

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 15th April 2019**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

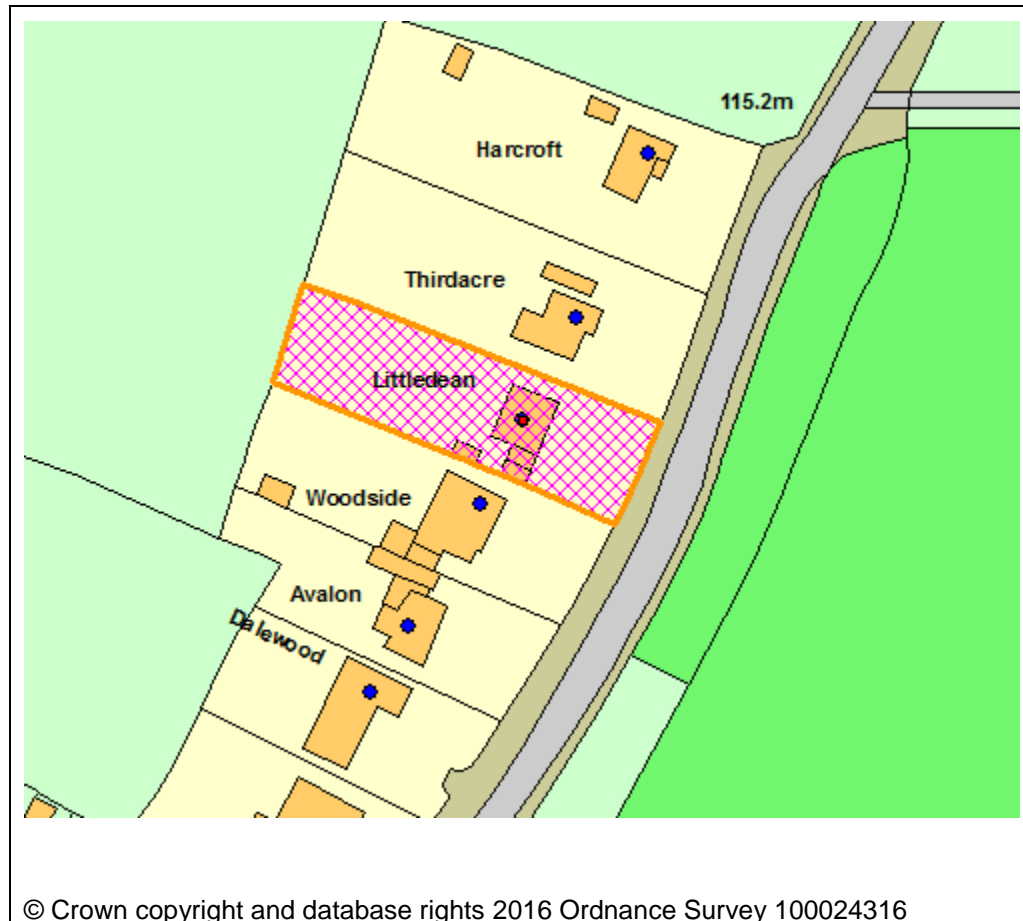
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

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Application Number	I8/03010/HHD
Site Address	Littledean Pitts Lane Hailey Witney Oxfordshire OX29 9UT
Date	3rd April 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Hailey Parish Council
Grid Reference	436210 E 213005 N
Committee Date	15th April 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

## **I CONSULTATIONS**

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

## **2 REPRESENTATIONS**

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 a
- 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, to appear secondary and subservient and the side elevation located further from the neighbouring boundary (1.2m). 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 dependant on the site and can be flexible and is not applied in all cases. The direction of sunlight and shadow fall over a neighbours 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**

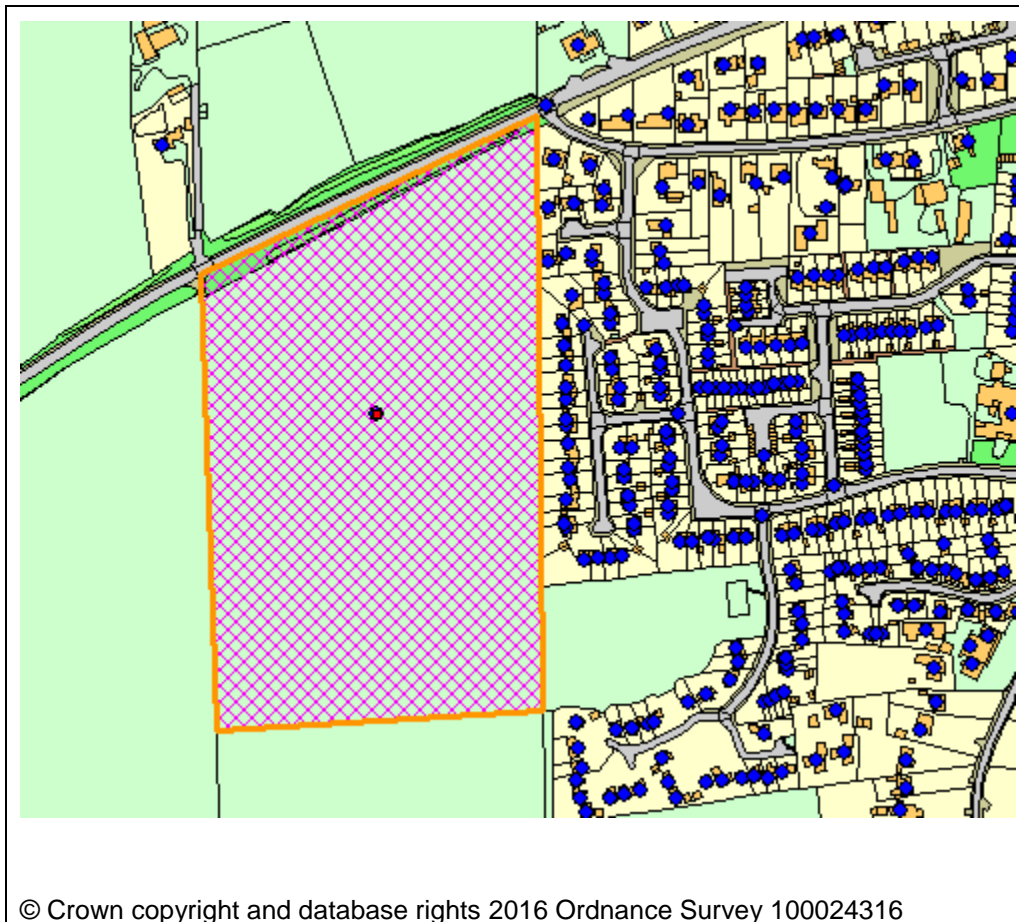
- 5.10 The proposed extension is considered to be acceptable in its design and would form a visually appropriate addition to the existing dwelling. The development is not considered to have an adverse impact to the residential amenities of adjacent properties. As such officers consider that the proposal 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 \*\*\*\*\*.  
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.
- 4 The window and door frames shall be recessed from the face of the building to match windows and doors on the existing building.  
REASON: To ensure the architectural detailing of the building reflects the established character of the existing building.

Application Number	I8/03473/RES
Site Address	Land West of Minster Lovell South of Burford Road Minster Lovell Oxfordshire
Date	3rd April 2019
Officer	Phil Shaw
Officer Recommendations	Provisional Approval
Parish	Minster Lovell Parish Council
Grid Reference	430851 E 210716 N
Committee Date	15th April 2019

### Location Map



### Application Details:

Residential development of up to 126 dwellings together with a new vehicular access onto Burford Road (B4047), footpath links, areas of public open space and landscaping (Matters seeking approval are appearance, landscaping, layout and scale pursuant to 17/01859/OUT)

### Applicant Details:

Bovis Homes Ltd, C/O Agent.

## I CONSULTATIONS

- I.1 Major Planning Applications Team Original Plans  
The drainage strategy has not demonstrated that all surface water that could fall onto the site has been managed appropriately to ensure flood risk is not increased elsewhere.  
The lack of visitor parking spaces within the site will lead to ad hoc on-street parking. As demonstrated by the swept path analysis, vehicles parked in the few on-street parking bays indicated would cause obstructions to larger vehicles passing through the site. With greater on-street parking anticipated, the instances at which parked cars cause obstructions to larger vehicles will increase.  
The swept path analysis for the large refuse vehicle shows the wheels of the vehicle encroaching onto the footway as the vehicle passes through the bend in the road outside of plot 4. It is not clear whether such vehicles could safely pass through this area without such significant wheel and body encroachment onto the footway.
- I.2 Conservation Officer No Comment Received.
- I.3 Biodiversity Officer No Comment Received.
- I.4 WODC Landscape And Forestry Officer Seeks clarification as to a number of aspects of the original plans regarding species to be used and suggesting alternative species.
- I.5 Thames Water  
Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.  
Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents."
- The application indicates that surface waters will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.  
Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.



- I.6 WODC Env Services - Waste Officer No Comment Received.
- I.7 Major Planning Applications Team No Comment Received.
- I.8 Parish Council Original Plans

The Design and Access Statement provided by Strutt and Parker in relation to this planning application contains a number of errors about the Village, namely the following:

- Details about the history of the Village within the Introduction state that:

'the idea [to allow large plots with Chartist bungalows to enable residents to grow crops and live sustainably] wasn't successful and most of those residents moved out and sublet their land to local farmers'.

In fact, most of the plots were not sublet but are owned by subsequent family members and used by them for agriculture or small business activity.

Given the seriousness and significance of the implications of this planning application for the Parish of Minster Lovell, Minster Lovell Parish Council has undertaken consultation and organised an Extra Parish Council meeting to consider the plans.

Following receipt of the planning application, the Parish Council held an exhibition of the plans in the Village on Saturday 5th January to allow residents to see the details of the plans, meet together to discuss the issues raised and provide feedback via a questionnaire.

Over 35 parishioners attended this event and residents were very keen to give their views and opinions on the plans. The Parish Council then held an Extraordinary meeting on Monday 7th January which 26 residents attended, to discuss the feedback received from residents at the open morning and to finalise the response that the Parish Council would make in relation to the plans. Following these events and subsequent discussion, the Parish Council lodge a strong objection to the planning application for the following reasons:

- The current plans show 5-bedroom and 3-bedroom two-storey properties along the eastern edge of the scheme, bordering the bungalows in Whitehall Close. The Council and local residents were previously assured that the eastern boundary would be allocated to bungalows to minimise the impact upon existing residents in the area. Residents of Whitehall Close feel that the development of houses rather than bungalows at this edge of the site would have an immeasurably negative impact upon their quality of life, being directly overlooked and affecting their privacy and access to natural light in particular. The West Oxfordshire Local Plan 2031 and the Planning Statement provided by Strutt and Parker on behalf of Bovis contains the following assurances:

'Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality, contribute to

local distinctiveness and, where possible, enhance the character and quality of the surroundings by:..... not harming the use or enjoyment of land and buildings nearby including living conditions in residential properties' (5.9, Design and External Materials)

'In allocating the site, Policy WIT4 lists a number of key issues to be addressed as part of any development proposal.... [including] development layout that respects the existing built form to the east of the site' (Reserved Matters and Scheme Justification 5.8 (f))

Given these details, the Parish Council believes that this selection of houses in this location is highly inappropriate and not delivering the details of the Planning Statement or policies stated by the applicant themselves. The Council propose that the developer re-site these properties or reduce the overall number of 4 and 5-bedroom properties on the site. Suggestions have been made that these properties could be exchanged with the bungalows currently sited along the Burford Road boundary on the northern side of the site and this would certainly be preferable to existing residents of the Village.

- There is a large strip of grass along the western edge of the development which according to the Planning Statement provided, appears to have been intentionally allocated as a green space. The Parish Council cannot see the benefit of this area and recommends that this space should be moved to the eastern edge of the site, to allow for further distance between the new scheme and existing properties in Whitehall Close. This would further minimise the impact upon existing residents of the Village and help to establish better relations between neighbouring properties in this area. The distance of 30m between the existing properties in Whitehall Close and the proposed eastern boundary properties is not sufficient and must be extended.

- The current plans do not clearly show any definitive border between the new development and Whitehall Close/Wenrisc Drive. Current residents of the Village have requested a permanent structure, such as a 6ft (minimum) wooden fence, to ensure clear delineation of both estates and enhance privacy for home owners on both sites.

- Many residents have raised concerns about the increased traffic in the Village resulting from the new estate and parking within the development itself. The Planning Statement claims that:

'In allocating the site, Policy WIT4 lists a number of key issues to be addressed as part of any development proposal... including mitigating the impact of traffic associated with the development...[and] provision of appropriate public transport (services and infrastructure) serving the site'. (Reserved Matters and Scheme Justification, 5.8 (g))

The allocation of parking on the site is considered by Oxfordshire County Council (OCC) to be lacking and wholly inappropriate for the needs of the scheme. The Parish Council echoes the concerns raised by OCC regarding access around the scheme and on-street parking which will obstruct the highways and cause potential access problems, particularly for emergency vehicles. The Parish Council is clear that there are insufficient parking spaces for the number of houses and the

highway infrastructure is poorly configured.

- In addition there is no safe place for public and school buses to pull in at the main entrance to the estate off of the Burford Road. This will result in a dangerous situation where children travelling to school and those using public transport will be mounting and alighting from buses on the side of the main road and without a safe space to wait away from the hazards of the busy B4047. Buses stopping here will also cause an obstruction to the road resulting in more potential for accidents and congestion. As a result the Parish Council recommends that a pull-in bus layby be added to the front of the site to ensure the safety of those using school buses and public transport in this area and to keep the B4047 safe and free from congestion. This was indicated on earlier versions of the plans for the development but no longer appears.

- In its previous objection to the original planning application (17/1859/OUT) the Parish Council stated that it would not be willing or able to take on maintenance of any green spaces, trees or shrubs. Indeed, several of the plants chosen for the estate as per the planting plan have been identified as those which will require higher levels of maintenance. The Parish Council considers the outside space on the new development to be the responsibility of OCC.

- The location of trees and streetlights needs to be carefully considered with regard to impact upon existing properties. Some residents are very concerned that those indicated on the plans will impact significantly on them and a review should take place for each existing property to minimise the impact.

- The Parish Council considers the design and location of the affordable housing on the site to be inappropriate; in particular the Council feels that allocating this housing into one area rather than mixing it in with the other homes on the estate will prevent these residents from integrating into the estate as a whole and lead to them feeling stigmatised and separated. On this basis the Council requests that these homes are relocated throughout the site.

