

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 11th February 2019

**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

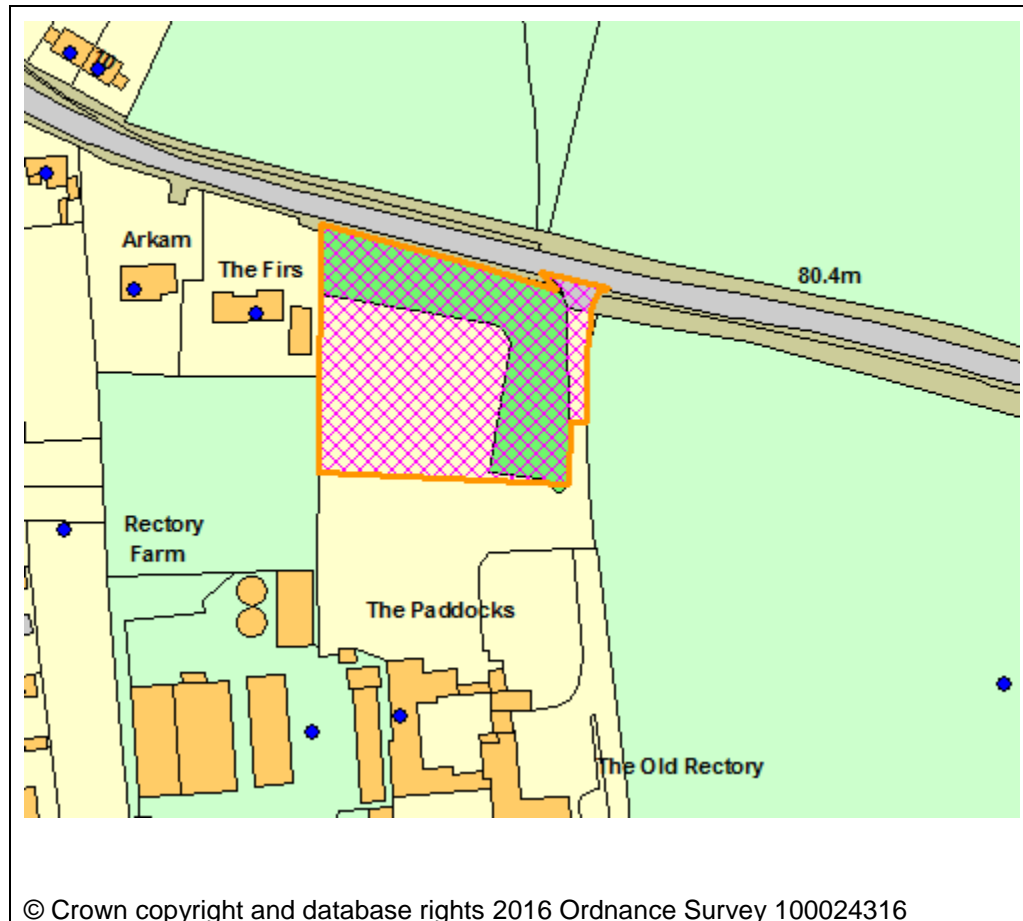
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
18/02374/FUL	<u>The Old Rectory, Station Road, Alvescot</u>	3
18/02598/FUL	<u>The Barrel House, 2 Church Green, Witney</u>	9
18/03010/HHD	<u>Littledean, Pitts Lane, Hailey</u>	15
18/03576/FUL	<u>Land South of Elmside, Greenacres Lane, Aston</u>	19

Application Number	I8/02374/FUL
Site Address	The Old Rectory Station Road Alvescot Bampton Oxfordshire OX18 2PS
Date	30th January 2019
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Alvescot Parish Council
Grid Reference	427415 E 204227 N
Committee Date	11th February 2019

Location Map



Application Details:

Erection of two storey detached dwelling and garage on land to the front of The Old Rectory.

Applicant Details:

Mr & Mrs Barlow, The Old Rectory, Station Road, Alvescot, OX18 2PS

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|---|
| I.1 | Parish Council | The Parish Council have no objections to this planning application but would ask that the new building is in keeping with The Old Rectory in style and design. |
| 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 |
| I.3 | Biodiversity Officer | No Comment Received. |
| I.4 | WODC Drainage Engineers | No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full. |
| I.5 | Thames Water | No Comment Received. |
| I.6 | Conservation Officer | The Parish Council have no objections to this planning application but would ask that the new building is in keeping with The Old rectory in style and design. |
| I.7 | ERS Env. Consultation Sites | No Comment Received. |
| I.8 | ERS Env. Consultation Sites | The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions. |
| I.9 | WODC Landscape And Forestry Officer | No Comment Received. |

2 REPRESENTATIONS

No comments received.

3 APPLICANT'S CASE

A Design and Access Statement has been submitted with the application. It has been summarised as:-

- The Old Rectory already enjoys a setting with ample surrounding land and the application area represents land unused by our Client which is felt would serve better purpose for a new family village house. The proposal is for a house of architectural merit that compliments the style and scale of The Old Rectory and makes a positive contribution to the village albeit in a very discreet setting.
- The Old Rectory is well set back from the road with a very substantial front garden land which formed part of The Paddocks and this is the location of the new dwelling.

