out light to our property even more than already with the new houses so high on the top road. This planning application should never have been passed and making the houses larger and higher is not agreeing to what was originally passed... this planning should never have been approved Windrush valley
 - I am objecting to the additional planning application on Burford Road this will affect lighting and views for exciting houses.
 - Higher units will effect the street scene impact and will be out of character and will also have an overbearing impact from our house.
 - Having looked through the plans I notice on the Landscape Plan 2no. Acer platanoides 'crimson king' are proposed to the site entrance, on BUR_PL_001 (L) these two trees are removed. I understand the requirement for a vis splay but there is room for these trees to

be included without detriment to the splay. These trees are key nodes to the site entrance and softening of the street scene lessening the impact of the development to the existing dwellings opposite.

- I also note that the specification of all landscape elements is not on the landscape drawing. As key avenue trees I would expect these trees to go in as minimum 20-25cm if not larger.
- The semi-native hedge is proposed as a single line? Should this not be a double staggered row??
- The original development was railroaded through by the secretary of state despite all local rejections of the plan. The houses on the side of the Burford road were designed to be of a height which would keep them below the eyeline of the houses opposite. To try to change this now and increase the size of the houses shows complete disregard for the residents. The development is already a disaster for Witney. I strongly object to the changes and wish them to be rejected out of hand.
- Another floor on these houses makes this an even more unacceptable development from a landscape and design perspective. I'm very worried about the increase in traffic in the town and bigger houses equals more vehicles.
- The build is significant enough already.
- This planning permission was granted for a specific height of dwelling and I strongly suspect that there was always an intention to go back at a later date and increase the specifications.
- Amendments once an already controversial and unwanted development have been passed are just simply wrong, especially when it further affects the residents in close proximity to the development. The view is already disgusting compared with before this started so please let's not make it worse? The principle of sneaking through amendments they knew would probably get rejected if in the original application is just shameful and underhanded and the council should reject them on that basis alone.
- To now try and raise the height of the houses bordering the Burford Road, to block out even more of the view, beggars belief and shows that David Wilson Homes has absolutely zero regard for the local community.
- I strongly object to this planning application as I cannot see any good reason for the change and certainly none has been put forward within the application, therefore it should be refused outright on the grounds shown above.
- Why make a devastating decision to ruin the Windrush valley even worse by adding more stories. It's not going to add to the amount of homes available just more profit and less of the view.
- More rooms equals more traffic, more pollution , more noise and as a resident of Burford Road I strongly reject any amendment .
- I object to the proposal for the houses opposite my business on Burford from 2 to 2 and half storey. There is absolutely no reason why they should want to do this, it was not in the

initial plan and so why now? What is their reason? For the residents on that stretch of Burford Road its bad enough that they have taken our views away but we could have at least some view from our upstairs bedrooms but it would completely cut that off if that happened. They should stick to their plans unless it is dangerous and this is not!!!!

- It's not right that the permission for this to go ahead in the first place was given but to amend plans once permission had been given us reprehensible on the part of the builders. The people who bought houses on Burford Road, I am sure, never thought that their view would be taken away but to have this reduced even further is decidedly wrong.
- None of this build was given public support or indeed our local council support or any local party support. To then ask for more is totally outrageous. The blot on the landscape is already causing problems for its neighbours and wildlife without adding to it further. This is a disgrace
- I understand that homes have no right to a view. My objection here is that they presented their original plan under false pretences, knowing a four storey property will not have been given approval.
- Let's not have some ugly 3 story houses completely blocking the view of the valley Bad enough that they are building on it anyway
- David Wilson Homes is now trying to "sneak" in addition planning changes which will impact the current homes significantly and change the appearance of this area to unacceptable development. Surely it is time the council is able to stand up to this relentless desire to change the Windrush Valley for good?

3 APPLICANT'S CASE

- 3.1 There is no supporting statement submitted with the application as the proposed changes to the layout and the house types are very minor and are a result of a slight road realignment in the south western sector of the site following technical investigations and to address a water mains easement issue that has arisen.

4 PLANNING POLICIES

NE2 Countryside around Witney and Carterton

NE3 Local Landscape Character

H2 General residential development standards

WIT3 Windrush in Witney

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1NEW Landscape character

BE2 General Development Standards

BE3 Provision for Movement and Parking

NE1 Safeguarding the Countryside

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application has been referred to Committee because at the time of writing the Town Councils comments remain outstanding.
- 5.2 This application is to amend the layout plan approved under 17/03338/RES. As a result of technical investigations on the land a slight road realignment is required in the south western section of the site in order to accommodate a water mains easement. The revised layout also includes the consequential realignment of a number of footpaths, junction radii and the amendment of a limited number of the garage designs. Ordinarily very limited changes of this type within a layout plan for 260 dwellings would be considered non material and need not be the subject of a further planning application.
- 5.3 However, in addition to the above as a result of the revised layout there are also a number of house type changes proposed, one of which is to substitute 2 two and a half storey dwellings (semi detached pair) along the Burford Road frontage for 2 two storey dwellings as was approved under the Reserved Matters consent. Your Officers considered this together with other house type changes and plot realignments to be more than a non material amendment and as such required an application for the revised layout and house substitutions.
- 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 The principle of redevelopment of the plot for 260 dwellings has been approved at both Outline and Reserved Matters stage. This application is not proposing further units but rather minor modifications to the layout and a small number of house designs of the Reserved Matters approval in the south western section of the site.

Siting, Design and Form

- 5.6 In your Officers opinion, given the extant consent for 260 dwellings, the minor changes proposed to the layout and the house types are so limited that the impact in terms of views from properties fronting onto the Burford Road is not considered by Officers to be materially different to that of the extant permission. Further, the limited changes in the layout do not result in unneighbourly relationships within the context of the new development.

Highways

- 5.7 At the time of writing the views of OCC regarding the proposed amendments remain outstanding.

Conclusion

- 5.8 Given the above assessment your Officers are of the opinion that subject to OCC raising no objections to the amendments that the application can be recommended for conditional

approval. It maybe that further conditions and informatives will be recommended by Officers at the meeting as a result of OCC's response and further consideration of the planning submission.

6 CONDITION

- I Other than the amended layout plan hereby approved ref BUR-PL-001 Rev L the development shall be carried out in accordance with the plans and conditions approved under 17/03338/RES.
REASON: For the avoidance of doubt as to what is approved