

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 6 January 2014**

**REPORT OF THE HEAD OF PLANNING  
AND SUSTAINABLE COMMUNITIES**



**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)

## Agenda Index

Please note that if you are viewing this document electronically, the agenda items below have been set up as links to the relevant application for your convenience.

<b>13/0794/P/FP Cuckoo Wood Farm Eynsham Road Freeland .....</b>	<b>3</b>
<b>13/1487/P/FP 17 Priory Lane Burford .....</b>	<b>6</b>
<b>13/1520/P/FP 24 Hensington Road Woodstock .....</b>	<b>10</b>
<b>13/1542/P/FP Cottage Farm Taston.....</b>	<b>16</b>
<b>13/1547/P/FP Former Highways Depot Banbury Road Chipping Norton.....</b>	<b>20</b>
<b>13/1611/P/FP Linwall Sturt Road Charlbury .....</b>	<b>41</b>
<b>13/1617/P/FP High Street Chipping Norton .....</b>	<b>45</b>
<b>13/1618/P/FP Bell Inn 115 Main Road Long Hanborough.....</b>	<b>50</b>
<b>13/1619/P/LB Bell Inn 115 Main Road Long Hanborough .....</b>	<b>55</b>
<b>13/1631/P/FP Drystone Hill Farm Cleveley Road Enstone.....</b>	<b>56</b>
<b>13/1651/P/AC The Guildhall Goddards Lane Chipping Norton .....</b>	<b>59</b>
<b>13/1652/P/LB The Guildhall Goddards Lane Chipping Norton .....</b>	<b>61</b>
<b>13/1685/P/FP Charnwood Shipton Road Milton Under Wychwood .....</b>	<b>63</b>
<b>13/1688/P/FP Police House Hixet Wood Charlbury .....</b>	<b>65</b>
<b>13/1699/P/FP Albion Street Depot/Store Albion Street Chipping Norton.....</b>	<b>70</b>

<b>13/0794/P/FP Cuckoo Wood Farm Eynsham Road Freeland</b>	
Date	31/05/2013 03/06/2013
Officer	Mr Jonathan Westerman
Officer Recommendation	Grant subject to conditions
Parish	FREELAND
Grid Ref:	441880,211094

## **APPLICATION DETAILS**

Change of use from agricultural to coach park. (Retrospective)

## **APPLICANT**

Cuckwood Farm Ltd, Cuckoo Wood Farm, Eynsham Road, Freeland, Oxfordshire, OX29 8AD

## **BACKGROUND INFORMATION**

This application seeks to regularise the parking of coaches at Cuckoo Wood Farm on land adjacent to the approved Showman's site. The company has been awarded the contract for transportation of pupils to Bartholomew School in Eynsham for 3 years and 7 of the 9 coaches dealing with that contract are provided by the applicant.

### **1 PLANNING HISTORY**

None of direct relevance.

### **2 CONSULTATIONS**

#### **2.1 Parish Council**

*"The Parish Council wish to raise some concerns regarding the proposals for a coach park on the site.*

*The access as it stands currently is completely unsuitable for large coaches and vehicles turning in and out of the site. Eynsham Road is a 60mph road, and there is a bend close to the entrance to Cuckoo Wood Farm. If vehicles are travelling up to (at least) 60mph coming out of Freeland and heading towards the A40, and then are faced with a coach or lorry either turning into or out of the site, heavy braking will be necessary and could potentially be very dangerous and cause an accident. They also are very concerned about the industrialisation of the site and the inappropriate use of agricultural land.*

*They feel that the proposals are contrary to policies BE1, BE2, BE3 and T6 of the West Oxfordshire Local Plan as detailed below. Policy H2, although referring to mainly housing, also makes reference to unsafe conditions for traffic and we would urge WODC to look closely at the access to the site and ensure a Transport Assessment is carried out fully before any decisions are made. I refer you to the areas of the planning policies below.*

*Policy BE1 states:*

*'Development will not be permitted unless appropriate supporting transport, service and community infrastructure is available or will be provided and appropriate provision has been made to safeguard the local environment.'*

*Policy BE2 states:*

*'New development should respect and where possible, improve the character and quality of its surroundings and provide a safe, pleasant, convenient and interesting environment.'*

*Policy BE3 states:*

*Proposals will only be permitted if all the following criteria are met:*

*(b) safe movement of all vehicular traffic both within the site and on the surrounding highway network.*

*It goes on to state that:*

*'Development which would have a significant impact on the highway network will not be permitted without the prior submission of a Transport Assessment.'*

*Policy T6 states:*

*'Traffic management schemes will be sought which:*

*(b) promote safe and convenient movement of buses' (presumable coaches fits into this category);*

*(c) reduce traffic conflicts, the potential for accidents and alleviate congestion;*

*(d) reduce environmental damage caused by traffic.'*

*Policy H2 also states that proposals should not:*

*'create unsafe conditions for the movement of people and vehicles.'*

*Please take the above into account when determining this application and ensure Highways are involved in assessing the safety of access to the site."*

## 2.2 OCC Highways

*"No objection."*

## 2.3 WODC Engineers

*"Request drainage condition."*

## **3 REPRESENTATIONS**

3.1 Letters have been received from M Whitty of Wroslyn Road and Savills on behalf of the Eynsham Park Estate. It is considered that the main points raised may be summarised as follows:

- When they submitted their quote they were aware of the costs of being based in Didcot.
- This is more about profit than the environment.
- They should have found a better site before quoting for the work.
- It would contravene policy.
- Access is dangerous.
- Damage to verges.
- Land should be used as a chicken farm.
- It is supposed to be protected countryside.
- There is insufficient detail to assess the application.
- What about security fences, cctv etc?
- Increased use of congested A 40.
- More noise and disturbance contrary to residential amenity.
- WODC Landscape Assessment identifies the countryside as largely unspoilt and rural
- Impact on bridleway.
- Contrary to BE2 NE1 NE2 T6 T1 of WOLP.

## **4 APPLICANT'S CASE**

4.1 Writing in support of the proposals the agent advises that:

- The access road is being improved.
- The landscape belt is maturing.
- The site is well screened from the bridleway.
- It uses only a small part of the farmyard.
- Only the local road network will be used.
- Bus use will reduce car use and that there is no conflict with planning policies.
- An affidavit from Bartholomew School is provided indicating that the contract has reduced the school's costs and that there is less congestion and pollution around the school and the service is more punctual as it is locally provided.

## 5 POLICY

Policy NEI is considered most relevant.

## 6 PLANNING ASSESSMENT

6.1 Taking into account (the representations of the interested parties), planning policy and other material considerations your officers consider that the main issues are considered to be:

- Is the development acceptable in an open countryside location?
- If not, are there material considerations that would allow consent to be given?

### Principle/land designation/Policy

6.2 This application relates to a site in the open countryside, albeit adjoined by other uses. Notwithstanding that the site is well screened and that the access is considered acceptable by OCC in its capacity as highway authority. Your officers are of the view that even with the generally permissive thrust of the NPPF consent would not usually be given for such a proposal in such a location where planning policies would generally seek to resist new development. It is considered contrary to the general thrust of policy NEI that seeks to protect the countryside from development.

### Are there material considerations that would allow consent to be given?

6.3 The fact that the business has already started use at the site, that it is relatively unobtrusive and that a location close to the client enables less mileage and carbon production are all factors in favour of the scheme. However, these factors could be repeated fairly often and are thus not considered sufficient, of themselves, to justify an approval for development in an area where it would normally be resisted. However, when these matters are weighed in the balance with the disruption to the travel patterns of the children were the contract to be terminated and the fact that only a temporary consent is being sought - such that the site and use can revert to conventional rural uses at the cessation of the consent this does, on balance, tip your officers assessment in favour of granting a temporary consent. This would be on the proviso that a clear note is appended to the decision advising that it is unlikely that the consent would be renewed and also making clear that the permission does not give consent for any further works in the ways of fencing etc for which separate consents would be needed.

### Conclusions

6.4 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that on balance and for a temporary period only the proposed development is acceptable on its planning merits.

## RECOMMENDATION

Grant subject to the following conditions:

- 1 The use hereby permitted shall be discontinued and the land restored to its former condition on or before 6/1/2017.  
REASON: The use is only justified by the special and temporary need for the development.
- 2 The development shall be carried out in accordance with the plans accompanying the application as clarified by the applicant's agent's letter.  
REASON: For the avoidance of doubt.

## NOTES TO APPLICANT

You are advised that this consent does not authorise further works for which planning permission may be required and that it is unlikely at the cessation of the temporary period that a renewal of consent would be forthcoming.

<b>13/1487/P/FP 17 Priory Lane Burford</b>	
Date	21/10/2013 21/10/2013
Officer	Mrs Kim Smith
Officer Recommendation	Approve
Parish	BURFORD
Grid Ref:	425082,212314

## APPLICATION DETAILS

Change of use from commercial garage to retail. (Retrospective). Insertion of roof lights on south elevation (amendment to 10/0898 and 18/0899). Retrospective

## APPLICANT

Oxford Shirt Co C/O Agent

## BACKGROUND INFORMATION

This application has been submitted following receipt of a complaint alleging the change of use of a commercial garage to the rear of the Oxford Shirt Company, accessed off of Priory Lane. Following investigation it came to light that the building had been accessed internally from an infill extension approved in 2011 and was being used for retail and storage use by The Oxford Shirt Company. This application has been submitted in an attempt to regularise the use. In addition the application is seeking to regularise the positioning of four roof lights on the rear roof slope of the former garage which have a higher cill level than approved under 10/0898 and 10/0899.