- Access is via the existing drive from Station Road.
- The new dwelling will be two storeys with rooms in the roof. The proposed dwelling will have ashlar stone on the principle elevation with stone parapets and a Cotswold stone tiled roof. Remaining elevations will be in stone quoin with coursed rubble stone matching the details of The Old Rectory.
- The new dwelling will be located at the entrance to the village but is entirely screened by mature planting.

4 PLANNING POLICIES

H2NEW Delivery of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H6NEW Existing housing

EH11 Listed Buildings

EH10 Conservation Areas

T4NEW Parking provision

EH4 Public realm and green infrastructure

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

Background Information

Planning History

- 5.1 WV95/0332 - Erection of a One and Half Storey dwelling with access from existing private drive. Refused, Appeal dismissed.
- 5.2 The application site is within the grounds of the Grade II listed Old Rectory, in the Conservation Area, and prominently located at the main eastern approach to the settlement. The proposal is seeking planning consent for a six bedroom house and garage.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.4 Alvescot is categorised as a Village within Policy OS2 of the adopted West Oxfordshire Local Plan. This policy states that villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. Policy H2 continues by stating that new dwellings will be permitted on undeveloped land within the built up area provided that the proposal is in accordance with other policies and the general principles of Policy OS2. The general principles include that all development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality, Form a logical complement to the existing scale and pattern of development and/or the character of the area
- Avoid the coalescence and loss of identity of separate settlements
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area.
- Conserve and enhance the natural, historic and built environment.

5.5 In your officers opinion the proposed dwelling is not a replacement of The Paddocks, an existing dwelling now owned by the occupier of The Old Rectory. It is a separate dwelling proposed to be located in a currently undeveloped area of land which contributes significantly to this part of the Conservation Area. It is also your officers' opinion that the application site is not within the built up part of the village and as such does not form a logical complement to the existing scale and pattern of development and the character of the area. As open land beyond the village the last bullet point of Policy H2 would apply, and no need has been demonstrated to justify the dwelling.

Siting, Design and Form

- 5.6 A tall and imposing form is proposed, on a sizable footprint, with a large garage in addition. Whilst mature trees and other vegetation currently line the boundaries of the site, these cannot and should not be relied upon to screen such a development in perpetuity. This is especially so when officers are of the view that the principle of development is not supportable.
- 5.7 Your officers consider that any proposed dwelling in this location would transform this important approach to the settlement. At present, there is a decidedly rural and undeveloped character here, with the buildings that are first encountered at each side of the road being low key and of relatively small scale. As such officers consider that the proposal does not comply with the principles of Policy OS4 in that the new development does not respect the historic, architectural and landscape character of the locality. It does not contribute to the local distinctiveness and does not enhance the character and quality of the surroundings.
- 5.8 The application site is set within the Conservation Area and will affect the setting of the adjoining Listed Building. Policy EH10 refers to development within the Conservation Area and development will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting. Your officers consider that the proposed development does not conserve or enhance the Conservation Area and is detrimental to views within, into or out of the Area. Policy EH10 also states that the proposals should be sympathetic to the original curtilage and pattern of development and to important green spaces, such as paddocks, greens and gardens, and this historic pattern which makes a positive contribution to the character of the Conservation Area.
- 5.9 The address given for the application is land to the front of The Old Rectory. The Old Rectory is Listed, and such your officers have had regard to Policy EH11 which discusses Listed Buildings. Development will be permitted, where it can be shown to respect the building's historic setting. The proposed dwelling will adversely affect the setting of the Listed Building, as the proposed dwelling is shown to be within an important open paddock land which is part of the historic setting of The Old Rectory.

- 5.10 Referring back to the Inspector's decision in 1995, the Inspector stated that "the built up area of the village proper finishes, on the south side of Station Road at The Firs....The appeal site does not adjoin existing buildings but is separated on all sides by open land." He continues by stating "It is not in my view well contained but, forming part of a larger paddock, reads as part of the open countryside. In those circumstances I consider that the erection of a dwelling would fail to infill or round off of the settlement and would instead project unacceptably into the rural hinterland." The Inspector when assessing the impact of a proposed dwelling within the Conservation Area, states, "I consider that further residential development in this prominent location at the entrance to the village, together with the loss of a section of the paddock would harm its spacious character and appearance."
- 5.11 In view of the above your officers still consider that the proposed two storey dwelling in this proposal would harm the spacious character and appearance of the Conservation Area.
- 5.12 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 dwelling 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 considered to respect the local area and the development would not comply with Policies EH10 and OS4 of the Emerging Local Plan and relevant paragraphs of the NPPF.

Highways

- 5.13 OCC Highways have not raised objections to the proposal in terms of matters of access and highway safety.

Residential Amenities

- 5.14 Due to the location of the proposed dwelling, set away from neighbouring properties, your officers consider that no adverse residential amenity issues will be adversely affected by the proposed development.

Conclusion

- 5.15 In conclusion, your officers consider that the proposed two storey dwelling and detached dwelling, in the proposed location, would not form a logical complement to the existing built up form of the settlement, would harm the soft rural approach to the village, and as such would not conserve or enhance this part of the Conservation Area and be detrimental to the setting of the Listed Building. As such the proposal fails to comply with the policies as stated within your officer's report.