- Several of the houses on the site, particularly the affordable homes, do not currently have side access to the back of their properties, which means that residents will be forced to leave their refuse and recycling bins outside of the front of their properties where there is insufficient space left for them. The Council is also concerned that this will result in rubbish and detritus being left in the street and will create an untidy and unkempt appearance on the development. The Council considers rear access a vital component for all homes on the development to allow bins to be stored away from frontages.

- The whole layout of the site needs rethinking and redesigning to maximise the use of the whole of the site (including the designated green space) to properties with more space between them and not being squashed in, more parking and areas that are not built on throughout the site.

- The Parish Council do not see the area of separate green space to the southern boundary necessary and it would be better incorporated into the whole scheme. In this way the Parish Council believes that

this planning application does not reflect how the best to utilise the space available.

- The Parish Council is very concerned about the issues raised by Thames Water regarding the risk of flooding and the inability of the current sewage network to cope with the increased levels of waste water. The proposed site of the foul water pumping building is unnecessarily close to properties in Whitehall Close and residents close to the area have expressed concerns about the possibility of sewage flooding in their homes should this pump fail. Could it instead be placed further towards the south east corner or approximately half way along the southern border, away from existing and proposed properties? Further, it should be assured that the pumping facility will be totally silent in operation. West Oxfordshire Local Plan 2031 states that:

'Key issues to be addressed as part of any development proposal will include:...the use of sustainable drainage methods to ensure that post-development surface water runoff rates are attenuated to achieve a reduction in greenfield run-off rates. (West Oxfordshire Local Plan 2031, PolicyWIT4, (j))

The land is known to be rocky and prone to surface water run-off with historic flooding at periods of heavy rainfall. On this basis the Parish Council seek confirmation that the issues raised by Thames Water and concerns over potential flooding risk will be carefully and adequately considered and that appropriate measures will be taken to rectify these issues before the planning application has been passed. The Parish Council note that the objections raised by OCC refer to an expected alternative plan which will be forthcoming following comments and objections made during the consultation period. We look forward to receiving this for analysis and comment in due course. Please contact me in the meantime with any queries. The Parish Council are seeking a meeting with Mr Shaw and District Council representatives to review this application in light of the comments above and strong objection from the Village.

Subsequent to the above request a meeting was held between officers and the Parish Council and the developer held a further meeting as part of the process of submitting revised plans aimed at overcoming the PC objections.

## 1.9 Major Planning Applications Team

### Amended Plans

Further clarification on the proposed drainage layout is required to correspond with the Reserved Matters Site Layout Plan.

The lack of any visitor parking spaces within the site will lead to on-street parking. This could cause obstructions to larger vehicles or pedestrians, should vehicles park on the footway, which would be detrimental to highway safety. Further details are required to demonstrate that vehicles could park on-street without causing obstructions to larger vehicles.

1.10 Parish Council

Amended Plans

The Parish Council do not feel that the amendments go far enough, in particular regarding the homes currently planned along the Eastern boundary with Whitehall Close. The Council reiterates the position that it would want to see these exchanged for bungalows to protect the privacy and quality of life for those residents already living in Whitehall Close.

The Council has put forward an alternative proposal for the configuration of the site to enable the bungalows on the eastern boundary without a reduction in the number of 2 storey houses overall and to achieve a better distribution of green space. The Council reiterates that these proposals be adopted.

## 2 REPRESENTATIONS

2.1 Over 40 letters of objection have been received (including a number originating from the same address) which may be viewed in full on line. It is considered that the main points raised may be summarised as follows:

- Grass paths will become muddy
- Who will be undertaking maintenance and how will it be paid for?
- A school pick up layby is required
- Site is too cramped
- Should be bungalows backing onto existing houses
- Swap the bungalows along the site frontage with houses near neighbours
- Loss of light and privacy
- Planting scheme involves too many exotic species
- Layout is too cramped
- Bungalows should be re located
- Pumping station is too close to existing houses
- Danger of sewage and surface water surcharging
- Pedestrian access is too close
- Where are details of street lighting?
- Will spoil village
- AH is clustered
- Parking will be inadequate
- Whole site should be relocated to west
- House types lack imagination
- Precedents for further developments
- Inadequate parking is to be provided
- 126 units is too many
- No two storey units should be built
- More on site amenities are required
- AH should go to younger people and over 60's
- Traffic speeds are high
- Where will bins for terraced units be stored?
- Regular ponding of water on site

- Roads are already very busy
- Loss of wildlife value
- Lack of visitor parking
- No safety barrier around pond
- Village roads will become rat runs
- Loss of privacy
- Pressure on services and utilities
- Site visit is needed
- Out of character
- Huge influx of new residents
- Works have started on site

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

Writing in support of the original and revised proposals the agent has tabled a comprehensive suite of supporting information which may be viewed in full on line. The summary of the planning statement is reported below:

The application for the submission of reserved matters closely follows the principles set out by the illustrative masterplan that accompanied the outline planning application. It is considered that the proposal is of an appropriate scale which is well-designed and will integrate well with this part of Minster Lovell. A high quality landscaping scheme has been devised that will allow the development to integrate into the existing village, minimise its landscape and visual impact including views from the Cotswold AONB to the north and enhance the western edge of the settlement on the approach to Minster Lovell along the B4047 Burford Road. Bovis Homes are keen to progress the scheme at the earliest opportunity and deliver high quality homes as part of an attractive development which will make a positive contribution to Minster Lovell and the surrounding area. On the basis of the above, it is submitted that reserved matters approval should be granted for the proposed development and that conditions 10, 13, 15 and 19 should also be discharged.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

EH1 Cotswolds AONB

WIT4NE Land west of Minster Lovell

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

- 5.1 Members will recall that this site was the subject of application ref 17/01859/OUT which established the principle of development and the design parameters that this Reserved Matters application should follow. In respect of details required for the reserved matters these included:

- Compliance with the parameter plans
- No units over 2 storey height
- Planting belts to the open countryside
- Connection to the Parish playing fields
- Streetlighting details
- 30 m back to back distances to existing properties

5.2 This application has followed those principles and the applicant has sought to make further revisions over and above those requirements to seek to accommodate some of the concerns expressed by neighbours. Members will also be aware that the site is subject to policy WIT4 in the adopted plan and this similarly sets a framework for the key issues that this reserved matter application needs to deliver to be policy compliant.

5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

5.4 The principle of this development was established by way of the outline consent and in that this reserved matters scheme follows the requirements set by the outline it is acceptable in principle

Siting, Design and Form

5.5 This is a key issue and in your officers view has been well handled by the applicants. The scheme follows the requirement to incorporate boundary planting and a maximum height of 2 storey units. It follows the parameter plans in terms of the general layout of the site and the need to ensure a minimum of a 30 m offset to the rear of existing properties (members will recall that the usual minimum required to ensure privacy is 21 m so this substantially exceeds that standard), the connection to the adjoining land is provided and street lighting details have been provided. The development thus meets the requirements of the outline consent in all material respects.

5.6 However the applicants have engaged in a further round of amendments seeking to address some of the concerns raised. Houses have been moved even further away than the 30 m distance where possible, higher boundary enclosures to adjoining properties have been agreed, the internal road layout has been redesigned, the tree and shrub species have been changed, pumping station details have been provided and the house types revised to more closely reflect the Chartist origins of the settlement. The applicant has also offered additional resources to assist the PC in constructing a footpath connecting the site through to the playing fields. In that regard your officers consider the developer should be commended for seeking to go over and above what was required.

5.7 In terms of the house types there are a series of bungalows sited along the frontage of the site that have been modelled on the original chartist buildings in Minster Lovell. These will act as a gateway into the village when approaching from the west but critically, given the setback from the road, intervening landscaping, topography and the single storey form, will help to conserve the AONB and views into the site from the north. 4 of these units also back onto existing dwellings at the point they are closest to the boundary. The remainder of the units are a variety of familiar neo vernacular forms and then a more Arts and Crafts inspired terraced units

fronting the main area of open space in the form of a large Square at the rear of the site. Materials are a mix of brick, artificial stone and render.

- 5.8 Your officers are satisfied that the variety of forms, the cross reference to the history of the settlement, the careful placement of the bungalows to reduce skyline development and the use of different types of open space in the form of buffer planting, a formal square and an informal open space along the frontage and leading into the development will result in an attractive scheme that will complement the existing village character.

#### Highways

- 5.9 As part of the ongoing negotiations the road layout has been revised to enable use by larger vehicles and to provide additional visitor parking capacity. It is anticipated that these amendments will have addressed the concerns of OCC but a formal response has yet to be received. An update regarding this matter will be given at the meeting.

#### Residential Amenities

- 5.10 Much is made in the representations that residents were promised bungalows along the shared boundary with existing properties. That was not the case. What was promised was a standoff of 30m rather than the usual 21m and this has been secured or exceeded. The boundary fences have been increased in height and control over existing planting within the boundary has been ceded to the neighbours such that they retain control over it. As such there is no planning justification for requiring that the units along this boundary be reduced to bungalows.
- 5.11 As for the remainder of the scheme the houses generally have either on plot parking or frontage parking with no rear parking courts. Each property has access to its rear garden to enable removal of bins etc and the usual privacy etc norms are respected. In order to reduce the incidence of back garden paraphernalia impacting on the approach to the village (as happens at present) the units at the countryside periphery of the scheme all aspect outwards which will ensure that they all have a good outlook whilst ensuring the visual impacts are minimised. The pedestrian connection through the adjoining playing fields will ensure amenable access to the centre of the village and the school, shops etc without the need to walk alongside the Burford Road. It is considered that the development will be an attractive place to live.

#### Other matters

- 5.12 The developer is contributing to village facilities by way of the agreed I06 agreement attached to the outline application. The pumping station is to be located largely underground within a fenced enclosure and the balancing ponds will be dry other than when required to attenuate run off from extreme storm events. The planting mix has been revised to make maintenance easier and the County Council were resistant to the provision of a bus stop on the Burford Road preferring the footpath connection to existing bus stops within the village.

#### Conclusion

- 5.13 The application has been the subject of much comment. However many concerns raised relate to matters of principle that were established at Outline stage and others relate to 'promises' not being kept as regards the units near to neighbours. However the promises have not only been kept but in many cases exceeded and your officers are satisfied that the development will be an



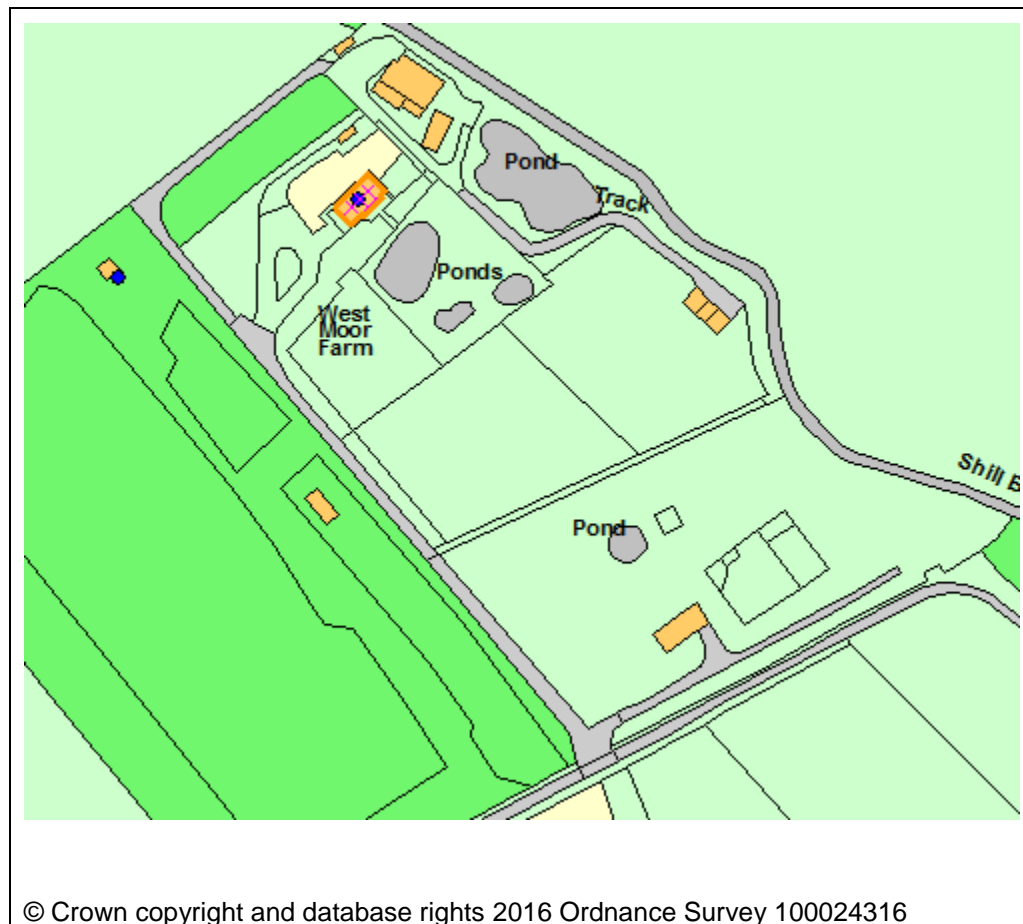
attractive area to live and respects both neighbour and visual amenity. Subject to OCC withdrawing their highway concerns regarding visitor parking it is anticipated that the application will be brought forward for approval at the meeting.

## **6 RECOMMENDATION**

Officers to advise once OCC updated comments have been received.

Application Number	18/03499/S73
Site Address	Westmoor Farm Buckland Road Bampton Oxfordshire OX18 2AA
Date	3rd April 2019
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Bampton Parish Council
Grid Reference	433014 E 202222 N
Committee Date	15th April 2019

### Location Map



### Application Details:

Non compliance with condition 1 of planning permission 04/0620/P/S73 to allow unrestricted occupancy.

### Applicant Details:

Mr & Mrs Maclean, Westmoor Farm, Buckland Road, Bampton, Oxfordshire, OX18 2AA

## **I CONSULTATIONS**

Parish Council                      No objection.

## **2 REPRESENTATIONS**

No third party representations.