## I PLANNING HISTORY

The most recent planning history in respect of 17 Priory Lane is as follows:

11/0630/0631- Erection of an infill extension with a pitched roof – granted;

10/0898 – Replace flat roof with a pitched roof to allow insertion of four conservation roof lights;

09/1296- Replace flat roof with a pitched roof – granted.

## 2 CONSULTATIONS

### 2.1 County Highways

*'If permitted will have no significant detrimental effect on the local road network. No objection.'*

### 2.2 Town Council

*'We have no objection to this application providing there is **no** access to the premises from Priory Lane..'*

## 3 REPRESENTATIONS

3.1 A letter of objection has been received from John Mardle of 9 Priory Lane, Burford. His comments are very briefly summarised as follows:

- 9 Priory Lane is adjacent to 17 Priory Lane and has a direct view of the properties access and overview of the garage and cottages daily activities;
- During our time at Priory Lane we have experienced first hand the daily workings of the garage and also the recent changes to the properties;
- When we moved in the garage operated with three bays and two full time employees, the owner was not hands on and in actual fact ran a breeding business and was off site most of the time;
- The garage operated from 08:30 to 17:30 five days a week and the odd Saturday from 8:30 to 12:00;
- Outside the garage was a portacabin office that was manned part time;
- Directly behind the cottage was the old double garage and in front of this and giving access to this building was a block stone driveway which doubled up as a seating area for the cottage, the cottage was owned by the owner of the site;
- To the side of the cottage and against the house was a 1500 litre surface mounted diesel tank and below the ground was a petrol storage tanks, these tanks feed two fuel pumps which sold fuel and was operated as a fuel station. Due to the high prices charged the vehicle movement was very low;
- To enable cars to come and go from the garage and due to the limited access width the customers invariably parked in the road, if cars had to be parked on the premises, and due to the nature of the site it was normal that a max of 4 to 5 cars could be left on site at any one time;
- The garages main source of work was passenger cars with the occasional SUV type vehicle. Not at any time did we see any LGV or HGV type vehicle being worked on or left at the garage;
- Again during our 13 years at Priory Lane we did not see any activity at the site or in the garage that indicated that cars were being sold;
- The site operated during the day time only and did not operate a taxi service from the premises;
- In 2000 the site owner died and left the day to day running of the garage to the two employees
- The garage eventually ceased trading and was replaced with a tyre and exhaust centre that did not attract much trade and in actual fact was even less busy than the former garage. In 2010 it ceased trading;
- The site prior to the recent changes struggled to park more than 5 to 6 cars without major disruption to the operation of the garage;
- The current changes to the site have increased the building footprint, added to this is the addition of a courtyard garden to the cottage, all these changes have greatly reduced the previous available parking opportunities;

- I would assume that a certain amount of parking would be required on site, and that this parking would need to meet a certain requirement in terms of ease of access etc and also access for emergency vehicles;
- Movements of vehicles to the premises is of some concern as the access has been reduced with the extension of the cottage and the very fragile Cotswold stone wall between the site and the drive;
- My biggest concern relating to this wall and any form of regular delivery traffic is that our young children play in the drive and should someone or thing hit this wall the outcome could be devastating;
- As the retrospective application is for retail then the very out of place signage on the garage directly adjacent to Priory Lane is a complete eyesore and out of keeping with the area. It would be beneficial if this could be removed;

#### **4 APPLICANT'S CASE**

4.1 In summary the applicant's case is as follows ;

- 17 Priory Lane is a long standing historic commercial site in Burford;
- It has been a commercial garage for around 50 years and has been unregulated by planning conditions. It has clear potential to be an unneighbourly use in its context;
- By contrast, the retail use is much more low key in terms of its overall business use, and far more appropriate in this location;
- This application represents an opportunity to seek the removal of an unregulated commercial operation , from the midst of a residential area and to replace it with a more suitable and neighbourly commercial use;
- The proposal is planning policy compliant with the relevant terms of the WOLP;
- For the last 50 years vehicles have been parked on the site in the fashion shown on the car parking layout block plan (and indeed more vehicles than indicated on the plan) in association with the commercial garage use;
- In a related fashion, the access to the site off Priory Lane has always been separately used too by the commercial garage. The site has always been separately used and separately accessed
- Consequently, going forwards and for clarity, the intention as part and parcel of this application is to continue the separate use of the premises, including separate use of the access. This does not represent any change from the entirely separate use of the site for the last half century.

#### **5 POLICY**

5.1 Key policies of the WOLP are BE2, BE3, BE5, BE7 and SH3.

#### **6 PLANNING ASSESSMENT**

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Compliance with shopping policy SH3
- The impact of the development on the residential amenity of adjoining occupiers;
- The impact on highway safety;
- The impact on the character and appearance of the Conservation Area.

##### Shopping policy

6.2 Shopping policy SH3 restricts A1 uses in Burford to fall within the central policy area. Given that the use of the building for retail purposes is in association with/ an extension to the High Street frontage property occupied by the 'Oxford Shirt Company', the development is considered compliant with this policy. However, given that the application site has a separate access and



parking area, your officers are of the opinion if approved that a condition should be attached which limits occupation of the building as ancillary and incidental to the occupation of the High Street frontage property and not separately therefrom.

#### Neighbourliness- impact on residential amenity

- 6.3 Historically, the building, its curtilage and access have been used in association with a series of vehicular related activities on the land including vehicle service and repair. This type of commercial use within a residential context has the potential to adversely affect the amenity of neighbouring occupiers with noise, smell and vibration nuisance together with the comings and goings of vehicles and customers. The replacement with an A1 retail use which by its nature is 'clean' in comparison to the former use, will significantly improve the residential amenity of nearby dwellings even if the historic access and parking arrangements are retained as part of the new use. Bearing this in mind the development is considered compliant with policy BE2 of the adopted WOLP and relevant paragraphs of the NPPF.

#### Heritage Assets- impact on the character and appearance of the Conservation Area

- 6.4 Given that the building is in situ and that all of the works that have taken place to allow for the change of use are internal to the existing building, the development has a neutral impact on the character and appearance of the Conservation Area. As it will also replace the parking of vehicles awaiting servicing and repair with parking in association with a retail use, it may even enhance the character. Given this impact the development is considered compliant with policies BE2, BE5 and BE7 of the adopted WOLP and relevant paragraphs of the NPPF.

#### Highways and parking

- 6.5 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

#### Conclusions

- 6.6 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 subject to conditions relating to additional letter and plans and restricting occupation as ancillary and incidental to the High Street frontage property presently occupied by the 'Oxford Shirt Company'.

### **RECOMMENDATION**

Permit subject to the following conditions:

1. The development shall be carried out in accordance with the plans accompanying the application as modified by the applicant's agent's letter dated 10 December 2013 and accompanying plans (drawing numbers 22, 24 and the 1:200 car park layout)  
REASON: The application has been amended by the submission of additional details.
2. That the occupation of the building and the use of the site for ancillary parking shall be ancillary and incidental to the use of the High Street frontage property and not separately therefrom.  
REASON: In the interests of retaining the fragile land use character of the town. (Policy SH3 of the adopted WOLP.

<b>13/I520/P/FP 24 Hensington Road Woodstock</b>	
Date	28/10/201306/11/2013
Officer	Mr Phil Shaw
Officer Recommendation	Provisional Approval
Parish	WOODSTOCK
Grid Ref:	444810,216791

## APPLICATION DETAILS

Construction of 10 apartments with associated carports & parking and widening of existing vehicular access.

## APPLICANT

Empire Homes Ltd, The Long Barn, Oxford Road, Old Chalford, Oxon, OX7 5QR.

## BACKGROUND INFORMATION

This application relates to a site located in Hensington Road that is currently occupied by a clinic. The application seeks consent to demolish the existing structure and replace it with two new buildings. Towards the site frontage a new 2 1/2 storey building incorporating 9 one bed roomed flats will be built whilst to the rear of the site a garage block is proposed. Parking is provided to standard in a mix of open and covered spaces located to the rear of the site.

The building to the frontage has been designed and located to provide a transition between the slightly lower dwelling to the east and the taller flat block located to the west of the site. Dwellings are also located to the rear of the site albeit at some distance. The buildings are proposed in reconstructed stone and it is proposed that a contribution in lieu of on site provision of affordable housing is made.

Members will recall that the application was deferred at the last meeting to allow Officers to re consult on the then amended plans and to seek to negotiate a number of design/amenity improvements. Following those discussions a further set of amended plans were received and it is these latter set of plans that have been consulted upon.

Officers will make full use of the plans in presenting the application to Members.

## I CONSULTATIONS (original proposals)

### I.1 Woodstock Town Council

*“Objects to this planning application as it is contrary to the following policies:*

*a. Policy E6 a.*

*The proposal involves the loss of an existing Class A2 (Financial and Services) employment site.*

*b. Policy E6 c.*

*It has not been demonstrated that substantial planning benefit would be achieved by allowing alternative forms of development.*

*c. Policy H2 c.*

*The proposal eliminates existing useful community facilities i.e. a Chiropractic Clinic and off-street parking used on Sundays by the nearby Roman Catholic Church.*

*d. Policy H2 e.*

*The proposal would create unsafe conditions for the movement of people and vehicles at the junction of Hensington Road and Bear Close.*

e. Policy H2 f.