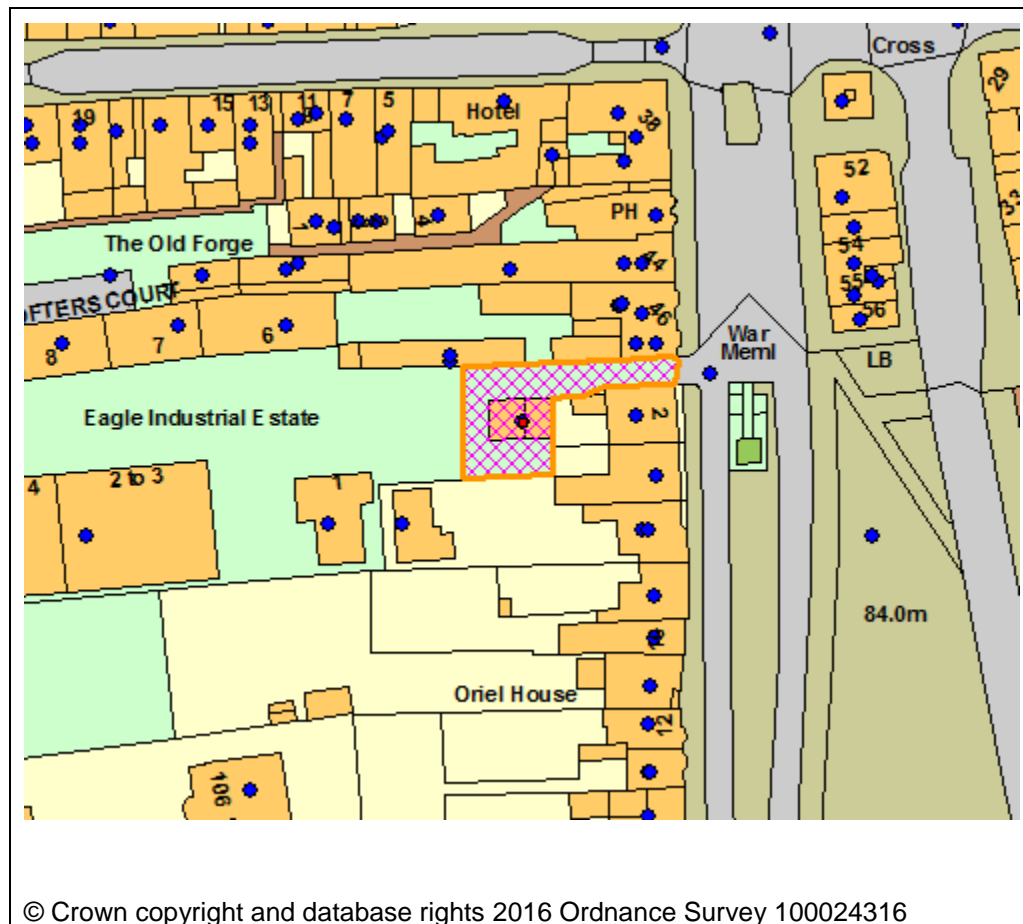
6 REASONS FOR REFUSAL

- 1 By reason of the siting of the proposed dwelling and garage being outside of the built up part of the village, the proposal does not form a logical complement to the existing scale and pattern of development and the character of the area but would extend the village into open countryside eroding the setting of the village and no need has been demonstrated. The proposal is contrary to Policies OS2 and H2 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

- 2 By reason of the proposed scale, design, form and positioning of the proposed dwelling and garage, the development fails to enhance or conserve the rural visual appearance of paddock land which is within the Conservation Area. The proposed development would transform the important approach to the settlement and would not contribute to the local distinctiveness and would not enhance the character and quality of the surroundings. Furthermore the proposed development does not respect the Listed Building's historic curtilage. As such the proposal is contrary to Policies OS4, EH10 and EH11 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

Application Number	I8/02598/FUL
Site Address	The Barrel House 2 Church Green Witney Oxfordshire OX28 4AW
Date	30th January 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435553 E 209513 N
Committee Date	11th February 2019

Location Map



Application Details:

Change of use from B1 office to C3 dwelling with associated access, parking and amenity space

Applicant Details:

Mr Robin Braithwaite, c/o Agent.

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. The existing use has the potential to generate more traffic movements and parking than that proposed. |
| 1.2 | WODC Planning Policy Manager | No Comment Received. |
| 1.3 | WODC Rural Development | Objection to loss of office space. |
| 1.4 | Town Council | Witney Town Council objects to this application due to the loss of business space central to the town. There also appears to be insufficient amenity space. |

2 REPRESENTATIONS

No third party representations received.

3 APPLICANT'S CASE

- 3.1 This application seeks the change of use of an existing B1 premises to a C3 dwelling with associated access, parking and amenity space.
- 3.2 The sites location within Witney Town Centre provides a highly sustainable location for new development, with excellent public transport links and service provision for primary and secondary location, leisure, places of worship, public houses etc.
- 3.3 The principle change of use is considered to accord with adopted local policy H7 in addition to paragraph 118d of the NPPF. It is also noted proposals constitute windfall development, the value of small windfall sites in meeting housing delivery targets is identified by both national and emerging local policies. Specifically, paragraph 85 of the NPPF and emerging policies OSI, H1 and H2.
- 3.4 Although proposals will result in a loss of employment space, in the context of the lawful fall-back position, this loss it is not considered a material consideration. Planning permission provides scope to improve the sustainability and quality of residential development in accordance with paragraph 11 of the NPPF and policy OSI of the emerging Local Plan.
- 3.5 Given proposals do not comprise new development but instead utilise the existing built form, it is considered that development would not significantly alter the existing relationships between development and the historic environment, as such proposals accord with chapter 16 of the NPPF, policies BE5 and BE8 of the adopted plan and policies EH7, EH8, EH9 and EH14 of the emerging plan.
- 3.6 The applicant has made 'optimum' parking provision in accordance with Oxfordshire's parking standards whilst it is also concluded that there is a suitable provision of amenity space reflective of the scale of residential development.