## **3 PLANNING POLICIES**

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

E2NEW Supporting the rural economy

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

## **4 PLANNING ASSESSMENT**

### Background Information

- 4.1 The application site is known as Westmoor Farm. The building was erected in the form of a wooden chalet to be used as accommodation for farm workers and lies centrally within the site, to the south of the other existing farm buildings. It is not within the Cotswold AONB or Conservation Area.
- 4.2 A Certificate of Lawful Existing Use or Development (CLEUD) was submitted in June 2018 for non compliance with the agricultural occupancy condition (Condition 1 of 04/620/P/S73). This was accepted and granted on 9th November 2018. The building originally benefitted from temporary permission but the dwelling was allowed to be retained on a permanent basis as a result of a 2004 approval.
- 4.3 The applicant considers that the condition is now unenforceable and that the certificate of lawfulness granted under 18/01668/CLE means it is lawful to occupy the dwelling in breach of the relevant condition. Further, the applicant adds that as there is no ability to enforce agricultural occupancy condition now fails the test of enforceability.
- 4.4 Taking into account planning policy, other material considerations and representations of interested parties, your Officers are of the opinion that the key considerations in the assessment of this application to allow unrestricted use are:
- 1) consideration of the need for the original occupancy condition; and
  - 2) enforceability of the condition.

### Planning Assessment

- 4.5 The LPA must consider the need for the original occupancy condition. A condition ought not to be imposed unless there is a sound and clear-cut reason for doing so. The NPPG states 'Conditions should help to deliver development plan policy and accord with the requirements of the National Planning Policy Framework, including satisfying the 6 tests for conditions'(para 55 NPPF 2019). This principle applies equally to applications under section 73 where a condition must not be retained unless there is a similar justification. In this instance the justification

provided by the applicant is on the basis that across Oxfordshire there is decreasing agricultural employment so reducing the need for an agricultural dwelling. The applicant concludes that 'the tie has therefore effectively outlived its usefulness'. The application site is within open countryside where unrestricted residential development is normally resisted. The removal of the condition for future occupiers has not been sufficiently justified in demonstrating a lack of demand for this property and that the condition no longer serves a useful purpose to the satisfaction of the Local Planning Authority. The removal of the restrictive condition to allow unrestricted occupancy would be tantamount to allowing a new dwelling in the countryside, contrary to Local Plan Policies OS2, H2, E2 and paragraph 79 of the NPPF 2019.

- 4.6 Officers argue that whilst the Certificate of Lawful Use (CLUED) is a consideration, the lack of continuing need is the main consideration. A refusal to remove the condition would not change the legal position in that there can be no enforcement of it while the dwelling is occupied by someone not employed in agriculture. However, in the event of the dwelling becoming re-occupied by somebody else complying with the condition, officers argue that any further non-compliance could be enforced.
- 4.7 In the case of *R v Coventry City Council Ex p Arrowcroft Group Plc* [2000] the court held that LPAs can only impose different conditions upon a new planning permission under TCPA 1990, s73 if they are conditions which the LPA could lawfully have imposed upon the original planning permission, in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application. So, where an application under TCPA 1990, s73 would lead to a fundamental inconsistency between the conditions and the description of the development contained in permission, it must be refused. The Arrowcroft principle applies in this instance where the original planning permission permits a new dwelling in the countryside for an agricultural worker. Removal of the condition limiting occupation to a person working in agriculture would in that case be fundamentally inconsistent with the description of development which is permitted by the planning permission. This would be the case despite the fact that a certificate of lawfulness has been granted. While this certificate would be a material consideration in the decision, it simply confirms that the breach of the condition has become lawful at the date of the certificate. If a future occupier complies with the wording of the condition, and a new breach subsequently begins, enforcement action could once again be taken. On this basis the weight to be attached to the certificate is reduced.

#### Conclusion

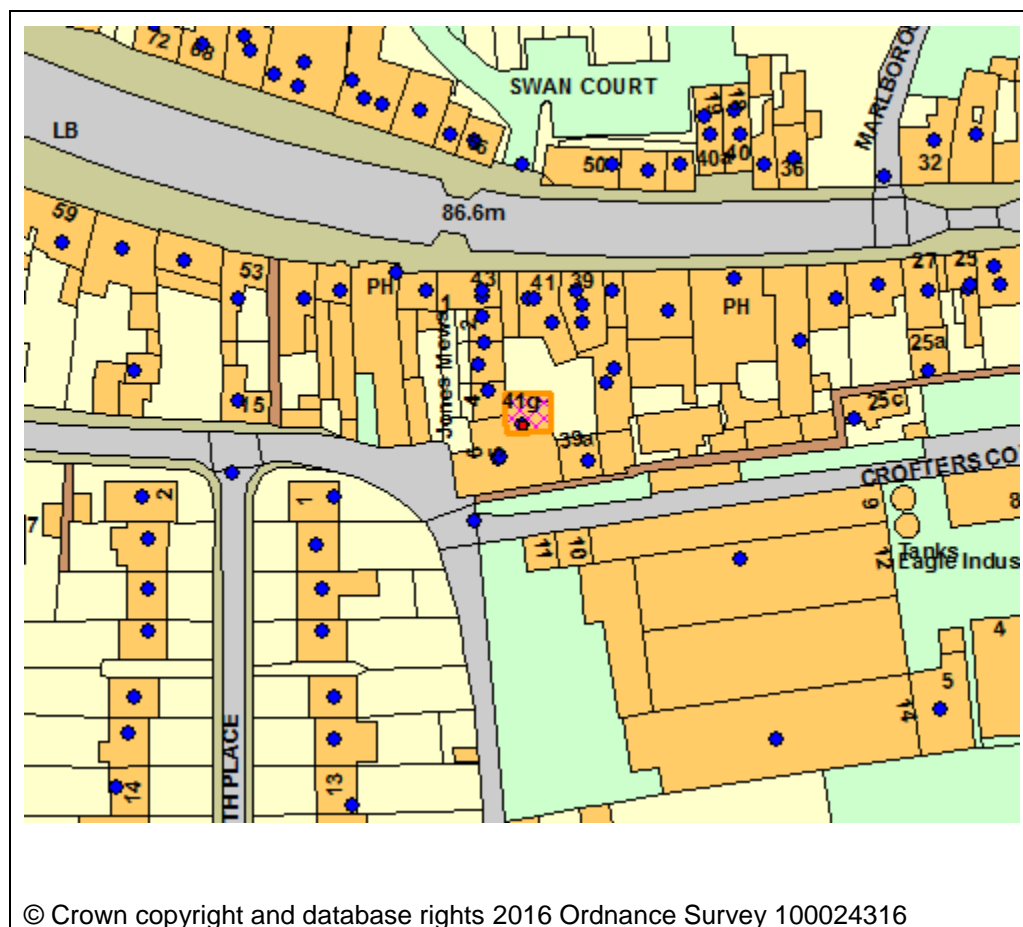
- 4.8 On the basis of the above assessment, your officers recommend refusal of the application.

### **5 REASON FOR REFUSAL**

- I The application site is within open countryside where unrestricted residential development is normally resisted. The removal of the condition for future occupiers has not been sufficiently justified to the satisfaction of the Local Planning Authority and the removal of the restrictive condition to allow unrestricted occupancy would be tantamount to allowing a new dwelling in the countryside, contrary to policy OS2, H2, E2 and EH1 of the adopted Local Plan 2031 and paragraph 79 of the NPPF 2019.

Application Number	18/03552/FUL
Site Address	41G Corn Street Witney Oxfordshire OX28 6BT
Date	3rd April 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Witney Town Council
Grid Reference	435393 E 209536 N
Committee Date	15th April 2019

### Location Map



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### Application Details:

Conversion of existing offices to create three self contained residential units to include insertion of three roof lights.

### Applicant Details:

Mr Tracey, c/o Agent.

## **I CONSULTATIONS**

- |     |                            |  |
|-----|----------------------------|--|
| 1.1 | OCC Highways               | No Comment Received.   |
| 1.2 | WODC Env Health - Lowlands | ERS Pollution Consultation 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. |
| 1.3 | WODC Drainage Engineers    | No Comment Received.   |
| 1.4 | Conservation Officer       | No Comment Received.   |
| 1.5 | Town Council               | Witney Town Council would like to raise a concern about the loss of office space.  |

## **2 REPRESENTATIONS**

No third party representations.

## **3 PLANNING POLICIES**

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

## **4 PLANNING ASSESSMENT**

### Background Information

- 4.1 The application site comprises no.41g Corn Street, Witney, a three-storey building located to the rear of no.41 Corn Street. The building is glimpsed through a drive-through leading from the public footpath.
- 4.2 The property to the north, occupied by the Anderson Clinic, is Grade II Listed and includes a number of residential units in the form of flats above. The property is also within the Witney and Cogges Conservation Area.
- 4.3 The applicant seeks planning permission for the conversion of the existing building to create three self-contained residential units and the insertion of three roof lights to the rear roofslope.
- 4.4 The building is currently vacant and has been since its last use as a BI photographic studio in 2014. The applicant considers the use prior to this was as a DI Language School based on a planning approval granted in 1993 (ref: W93/0049) which sought conversion of the building from BI business to DI Language School use. Without confirmation of the existence of the DI Language School, the lawful use of the building at present appears to be BI. The applicant confirms in the supporting Planning Statement that it is unsure whether the permission for the DI Language School was ever enacted. Therefore the starting point for consideration of this application would be BI office use to C3 residential and the relevant policies of the adopted Local Plan. As a material consideration, the 1993 approval for conversion of the building to DI

use is taken into account in so much as the Local Planning Authority deemed this change of use from BI office use, acceptable in this location.

- 4.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that as well as the principle of change of use and loss of an employment site, the other key considerations of the application are:

Impact on Heritage Assets  
Residential Amenity Impacts  
Highways

Principle

- 4.6 Assessing this consideration in more detail, Policy E1 of the adopted Local Plan identify the criteria whereby the change of use of employment sites will be considered. Policy E1 precludes the change of use of employment sites, unless it can be demonstrated that:
- 1 the premises are not reasonable capable of being used/ redeveloped for employment purposes; or
  - 2 the premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
  - 3 where substantial community benefits would be achieved.
- 4.7 In this instance, the applicants have submitted information in support of their application to demonstrate that the premises are not capable of being used/ redeveloped for employment purposes. The applicants have provided evidence to demonstrate that the premises have been actively marketed, at a realistic asking price, since November 2014 by Meeson Williams Phillips and Bidwells, which as two separate companies, merged during the marketing period. It was also added to the West Oxfordshire Commercial Property Register in May and October 2015. The marketing of this site by the agents has included:
- 1 the erection of a for sale board;
  - 2 the marketing of the site on three web sites, including EG Property Link, Costar and Zoopla.
- 4.8 The applicants have confirmed that the marketing generated 5 viewings with the feedback confirming the hidden frontage and split floor levels as being reasons for the enquiries not being taken forward. There are also a number of other offices available in the town centre which are served by car parking in the near vicinity and thus the applicant concludes that the premises are not reasonable capable of being reused for employment.
- 4.9 Having regard to the above, your officers consider that based on the hidden frontage of the building in a tertiary location, together with the marketing undertaken to date, the applicants have now demonstrated that the building is not capable of being re-used or redeveloped for employment purposes. Offices consider this application is assessed on its own merits and is not likely to set a precedent in this regard.
- 4.10 Officers have also had regard to the governments intentions to introduce increased permitted development rights in town centres to aid increased housing, which has been highlighted by the

Ministry of Housing, Communities and Local Government 'Planning Reform: Supporting the high street and increasing the delivery of new homes' consultation document dated October 2018.

#### Impact on Heritage Assets

- 4.11 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 193 and 194 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. Local Plan Policies EH9 and EH11 seek to conserve or enhance the setting and retain the special interest that justifies its designation by way of sympathetic design, materials, finishes etc. Any harm should be outweighed by public benefits. In this case the proposed minor alterations proposed to facilitate the change of use (rear rooflights and ground floor amendment of fenestration) would not be considered harmful to the setting of the listed building or its special interest. Given this assessment, it is considered that the special interest and setting of the listed building would be conserved and the development would comply with the policies referred to above.
- 4.12 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. Local Plan policies EH9 and EH10 seek to conserve or enhance the special interest, character and appearance and setting. In this regard the minor external changes by way of rooflights to the rear and the alteration of the ground floor shop-style window to a smaller four pane window, 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 their location. The proposals are therefore considered to respect the local area and the development would comply with adopted Local Plan Policies EH9 and EH10.

#### Residential Amenity Impacts

- 4.13 Officers have considered residential amenity impacts in light of Local Plan policy OS2 which seeks to ensure all development is compatible with its adjoining uses and would not have a harmful impact on the amenity of existing occupants. The conversion of the premises for residential purposes will comprise the amendment of the shop-style window to the front elevation. This alteration to a smaller window in a style to match the existing windows would not be harmful in terms overlooking of the rear elevation of the clinic. There are minimal openings and these are largely obscured.
- 4.14 At first and second floor the windows would be 14m from bedrooms windows serving flats at 41 Corn Street. It is proposed that a condition is included which ensures the first and second floor windows to the left are obscurely glazed to prevent overlooking to the habitable room from this distance. Other windows would be slightly closer, however these appear to serve landings and kitchens. No letters of objection have been received. Officers are satisfied, with the inclusion of the condition, that the proposal will not have a harmful impact upon the amenity of neighbouring residential properties.



- 4.15 The scheme does not include private amenity space, however officers consider this to be acceptable given the town centre location.

#### Highways

- 4.16 The application includes no provision for parking. Oxfordshire County Highway Authority does not object to the lack of car parking given the town centre location.