*The proposal sets an undesirable precedent for other sites.*

f. Affordable Housing

*This development provides no affordable homes. The stated policy for Woodstock is that 50% of accommodation on this type of development should be affordable homes.”*

## 1.2 OCC Highways

*“The principle of 10 flats on the site and alterations to the existing access are considered acceptable. However it is recommended that the scheme is revised to:*

- *Increase the size of the parking spaces*
- *Improve pedestrian safety*
- *Provide cycle parking*
- *Provide refuse collection areas.”*

## 1.3 WODC Engineers

*“No objection subject to a condition requiring full surface water drainage scheme to be agreed.”*

## 1.4 TVP

*“No objection subject to a condition requiring crime prevention measures to be incorporated into the design.”*

## **2 REPRESENTATIONS**

2.1 Letters have been received from a number of local residents as well as the Woodstock Action Group. It is considered that the main points raised in respect of the original consultations may be summarised as follows:

- Significant increase in traffic contrary to T1.
- Increased likelihood of pedestrian/vehicle conflicts (T6).
- Inhibits safe flows of traffic (BE3).
- Insufficient affordable housing (H12).
- Loss of existing employment site (E6).
- Overdevelopment.
- Pressure on the infrastructure of the town.
- Many incremental harms add up to a larger harm.
- The shuttle arrangement in Hensington Road is a bottleneck and could impede emergency access.
- Recent accidents have occurred at the shuttle.
- 11 spaces is not enough for 10 flats.
- There may be up to 20 cars.
- Cars overspill along the road.
- Loss of daylight from the detached rear unit.
- Will the sewers cope?
- Previous developments approved on the site were smaller.
- Wall to rear of plot needs repair.

- Overlooking.
- Previous landscaping schemes were not implemented.
- Density of development is 140dph and higher densities can have adverse impacts upon the character of towns and villages.
- Does not comply with design guide ref parking and pedestrian mobility.
- Flat exits discharge direct to the service road.
- Pedestrians will be put at risk.
- Currently building occupies approx 30% of site whereas the proposed monolith occupies almost the full width.
- Potential occupancy would generate demand for 10 cars.
- Little internal or external storage space.
- Significant increase in traffic near junction with Bear Close.
- Disruption during building works.
- Some development may be acceptable but this is an overdevelopment.
- It is beyond building line.
- It is too high.
- Noise and fumes from traffic.
- Difficulty manoeuvring due to tight spaces.
- No visitor spaces provided.
- Future maintenance difficulty for flats.
- Loss of a good business.
- Rear building will cause loss of privacy as it faces forwards.
- No lighting details provided.
- Will any units be social housing?
- Rear unit is dominant.
- Revised smaller submission that takes account of side facing windows in adjacent flats may be acceptable.
- Surveys of adjoining properties are inaccurate.
- Can the sewage works cope?
- Previous scheme was smaller.
- Loss of views due to rear building.

2.2 Any representations received in respect of the amended plans will be reported by way of the additional representations report or verbally at the meeting.

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

3.1 Writing in support of the ORIGINAL proposals the applicant has submitted a Design and Access statement which may be briefly summarised as follows:

- Existing area is mixed in character.
- Existing stone boundary walls are to be retained.
- Site is currently underused and is located close to the heart of the settlement.
- Scheme will complement the existing pattern of development.
- Care has been taken with the internal layouts and window positions to avoid unacceptable overlooking.
- Side windows serve landings and bathrooms.
- Design will preserve/enhance the area.
- There is no evidence of protected species.
- Building details will respect vernacular traditions.

3.2 Additionally the applicant tabled a viability assessment that indicated that when the existing land value is taken into account there is no additional funding available to put towards affordable housing. He none the less was making an offer of 25k towards the provision of off site affordable housing.

3.3 Jon Westerman of Carter Jonas wrote in support of the application. The conclusion of his letter read as follows:

The proposed development represents classic infill development in one of the most sustainable settlements within West Oxfordshire and accords with both Government guidance and development plan policy;

- The siting, design and form of the proposed building respects guidance within the West Oxfordshire Design guide and provides for a transition between the adjacent semi detached dwelling and the flatted development beyond;
- The siting and form of the building has been carefully considered to ensure that an acceptable level of amenity is provided for both existing residents and future occupiers;
- Given the scale of the development and the lawful use of the site, the proposed development will not have a material impact upon the local highway network; and
- The affordable housing offer is based upon an established methodology and is comparable with contributions that have been secured elsewhere within Woodstock.

Having regard to the above, it was suggested that the proposed development was in accordance with both Government guidance and development plan policy

3.4 With regard to the latest set of plans submitted Mr Westerman advises as follows:

“I write further to our recent conversation in respect of the above following the Uplands Area Planning Sub-Committee on Monday 2<sup>nd</sup> December. In order to address the concerns of the Uplands Area Planning Sub-Committee, I can confirm that the applicants have agreed to formally amend the proposed development as follows:

- 1) The omission of the 2 bedroom apartment above the carport building to the rear of the site;
- 2) The proposed carport building to the rear of the site has been retained in order to ensure that the amenity of the New Road residents is maintained. However, the eaves and ridge height of the proposed carport building has been reduced;
- 3) The width of the car parking spaces has been amended to reflect Oxfordshire County Council’s parking standards;
- 4) The proposed store provides storage for bins, recycling boxes and bikes; and
- 5) A low boundary wall has been introduced to prevent pedestrian access between the proposed development and the flatted development at 30 to 38 Hensington Road, thus enhancing the amenity of units 1 and 3.

As set out in my letter of the 7<sup>th</sup> November 2013, the viability appraisal submitted in support of the application has identified that having regard to the existing use value, the proposed build costs and the gross development value, the provision of any affordable housing will render the scheme unviable. However, in recognition that the provision of affordable housing is high on the political agenda, Empire Homes has offered a financial contribution of £25,000 towards the provision of offsite affordable housing. Omitting the 2 bed apartment from the proposed development further undermines the viability and as such the financial contribution has been reduced to £20,000.

I note that the Uplands Area Sub-Committee resolved to grant planning permission for the erection of eight flats with associated parking and access at 9 Shipton Road, Woodstock under application reference 13/1193/P/FP. In considering that application the Council concluded that a

financial contribution of £25,000 for the provision of offsite affordable housing was acceptable. It is important to note that the existing use value of the Shipton Road site was significantly less than the site the subject of this application.

I understand that concern was raised regarding the level of amenity that will be enjoyed by future residents of the proposed development. The floor area of the smallest apartment is approximately 42 sq metres and this is comparable to other developments that have been granted elsewhere within West Oxfordshire. The majority of the apartments enjoy a north/south outlook. Apartment no 3 enjoys an outlook across the access drive. The ground floor windows in the rear elevation are secondary windows and allow for the provision of natural light.

The design and form of the proposed building has been carefully considered to enhance the character of the street scene. The proposed development will allow for a transition between the property at 22 Hensington and the flatted development beyond. Whilst the proposed development does include the provision of a flat roof, this will not be visible from any vantage points.

Having regard to the above, it is suggested that the proposed development:

- 1) Accords with guidance within the National Planning Policy Framework and Policy H7 of the adopted Local Plan 2011.
- 2) The design and form of the proposed development accords with Policies H2 and BE2 of the adopted Local Plan 2011 and guidance contained within the West Oxfordshire Design Guide;
- 3) The proposed development provides an acceptable level of amenity for existing and future residents and accords with Policies H2 and BE2 of the adopted Local Plan 2011;
- 4) The proposed access, parking and bike storage accords with Policies BE2 and BE3 of the adopted Local Plan 2011; and
- 5) The proposed affordable housing offer accords with Policy H11 of the adopted Local Plan 2011 and guidance contained within the affordable housing Supplementary Planning Document. The viability methodology and affordable housing offer has been accepted elsewhere within the District.

#### **4 POLICY**

It is considered that policies T1, BE2, H2 and H7 along with the advice of the NPPF and the Design Guide are of most relevance.

#### **5 PLANNING ASSESSMENT**

5.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Principle
- Design
- Neighbourliness
- Ecology/climate change
- Highways/parking

Principle/land designation/Policy

5.2 In that Woodstock is one of the main population centres of the District and that the site lies well within the built up limits of the settlement in a sustainable location it is considered that there are no in principle objections to housing development on this site. The frontage element comprises

infilling and the block to the rear is a logical complement to the existing pattern of development such that the site is considered policy compliant with the strategic elements of policy H7.

- 5.3 Planning policy requires that up to 50% of new units created be affordable subject to the scheme remaining viable. The applicants are suggesting that the existing land values are such that the scheme delivers a negative return after costs and profit, but are prepared to make a contribution in lieu. The principle of such an arrangement is accepted and given the viability analysis and the levels of contribution cited in the agents latest letter the contribution is considered an appropriate response to the non provision of affordable housing on site.
- 5.4 Policies TLC12 and E6 seek, in general terms, to retain active community/employment uses. The current use of the site is active but consent has recently been secured by the practice to relocate the premises elsewhere in the town. As such, and given the range of other employment and community uses available it is not considered that the loss of this site to housing development would be sufficient to justify a refusal.