- 3.7 It is concluded that proposals accord with the local development plan and permission should be granted without delay.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is located to the south of Witney town centre, to the east of the Eagle Industrial Estate (B1, A4 and A5 uses) and to the west of Church Green. The two storey Cotswold stone office building is located to the rear of existing commercial and residential properties.
- 5.2 The application is located within the Witney and Cogges Conservation Area and The Barrel House is identified as a locally listed building.
- 5.3 In April 2018, an application for prior approval for the change of use of an office building (B1 Use) to a single dwelling (C3 Use) under the provisions of Schedule 2 Part 3 Class O of the General Permitted Development Order 2015 was submitted and subsequently returned for the reason that the application site included amenity land and access forming part of the Article 4 direction. This proposal would have required a planning application which would have been deemed contrary to Policy E1 of the adopted Local Plan. A further prior approval application was then made for the building alone which was approved in December 2018.
- 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 - The prior approval fall-back position
Design and Impact on Heritage Assets
Residential Amenity Impact
Highway Impact
- Principle
- 5.5 Whilst the building sits adjacent to a well occupied industrial estate in Witney town centre, a recent prior approval application has been granted. The building itself falls outside the Article 4 Direction which prevents change of use of B1 office use to C3 residential dwellings in this area. The objection from the Economic Development Officer is noted, however this application now

focuses on the inclusion of the amenity area and provision of a car parking space with the fall-back established for the change of use of the building by way of the prior approval application.

Design and Impact on Heritage Assets

- 5.6 Within a Conservation Area, in the determination of a planning application, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. This 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.
- 5.7 The Witney and Cogges Conservation Area Character Appraisal (CACA) confirms the building to be a locally listed building. Locally Listed Buildings form highly significant components of the built environment, positively contributing to the appearance, character and fabric of the conservation area. Many of these buildings are good examples of local vernacular architecture: period buildings of sound, unpretentious design constructed from local materials. A number of these buildings play a particularly significant role within the conservation area, perhaps due to their landmark status or their architectural quality. Local Listing is not a statutory designation, but seeks to recognise buildings which nonetheless make a significant contribution to the character of the conservation area, or that have some architectural or historic merit.
- 5.8 The CACA also describes the built form behind the main residential frontages of Church Green, as being mixed, with scattered houses and cottages as well as the Eagle Industrial Estate (including the Wychwood Brewery). The appraisal describes Church Green as follows:
- For its combination of architectural quality, historical significance, unity of space and buildings, state of preservation, and the landmark feature of the church, Church Green is the finest and most visually sensitive urban environment within the conservation area.*
- 5.9 In assessing the proposal against the above statutory and non-statutory designations, officers are of the view that the proposed alterations to the building to inform the change of use to a residential dwelling, would be minimal. Officers consider that they would respect the special qualities and historic context of the Conservation Area and would maintain the relationship between the surrounding properties and the appearance of the heritage asset given the nature of what is proposed and its location. The fabric of the locally listed building is not significantly altered and the character of the building is maintained. The proposals are therefore considered to respect the local area and the development would comply with policies OS2, OS4, EH9, EH10 of the adopted Local Plan 2031 and relevant paragraphs of the NPPF.

Residential Amenities

- 5.10 The application proposes 42.5sqm of private amenity space. Officers do not object to this provision in a town centre location. There are no additional boundary treatments proposed and officers are of the view that the site should remain open in character as per the existing site.
- 5.11 No new window openings are proposed and therefore the proposed use would not result in harmful overlooking over and above the existing use. Permitted development rights are

proposed to be removed to safeguard against the provision of new openings and erection of outbuildings etc. The proposal is considered compliant with adopted Local Plan policy OS2.

Contamination and Noise

- 5.12 There are no issues of contamination associated with the site and no ground works would be required to facilitate the change of use.
- 5.13 Under the remit of Pollution Control the Environmental Health Officer previously requested a noise condition as part of the prior approval application to protect future occupiers from noise given the Industrial Estate location. The same condition is proposed here and thus the proposal is considered compliant with adopted Local Plan policy EH8.

Highways

- 5.14 Oxfordshire County Council Highways have been consulted and raise no objection. The application proposes one car parking space and the proposed development will not give rise to an increase in vehicular movements when compared with the existing commercial office use. The proposal complies with adopted Local Plan policy T4.

Flood Risk

- 5.15 The site is not located within Flood Zone 2 or 3. The building is served by existing drainage and therefore no objections are raised. The proposal complies with adopted Local Plan policy EH7.

Conclusion

- 5.16 The proposed change of use and associated works are considered to be acceptable in its design and would form a visually appropriate addition to the existing dwelling. The development is not considered to have an adverse impact to the residential amenities of adjacent properties. As such officers consider that the proposal complies with policies OS2, OS4, EH7, EH8, EH9, EH10 and T4 and the relevant paragraphs of the NPPF and is recommended for approval with the conditions detailed.