#### Conclusion

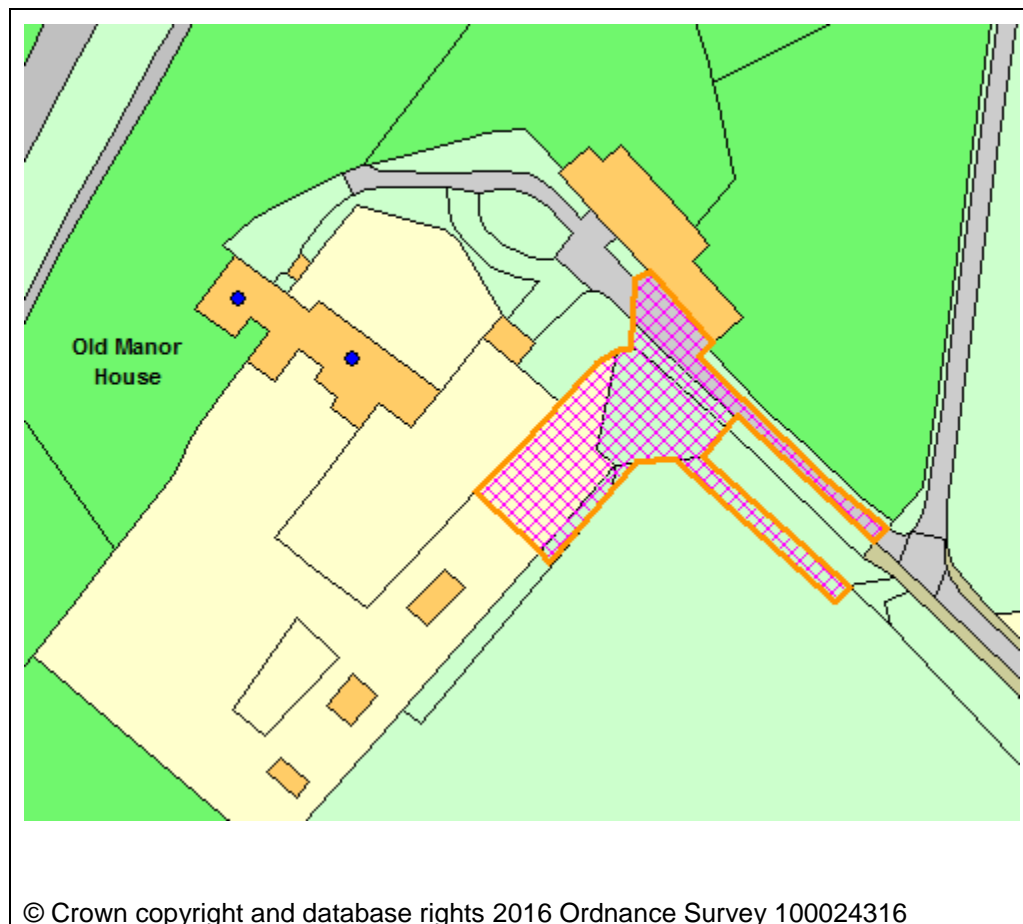
- 4.17 Having regard to the above assessment, your officers consider that the proposed change of use would be acceptable on its own merits, having regard to the adopted Local Plan 2031 policies referred to herein and is therefore recommendation for approval with conditions.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 Notwithstanding any indication given on the plans hereby permitted, the rooflights in the south facing elevation(s) shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.  
REASON: To safeguard privacy in the adjacent property.
- 5 Before first occupation of the building hereby permitted the first and second floor left-hand windows in the front elevation shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.

Application Number	I8/03670/FUL
Site Address	Old Manor House School Lane Little Minster Minster Lovell Witney Oxfordshire OX29 0RS
Date	3rd April 2019
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Minster Lovell Parish Council
Grid Reference	431280 E 211491 N
Committee Date	15th April 2019

### Location Map



### Application Details:

The erection of a detached residential annex with associated works within the curtilage of Old Manor House.

## Applicant Details:

Mr A Feilden, c/o Agent .

### I CONSULTATIONS

- I.1 OCC Highways                      The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- Recommendation:  
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.2 WODC Drainage Engineers                      Only one soakage test per pit has been carried out. As 3 tests per pit are required in accordance with BRE 365, further testing is required for correct soakaway sizing, to accommodate all return periods up to and including the 1 in 100 year + 40% climate change event .
- An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties.
- No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.3 ERS Env. Consultation Sites                      Mr ERS Pollution Consultation 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.4 Conservation Officer                      I note that the proposed structure is low-lying, and of relatively modest size, well-proportioned, and with a fairly tidy design - tending to chime with the design of the adjacent listed buildings. I also note that in the proposed location, it would form a coherent group with the main house and the barn range, and would also be seen against mature vegetation.
- So, from our point of view, there are no obvious objections to this. I suggest consent should be given with:
- o Condition D29 for a sample of the roof slates.
  - o Condition D27 for a sample panel of the natural stone walling, to include a sample of the quoins.
  - o Condition D33 for external door and window details (including details of the rooflights), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with details of the proposed materials and the proposed

treatment. Condition D35 for recessed window and door frames (min 75 mm).

1.5 Parish Council Minster Lovell Parish Council has considered this planning application and strongly objects to these plans on the following grounds:

- The plans in this application are contrary to the Minster Lovell Parish Council Planning Policy Statement and the details of the Local Plan 2031, both of which confirm that no further development north of the B4047 would be permitted.
- This development would be setting an unwanted precedent for this part of the Village and opening the door to similar development in this area.
- The Council does not consider the building in these plans to be an annex to the current property and see it rather as a significant new building in the grounds of the existing house.

## **2 REPRESENTATIONS**

No letters of objection have been received from local residents.

## **3 APPLICANT'S CASE**

3.1 A Planning, Design, Access and Heritage Statement has been submitted as part of the application in support of the proposals and is summarised as follows:

3.2 The extensive pre application advice supported the development principle within the Old Manor curtilage and agreed an annexe design and siting considered acceptable in terms of landscape and heritage impacts.

3.3 Special regard has been given to the preservation of the significance of the Grade II Listed Old Manor House, Barn and the Minster Lovell Conservation Area.

3.4 The submitted heritage impact assessment has demonstrated that by reason of the vernacular design, sensitive siting (set back from the driveway and the historic walls) within an enclosed landscape, respecting the farmstead courtyard arrangement and the available screening, that the proposal preserves these heritage assets in a manner commensurate with their significance and it has been demonstrated that the proposal complies with Chapter 16 of the NPPF and Policies OS2, OS4, EHP, EH10 and EH11 of the Local Plan.

3.5 The proposal complies with relevant planning policies as follows:

- It is ancillary to the Old Manor House (OS2 and H2)
- the low-scale, vernacular design, sensitive siting and concealment of infrastructure conserves the landscape and settlement character and scenic beauty of the Cotswolds AONB (OS2, EH1 and EH2, Paragraph 172 of the NPPF)
- the annexe design responds positively to local scale, character and development pattern (OS2, OS4, Paragraph 127 of the NPPF)
- the proposal preserves adequate residential amenity (OS2, and Paragraph 127 of the NPPF)
- existing sylvan character is preserved and enhanced (EH2)

- through the recommendations of the ecology survey, the proposal accords with policy (EH3 and Chapter 15 of the NPPF)
- access and parking arrangements are safe and suitable (Policies OS2, T1 and T4)

#### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

T4NEW Parking provision

EH1 Cotswolds AONB

EH10 Conservation Areas

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks planning permission for the erection of a detached residential annexe and associated works within the curtilage of the Old Manor House, which is a Grade II, 17th Century traditional Cotswold style Listed Building at Little Minster. The site is located at the north western edge of the settlement and the land holding which is currently in the ownership of the applicant comprises 12 hectares in total, extending to the River Windrush to its north and Barn House to its south. Part of the site falls within the Minster Lovell Conservation Area and is also within the AONB designation. In addition to the Listed Manor to the north west of the application site, there is a Listed barn directly to the north east of the site.
- 5.2 The proposal has come forward for a two bedroomed unit, physically separate from the main house, as the current elderly owners have occupied the main house for many years and wish to stay on site, but the house has become too large for their needs and is difficult to upkeep. This would enable one of their sons to move into the main house with his family and make better use of the space, whilst the parents would occupy the annexe on site and can be close to their extended family, whilst enjoying privacy between the two buildings. The justification for two bedrooms has been provided that this would enable other family members and friends to visit the annexe.
- 5.3 The application has been brought before Members of the Lowlands Planning Sub-Committee for consideration as Minster Lovell Parish Council has objected to this application.

##### Background Information

- 5.4 The application site comprises 773 square metres of relatively flat land, currently used as garden for the main house. The site contains a small unused shed, concrete-walled composting areas and a footpath linking to other parts of the garden, being predominantly lawned, but with various shrubs and trees within this part of the garden. The current proposal follows extensive pre-application guidance as follows:

- 5.5 Pre-application advice was sought in 2016 Ref: 16/02825/PREAPP for a dwelling in the field to the south east corner of the land owned by the applicants. It was advised that this proposal was unsupportable as being a new dwelling in an unsustainable location and would result in urban sprawl.
- 5.6 This was followed by a further pre-application enquiry in 2017: Reference 17/00493/PREAPP for a dwelling within the south east corner of the residential garden of the Old Manor House, whereby it was concluded that the development of an annexe was deemed acceptable in principle, subject to a legal agreement binding it to the Old Manor House. However, the proposal was considered to be in a position which was too far from the parent building and of an inappropriate design and scale.
- 5.7 An application was submitted in 2017: Reference 17/04075/FUL for a new dwelling /annexe in the north-western corner of the adjacent field subject of the previous 2016 pre-application advice. Officers advised that this was unsupportable in relation to its siting outside of the residential curtilage and the application was subsequently withdrawn.
- 5.8 A further application was submitted in 2018: Reference 18/02244/FUL for a two bedroomed annexe dwelling of one and a half storey height in the same parcel of land as subject to the current application. This application was returned as being invalid, due to lack of information concerning trees, surface water drainage, ecology and landscape/visual assessment. This information has now been provided as part of the current re-submitted application, with a slight re-positioning of the annexe building further forward in the site.
- 5.9 Taking into account planning policy, material considerations and the representations of the interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
 Siting, Design and Form  
 Impact on the Street Scene/Surrounding Area  
 Residential Amenity  
 Impact on the settings of nearby Listed Buildings  
 Impact on the Conservation Area  
 Impact on the AONB/Landscape  
 Trees  
 Drainage aspects  
 Highways Safety  
 Land Contamination aspects

Principle

- 5.10 The current planning application will be considered under Local Plan 2031 policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that such applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Following recent adoption in September 2018, the Local Plan 2031 forms part of the Council's development plan in place of the West Oxfordshire Local Plan (2011).

- 5.11 Policy H2 of the adopted Local Plan 2031 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the circumstances whereby accommodation which is proposed as ancillary to existing dwellings may be subject to a condition ensuring that the accommodation remains ancillary to the main dwelling.
- 5.12 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and/or character of the area, and should not have a harmful impact on the amenity of existing occupants.
- 5.13 In light of the above, the principle of the proposed ancillary residential development is considered to be acceptable.

#### Siting, Design and Form

- 5.14 The application site is located within the grounds of the Old Manor House and is roughly L-shaped plot within the eastern-most garden area of the Old Manor. The proposed location for the annexe is adjacent to the courtyard to the front of the Manor, which contains a turning and parking area for vehicles, gravelled hard-surfacing, and various outbuildings, including the Listed Barn. The historic boundary wall of the Manor forms the north-west boundary of the application site, with the other boundaries comprising existing metal fencing, trees and shrubs.
- 5.15 The massing and scale of the annexe is considered to be in keeping with nearby buildings and the size of the plot. The proposed development comprises a one and a half storey detached building, of gabled-design and a projecting subordinate wing to its south east side. The proposal features an eaves height of 3 metres and ridge of 8.5 metres for the main element and 7 metres for the wing. The building is proposed to sit into the land in order to reduce its visual presence and has been reduced and of a more visually-appropriate scale in comparison to the previous proposal which was to a height of 10 metres above the ground.
- 5.16 The annexe is a Cotswold vernacular style and has taken on board the design advice provided at pre-application stage, including steeply-pitched roofs, stone chimney stacks, flush gable end fenestration, traditional dormers and traditional architectural details such as quoins and stone lintels and cills. Traditional local materials including Cotswold stone slate roofing and natural stone walls are proposed. Windows are to be timber double-glazing. Officers consider that both the design and materials are acceptable and would be in-keeping with the character and appearance of the surrounding area and other nearby buildings.

#### Impact on the street scene/surrounding area

- 5.17 The annexe would be set back from School Lane, the village road, by approximately 40 metres. There is a sharp bend in the road at the site entrance to the Old Manor and the road terminates slightly further on as it approaches the river. There are a number of mature trees and shrubs lining the access road into the site and close to the road, plus drystone boundary walls nearby, which provide a good degree of visual screening in relation to the proposed building plot. Therefore the proposed annexe is considered to be acceptable in relation to not being overly-prominent in the street scene.

### Residential Amenities

- 5.18 Officers have carefully assessed potential impact on amenity and are satisfied that the location of the proposed annexe is set away a sufficient distance and well-screened by existing and proposed hard and soft landscape features, such that it would have minimal impact on neighbouring amenities. The flank wall of the Old Manor House would be 15 metres away at its nearest point and separated by the existing high boundary wall of the garden, plus existing outbuildings. The nearest other dwelling is The Gables, located on the village road approximately 90 metres away at its nearest point.
- 5.19 In relation to potential overlooking, overbearing or overshadowing, the proposed annexe would not be highly visible from, or indeed close to, other neighbouring properties.
- 5.20 In light of the above observations the proposed development is not considered to have a materially adverse impact on neighbouring amenity.

### Impact on setting of Listed Buildings

- 5.21 In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent or planning permission, special regard should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.22 Furthermore, 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.
- 5.23 Given the detached nature of the proposal, the siting of the annexe has been considered in relation to the potential impact on the setting of nearby Grade II listed buildings, comprising the Old Manor House, which is approximately 15 metres away at its nearest point and the Old Manor Barn and Barn Room, which is located approximately 10 metres away at its nearest point.
- 5.24 In this case the proposed works would not affect the fabric of either of these heritage assets. The Council's Conservation Officer has been consulted and has commented that the proposed structure is low-lying and of relatively modest size and with a fairly tidy design, tending to chime with the design of the adjacent Listed Buildings. It is also noted that the proposed location would form a coherent group with the main house and the barn range and would also be seen against mature vegetation. No objections are made in relation to adverse impact on the setting of Listed Buildings, subject to recommended conditions.
- 5.25 Given this assessment, it is considered that the special interest and setting of nearby Listed Buildings would be preserved and the development would comply with relevant policies EH11 and OS4 of the adopted Local Plan and relevant paragraphs of the NPPF.