#### Design

- 5.5 The existing frontage in the vicinity of the site comprises a variety of building types, ages and quality with the main unifying factor being a consistent building line and a rhythm of buildings standing in large plots with gaps between. This scheme respects that character and has been designed to provide a transition between the disparate styles of the adjoining plots. The traditional form and materials will enhance the status quo where the existing structure on site appears incongruous in both scale and materials.

#### Neighbourliness

- 5.6 The site is surrounded by existing residential properties and the intervening boundary walls are low. Adjoining properties have a number of windows facing towards the site and as such there is potential for overlooking of both the properties but also their amenity areas. In response to these challenges the applicant has paid particular regard in the disposition of the windows and the rooms that are served to avoid an undue impact. Side facing windows in the main block are mainly secondary in nature whilst the deletion of accommodation in the rear block has avoided any overlooking back to the frontage block and adjoining frontage neighbours. The massing/scale of the proposed unit at the front of the site is substantially greater than the existing building and as such there is the potential for a greater overshadowing/overbearing impacts to neighbours. However, the building sits well off its boundaries and the relationships created are commonplace in more urban situations such that they are not considered unacceptable.
- 5.7 The amenity of the occupiers of the proposed flats is considered to be acceptable. The frontage units (1,2,4,5 and 9) all enjoy an unrestricted outlook to Hensington Road. The higher level flats (6,7 and 8) enjoy similarly open aspects to the rear elevation. Unit 3 which is the ground floor rear unit is the most compromised in that its rear aspect is through the undercroft area and its side aspects are to the adjoining flats or across the access drive. However, the problem of access to the dustbin/cycle store giving rise to undue overlooking has now been addressed by blocking the side access. Whilst not ideal the levels of amenity are considered comparable with many such small flats and as such the standard of amenity is not considered by your officers sufficient to justify consent under the terms of policies H2 and BE2.

#### Ecology/Environment and climate change

- 5.8 The site and building are considered to have no ecological constraints and the application offers the opportunity of betterment by way of conditions to secure wildlife boxes, energy and water saving measures etc.

### Highways and parking

- 5.9 This is clearly a critical issue in that the existing road network is clearly substandard and subject to pressure on parking. The parking proposed meets standard and any assessment of the impact of traffic needs to factor in the fall back position of the levels of traffic capable of being generated by the extant use. Your officers anticipate that as such there will not be a highways/parking based refusal reason from OCC but in that it is such a key issue do not consider that a formal recommendation should be made until such time as the response has been received and fully considered.

### Conclusions

- 5.10 The principle of a residential redevelopment of the site is considered acceptable and would provide an improvement in the streetscene. The impact upon neighbours is considered acceptable as is the loss/re-provision of the existing use. Provision of monies in lieu of on site affordable housing is acceptable and the standards of amenity are similarly considered acceptable. At the time of agenda preparation there are still a number of neighbour and technical responses awaited in respect of the amended plans which preclude a formal recommendation being made. It is however anticipated that the application will be brought forward for approval at the meeting subject to a legal agreement to secure the affordable housing monies and with conditions to address the following:

- Time limits
- Amended plans
- Ecology/energy saving measures
- Materials and samples
- Use of parking spaces only for parking
- Obscure glazing of upper floor side facing windows and rooflights
- Drainage
- Crime prevention measures

- 5.11 A full verbal update will be given at the meeting.

## **RECOMMENDATION**

Provisional approval.

<b>13/1542/P/FP Cottage Farm Taston</b>	
Date	31/10/201306/11/2013
Officer	Mrs Katie Buckingham
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	SPELSBURY
Grid Ref:	435838,222025

## **APPLICATION DETAILS**

Installation of air source heat pump. (Retrospective).

## **APPLICANT**

The Mill Trust, c/o Agent.



## **BACKGROUND INFORMATION**

This application seeks planning permission for the retrospective addition of an Air Source Heat Pump (ASHP) to the west of the dwelling known as Cottage Farm.

The site is within the Taston Conservation Area and the Cotswold's Area of Outstanding Natural Beauty. There is a public footpath that runs to the south of the site.

As detailed in the applicant's case, an ASHP could be erected on site in the current location under Permitted Development regulations – apart from the volume of the equipment housing.

The application has been brought to the Members of the Uplands Area Planning Sub-Committee to consider due to a referral from Councillor Owen.

## **I PLANNING HISTORY**

- 1.1 Under Application Ref 13/0575/P/FP the erection of a detached garage building was refused and dismissed at appeal. The reason for refusal was detailed as follows:

*That the proposed garage building, due to its siting, design, form, scale and massing would result in an incongruous form of development, visually extending development into the open countryside. As such the proposal would neither preserve nor enhance the character of the Conservation Area and would be harmful to the natural beauty of the Cotswolds Area of Outstanding Natural Beauty contrary to policies BE2, BE5 and NE4 of the West Oxfordshire Local Plan 2011 and the guidance of the National Planning Policy Framework.*

- 1.2 Under Application Ref. 12/1200/P/FP the erection of single and two storey extensions were allowed to the dwelling (including an increase in cellar floorspace).

## **2 CONSULTATIONS**

### **2.1 Parish Council**

No reply to date (final date for comment 05/12/2013).

### **2.2 WODC Environmental Health**

*“Condition recommended:*

*The external noise level emitted from the air source heat pump at the development shall not exceed the existing background noise level by more than 5 dBA as assessed according to BS414:1997 at any neighbouring noise sensitive premises.”*

## **3 REPRESENTATIONS**

Comments have been received from Mr H Beaumont of Taston Barn and Mr N Firth of Hillbrook. There comments can be summarised as follows:

- This application needs to be considered in relation to two previous applications 12/1200/P/FP and 13/0575/P/FP;
- The first of these was allowed and included delineation of the parking area to the west of the house;
- The second application was for a garage further to the west almost entirely outside the previously approved parking area. This was refused by the Council and dismissed at appeal;

- Had the garage been approved no one would have noticed the heat pump;
- In the Inspectors report for the appeal, it was stated that as the garage was in an AONB and Conservation Area, it conflicted with the aims of Policies BE2, BE5 and NE4 of the Local Plan;
- The same argument should apply to the heat pump, which as the photos show is a brutal looking bit of metal work;
- The application extends the previously permitted parking area by a further 8m to the west away from the house and into the Conservation Area and AONB;
- This should not be allowed under any circumstances;
- Contrary to what the application says the pump is clearly visible from the Spelsbury Road to the north and to the footpath from the south;
- Screening is not a mitigating argument, if it should not be there it should be refused;
- It would be more logical closer to the house where it would be less visible;
- Manufacturers allow a maximum distance of 40m from the plant room – this site is in excess of that which will reduce efficiency;
- The application retains, to a large extent, the planting plan which was considered unacceptable by WODC Conservation Architects in earlier applications;
- In considering the earlier 2013 application, the Committee noted that several mature, healthy trees had been removed without following correct procedures. Since this time yet more trees have disappeared;
- The application should be rejected;
- The sensitivity of the site has been clearly established by Members of the Committee and the Appeal Inspector in the earlier refusal for the garage;
- A presumption in favour of renewable energy should not be used to justify clumsy and insensitive positioning of the equipment, particularly in the AONB;
- Local Plan Policy NE12 refers to work within the AONB only being acceptable where small in scale and where no alternative sites exist;
- We do not accept the applicants claim there are no more suitable sites; this location was only chosen on the basis of the garage, which was refused;
- The proposed position has no logical relationship to the layout and features of the existing approved scheme;
- The proposed site plan shows a number of other unstated changes to the existing approved scheme, including extension to the gravel parking area, with raised ground levels and retaining walls and the removal of several trees (only required if the garage was in place);
- The trees would have provided some beneficial screening of the heat pump and the parking area had they been left in place;
- The proposed scheme leaves the extended parking area totally exposed and highly visible from the Taston Road;
- Although there may be some inconvenience in retrospectively relocating the pump, it is in the interests of the applicant and community to reposition it to a more appropriate and sympathetic location.

#### **4 POLICY**

The following policies of the adopted West Oxfordshire Local Plan 2011 are considered to be particularly relevant:

- Policy BE2 (General Development Standards)
- Policy BE5 (Conservation Areas)
- Policy BE19 (Noise)
- Policy NE4 (Cotswolds Area of Outstanding Natural Beauty)
- Policy NE12 (Renewable Energy)

## 5 PLANNING ASSESSMENT

5.1 Taking into account the planning policy, other material considerations and the representations of the interested parties your officers consider that the main issues are considered to be:

- Visual impact
- Neighbouring amenity

### Visual Impact

5.2 The site is in a hilly, undulating landscape with many planted boundaries and much other vegetation. Even within the winter time, when there are less trees with leaves remaining, in your officers view the pump is not visible from any viewpoints along the roads that run to the north west and south east of the site. There are some glimpses possible in very close proximity to the site, for example from neighbouring properties and possibly in part from the footpath to the south, but generally the ASHP would not be widely visible in the surroundings.