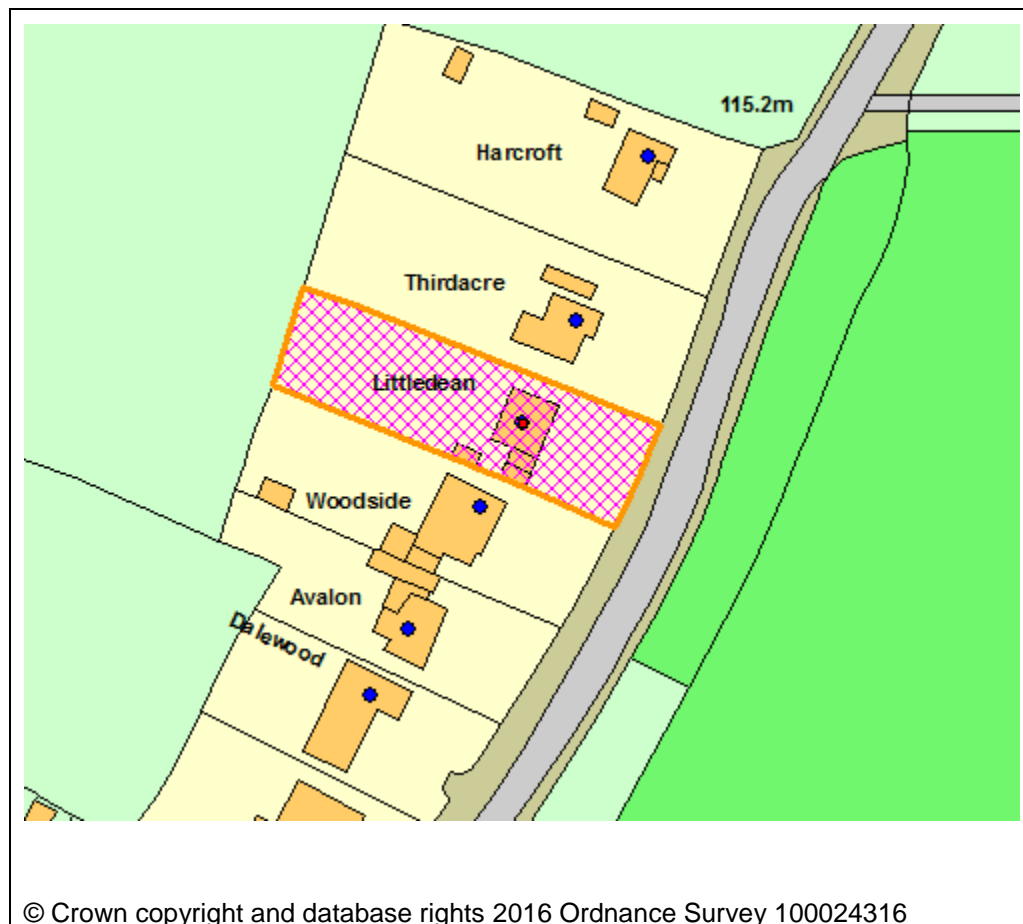
6 CONDITIONS

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

- 3 The dwelling hereby approved shall be designed and constructed to incorporate measures to ensure that as a minimum, they achieve the internal ambient noise levels contained in British Standard 8233:2014 (or later versions). These standards currently require:
Resting 35 dB LAeq,16hour
Dining 40 dB LAeq,16hour
Sleeping 30 dB LAeq,8hour
and any external amenity space(s) should achieve 55dB
REASON: To ensure the creation of satisfactory living conditions in the dwelling.
NOTE: If relying on closed windows to meet the guide values there needs to be an appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to protect residential amenity and the character and appearance of the area.
- 5 No part of the development shall be occupied until the facilities for the storage of refuse and cycles at the site have been approved in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.
REASON: To safeguard the character and appearance of the area.
- 6 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.

Application Number	18/03010/HHD
Site Address	Littledean Pitts Lane Hailey Witney Oxfordshire OX29 9UT
Date	30th January 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Hailey Parish Council
Grid Reference	436210 E 213005 N
Committee Date	11th February 2019

Location Map



Application Details:

Construction of an oak framed porch over front door. Rear extension and conversion of roof space to create first floor living area to include insertion of roof lights and dormer windows (amended).

Applicant Details:

Mr And Mrs Holtom, Littledean, Pitts Lane, Hailey, Witney, Oxfordshire, OX29 9UT

1 CONSULTATIONS

- 1.1 Parish Council Hailey PC has no objection to this planning application.
- 1.2 OCC Highways No objection.

2 REPRESENTATIONS

- 2.1 Two neighbour objections have been received with a further objection from a third party summarised as follows:

- Over shadowed by the proposed extension due to its height, length and the proximity to boundary. At one point it is only about 2ft away from the boundary.
- Overbearing.
- Loss of light to habitable rooms - does not comply with prescription act 1832 right to light 25 degree rule.
- Planning permission at Woodside will not be executed - rooms on the north will remain as bedrooms.
- The location plan foot print does not match the maps that the Land Registry and WODC have. Does this indicate that there has been no prior planning for the side extension to the rear of the flat roof garage/wc. We are surprised it was allowed as it is so close to our boundary and again this blocks the light to our bungalow's north facing windows.
- Out of keeping with neighbour's properties. Loss of visual gap.
- Visually prominent from rear gardens.
- The existing garage and wc (both under flat roof) are additions to the original bungalow this is misleading on the site plan as they are not shown in red. Will this make the extension over the 30 percent allowed?
- Request site visit.