### Impact on the Conservation Area

- 5.26 Much of the Old Manor grounds lie within the Minster Lovell Conservation Area. However, the application site for the annexe is located on the fringe of this area, such that half of the site lies outside of the Conservation Area. The significance of the Conservation Area is derived from its



character and appearance, which is highlighted in the Council's Character Appraisal, whereby Little Minster is described as dispersed, with a small number of houses and cottages, being set back and scattered along a narrow, winding road or down one of the minor tracks which branch off it, as is the case with the application site.

- 5.27 The Conservation Area Appraisal does not identify any significant views, trees or boundary features pertaining to the site itself and on this basis it is considered that the contribution which the site makes to the Conservation Area is not significant. Officers do not consider that the proposed annexe would have a detrimental impact on the Conservation Area or its setting.

#### Impact on the AONB Landscape

- 5.28 The site falls within the Cotswolds AONB and the semi-enclosed valley side landscape of the Upper Windrush Valley landscape sub-character area. The contribution of the application site on the character of this landscape has been assessed in the Landscape Impact Statement provided by the applicant's agent. The proposal has been sited and designed at a scale which respects the visual context of the site, such that from the wider landscape area the positioning of the annexe in proximity to the Old Manor House and the adjacent barn and other outbuildings and structures on site, ensures that it will be 'read' as part of the existing building cluster.
- 5.29 Given that there are no public rights of way in the vicinity of the site or vantage points where any longer distance or important views can be gained across the site, it is not considered that the application proposal would have a significant impact on the character of the AONB.

#### Trees and Landscape

- 5.30 The proposal would involve scrub to the centre of the site and the removal of a few existing trees within the site. These have been identified in the submitted Arboricultural Impact Assessment as being of low quality, category C specimens and are not considered to make a significant visual contribution to the character of the area.
- 5.31 Officers consider that the proposed removal of existing trees would be acceptable, along with planting of new hedging to the boundary with the adjacent field, such that there would be no significant detrimental impact, subject to a condition to secure the landscaping measures proposed.

#### Drainage

- 5.32 The site falls north-eastwards at a gradient of approximately 1 in 18 and there is no history of flooding, with underlying soil being chalk or limestone. Proposed drainage of the site has been evaluated and no objections raised by Officers, subject to recommendations for a full surface water drainage scheme to be submitted and approved by the Local Planning Authority prior to commencement of development. The applicants have agreed to this pre-commencement condition.

#### Highways

- 5.33 The scheme does not propose a new access to the public highway. A gate would be provided between the proposed parking area for the annexe and the existing internal driveway for the Old Manor House, which is very straight and affords good visibility and a turning circle.

Provision of adequate parking within the site is proposed, sufficient to meet current parking standards. Officers consider that the proposed means of access would be appropriate and would not compromise highway safety or amenity. Oxfordshire County Council Highways have been consulted on the application and raise no objection. Given that Highways Officers are satisfied with the parking arrangement on site, the scheme is acceptable on highway safety grounds.

#### Land Contamination

- 5.34 The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination and no objections are raised by Officers in relation to land contamination human health risks.

#### Conclusion

- 5.35 The proposed development is for the provision of an annexe to the main house, which is considered to be of an appropriate design and scale. Officers consider that the proposals have now, on balance, mitigated the scale of harm when compared with the pre-application submissions. Whilst the previous schemes were larger in scale and massing and were for either a separate dwelling outside of the residential curtilage, or were separated from the host dwelling by too great a distance to be considered ancillary, it is now considered on balance that the current scheme would relate more closely with the main dwelling, but would also be in an area which is visually discrete and physically enclosed, such that it would not harm the setting of heritage assets and would represent an acceptable compromise. Officers consider that the development would therefore not have a significant adverse impact on the street scene, residential amenity, detrimental impact on the settings of nearby Listed Buildings, impact on the Conservation Area, trees and landscape, drainage, highways safety or land contamination.
- 5.36 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, and would be in compliance with the Local Plan 2031 and the NPPF 2019.

## **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 roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 4 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.

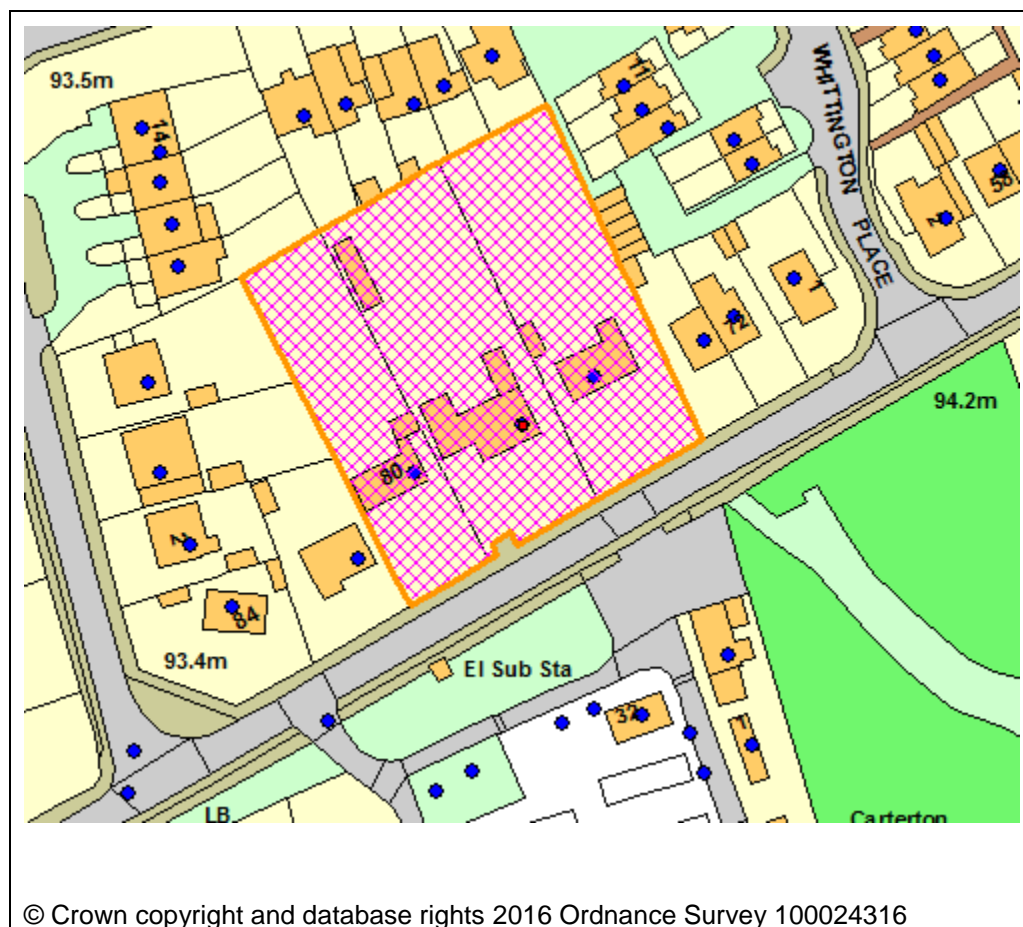
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7 The annexe hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling and permission is subject to the applicant entering into a legal agreement to ensure that the building remains as an annexe.  
REASON: A separate dwelling in this location would be unsustainable and would be contrary to Policy H2 of the adopted West Oxfordshire Local Plan 2031.
- 8 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.
- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
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). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
- 10 The proposed new native species hedgerow to contain and define the southern boundary of the domestic curtilage, as indicated on the submitted Block Plan AF20, dated December 2018, shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

## NOTE TO APPLICANT

- I The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015

Application Number	19/00034/FUL
Site Address	78 Milestone Road Carterton Oxfordshire OX18 3RH
Date	3rd April 2019
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Carterton Town Council
Grid Reference	427562 E 206025 N
Committee Date	15th April 2019

### Location Map



### Application Details:

Demolition of 76, 78 and 80 Milestone Road. Erection of 6 new detached dwellings with new accesses and associated works.

### Applicant Details:

Mr John Young, 78 Milestone Road, Carterton, Oxfordshire, OX18 3RH

## **I CONSULTATIONS**

- |     |                             |   |
|-----|-----------------------------|---|
| I.1 | Town Council                | The Planning Committee felt that this application was an over development of the site   |
| I.2 | OCC Highways                | No Comment Received.  |
| I.3 | 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.4 | WODC Env Health - Lowlands  | <p>I have No Objection in principle but given the proximity of the Brize Norton base I recommend that new dwellings are afforded the internal noise criteria ratings as provided by British Standard BS 8233:2014.</p> <p>"A scheme for protecting the proposed dwellings from noise from RAF Brize Norton and satisfies British Standard 8233:2014 shall be submitted to and approved in writing by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied"</p> |
| I.5 | WODC Drainage Engineers     | Condition to be added.  |
| I.6 | MOD (Brize Norton)          | No Comment Received.  |

## **2 REPRESENTATIONS**

5 letters of objection have been received. The comments have been summarised as:

- No notification that the properties were to be part of a planning application.
- Application does not reflect the low-density character of the surrounding properties.
- The proposed site will be overcrowded and overbearing.
- The proposed site will overlook the neighbouring existing properties due to the increased height above the rest, resulting in a loss of privacy.
- Previous planning applications have been refused based on the pattern of development, current low-density character and appearance of the area and the potential to set a negative precedent for similar sites.
- Homes will cause an additional pressure on the already strained and dated sewerage system.
- Excess noise during construction and when occupied due to close density.
- Influx of cars and the road access is already very narrow.
- Potential loss of light.
- Details missing from application such as bin storage.
- No footway at the front of the site.

- The road access is extremely narrow and there is no space for large vehicles to turn such as dustcarts, yet the application states it is to OCC highway standards.
- The whole site is very cramped and does not enhance the street scene.
- I strongly object to this proposal on behalf of my mother who lives at 76 she is recently widowed and has found this most distressing. Her first notification of this proposal was on a compliment slip telling her of her property being put in for planning permission. Not once did the planning applicant approach my Mother and has taken it upon himself to put in planning permission on a property he does not own.
- I strongly disapprove with the above planning application. Not only on all obvious grounds, but this is blatant garden grabbing that will set a precedent for future applications.

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

A Design and Access Statement has been submitted. The conclusion has been summarised as:

- We have suggested a modest scale and a conventional form for each dwelling, and we believe this will blend well with the character of surrounding housing. We have sought to remove outworn features and replace them with new dwellings, in a green setting that enhances the appearance of the site and its surroundings.
- These dwellings are easily accommodated on the plot. Taking account of plot densities around the site there is actually ample space to accommodate 6 detached dwellings as proposed. In our view this proposal makes best use of available developed land, and enhances the site's appearance as we see it.
- Our view is that the proposal complies in principle and in details with all relevant planning policies. We feel it will enhance and strengthen the existing visual character and so is potentially a positive addition to the street scene.
- Furthermore, 6 small scale dwellings, that's an addition of 3, is a welcome addition to the housing mix, this is considered to be good for social cohesion, according to the NPPF.
- In terms of its appearance and design, we have sought to work with relevant planning guidance also, though we feel it is of a good quality and also conventional in design, it is consistent with the general appearance of most other dwellings nearby. We have followed the officer's advice at all times.
- In submitting this application, we have thought carefully about the effect upon neighbours, and feel we have ensured no serious overlooking will occur.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

H6NEW Existing housing

H2NEW Delivery of new homes

OS4NEW High quality design

T4NEW Parking provision

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application is to be heard before the Lowlands Area Planning Sub-Committee as the Town Council have raised an objection to the application.
- 5.2 A previous application on the applicant's land only, for four two storey dwellings was refused for the following reason:

The siting of the proposed dwellings on Greenfield land does not represent a logical complement to the existing pattern of development, and the scale and number of dwellings will adversely affect the generally low density character and visual appearance of this part of Milestone Road, Carterton. If allowed the development could set a precedent for other similar sites where in equity it would be difficult to resist and where cumulatively the resultant scale of development would erode the character and environment of the area. The proposal is contrary to Policies BE2, H2 and H7 of the West Oxfordshire Local Plan 2011.

- 5.3 The subsequent appeal was dismissed. The Inspector considered that the character and appearance of the streetscene was the main issues. He stated:

The proposed dwellings fronting onto Milestone Road would be located closer to the road frontage than the existing bungalow and those immediately adjoining the site. The provision of the new access and frontage parking areas would require the removal of a significant part of the existing frontage screening. The ridge height of all four of the proposed dwellings would be significantly higher than most other dwellings in the immediate vicinity, and this, together with the siting of the frontage plots and loss of frontage screening would result in an unduly prominent form of development. In addition, the scale and massing of the proposed dwellings would be out of kilter with to their immediate neighbours.

- 5.4 It is acknowledged that there have been a number of 'backland' developments allowed within the wider area. However, the development at 20-24 Milestone Road, and others referred to, are set within a different context to that of the appeal site, in terms of the type, style and character of development within their immediate vicinity. The consideration of this appeal is based on the particular characteristics of this part of Milestone Road, and the effect that the proposed development would have on that character, and not based on what has happened elsewhere. Furthermore, whilst there are several cul-de-sacs within the vicinity these have the appearance of having been comprehensively planned rather than developed on what could be described as an 'ad hoc' basis.

- 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 Policy OS2 of the adopted West Oxfordshire Local Plan categorises the District's settlements into a hierarchy, with 3 "main service centres" at the top, identified for their sustainable, accessible nature and the range of shops, services, employment opportunities, general facilities for daily living that they contain, and where new development should first be directed and



concentrated. Carterton is identified as one of the District's 3 main service centres. As such your officers consider that the principle of development is acceptable in this location.

- 5.7 Your officers consider that the site would be within a sustainable location in terms of its locational proximity to existing services and facilities within Carterton.
- 5.8 The applicant has included two adjacent properties to increase the site area which officers consider will enable more of a comprehensive development. A condition has been imposed to prevent partial implementation.

#### Siting, Design and Form

- 5.9 The proposed form of the proposed dwellings are of a one and a half storey form which have been set out in terms of the recommended separation distances between the existing residential dwellings which surround the application site, and the proposed dwellings. The siting is considered acceptable being within an existing residential setting. The design of the scheme has been considered to be of a small cul-de-sac of which there are other existing nearby examples. Your officers note the previous history of the site and the appeal decision, but given that the area of the site has increased, with a more comprehensive layout, officers consider that this issue has now been largely overcome.
- 5.10 However the applicant does not own all of the land shown. Whilst you can apply for permission on land which you do not own, you have to serve notice, which the applicant in this case has done. Planning permission does not override such civil issues. In addition, as the proposal is of a more comprehensive form of development, your officers would want the development as a whole built out at the same time, rather than a piecemeal development taking place hence the need for the condition above.
- 5.11 The proposed layout has been designed to retain the existing pattern of development to the Milestone frontage, by creating front garden areas, with parking to the rear for plot 4. Plots 1 and 6 are proposed to have parking from the driveway but still maintain area of front garden amenity.
- 5.12 The appearance of the proposed dwellings are of a traditional form and materials.