5.3 It is noted that the site is within both the Taston Conservation Area and the Cotswolds AONB. However, the pump is not seen from wider public views within the village and nor is it seen as part of the wider open countryside to the west of the site. Therefore, it is not considered there is any significant visual harm from the addition.

5.4 Officers agree with the points made that the ASHP would be better placed closer to the dwelling, where it is also likely it would be more efficient. However, the application has been submitted on the basis of the position further from the built form and this siting must be considered in relation to whether it is refuseable. Officers would comment that a smaller unit could be erected in this position without any planning control and it is therefore the larger size that requires consent rather than the unit itself. On this basis, the Council is able to condition the unit to be finished in a more suitable colour and to be screened, whereas this level of control would not be possible over a smaller unit.

5.5 Therefore, although not ideal, it is not considered that the ASHP is refuseable based on its visual impact. Renewable energy is generally to be welcomed and in this case, it is an ASHP for a residential dwelling hence its size is commensurate with the proposed use. Your officers would therefore suggest that, on balance, the retention of the ASHP is acceptable (with the added benefit of screening to reduce views from neighbouring dwellings).

### Neighbouring Amenity

5.6 The ASHP is not considered to raise any issues of neighbouring residential amenity, set within the curtilage of the property and at some distance from the nearest neighbouring properties. WODC Environmental Health have suggested a precautionary condition relating to noise, to ensure that this is not an issue going forward.

5.7 The application is therefore considered to be acceptable in relation to neighbouring residential amenity, in accordance with Policies BE2 and H2 of the West Oxfordshire Local Plan 2011.

### Conclusions

5.8 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.

## RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No 11\_005-05-102A.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external noise level emitted from the air source heat pump at the development shall not exceed the existing background noise level by more than 5 dBA as assessed according to BS414:1997 at any neighbouring noise sensitive premises.  
REASON: To ensure that there is no noise nuisance from the air source heat pump. (Policies BE2, BE19 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 4 That within three months of the date of this consent, a mature, native screen hedge shall be provided around the air source heat pump in the position shown on the approved plans, at a height of 2m. The hedge shall be retained at a minimum of this height thereafter.  
REASON: To help to screen the equipment due to its location within the Conservation Area and AONB. (Policies BE5 and NE4 of the adopted West Oxfordshire Local Plan 2011)
- 5 That within three months of the date of this consent, the air source heat pump shall be painted a muted green colour in accordance with a sample that shall first be submitted to and approved in writing and it shall be retained in that finish thereafter.  
REASON: To help to screen the equipment due to its location within the Conservation Area and AONB. (Policies BE5 and NE4 of the adopted West Oxfordshire Local Plan 2011)

## NOTE TO APPLICANT

This consent relates only to the Air Source Heat Pump equipment and to no other element detailed on the landscape plan.

<b>13/1547/P/FP Former Highways Depot Banbury Road Chipping Norton</b>	
Date	01/11/2013 01/11/2013
Officer	Mrs Katie Buckingham
Officer Recommendation	<b>Provisional Approval</b>
Parish	CHIPPING NORTON
Grid Ref:	

## APPLICATION DETAILS

Erection of class A1 foodstore with associated access, parking & landscaping.

## APPLICANT

Aldi Stores Limited & Merbuild Developments Ltd, c/o Agent.

## BACKGROUND INFORMATION

This application seeks planning permission for the change of use of the former highways depot from Class B1 use to a Class A1 foodstore (ALDI). The site is positioned on the edge of Chipping Norton (out of centre location) off the Banbury Road (A361) on land adjacent to the Cromwell Business Park. The site

was granted outline consent for a B1 business use in 1996 and has since been given subsequent consents for this use class, up until 2014.

The site is outside of the Conservation Area and Cotswold's Area of Outstanding Natural Beauty (AONB), however, the boundary of the Conservation Area surrounds Cotshill Gardens immediately to the west of the site and the AONB boundary is immediately opposite the site to the north. As such, the application site is considered to affect the setting of both the Chipping Norton Conservation Area and the Cotswolds AONB. The site is not in a Flood Risk Area and nor are there any landscape or ecological designations upon the area.

The building is orientated as a fairly linear structure east to west across the site, set between 14m and 42m back from the front boundary wall and with the shop entrance facing north. The deliveries/ loading bay/ servicing equipment/ warehouse are proposed to be on the south and west side of the building. The nearest neighbouring buildings are those businesses on Cromwell Business Park to the east and residential properties on Cotshill Gardens to the south west (approx. 26m away). To the rear/ south side of the site is the Council Salt Depot, and beyond this the site where the new Chipping Norton Community Hospital is positioned. Opposite the site to the north is agricultural land.

The site is currently very leafy in appearance, with trees along the front of the site both within the red lined area and between the site boundary (a 1m high stone boundary wall) and main road. There are a lot of self seeded trees and undergrowth on the site itself which have grown more established since the site has been vacant. The levels vary across the site, with part of the site increasing in level from west to east and falling towards the rear/ south and the Council Salt Depot. Due to the change in levels, the western boundary of the car park level is likely to be 1m lower than the road.

The building area proposed is approx. 1,523 sqm gross with the shops net tradeable area 1464 sqm. The site area is 0.52ha. The vehicular access is proposed to be taken from the Banbury Road rather than from the Cromwell Business Park as the business park road is a private road outside of the applicants control. 76 parking spaces (including 4 disability spaces and 6 parent and child spaces, plus 1 motorcycle space and 10 cycle spaces) are proposed mostly on the north side of the site (between the Banbury Road and the building, with a small number wrapping round to the east).

The building is proposed to be in artificial stone (north and east elevations) and render (south and west elevations). It would be a single storey structure, with a flat roof behind a parapet detail. The height is proposed to be approx. 5.5m and the store entrance on the north elevation will be full height glazing, wrapping around to the north east. The north elevation (front facing) will also have a line of higher level windows across the whole building.

There are proposed to be 10 full time and 20 part time (hence 20 full time equivalent) employees. The hours of opening are suggested to be 8am to 9pm Monday to Saturday and 10am to 5pm on Sundays and Bank Holidays.

External lighting is proposed to be provided by 6m high lighting poles, with the exact location to be confirmed if the application is approved. Similarly, the application plans show only a small sign on the north and east elevations of the building and the location of a sign at the north eastern corner of the site. The statements refer to this advertisement being a 6m high goalpost style illuminated sign on the Banbury Road frontage, but no details have been submitted at this time (it would be subject to separate advertisement consent).

Members will undertake a formal site visit in respect of this proposal on the 2<sup>nd</sup> January 2014. The purpose of the site visit was to consider the proposed development in context, the relationship with the adjoining land uses and the relationship with the town centre.

## **I PLANNING HISTORY**

11/1360/P/FP – The erection of a supermarket with car parking facilities and construction of new roundabout together with associated works and landscaping for Sainsburys Supermarket, on the former Parker Knoll premises on the London Road. This was refused.

10/1084/P/S73 – Continuing B1 business use on site - Non compliance with condition 1a and 1b of planning consent W95/1521 to allow extension of time limit for the submission of reserved matters by a further three years to 11/1/2014 and to extend the relevant period for the implementation of the planning permission to 11/1/2016. This was granted.

08/1144/P/FP – Removal of existing buildings and erection of an Aldi foodstore with associated car parking, serving areas and landscaping and alterations to existing access on land at 10 and 12 Alvescot Road in Carterton. Granted.

08/0568/P/FP and 08/1629/P/FP – Erection of Lidl foodstore with associated car parking on land at Ducklington Lane, Witney. Initially refused due to design and highway issues and approved following amendments.

## **2 CONSULTATIONS**

### **2.1 Town Council**

*“The Town Council took a vote on this planning application as there were mixed views around the table. The result of the vote was 10 in favour and 4 against. Concerns were raised with the following:-*

- 1) Noise levels from the air-conditioning units as they are positioned close to neighbouring houses.*
- 2) The amount of delivery lorries and times of deliveries.*
- 3) The pathway up the Banbury Road leading towards the proposed Aldi needs to be improved.*
- 4) Suggestion of a box junction on the main road.*
- 5) Suggestion of a pathway being installed from the Banbury Road to the London Road.”*

### **2.2 OCC Highways**

*“Recommendation*

- No objection subject to the following conditions, legal agreement and informatives*

*Key issues:*

*Appropriate provision is made for:- Access, parking and manoeuvring*

*Conditions:*

- Prior to first use, the access, parking and manoeuvring areas shall be constructed in accordance with the submitted plans and subsequently shall be retained without obstruction except for the parking of vehicles.*
- Prior to development, a construction phase traffic management plan shall be submitted to and approved by the Local Planning Authority. The approved plan shall be implemented throughout the period of construction.*
- Prior to first use, a travel plan in accordance with submitted draft shall be submitted to and approved by the Local Planning Authority. Upon first use the approved plan will be implemented and subsequently updated appropriately.*

*Informatives:*

- Works in the highway, relating to the access, will be subject to S278 of Highways Act*

*Detailed Comments:*

*Appropriate provision is made for vehicular access for both customer and service/delivery vehicles, without any significant delay or harm to highway safety. Provision is made within the site for larger articulated delivery vehicles to turn away from the public highway. Parking provision is considered appropriate with reasonable allowance for manoeuvring. The site links to adjacent footways and cycle stands are provided.”*