3 APPLICANT'S CASE

No supporting statement submitted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site is a detached chalet bungalow located on Pitts Lane, Poffley End, Hailey.

- 5.2 The application site is not located within a designated area of planning control.
- 5.3 The applicant seeks planning permission for the construction of an oak framed porch over the front door, a rear extension and conversion of roof space to create a first floor living area to include insertion of roof lights and dormer windows.
- 5.4 This application is being heard before the Committee as the applicant is a member of WODC staff.
- 5.5 Taking into account current 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
Design, Form and Siting
Residential Amenity

Principle

- 5.6 The principle of extending an existing residential property in this rural location is considered acceptable under the adopted Local Plan policies, providing the proposals do not conflict with any other aims of the development plan, in terms of design, impact on neighbouring amenities etc.

Design, Form and Siting

- 5.7 Following a site visit at the neighbouring property, the design, form and siting of the extension have been amended with the eaves and ridge reduced in height and the side elevation located further from the neighbouring boundary. The materials are to match. In the streetscene, the extension would not project closer to the neighbouring property at the front, with an extension above the existing garage. Your officers consider the extension complies with adopted Local Plan policies OS2, OS4 and H6.

Residential Amenity

- 5.8 The application has received two objections from the neighbouring properties regarding impact on residential amenity. A third objection has been received, not by a neighbour, but references the Prescription Act 1832 and Right to Light. The BRE Report, Site layout planning for daylight and sunlight: a guide to good practice (BR209), advises on planning developments for good access to daylight and sunlight, and is widely used by local authorities to help determine the impacts of new developments. As a rule of thumb, it can be dependent on the site and can be flexible and is not applied in all cases. The direction of sunlight and shadow fall over a neighbour's property as a result of an extension is a planning consideration. Your officers requested amendments to the scheme to address some of the points raised in the objections.
- 5.9 Based on the orientation of the sun, separation distances, heights of the eaves and ridge and the presence of the existing extension, it is considered by your officers that the proposed extension would not result in harm in terms of loss of light to the bedroom of the neighbouring property to such an extent that would be considered detrimentally harmful to residential amenity. In terms of siting, density and appearing overbearing on the neighbouring bungalow, the proposed

extension is considered a sufficient distance from the main dwelling, so as not to appear overbearing. The proposal is therefore considered by your officers to accord with adopted Local Plan and OS2, OS4 and H6 of the Emerging Plan.

Conclusions

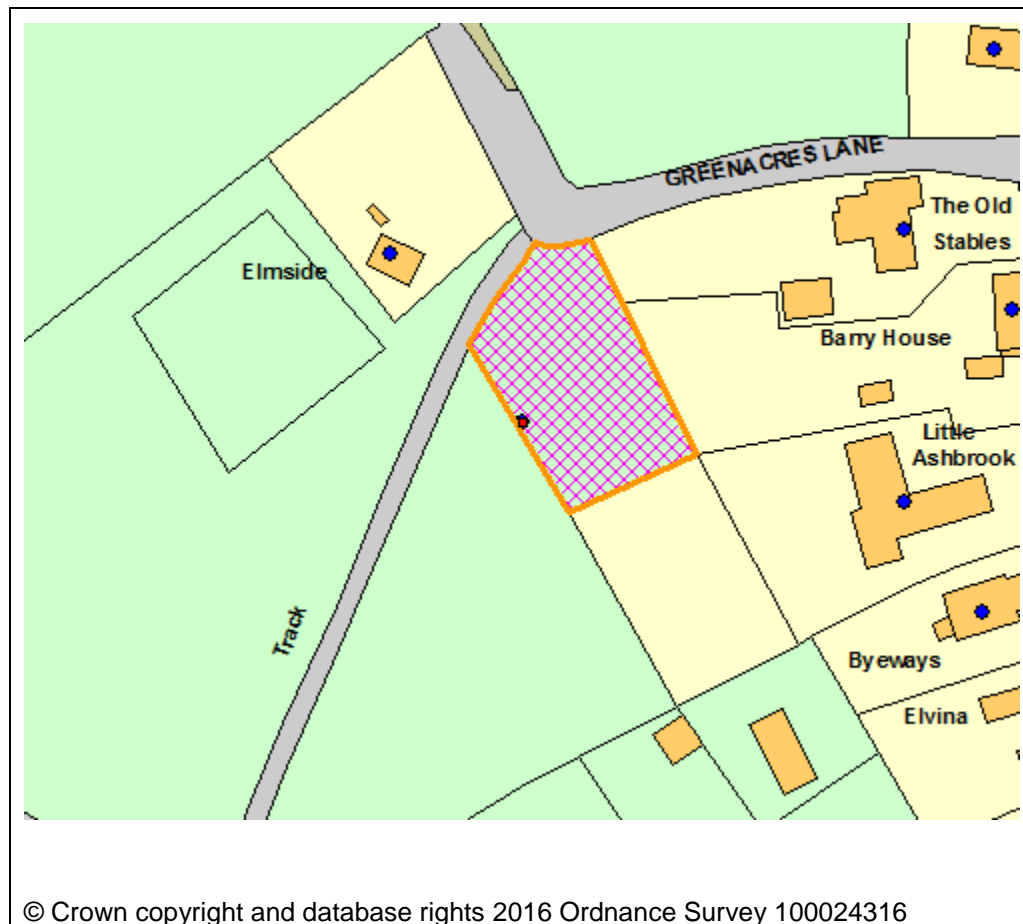
- 5.10 The proposed extension is considered to be acceptable in its design and would form a visually appropriate addition to the existing dwelling. The development is not considered to have an adverse impact to the residential amenities of adjacent properties. As such officers consider that the proposal complies with the relevant policies as stated above and the relevant paragraphs of the NPPF and is recommended for approval with the conditions detailed.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on XXXXXX.
REASON: The application details have been amended by the submission of revised details.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