#### Highways

- 5.13 Your officers are awaiting comments from OCC Highways. The response will be verbally given at the meeting.

#### Residential Amenities

- 5.14 The layout of the proposed dwellings have been set in accordance with the suggested back to back distances, and side to rear distances between the proposed dwellings, and the existing dwellings around the site. Although there are a number of concerns regarding loss of privacy, officers consider that these suggested distances have been met.
- 5.15 In terms of noise issues, your Environmental Health officer has suggested a condition, whilst the MOD has not objected to the proposal.

- 5.16 The land ownership issues have been assessed and in terms of planning processes, the correct notifications have been carried out from the applicant. However as discussed earlier, if planning approval is given, the planning consent does not override the civil issues of the property owners.

#### Conclusion

- 5.17 Your officers consider that the proposed development is of a more comprehensive form of development. It has taken on board the separation distances between the existing properties. The proposed dwellings are similar to the scale of existing housing, directly around the application site. The provision of front garden areas, together with one access road into the development, will soften the proposed development within the streetscene. Details such as the proposed front hedging will also help to visually soften the development. As such your officers consider that the proposed development complies with the Policies of the adopted West Oxfordshire Local Plan and the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 The external walls of the proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.  
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no 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 the residential amenities of the existing and proposed occupiers.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional windows/rooflights shall be constructed in any of the elevations of the dwellings.  
REASON: To safeguard privacy in the adjacent properties
- 7 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local

Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.

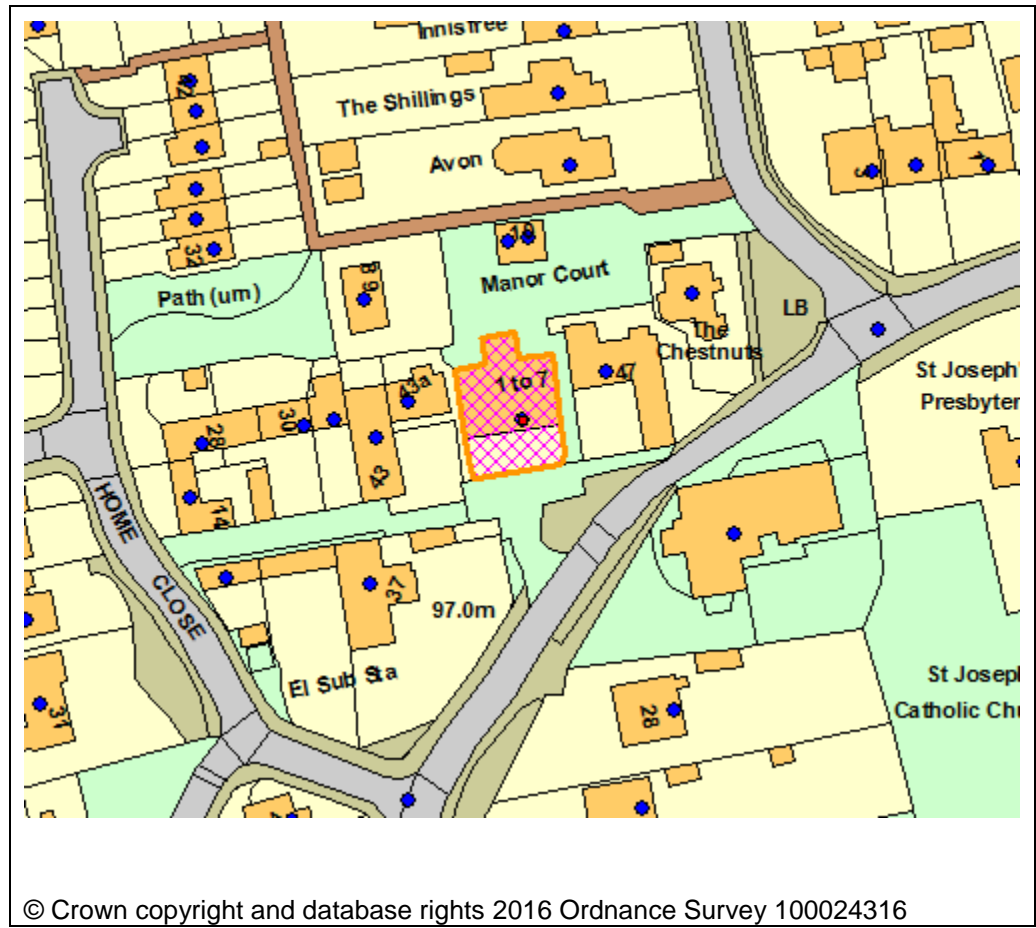
REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.

- 8 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. 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). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
- 10 A scheme for protecting the proposed dwellings from noise from RAF Brize Norton and satisfies British Standard 8233:2014 shall be submitted to and approved in writing by the Local Planning Authority prior to the first ground works taken place, and all works which form part of the scheme shall be completed before any of the permitted dwellings are occupied.  
REASON: To protect residential amenities.
- 11 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 12 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided 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 and in the interests of the convenience and efficiency of waste storage and collection.

- 13 The development shall only be carried out in its entirety within the whole of the site as part of one building operation and contract and not as separate elements.  
REASON: To avoid a piecemeal development which would result in an uncharacteristic form of development within the streetscene, and result in a loss of residential amenities to existing and proposed occupiers.

Application Number	19/00041/LBC
Site Address	Flat 4 Manor Court 45 Lawton Avenue Carterton Oxfordshire OX18 3JY
Date	3rd April 2019
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	427677 E 206912 N
Committee Date	15th April 2019

**Location Map**



**Application Details:**

Replacement of two windows to front elevation.

**Applicant Details:**

Miss Harper, Flat 4, Manor Court, 45 Lawton Avenue, Carterton, Oxfordshire, OX18 3JY

## **I CONSULTATIONS**

- 1.1 Town Council Support.
- 1.2 Conservation Officer The existing windows are of broadly traditional form, and single glazed. The proposed replacements have 24 mm doubled glazing, and stuck-on glazing beads. This isn't supportable from our point of view.

## **2 REPRESENTATIONS**

No comments received.

## **3 APPLICANT'S CASE**

The submitted Heritage Statement has been briefly summarised as:

- The planning application looks to seek the replacement of two top floor windows of the existing property. The existing windows are currently in a bad state and beyond repair therefore the application seeks to replace these windows with double glazed units.
- Manor Court is a 2 storey and attic property built in the late 18th Century - early 19th Century and is part of the former GVII Farmhouse, now a guest house. The property consists of course rubble limestone, slate roofs and rubble stone chimneys.
- All due care and consideration has been taken when discussing the design and materials of the proposed works to ensure no impact is made on existing property, the proposed works look to match the property in terms of colour, materials and design.
- The painted timber units look to match the existing windows, therefore no harm will be done to the aesthetics of the existing property.
- The proposed works will have no impact on the property and surrounding area as it looks to replace the windows to match the existing.

## **4 PLANNING POLICIES**

OS4NEW High quality design

EH11 Listed Buildings

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is to be heard before the Committee as the Town Council is in support of the application. The proposal seeks Listed Building consent to replace two existing timber windows with double glazed units to the front elevation of the property. This is due to the existing timber windows being decayed.
- 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 Traditional window designs are fundamental to the character of local and listed buildings. Whilst replacing windows to Listed Buildings can be supportable as a whole, only single glazing, or secondary glazing is deemed acceptable. This is due to the modern thickness of the glass and the detailing which does not retain the special interest of the listed building.

### Siting, Design and Form

- 5.4 Although timber frames are being proposed, the traditional glass is to be replaced with double glazing. The proposed width of the glass with the addition of stuck on glazing beads will not reflect the traditional appearance of the existing windows, and will not retain the special interest of the building. As such your officers consider that the replacement windows will harm the existing historical appearance and character of the Listed Building.
- 5.5 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 do not maintain the building's essential historic architectural character and form, and creates a harmful disruption to the original appearance of the building. Given this assessment, it is considered that the special interest and setting of the listed building would not be preserved and the development would not comply with Policies OS4 and EH11 of the adopted West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

### Highways

- 5.6 The proposal is not relevant to this issue.

### Residential Amenities

- 5.7 The residential amenities of neighbouring properties will not be adversely affected by the proposal.

### Conclusion

- 5.8 Whilst replacement windows on a like for like basis would be supported, the use of double glazing is considered by your officers to result in a detrimental impact to the existing historic character and visual appearance of the Listed Building, and would not comply with the relevant Policies of the adopted West Oxfordshire Local Plan, or the West Oxfordshire Design Guide.

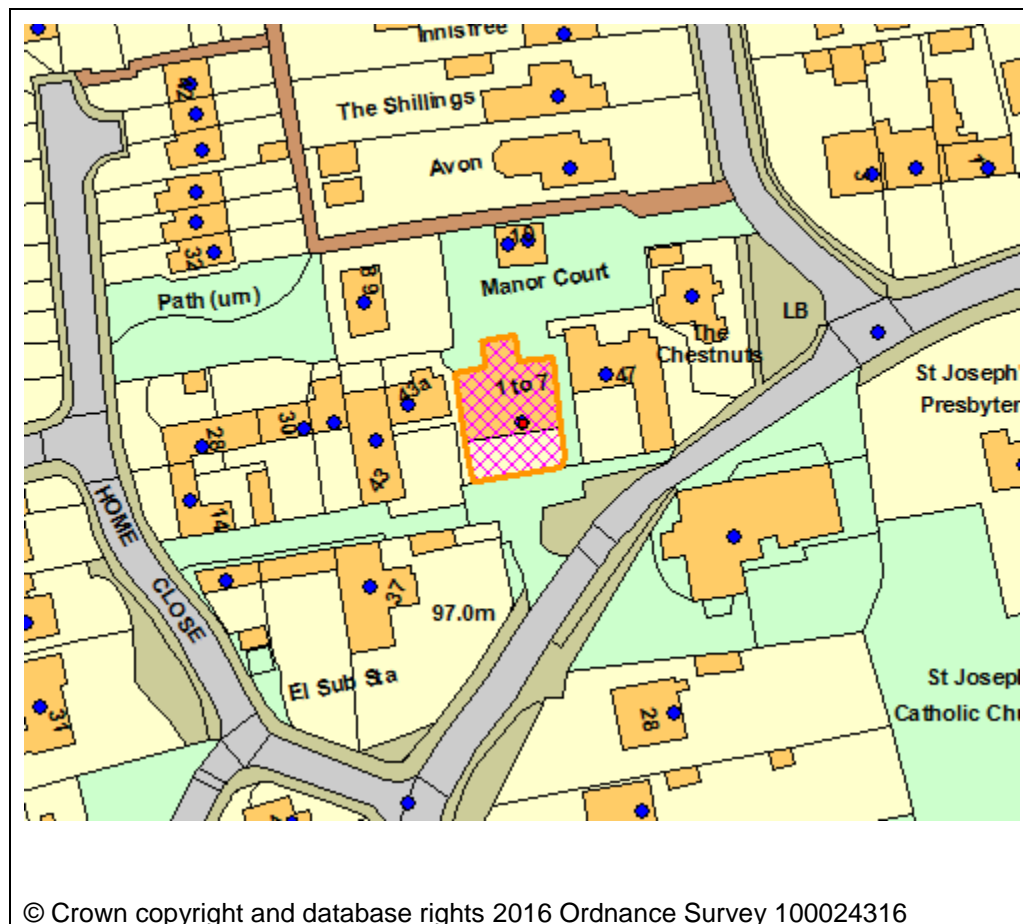
## **6 REASON FOR REFUSAL**

- I By reason of the proposed materials to be used for the replacement windows, the double glazing will result in a detrimental impact to the traditional historic appearance of the Listed Building and would not conserve or enhance the special architectural features. As such the proposal is contrary to Policies OS4 and EHI I of the adopted West Oxfordshire Local Plan, the West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.



Application Number	19/00040/HHD
Site Address	Flat 4 Manor Court 45 Lawton Avenue Carterton Oxfordshire OX18 3JY
Date	3rd April 2019
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	427677 E 206912 N
Committee Date	15th April 2019

### Location Map



### Application Details:

Replacement of two windows to front elevation.

### Applicant Details:

Miss Harper, Flat 4, Manor Court, 45 Lawton Avenue, Carterton, Oxfordshire, OX18 3JY

## **1 CONSULTATIONS**

Town Council Support

## **2 REPRESENTATIONS**

No comments received.

## **3 APPLICANT'S CASE**

The submitted Heritage Statement has been briefly summarised as:

- The planning application looks to seek the replacement of two top floor windows of the existing property. The existing windows are currently in a bad state and beyond repair therefore the application seeks to replace these windows with double glazed units.
- Manor Court is a 2 storey and attic property built in the late 18th Century - early 19th Century and is part of the former GVII Farmhouse, now a guest house. The property consists of course rubble limestone, slate roofs and rubble stone chimneys.
- All due care and consideration has been taken when discussing the design and materials of the proposed works to ensure no impact is made on existing property, the proposed works look to match the property in terms of colour, materials and design.
- The painted timber units look to match the existing windows, therefore no harm will be done to the aesthetics of the existing property.
- The proposed works will have no impact on the property and surrounding area as it looks to replace the windows to match the existing.

## **4 PLANNING POLICIES**

OS4NEW High quality design

EH I I Listed Buildings

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is to be heard before the Committee as the Town Council have made comments in support of the application. The proposal seeks consent to replace two existing timber windows with double glazed units to the front elevation of the property. This is due to the existing timber windows being decayed.
- 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 Planning permission is required for this proposal, as the dwelling is a flat, and as such does not benefit from permitted development rights. The flat also forms part of a Listed Building.

- 5.4 Traditional window designs are fundamental to the character of local and listed buildings. Whilst replacing windows to Listed Buildings can be supportable as a whole, only single glazing, or secondary glazing is deemed acceptable. This is due to the modern thickness of the glass and the detailing which does not retain the special interest of the listed building.