## 2.3 OCC Transport and Planning Strategy

*“Recommendation*

- No objection subject to the following conditions, legal agreement and informatives*

*These comments are made without sight of the Transport Assessment, which will not open from the District’s website.*

*Key issues: Increase in traffic to the proposed store on sensitive roads via town centre; Pedestrian connectivity is poor to existing residential areas, and no link currently from London Road through the Hospital site*

*Conditions:*

- Routing agreement to ensure delivery vehicles do not route through town centre, to avoid in particular, the AQMA.*
- The applicant must negotiate with the adjacent hospital site to deliver a pedestrian link to London Road, in order to access the nearby bus service **OR**, if this is not possible, re-route an existing bus service to stop outside the store, and serve the site on Banbury Road. If this option was conditioned, bus shelter facilities (described below) must also be secured from the applicant.*

*Detailed Comments:*

*Trips by car*

*This application for a proposed Aldi store is some distance from Chipping Norton’s town centre & retail area, so visitors to the store are very likely to drive to the store in the main, encouraging extra routing through the town centre, via congested High St and Horsefair, through the Air Quality Management Area. This is because it is edge of town, located on the northern edge and the opposite side to the majority of housing.*

*Deliveries and construction routing*

*Deliveries to the store (and construction vehicles) need to be carefully managed so as to avoid the town centre. A routing agreement for both construction and servicing the store should be secured via Condition.*

*Access by foot*

*There is a footpath along Banbury Rd on the side of proposed development but most people will travel to the store by car, given its edge of town location. The footpath on the opposite (northern side) of Banbury Road is narrow by the time the proposed store location is reached. Pedestrian links through to London Road are essential, to better link with existing dwellings but also to public transport. Pedestrian connectivity via the Chipping Norton Hospital site, which backs onto Cromwell Park is essential. This should be delivered as direct mitigation by the developers, and secured by Condition of this planning application. The Statement of Community Involvement submitted as part of the application says a link will be provided to the south of the store as the beginning of the link through to London Road, and suggests a contribution. A contribution is not desirable as this would require the County or District Council to secure the connection (and pay for any shortfall). Instead the developer should discuss the possibility of delivering the essential remaining section of the route through the Hospital/Health Centre to reach the London Road. It is not clear from the application if the Hospital would be amenable to this, nor whether the applicant has discussed this.*

*Access to public transport*

Hourly bus service x8 (Kingham-Chipping Norton) currently stops at the Hospital entrance, which is quite close to the proposed Aldi as the crow flies. Delivery by the applicant of the pedestrian route described above is therefore key to enable convenient and attractive access to this service.

If it were not possible to provide the connecting foot link for some reason, then the x8 bus service - or in principle any bus service currently terminating in Chipping Norton from the south-west (such as the x9 from Witney) - could be extended to serve the store by using a one-way loop, out from Chipping Norton via London Road, turning left and left again into Banbury Road and then back into Chipping Norton.

In summary, the Council would seek essential connectivity from the Aldi site to the local bus network, **either:**

- through the provision of a footpath through the Hospital site to reach services on London Road (to the satisfaction of the Council) **or**
- the provision of a bus service from the Chipping Norton to serve the Aldi site, through extension/diversion of bus services, through a contribution of £20,000 per annum for five years commencing with the store opening date (£100,000 in total), **plus** the provision of a safe and adequate bus stop on the south side of Banbury Road, near the store entrance. The developer to provide hardstanding area and connecting footpath through section 278 arrangements and a financial contribution of £6,000, for the Council to procure a shelter, pole, flag and information case.”

#### 2.4 OCC Drainage

“Recommendation

- Support subject to the following conditions, legal agreement and informatives.

Key issues:

- SUDS should be used including greater use of permeable paving.....
- Storage crates cannot be used due to the ground conditions. The limestone strata will convey water to properties below which may cause flooding or subsidence....

Conditions:

- Prior to the commencement of the development, a scheme for the drainage (both surface water and sewage) of the development shall be submitted to, and approved in writing by the District Planning Authority. The approved scheme shall be implemented prior to the occupation of any dwelling to which the scheme relates Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DC14 of the adopted Local Plan.”

#### 2.5 OCC Archaeology

“Recommendation

- Holding objection pending the receipt of further information from the applicant

Key issues:

- The applicant has not provided a heritage statement/archaeological desk based assessment of the application area.

Detailed Comments:

The application does not include a heritage statement or an archaeological desk based assessment area that considers whether the application area is archaeologically sensitive in line with Para 128 of the NPPF.”

#### 2.6 OCC Economy, Skills and Training

“No objection.”

#### 2.7 OCC Property



“No comment.”

## 2.8 OCC Minerals and Waste Policy

“No comment.”

## 2.9 OCC Ecology

“Recommendation

- No objection subject to the following conditions, legal agreement and informatives

Key issues:

*The District Council should ensure that the application contains an assessment of potential impacts on biodiversity. As the planning authority, West Oxfordshire District Council must also make a decision as to whether the development meets the requirements under the Habitats Regulations 2010 and Natural Environment & Rural Communities Act.*

*Biodiversity surveys and reports should include an assessment of the potential direct and indirect impacts on designated and local sites, an extended Phase 1 survey to determine the habitat present and identify whether there is any UK priority habitat present or potential habitat for protected and/or priority species. If potential priority habitat or potential habitat for protected species is identified further surveys will be required (phase 2 habitat and protected species surveys) to determine what biodiversity is present and the potential impacts of the development.*

*If minded to permit, in addition to appropriate mitigation and compensation, the development should result in a net enhancement in biodiversity. The development should include green infrastructure to retain habitat connectivity throughout the site and to surrounding areas. A sensitive directional lighting scheme should be implemented to ensure that additional lighting does not impact on the retained green corridors across the site.*

*Biodiversity enhancements should be included in the development, such as SUDS, hedgerow and tree planting, creation of habitat for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians, log piles for invertebrates, hedgehog domes and creation of wildflower grasslands. There are records of Swifts in the area and depending on the height of this building it might be high enough to be a suitable nesting site. Enhancements should be included in the development design in line with planning policy (e.g. National Planning Policy Framework) and the Natural Environment & Rural Communities Act which places a duty on local authorities to enhance biodiversity. Provision should be made for the appropriate management of these areas.”*

## 2.10 Thames Water

“Waste Comments

*Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.*

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

#### Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

#### 2.11 Thames Valley Crime Prevention Officer

“The only advice I can offer at this juncture is to refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.

To ensure that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;

No development shall commence until details of the measures to be incorporated into the development to demonstrate how ‘Secured by Design’ accreditation will be achieved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until the Council has acknowledged in writing that it has received written confirmation of SBD accreditation.

SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED). The scheme has two levels of accreditation; an SBD Award, which is achieved by whole developments that demonstrate conformity to design principles and security standards across the entire site and; Part Two compliance, which is achieved when the physical features (windows, doors, locks etc) of the structures themselves meet specified, Police preferred standards. Details can be found at and further advice can be obtained by contacting Thames Valley Police’s Crime Prevention Design Team.

I feel that attachment of this condition would help the development to meet the requirements of:

- The National Planning Policy Framework 2012 (Part 7, Sect 58; ‘Requiring good Design’ and Part 8, Sect 69; ‘Promoting Healthy Communities’) where it is stated that development should create ‘Safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion’.
- Supplementary Planning Guidance Document ‘Safer Places - The Planning System and Crime Prevention’, ODPM 2004.

In addition, it would assist the authority in complying with its obligations under Section 17 of the Crime and Disorder Act 1998 in doing all it reasonably can in each of its functions to prevent crime and disorder in its area.

The comments above are made on behalf of Thames Valley Police and relate to CPTED only. You may receive additional comments from TVP with regard to the impact of the development upon policing and a request for the provision of infrastructure to mitigate against this impact.

*I hope that you find my comments of assistance in determining the application and if you or the applicants have any queries relating to CPTED in the meantime, please do not hesitate to contact me.”*

## 2.12 WODC Environmental Services

### *“Noise*

*Following my site visit on Monday 18 November 2013 and a review of the applicant’s noise report (‘Rating of Industrial noise affecting mixed industrial and residential areas.’ Report Ref: KR03339) and a discussion with Philip Measures (Environmental Health Manager) who has also seen the application and this response I suggest any noise disruption to surrounding dwellings would be minimised by applying the following noise-control conditions:*

*‘The store shall not be open to the public between 23:00 and 07:00 nightly.*

*No deliveries of stock to or from the store, or handling of stock outside, shall occur between 23:00 and 07:00 nightly.*

*The rating level of noise from all plant and machinery installed at the site shall not exceed 41 dB LAeq, 1hr between 07:00 and 23:00 hours and 35 dB LAeq, 5 mins between 23:00 and 07:00 hours when measured or calculated one metre from the façade of the nearest noise-sensitive premises with all plant and machinery operating together. The measurements and assessment shall comply with the requirements of BS4142:1997’.*

*The car park may become a gathering point for ‘cruisers’ at night (with consequential noise from radios and vehicles). Accordingly, you may wish to condition that access gates to the car park are locked shut between 23:00 and 07:00 nightly.*

### *Light*

*To void any detrimental impact on amenity by artificial light pollution the following condition is recommended.*

*‘The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage’.”*

## 2.13 WODC Engineers

### *“Geology:*

*Shallow lime-rich soils over chalk or limestone*

### *Flooding History:*

*The site is not within 20m of a watercourse. It is not within Floodzone 2 or 3. There is no record of the site being previously flooded.*

### *Surface Water Drainage:*

*SUDS are proposed. An attenuation tank will be provided to ensure discharge is limited to existing site discharge rates. All surface water will be discharged into soakaways that will be sized to allow for a 100 year event + 20% climate change. No surface water will discharge from the site. Tarmac is proposed for vehicle access, with tarmac / paving / blockwork for cycle and pedestrian access. Oil interceptors will be provided for all car parks and vehicle standing areas.*

### *Other Information:*

*The northern end of the site rises from west to east at 1:40 alongside the Banbury Road. The Cromwell Park estate road rises by about 1.5m from Banbury Road to the site entrance. The road then falls by 1.5m*

towards the salt depot site entrance . A 1m high retaining wall divides the site, so there is a higher plateau following the level of the estate road. The lower section of the site falls at 1:60 from north to south. The site is essentially split at 2 different levels. It is 0.5m ha in area.