Application Number	I8/03576/FUL
Site Address	Land South of Elmside Greenacres Lane Aston Bampton Oxfordshire
Date	30th January 2019
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Aston, Cote, Shifford And Chimney Parish Council
Grid Reference	433756 E 203163 N
Committee Date	11th February 2019

Location Map



Application Details:

Erection of dwelling with associated works.

Applicant Details:

Mrs Cole, C/O Agent.

I CONSULTATIONS

- I.1 Parish Council
- The members of Aston, Cote, Shifford & Chimney Parish Council considered the above application for land south of Elmside, Greenacres Lane, Aston at a meeting of the Parish Council on 3 January 2019.
- The Parish Council does not wish to object to the application. However, the Parish Council would like to reiterate the original comments as made in the original planning application 18/00446/FUL for consideration:
- We would like the District Council to ensure that the applicant prepares and agrees a construction traffic management plan with the District Council before construction can commence, and would like this to include a prohibition on contractors' vehicles being parked on Back Lane, as such parking could cause a highway safety hazard. Furthermore we would like there to be a requirement placed on the applicant that no construction traffic passes Aston & Cote Primary School on Cote Road, in the interests of highway and pedestrian safety;
 - Whilst we understand that the small size of the application means that Thames Water will not be required to submit a formal consultation response to the application, The Parish Council remains continually concerned about the ability of the local sewerage system to cope with any new properties. The local sewerage system regularly fails and has to be pumped out using sewerage vehicles. Thames Water carried out an assessment of the local sewerage system in 2015 which concluded that the local sewerage system is not able to cope with additional properties being connected to it. The cumulative impact of any new properties continues to exacerbate this problem, to the detriment of both the existing and the potential new residents.
- I.2 Conservation Officer
- From our point of view, it is the principle of this that is problematic - the house design is tidy (if sizeable), but this isn't an appropriate site for such development. The existing morphology of this part of Back Lane is very much linear, lining the road, and of single dwelling-depth. Elmside is something of an anomaly; it is a modestly sized outlier, and development adjacent to this would not represent a logical addition to the settlement - rather it would consolidate the anomaly, pushing the built form more firmly into the countryside.
- I.3 WODC Drainage Engineers
- Surface Water Drainage
- The planning application proposes the use of soakaways to manage surface water. We will require clarification of the changes to impermeable area.
- It is accepted that soakaways are likely to be viable on site, given the geology of the postcode. However, this must first be proven by soakage tests in accordance with BRE 365. If there is evidence of good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with the new Version 2.1 of Oxfordshire

County Council's SUDs Design Guide (August 2013).

General Comments:

The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.

It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.

We would like to see the use of permeable construction on access routes and hardstandings.

We would also welcome water butts or rainwater harvesting being incorporated into the proposed surface water drainage system.

I.4 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.

I.5 Biodiversity Officer Thanks for consulting me on the above planning application. I have no objection to the proposed development of 1 dwelling at this site subject to the recommended conditions below.

No ecological survey has been submitted with the application. There appears to be potentially suitable habitat for reptiles, amphibians, hedgehogs and badger within the site due to the presence of a dense hedgerow and encroaching scrub (aerial photograph 2014/15) and existing records in the surrounding area. The potential suitability for protected and priority species may be affected by the level of disturbance on the farm, particularly the use of the access from Greenacres Lane. There are neighbouring dwellings to the east and to the north. The eastern boundary hedgerow would appear to be exempt from the Hedgerow Regulations 1997 as it may form the domestic curtilage of the adjacent property. However, this is not clear from the aerial photograph 2014/15 (there may be a separate domestic curtilage, e.g. a fence or wall, with the hedgerow on the other side). The site is small, part of a working farm and is likely to be disturbed by regular use of the access track immediately adjacent to the north and west. The potential for protected species is therefore limited.

I recommend that with the implementation of a precautionary working method statement to account for the low risk that reptiles, amphibians, hedgehogs and badgers may be present (unlikely to be a major badger sett), the retention of the existing hedgerow (as mentioned in the Design and Access Statement), the planting of new hedgerows around the proposed dwelling and the incorporation of

bird and bat boxes into the new building, the proposed development would not result in harm to biodiversity and would provide a net gain in biodiversity, in accordance with national and local planning policies.

2 REPRESENTATIONS

No representations received.