#### Siting, Design and Form

- 5.5 Although timber frames are being proposed, the traditional glass is to be replaced with double glazing. The proposed width of the glass with the addition of stuck on glazing beads will not reflect the traditional appearance of the existing windows, and will not retain the special interest of the building. As such your officers consider that the replacement windows will harm the existing historical appearance and character of the Listed Building. The proposal will also adversely affect the setting of the Listed Building within the streetscene.

#### Highways

- 5.6 The proposal does not affect highway safety issues.

#### Residential Amenities

- 5.7 Residential amenities of existing neighbouring properties will not adversely affected by the development.

#### Conclusion

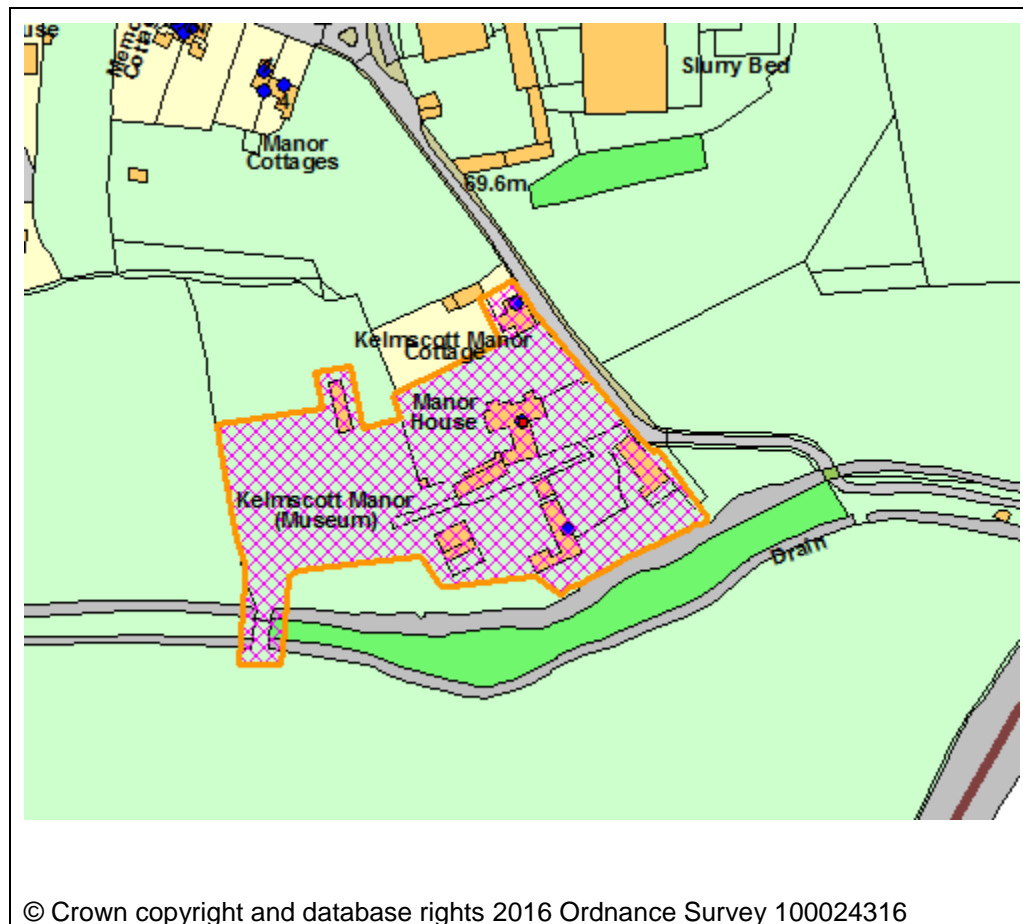
- 5.8 Whilst replacement windows on a like for like basis would be supported, the use of double glazing is considered by your officers to result in a detrimental impact to the setting of the existing historic character and visual appearance of the Listed Building, and would not comply with the relevant Policies of the adopted West Oxfordshire Local Plan or the West Oxfordshire Design Guide.

## **6 REASON FOR REFUSAL**

- I By reason of the proposed materials to be used for the replacement windows, the double glazing will result in a detrimental impact to the traditional historic appearance and the setting of the Listed Building and would not conserve or enhance the special architectural features. As such the proposal is contrary to Policies OS4 and EH11 of the adopted West Oxfordshire Local Plan, the West Oxfordshire Design Guide and the relevant paragraphs of the NPPF.

Application Number	19/00493/S73
Site Address	Kelmscott Manor Kelmscott Lechlade Oxfordshire GL7 3HJ
Date	3rd April 2019
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Kelmscott Parish Council
Grid Reference	425096 E 198886 N
Committee Date	15th April 2019

### Location Map



### Application Details:

Variation of condition 6 of planning permission 18/01509/FUL to allow unrestricted use of car park.

### Applicant Details:

Mr John Lewis, C/o Agent.

## I CONSULTATIONS

- I.1 OCC Highways No objection
- I.2 WODC Legal And Estates No Comment Received.
- I.3 Parish Council No Comment Received.
- I.4 CPRE  
In summary, whilst CPRE supports the restoration of the Manor, it is unable to support the proposed amendment to condition 6 without a properly considered Management Plan to demonstrate that the amendment can be justified. Therefore, CPRE objects to the 2 applications listed above, but could support the amendment proposed if accompanied by a Management Plan that proved that traffic would be kept out of the village. In CPRE's view, essential to that aim is the relocation of the car park entrance as suggested below. Furthermore, CPRE does not believe that the Management Plan as submitted does enough to discharge condition 6 of the original planning application.  
The appendices to the management plan have now been submitted. The signage design is included. Being of standard utilitarian Highways 'brown tourist signage' design, CPRE believes that it is inappropriate in a conservation area, especially in view of the quantum. CPRE understands that this sort of signage is needed on the highways to guide vehicular traffic to avoid confusion. However, CPRE believes that well designed timber signage along the footpaths would be preferable and appropriate for the purposes of informing pedestrian access only. If the intention is to keep traffic out of the village, then pedestrian signage should be all that is needed and providing highways style signage is a contradiction to the stated aims of the Management Plan.  
The sort of timber finger posts used on some public footpaths and signage that is seen at the entrance to National Trust facilities and the like could be considered.  
To reiterate, CPRE believes that an eastern access to the car park before the road narrows, would be the best way to ensure traffic is kept out of the village and would have the added planning benefit of avoiding urbanising the southern end of the car park which is within/ adjacent to the conservation area. At the point of an eastern entrance a large Highway style sign would be appropriate (and it wouldn't matter if that was utilitarian, as it's outside the conservation area), where it could be made clear that Manor visitors should not enter the village by car, but instead park in the car park and walk. Once further into the village, rural, timber signage for pedestrians could then be erected.  
Whilst a further application may be required to move the access point to the car park, CPRE believes that the benefits are significant and that said application would be likely to be approved with no objections (and in fact significant support), whilst an appeal for this

current application, should it be refused, would take much longer. However, CPRE wonders if a change to the car park entrance could be approved by WODC via the discharging of condition 6 ie) via this application, should a new Management Plan be issued with this suggestion at its core. CPRE also wonders if in this case withdrawal and resubmission would actually be needed or if an updated Management Plan could simply be issued to supersede what has been submitted to date. CPRE believes that WODC and OCC should do all it can to help SAL maintain its programme and funding, so long as safety and planning issues are resolved. Pragmatism is required by all. Aside from the safety issues, keeping traffic out of the village is an important planning matter as it would help residents benefit from the quiet enjoyment of their properties and also preserve the rural character and setting of the conservation area. In-keeping signage in a conservation area is also important from a planning point of view, as is avoiding urbanising the southern entrance to the car park which is also within/adjacent to the conservation area.

Whilst preservation of the Manor is very important to CPRE, it should not be done at all costs to the rural character of the village and in particular, it must not create or exacerbate safety issues. It is expected that businesses operating in residential areas will work with the community to achieve common aims. CPRE believes that there is a compromise solution (in the form of an eastern access to the car park) that can achieve the Manor's aims, but limit the impact on the village. CPRE assumes that the land owner for the car park (as a party with an interest in the village) will be likely to support a proposal to benefit the village and would amend the terms of the lease if needed. It's certainly worth a discussion.

CPRE understands that a Highways objection may rely on a past major accident to support. Nevertheless, extra traffic is bound to worsen the situation and increase the chances of an accident. The current Management Plan expresses an intention to reduce traffic in the village, but does not robustly demonstrate how that will be achieved. Surely, it is not necessary to wait for a major accident before action is taken. The suggested car park access to the east is clearly safer than the currently proposed access to the south, as it will avoid coaches navigating a blind bend. Apart from quantum of traffic, it should be noted that there has been a significant material change from a safety perspective. Whilst coaches currently drive straight to the Manor and avoid turning right at the blind bend, under the Management Plan for the expansion, they will now have to negotiate the blind bend to access the entrance at the south of the car park. This change requires a proper risk assessment, especially as there will be more coaches and consideration regarding whether this is in fact practical.

## 2. Previous Comments Submitted (which are still applicable) Management Plan

- o Appendices A & B are missing
- o There is mention of extending the car park, but not by how much and no analysis is submitted to demonstrate that the car park will be

adequate for the expansion. It needs to be linked back to opening days, plus an assessment of visitor numbers and demographic per day at peak times. It's too simplistic at present. If the car park isn't adequate, visitors will park in the village, so it's vital that it is much more detailed.

- o What about turning of vehicles within the car park?
- o What about managing the car park surfaces when it's wet? Will there be Grasscrete where needed and will it still be effective all year round? If not, what happens?
- o There is no risk assessment regarding the potential for an accident involving vehicles and possibly a pedestrian.
- o There is no consideration given to appropriateness of existing junctions or the possibility of moving the car park access to the east of the car park to alleviate problems, which would seem to be a good idea. There may be a way of funding this.
- o There is no assessment of adequacy of passing points or information about how they will be maintained.
- o There is no signage design and exact siting included.
- o There is no detailed information given regarding management of pedestrians as they walk to the Manor, particularly large groups of children, in view of the limited paths and ditches with open water.
- o There is no detail given regarding what exactly will be written on the web site to guide visitors to avoid public safety issues.
- o It is not clear how advanced notice from coaches will help the situation. Will there be timeslots?
- o It is not clear how the shuttle bus will work or what route it will take. Will it be on call or at regular times?
- o Ticketing will not be in the car park, but on line and also at the Manor. The latter may work fine if it's pedestrians who have not parked in the village only buying tickets.
- o In short, on the plus side the Plan commits in principle to keeping vehicles away from the village and agrees that this is needed, but it's not specific about how that will be achieved.

#### Legal Opinion

- o CPRE has not had the benefit of access to some of the correspondence referenced in the document.
- However, in essence, SAL objects to having to sell tickets at the car park. This could well be a moot point, because if vehicles can effectively be kept away from the village, it doesn't really matter where tickets are purchased. This condition was no doubt imposed to help avoid vehicles entering the village, but there are other ways of achieving that objective and the focus should be on that.
- o Mention is made of OCC not objecting and Councillor Fenton insisting on a condition re a management plan to ensure public safety. Whatever OCC said or did not say, councillors do not have to follow Officers' advice and can legally permit or refuse or request conditions against or to supplement Officers' recommendations.
  - o Councillors' decisions can be appealed of course and must be reasonable, but surely seeking to avoid a public safety issue is reasonable.

o The Opinion is critical of residents, the local District Councillor David MacFarlane and an MP for making a contribution to the debate. The public and interested parties are entitled to do so, particularly when a development will impact upon them. It claims that residents and by association Cllr. Fenton and Officers had no technical evidence/ justification to support their views and suggestions. The only qualification any party needs in a democratic country to share an opinion (so long as it's not offensive) is to be a human being- there is no need for specific expertise or qualification. In any event, for objectors to have to prove technically that the proposal will cause traffic issues seems upside down.

o In CPRE's view the onus should be upon SAL (as instigator of the planning application) to prove that its proposals are safe and that is the spirit in which the consent was granted subject to condition 6. Again in CPRE's view, SAL has not done so via its currently submitted Management Plan. The residents are not experts and should not be expected to provide scientific evidence that there could or will be an unacceptable impact on safety. They are living with the ongoing issues at present, so they know that if changes aren't made, issues will be worsened. They have a right to a voice on that and have an input regarding changes in their locality that will affect them, especially as SAL are seeking to include the wider village in the experience for its visitors.

o In any event, it doesn't need an expert to see that coaches on those small roads with blind bends and parking on those muddy verges near deep ditches will be a problem. CPRE can't therefore see how any Inspector would consider Cllr. Fenton or WODC unreasonable in wishing to impose a condition, which puts the onus on SAL to ensure public safety.

o Mention is made of viability issues associated with the restrictions of condition 6. However, like any other applicant, SAL is not entitled to proceed at whatever cost in terms of safety. No doubt, there are negotiations that could take place with the car park landowners, especially if a change to the terms was in the interests of the village. After all, the owner has an interest in the village. The funding is based on increased visitor numbers, but does it really matter where tickets are sold? Even if there is a stipulation re ticket sales specifically at the Manor, ticketing issues can be resolved if safety can be assured.

o There is a comment that the imposition of the condition is causing delay, but in reality delays are due to the public safety issues not being addressed, so that the project can proceed. No one wants an accident to occur after all.

o In summary, this legal opinion is critical of those involved in determining this application and any third party who had a voice. In CPRE's view, that is not relevant. Whatever the rights and wrongs and timing of what was said and done or not done by those involved, all that remains of relevance is whether there is in fact a public safety issue and if there is, that it is addressed before the expansion takes place. The onus is on SAL to either prove there is no issue or if there is one, address it properly. Any Inspector would consider that



reasonable.

o If SAL submitted a convincing Management Plan, the proposed amendment to condition 6 may be acceptable. However, currently, CPRE cannot support this application, with the Management Plan as submitted.

o Therefore, CPRE believes that SAL should be invited to withdraw and re-submit with a properly considered Management Plan that justifies the proposed changes to condition 6, because as it stands the application should be refused. Any subsequent appeal would take time and cause further delay and would be in no-one's best interests.