An infiltration rate of  $1 \times 10^{-4}$  m/s has been given. However, there is no indication of the number or location of tests. Presumably this is a rounded up / down average rate?

Conditions:

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, details of the proposed water treatment measures and results of soakage tests carried out at the site to demonstrate the infiltration rate. 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 Policy Statement 25 Technical Guidance).

In these cases the following note should also be added to the decision notice:

NOTE TO APPLICANT:

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
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council before March 2014. As per the Flood and Water Management Act 2010 (Part 1 – Clause 9 (1)).”

## 2.14 WODC – Arts

“A contribution towards off-site provision of public art is being sought – to be used in the immediate vicinity of the planned development for the benefit of the wider public and at a value of £15,230.”

## 3 REPRESENTATIONS

3.1 Letters of objection and comment have been received from Rapleys LLP on behalf of Malthurst Petroleum Ltd, London Road, Mr N Rose of Wychwood House, 31 London Road, Ms Maia e Silva of 23 High Street, Mr J Parker of Oak Underwriting, Cromwell Park, Mr G Simmonds of 22a High Street, I Pickering of Oats Health Food Shop, Mr Mathieson of 19 Cotshill Gardens, and Mr A Corfield of 15 Norton Park. Their comments can be summarised as follows:

- The site is allocated for employment use not for retail;
- The use of the site would be contrary to Policy E1 and E6 of the West Oxfordshire Local Plan;
- The exceptions to Policy E6 have not been demonstrated in the supporting evidence;
- Given the limited employment allocations in the District it would be short sighted of the Council to consider any potential loss without a robust case being put forward by the applicant;
- It would be an unwelcome precedent for employment uses to be lost;
- The proposed retail store would be located well outside of the town centre boundary and as such is an ‘out of centre’ location;
- The NPPF details that retail development should be within town centres;
- The application does not demonstrate that there would not be a significantly harmful impact on in-centre trade and turnover;

- The applicant infers there is potential for linked trips as part of the proposals, however, the site is over 600m from the town centre so this is unfounded;
- There is not a robust case against sequentially preferable food store sites and hence it is contrary to saved Policy SH1;
- There is no justification for the need for this scale of retail development in an out of centre location;
- The proportion of convenience units in Chipping Norton is above the national average;
- The signage at the boundary of the site should be significantly smaller;
- The tree lined approach along Banbury Road should be maintained;
- In the medium term, hoardings advertising the vacant sites on the adjacent business park should be removed and not used as a precedent for larger permanent signs for ALDI;
- The comments that most of the town want the shop or other verbal assertions have no documentary evidence behind them;
- The plans are smaller than the Sainsburys application, but ALDI would not sell a smaller range of products. It would also have the same negative impact on the town centre;
- The new store would be better stocked and selling more products than older existing ALDI stores. The agent is also the same for both the previous Sainsburys application as for this ALDI application;
- The view from the Banbury Road would not be the frontage but the side warehouse type wall;
- Refrigeration units and the bin area will be overlooked by persons living in Cotswold Gardens who currently enjoy a leafy view;
- Delivery lorries would have to drive across the car park for the loading bay and across the parking area specifically allocated for disabled people and those with children;
- The loading bay is in full view of a residential area and the noise and movements would be disruptive;
- One delivery a day does not seem realistic and it is shown that this tends to increase once an approval is in place;
- The entrance/ exit to the site is on a slight hill which is a concern in safety and visibility;
- The information at the open day and now within the application has changed in terms of the peak period traffic;
- They have suggested 4 car movements per minute, even if we only take 2 in and 2 out per minute, this is still 240 car movements in 1 hour driving in and out of the town. This would be on top of normal traffic;
- The traffic increase would disrupt residents of Cotshill Gardens and Norton Park as well as Chipping Norton High Street being unable to withstand such traffic levels;
- Pollution levels will be aggravated;
- Vitality and viability of the town centre is a major issue and cannot help but be affected by an out of town retail unit;
- There are many times and other examples of other market towns where out of centre shopping kills the centre;
- Chipping Norton is a small town and would be affected all the quicker;
- No one will invest in a town where everything can be bought out of centre;
- Only if the co-op store expansion does not proceed should sites such as these be considered;
- The access to Cromwell Park is close to the proposed access and is busy several times of the day and this would present an additional barrier to clear vision and an increased hazard for staff leaving or entering the park;
- The town already includes two supermarkets and specialist food shops;
- The proposed store is on the eastern edge of the town and the main customer catchment is on the west;
- The only plus of this site over Sainsburys is that it is not next to a Primary School with its dangerous traffic implications. However, it is not on a frequent bus route;

- Many more jobs would come from employment uses over retail and this site should be kept for that purpose;
- Think of all the jobs lost already from Parker Knoll and Bliss Mill;
- Is the same data being used for the retail assessment as with the Sainsbury application?
- Why is there such haste for this application?
- The store should be altered so that the refrigeration and delivery bay are adjacent to the Business Park not the retail area, or they should commit to noise mitigation work;
- The arguments for noise in the report submitted seem to refer to incorrect addresses;
- The opening of a pedestrian access from London Road to the site should be made a condition of approval and would increase footfall and use by public transport;
- The route from the Banbury Road by foot is not suitable with uneven surfaces, narrow footpaths. A level crossing should be provided to the other side of the road.
- Access should logically be from Cromwell park not directly from the Banbury Road.

3.2 A letter of objection has been received from Mr Holmes on behalf of Midcounties Co-operative Society. The letter is supported by a retail critique of the proposed development and a letter setting out the retail objections. The letter is set out below with the retail technical note held on file should Members wish to view it;

*“The Co-op is a strong supporter of town centre shopping and is shortly to start work on a major extension to the supermarket which will provide approximately 700 sq.mt. of additional food retail floor space in the heart of the town centre together with additional parking which will provide a total of 160 spaces.*

*Town centre development such as this is considerably more expensive than out of town development on vacant sites but the Co-op is prepared to invest in this type of scheme which will benefit both themselves and fellow traders.*

*The Co-op object to the Aldi application.*

*Clearly the Co-op’s main concern is with the likely impact of the proposal on its store in Chipping Norton and on the town centre more generally. The Co-op has an important role in the town centre as the largest foodstore and also recognises the importance of the continued vibrancy of the town to its own success and will seek to provide any information that it can to assist the Council in its decision taking.*

#### *Retail Impact*

*We have assessed the applicant’s retail impact assessment and our objections are set out in the attached note.*

*In summary this concludes that*

*The applicant has failed to examine alternative sites on the edge of the primary shopping area with any thoroughness or to explain why they are unsuitable for the proposed development.*

*The Council’s 2012 Retail Study update has established a requirement for 272 sq m of additional convenience floorspace by 2019 and 416 sq m by 2029. This is likely to be an overestimate, at least to 2019, because it is based on assumptions about expenditure growth which have proved over-optimistic. This is more than met by the permitted Co-op extension in the town centre. The implication is that the proposal would have a significant impact on the town centre’s vitality and viability.*

*The applicant’s impact assessment is flawed and should not be relied on. It has very significantly overestimated the turnover of the largest foodstore in the town centre and assumed a trade draw to the proposal that is both unrealistic and unsupported by evidence or even explanation.*

*The evidence points to significant impact on the town centre and this is to be expected if a new, out-of-centre foodstore is built in a small market town where all food retailing is currently located in the centre. This is emphasised in this case by the considerable travel time to the nearest superstores and the high market share that the town centre currently attracts.*

*NPPF para 27 indicates that if a proposal fails to satisfy the sequential test or would have an adverse impact on any nearby town centre. Saved Policy SH1 has similar requirements. No other considerations which might be considered to override these policies have been advanced and the planning application should be refused.*

*The retail impact assessment has been carried out on the basis that the proposal would be a LAD (Limited Assortment Discounter). These achieve a much lower turnover per sq m of net sales floorspace than normal foodstores which would, as a consequence, have a much greater impact on the town centre. However, there would be nothing to restrict the development to a LAD unless conditions are applied. Perhaps more likely than a different retailer, Aldi's offer is likely change over the years and there is likely to be a drift towards main stream food retailing. This "offer creep" is already evident in Aldi's operations and underpins its recent success. If the Council were minded to permit the development, it should therefore consider if the "offer creep" could be controlled by condition. A condition limiting the number of lines has been imposed and accepted by Aldi elsewhere and we would be pleased to offer more information to the Council if, despite the objections, it intends to permit the development. This condition would have to be in addition to conditions to control the total sales floorspace and the amount that could be used for non-food sales etc.*