3 APPLICANT'S CASE

- The planning application is for the development of a dwelling on land off Greenacres Lane, Back Lane Aston. The site is part of Kingsway Farm and comprises of a 2 storey dwelling providing 4 bedrooms and associated car parking/manoeuvring area.
- The proposed dwelling has been designed to meet the family needs of the applicant. Members of the family wish to live in the village, both to retain historic family ties and to be on hand to help with the running of Aston Pottery. The house needs to be large enough to accommodate five members of three generations of the Cole family.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

EH2 Landscape character

EH10 Conservation Areas

EH13 Historic landscape character

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

5 PLANNING ASSESSMENT

5.1 The application is for erection of a dwelling and associated works

5.2 The site is located in the village of Aston and is located in the Aston Conservation Area.

5.3 The application site is located at the end of a private lane (Greenacres Lane) on a parcel of agricultural grass land and is situated at the rear of the properties that front onto Back Lane.

Background Information

5.4 An application was refused on this site in May 2018 (18/00446/FUL) for the following reasons:

- I. By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently the proposals would fail to comply with the provisions of Policies BE2, BE4, BE5, NE1, NE3, H2 and H6 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, EH1 and EH7

of the Emerging Local Plan; and the relevant provisions of the NPPF, in particular paragraphs 17, 64, 109 and 134.

2. The design, scale and form of the dwelling as proposed would appear incongruous within the context of the immediate built form and would fail to harmonise with the existing settlement character. Consequently the proposals would fail to preserve or enhance the setting of the Conservation Area. The proposals would be contrary to Policies BE2, BE5 and H2 of the Existing Local Plan 2011; Policies OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of Paragraphs 17 and 64 of the NPPF.

5.5 In consideration of the current application, the following key issues will be set out:

Principle
Siting of the Development
Impact on the Conservation Area

Principle

5.6 Since the Local Plan was adopted the Local Authority has a confirmed and deliverable 5 year housing land supply. A component of this is Windfall development however Policy H2 states that on undeveloped land adjoining the built up area, any development must present convincing evidence to demonstrate that it is necessary to meet an identified housing need.

5.7 In the Design and Access statement the applicant identifies a need for a specific family to remain in the village, however this is not considered sufficient and does not demonstrate need for the current proposal. Given that this property does not deliver affordable housing or other benefits this development is delivery of an additional market house which is not needed for us to meet our 5 year housing land supply. On the basis that this does not meet the tests outlined above, this application is contrary to Local Plan policy H2.

Siting, Design and Form

5.8 The proposal is for a large detached 4 bedroom property constructed in vernacular gable style. The walls are proposed to be constructed of facing stone with a slate roof and grey aluminium windows.

5.9 The application site is located on the edge of Aston and within the Conservation Area and Aston is listed under the settlement hierarchy as a village. The pattern of development for this part of Aston is houses fronting the main lanes with spaces between that allow glimpse views of the agricultural land behind. Greenacre Lane is not one of the main village lanes, it is a private road used to access the agricultural land and one dwelling, and therefore the natural settlement edge extends up to the rear of the properties fronting Back Lane.

5.10 The proposed development would be sited to the west of this settlement edge, at the rear of two properties fronting Back Lane (The Old Stables and Barry House). The property which is served by the private road is to the North-West of the application site (Elmside). Officers consider that this is an outlying property which does not follow the settlement pattern. The land surrounding Elmside is greenfield / agricultural land and the application site has the same to the North and South. Therefore officers consider that the proposal would represent encroachment beyond the natural limits of the village into open countryside.

- 5.11 The Design and Access Statement states that development in this location "constitutes infill development and follows the existing pattern of development in Aston of houses front the village lanes". However officers consider that this is incorrect and is not considered as infill as this site does not represent development in a small gap between existing buildings.
- 5.12 Given this site lies within the Aston Conservation Area, encroachment past the natural limits of the village would be detrimental to the character of the Conservation area, the appearance of the settlement and the landscape character. The contribution this site makes to the Conservation Area is from its open, undeveloped and rural character which would be eroded by development of this land. Public views would be limited (glimpse as previously stated) due to the access being from the private lane, however the officer still considers that the siting would have an impact on the rural character of this part of the settlement. This is therefore contrary to policy OS2, EH2, EH10 and EH13.
- 5.13 In an attempt to address the refusal reason from application 18/00446/FUL the current application is for a revised scheme which is more traditional with the vernacular of the area. This is acceptable per se but does not overcome the refusal reasons.

Conclusion

- 5.14 The applicant has not justified the erection of a new dwelling in this location and the proposal is contrary to Policy H2 as a matter of principle.
- 5.15 For the reasons outlined above the proposed siting fails to respect the settlement pattern and character and would harm the Conservation Area by encroaching into open countryside. The proposal is therefore contrary to Policies OS2, EH2, EH10 and EH13.

6 REASON FOR REFUSAL

- 1 By reason of its siting, the development as proposed would fail to complement the existing pattern of development and the character of the area, including the settlement character. The siting of the proposed development would have an adverse urbanising impact on the rural character of the area, which would fail to preserve or enhance the character of the Conservation Area and would result in less than substantial harm, which would fail to be outweighed by the public benefits of the proposed development. Consequently the proposals fail to comply with the provisions of the adopted Local Plan; Policies OS2, H2, EH2, EH10 and EH13.