## 2 REPRESENTATIONS

2.1 Over ten letters of objection have been received. They have been summarised as:

- Single track roads that access the village have blind corners and small passing places. Any increase in traffic from the unrestricted use of the car park may cause further issues on the narrow roads.
- The hope of doubling the amount of visitors to 40,000 will result in increased traffic, parking in the village and potential accidents.
- Residents and businesses are already affected by visitors parking in the village on grass verges as opposed to the car park, blocking off access to their homes and places of work.
- Traffic and parking within the village will disrupt access for emergency vehicles.
- Condition 6 was implemented to alleviate the concerns of the local residents and reduce public safety concerns.
- The proposed Kelmscott Manor Management Plan does not cover the key points regarding public safety and functioning for example, such as the set procedures for when the car park is full and cannot take any further vehicles.
- There are already issues with coaches of visitors being dropped off on the road outside the Manor resulting in road blockages.
- The suggestion of a new access to site from the Eastern access road would be much better suited to the flows of traffic. This new entrance could also prohibit access for visitors into the village thus reducing the impacts on local residents.
- Uncertainty of the volumes of visitors on any given day. Queries over how numbers will be monitored within the car park before visitors get to the Manor.
- Very few visitors arrive by foot, by bicycle or by boat.
- Management Plan does not address the proposed route and frequency of the suggested electric shuttle bus. It also does not cover how it will operate within the busy periods and how it will cover the suggested quantity of visitors.
- Management Plan does not cover the management of impromptu guests and coaches.
- Village has no street lights so excess traffic and parking in the village, especially during the darker winter months, would be dangerous on the roads that have no pavements.
- Lack of car park management will be problematic during typical peak summer months.
- The access to Kelmscott is formed of single track roads, with 2 way traffic and no passing places. It cannot take the capacity of cars that would be predicted based on the amount of visitors they hope to attract to the Manor.
- Residents want a management plan that covers the route for visitors from the moment they exit off the B4449 to when they have parked at the Manor car park. A full plan would ensure that any potential problems are addressed and resolved beforehand.

- The budget would be better spent on a new access route to the car park.
- SAL should take responsibility of the Management Plan to ensure they meet their 'Statutory Duty Of Care'
- Signs should inform visitors that they must park in the car park before they are able to reach the village and park elsewhere.
- Excess traffic on Manor open days already cause problems for the active local farmers and delivery drivers who struggle to get through the congested single track roads.
- Suggestion that Oxfordshire County Council implement a parking restriction zone or double yellow lines through the village to deter on-street parking.
- A suitable solution would be to provide tokens to those who park in the carpark, and entry can only be permitted if a token is provided by the visitor thus ensuring they have parked in the designated car park.
- Removal of employees would not reduce the problems as they already park within the car park and Manor grounds.
- The 420 metre walk from the carpark to the Manor is not safe especially for pedestrians and those who are disabled. The narrow roads and lack of pavement make it dangerous and an accident is bound to happen.
- The Manor relies mostly on volunteers. Procedures need to be set in place for when there is a lack of staff available so the Manor and car park can be covered and operated with the alleged influx of visitors.
- Access to the Manor for school children during the winter months would create cause for concern. Lack of pavements from the car park, lack of street lighting and no safety measures to make the road safe such as gritting in icy weather make the walk dangerous.
- Proposed shuttle shelter for bad weather could also serve as a ticket booth.
- Litter and dog waste bins should be installed in the car park.
- Signs throughout the village would be a positive idea to avoid visitors parking in front of properties and wandering into residents' gardens and homes.

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

3.1 Various supporting statements have been submitted with the applications. A full statement written by Martin Edwards of Cornerstone Barristers has been submitted in support of the application. The conclusion has been summarised as:

- In my opinion there was, and is, no justification for the imposition of condition 6. It was not required by the local highway authority who did not object to the proposed development. This is a highly relevant consideration. Furthermore, the SPO did not seek the imposition of this condition and in her email of 9 August 2018 (referred to in paragraph 17 above) it was made clear to the ward councillor that she "cannot suggest conditions or a legal agreement which relates to highway matters. This is because OCC Highways have not objected to the proposals." This comment has even greater significance. As matter of law a legal agreement (planning obligation) could not be required in these circumstances because it would fail to satisfy the legal tests of reasonableness set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.
- It is, however, clear from the emails provided in response to the Fol request that this condition came about as a result of representations from local residents even though there was no independent technical support or justification for its imposition.
- It is also clear that the Sub-Committee did not consider a draft of the condition so could not have debated let alone determined the scope of the condition. It was not provided with

an opportunity to seek the views of the Society as to the potential effects of the condition on the development nor did it consider the national planning policy advice on planning conditions.

- The position is made worse by virtue of the fact that, following the resolution to grant the planning permission WODC has maintained a dialogue with local residents and members on the central issue of traffic management and in complete absence of any independent technical justification for the approach adopted. This has been exacerbated by virtue of the fact that WODC are meeting with local residents to these matters.
- On appeal, the Secretary of State (or one of his inspectors) is bound by law to follow the relevant law in relation to the determination of applications, the use of planning conditions and the lawfulness of condition 6 and can be expected to apply his published policy as set out in the NPPF and in National Planning Guidance.
- In my opinion, for the reasons set out above, the imposition of condition 6 was fundamentally legally flawed and also is in clear breach of relevant national planning policy. The only means of removing this condition is by way of an application under section 73. In the event that the application is refused, and an appeal is necessary, it is my opinion that the appeal should succeed.
- Furthermore, given the unreasonable imposition of this condition, the Society will have a strong basis for seeking an award of costs against WODC.
- It is clear from the National Planning Guidance that WODC is behaving unreasonably - see Paragraph: 049 Reference ID 16-049-20140306 - for example, "by preventing or delaying development which should clearly be permitted", or relying on "vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis" or imposing a condition that does not meet the policy tests (as set out above).

#### **4 PLANNING POLICIES**

E4NEW Sustainable tourism

T4NEW Parking provision

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 Members will recall that conditional approval was given for planning permission and Listed Building consent for internal and external alterations to allow repair to buildings, erection of new learning building and construction of car park subject to conditions, at the August Lowlands Area Sub Committee. Condition 6 of the planning consent states:

Prior to the first use of the extended car park, full details (including a management plan) of a procedure which only permits the purchase (or validation in the case of tickets purchased online) of tickets to gain entry to Kelmscott Manor and its grounds within the car park hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include improved signage proposals to help to deter vehicular access through the village by visitors to Kelmscott Manor. Once approved the approved management plan and procedure shall be adhered to at all times that the Manor is open to the public thereafter.

REASON: In the interests of public safety and to ensure that the primary point of contact for visitors to Kelmscott Manor is via the car park.

- 5.2 The applicants have submitted two applications for the non compliance with condition 6 to change the wording as set out below:

"Prior to the first use of the extended car park, a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include improved signage proposals to help to deter vehicular access through the village by visitors to Kelmscott Manor. Once approved the approved management plan and procedure shall be adhered to at all times that the Manor is open to the public thereafter."

- 5.3 The wording of the condition as imposed is unacceptable to the Society of Antiquaries of London and the enclosed Counsel's Opinion concludes that the imposition of condition 6 without any technical or other supporting justification is unlawful, and is not fairly and reasonably related to the permitted development.

- 5.4 The reasoning for submitting two applications, is as taken from their Counsel's opinion so that one can be appealed immediately after the statutory period for determination had expired whilst the other may remain the subject of negotiation between those representing the Society and WODC. Both applications are to be heard at this meeting.

- 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 From the meeting minutes it was clear that Members had concerns relating to the visitors to Kelmscott Manor and the traffic generating through the village. OCC Highways did not suggest such a condition on highway grounds but it is legal to include conditions, which are considered necessary. The NPPF states:

Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

- 5.7 Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making.

- 5.8 Your officers consider that the wording of condition 6 is justified as Members had concerns regarding the environmental impacts of traffic entering through the village, and parking along the village roads, not within the main car park. Some form of mechanism for preventing the travelling through the village. This is a reasonable planning reason and your officers consider that the condition has thus been imposed where it has been necessary.

- 5.9 At the time of writing, your Legal officer has yet to respond regarding the wording and the legality aspect of the condition. However this response is anticipated to be received before the meeting where officers will verbally update Members if it changes the recommendation.

- 5.10 In terms of the management plan details, your officers consider that the majority of the proposed works are on balance acceptable, namely the signage. However there are no details of how visitors are to be managed. The supporting information states that two electric cars are to be used - there are no details of these. When the Manor is not open, where will the volunteers park, as currently, the car park is closed when the Manor is.
- 5.11 A copy of a leaflet has been provided. Your officers do not consider that it is explicitly clear that there is no parking available at the Manor. It also states that local law enforcers will be used - no information has been provided to who these will be, or how they will be able to differentiate between those visitors parking for the pub or the Church for example.
- 5.12 The map has pictures of various interest points, such as The Church, but none of the car park. In your officers' opinion the car park location should be made much clearer.
- 5.13 With regards to construction traffic, this is dealt with by a separate condition. These details will be considered once a discharge of condition application is submitted formally.
- 5.14 In conclusion, whilst some areas of the submitted management plan are acceptable, your officers do not consider that sufficient information or detail has been submitted, to overcome the concerns raised by Members.
- 5.15 With regards to the re-wording of the condition to remove the purchase of tickets within the car park, your officers consider that the condition is fair and reasonable and has been set out in accordance with the NPPF 2018. No advice has been sought by the applicants to officers in terms of the requirements of the condition, or the management plan.

#### Siting, Design and Form

- 5.16 This matter is not relevant to these applications.

#### Highways

- 5.17 This matter is not relevant to these applications.

#### Residential Amenities

- 5.18 This matter is not relevant to these applications.

#### Conclusion

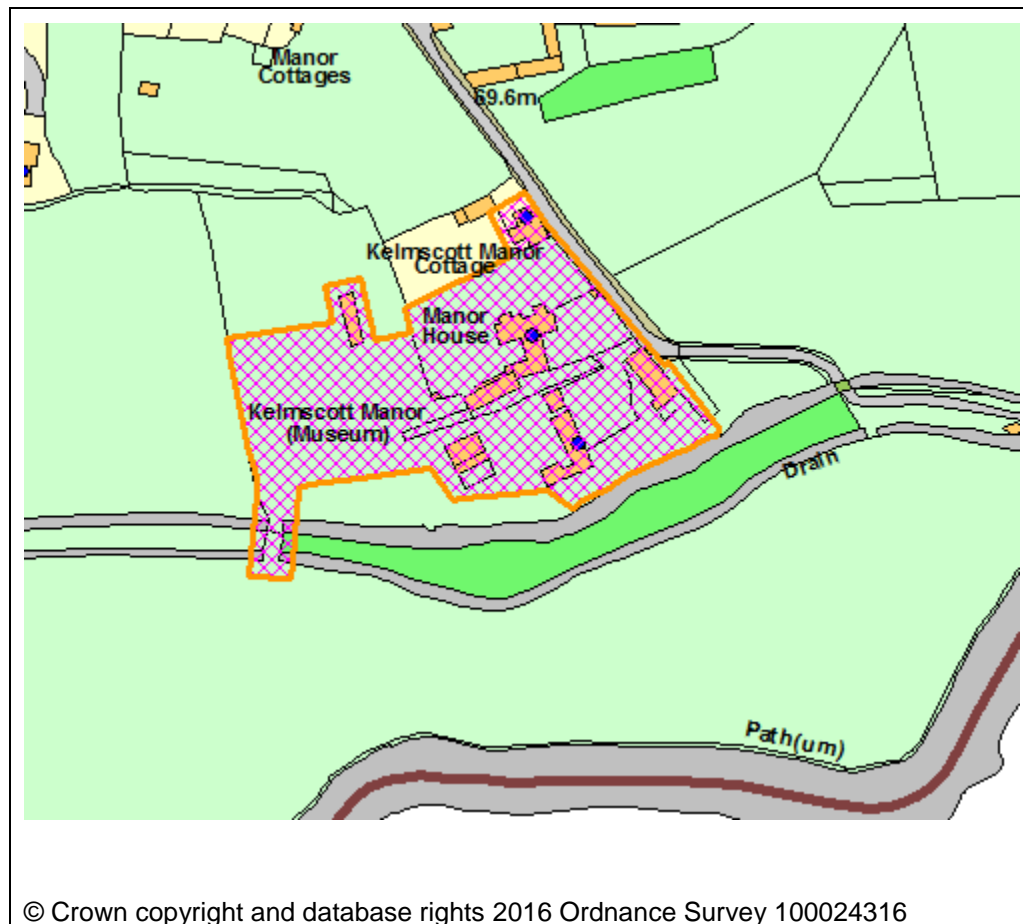
- 5.19 In conclusion, whilst some areas of the submitted management plan are acceptable, your officers do not consider that sufficient information or detail has been submitted, to overcome the concerns raised by Members.
- 5.20 With regards to the re-wording of the condition to remove the purchase of tickets within the car park, your officers consider that the condition is fair and reasonable and has been set out in accordance with the NPPF 2018. No advice has been sought by the applicants to officers in terms of the requirements of the condition, or the management plan.
- 5.21 See planning application reference 19/00495/S73.

## **6 REASON FOR REFUSAL**

- I It has not been demonstrated to the satisfaction of the Local Planning Authority that sufficient methods of managing and restricting vehicular traffic to Kelmscott Manor has been submitted, to protect the residential amenities of existing residents and the visual appearance of the Conservation Area. The proposed rewording of condition 6 and the management plan details are contrary to Policies T4, H6 and EH10 of the adopted West Oxfordshire Local Plan and the relevant paragraphs of the NPPF 2018.

Application Number	19/00495/S73
Site Address	Kelmscott Manor Kelmscott Lechlade Oxfordshire GL7 3HJ
Date	3rd April 2019
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Kelmscott Parish Council
Grid Reference	425096 E 198886 N
Committee Date	15th April 2019

### Location Map



### Application Details:

Variation of condition 6 of planning permission 18/01509/FUL to allow unrestricted use of car park.

### Applicant Details:

Mr John Lewis, C/o Agent.

## **I CONSULTATIONS**

- I.1 Parish Council No Comment Received.
- I.2 OCC Highways No Comment Received.
- I.3 WODC Legal And Estates No Comment Received.
- I.4 Conservation Officer No Comment Received.

## **2 PLANNING POLICIES**

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

## **3 PLANNING ASSESSMENT**

### Background Information

- 3.1 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

Please see the full report under planning application reference 19/00495/S73.

## **6 REASON FOR REFUSAL**

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