*There are also other matters which indicate that the application should be refused and to which I wish to draw your attention.*

#### *Accessibility*

*The site is nearly 600m from the primary shopping frontage and 500 m from the junction of London Road (A44), Banbury Rd (A361) and Over Norton Rd (B4026) with Horsefair. The maximum distance that people are likely to walk for shopping is generally acknowledged to be 400m (5 mins). The location is within walking distance of an extraordinarily small proportion of the Chipping Norton population. There are according to the applicants Transport Statement no bus services along Banbury Rd. The double roundabout at the junction of Banbury Road and London Road is difficult for pedestrians and cyclists to cross and Banbury Rd itself is busy. The location cannot be regarded as readily accessible by foot, cycle or public transport and would be dependent on, and lead to greater, car use. It is therefore contrary to policy SH1 for this reason (in addition to the sequential test and retail impact criteria).*

*It is also clear that few people would walk between the town centre and the proposed store.*

#### *Design and Layout*

*The layout places the service yard as close to the nearest residential properties as it could be. There is clearly a certain embarrassment about this evident in the Design and Access Statement and the explanation is given that the topography of the site indicates that this is the most convenient place for the applicant to build it and achieve the required docking height. Service yards are known to cause disturbance through a number of the activities and regardless of whether the noise would breach the relevant guidance, it cannot be regarded as good design. This is a requirement of all development proposals. In fact we suspect that the main reason for the location is that it would be difficult to provide the service yard at the other end while still accommodating the proposed parking spaces.*

*The location of the service yard at this end does have other implications. It means that lorries reversing up to the loading bay have to pull into the customer car park and reverse across the vehicular access while executing a tight turning manoeuvre in the proximity of parking spaces to reverse down the side of the building. This means that while this is being carried out, cars are; first likely to enter the site only for the*

*driver to find a lorry reversing towards it and be faced with no alternative but to reverse out onto the main road; and second, to have to queue on the main road until the lorry has completed its manoeuvre. Again the applicant appears sensitive to this issue since it emphasises the safety record of its delivery drivers in the transport statement. It is certainly unusual to do this. It is noted that there would, according to the applicant, be no-one on site to supervise the manoeuvre – it would be entirely down to the driver.*

*The design of the building reflects the style of LAD operators and undoubtedly gives a no-frills impression suitable to a discounter. The plans indicate that all the trees existing on the site would be removed and only minimal re-planting would be undertaken. Much of the illustrative material relies on trees which are not on the site and over which the applicant has no control. It is clear that the development would be prominent in street views on a main entry route into the town. However, the site is adjacent to the conservation area and the impact of the building on the conservation area needs to be assessed. Such a building is unsuitable for the location, although it is possible to design foodstores which would be. The operational difficulties we have indicated and the minimal landscaping point to an over development of the site. The development fails to exhibit good design.*

#### *Employment Land*

*The site is allocated in the Local Plan as employment land and is protected from other forms of development by policy E6 of the Local Plan, unless they are judged unsuitable for the intended employment use, unsuitable on amenity, environmental or highway safety grounds or substantial planning benefits would be achieved by allowing alternative development.*

*At the time that the Sainsbury application was refused (March 2012) the Council objected to the loss of employment land and considered the Sainsbury site had not been adequately marketed in the preceding years. It noted that over this time there had been a number of businesses lost to Chipping Norton because of the lack of suitable sites. The Committee report also considered the claim that the Sainsbury store would create 200 new jobs and the Council concluded that even this level of jobs would “represent an overall reduction to potential economic activity and employment in the town.” (Committee Report March 2012 para 6.32). In contrast to Sainsbury’s, Aldi would only create the equivalent of 20 full time jobs.*

*The report advised that*

*“The maintenance of an accessible and flexible supply of employment land is therefore a key requirement to capitalise on potential economic opportunities and expand local employment”*

*and the Sainsbury application was refused inter alia because of the loss of employment land. We understand that the Parker Knowle site is still under Sainsbury’s control and not available for business development. Demand for business premises can only have increased since then and there is no reason why the Council should change its view now.*

#### *Conclusions*

*For all of these reasons we object to the application and ask the Council to refuse planning permission.”*

3.3 In addition, 353 letters and cards of support have been received from the proposal, with comments including the following;

- If the application is approved, a section 106 should provide for a footpath from the store through to the community hospital and London Road. This would provide access to the terminus of the X8 bus service and X8 bus service to provide operations to the hospital earlier and later in the day and linking to trains in Kingham;
- The new store would provide employment opportunity, improve the look of this part of the town and provide the town an added food shopping option;
- The added competition would be good for the other stores;



- It would be a good choice of cheaper food and would save journeys to towns further away such as Banbury.

## 4 APPLICANT'S CASE

4.1 The following reports have been submitted in support of the application and are available to view on the application file and on the Council's web site:

- Design and Access Statement;
- Planning Supporting Statement;
- Retail Assessment;
- Statement of Community Involvement;
- Transport Assessment and Travel Plan;
- Air Quality Assessment;
- Geo-Environmental Assessment;
- Drainage Strategy;
- Ecological Assessment;
- Arboricultural Assessment;
- Noise Assessment;

4.2 The conclusions of the Planning Supporting Statement are set out in full below:

*“The application proposes the beneficial redevelopment of an existing vacant site, within the urban area, for discount food retailing. The scheme has been designed to maximise the use of the site, whilst also ensuring high-quality design and environmental enhancements.*

*The scheme is a full application that is not dependent or reliant on another scheme for its delivery. There is no planning requirement or obligation for an alternative use to be delivered at the application site or elsewhere as part of this planning application.*

*The proposed ALDI should be assessed in accordance with the current prevailing planning policy context (which includes the NPPF and the West Oxfordshire Local Plan). In consideration of the three dimensions to sustainable development set out by the NPPF (economic, social and environmental) we conclude the following:*

- *The proposed foodstore will provide accessible, sustainable, neighbourhood shopping facilities that will be available to all residents of this area, providing retail competition and choice, without detriment to the vitality and viability of existing centres.*
- *The provision of low-priced goods will particularly benefit those on lower incomes and the store will provide a significant number of local jobs.*
- *The proposed development will bring the site into beneficial economic use, assisting in providing a diverse economic base in this location and providing benefits to the local community that cannot be situated in an alternative location.*

*Environmental, design and transportation matters have been appropriately considered as part of this planning application. The development appropriately contributes to protecting and enhancing the environment and full consideration has been given to prudent use of resources, waste minimisation and pollution, and mitigating and adapting to climate change.*

*We conclude that on the basis of the foregoing (and the application submission as a whole) that the proposed development is sustainable and complies with relevant planning policy considerations at all levels. We therefore conclude that the proposal represents sustainable development in accordance with the NPPF. As such, it is considered that planning permission should be granted.”*

4.3 The conclusions of the Retail Assessment are set out in full below:

*“The assessment provides an appropriate consideration of potential alternative sequentially preferable sites within the town centre and elsewhere, drawing on other recent proposals and the Council’s consideration of those applications. The sequential assessment has confirmed that when taking account of the Council’s aspirations for the development of sites in the town centre, there are no alternative sites that are suitable or available for the development proposed.*

*We have also confirmed that there are no other sites within sequentially preferable locations elsewhere that should be considered appropriate. On this basis we consider that it has been demonstrated that the application proposals comply with the sequential test.*

*The scale of development falls below the threshold for (retail) impact assessment (2,500 sq m) identified at paragraph 26 of the National Planning Policy Framework (NPPF) and there is no locally set, lower threshold. On this basis, a retail impact assessment is not required in this case. To assist the Council’s consideration of the application proposals, however, a proportionate retail impact assessment has nevertheless been undertaken based principally on published information.*

*We have assessed the impact of the ALDI proposal on a solus and cumulative basis having regard to the key national policy considerations set out at paragraph 26 of the NPPF and we draw the following conclusions:*

- *Impacts associated with the proposal in the design year (2018) are low and represent no threat to the vitality and viability of Chipping Norton or any other centre, even allowing for combined trading effects (ALDI and the commitment).*
- *The proposal represents no threat to investment on the basis of the impact and expenditure analysis set out in Appendix 1. We conclude that the ALDI proposal, if permitted, will not act to deter investment in Chipping Norton town centre or any other centre. Moreover, it is likely to draw trade to Chipping Norton that is currently being spent elsewhere.*

*On the basis of the foregoing analysis and assessment, we consider that it has been demonstrated that the application proposals comply with relevant retail policy tests. We therefore consider that there is no retail policy basis on which to resist the development of this brownfield and under-used site for beneficial economic development.”*

4.4 The conclusions of the Transport Statement are set out in full below:

*“Based on the data and analysis presented in this report, the following conclusions are drawn:*

- *Consistent with local policy, the site access has been designed to provide safe and efficient access for all modes;*
- *The development proposes adequate car parking for all elements of the development proposal as well as 10 secure, covered and illuminated cycle parking spaces for the discount food store. In addition the site supports safe access and turning of service vehicles;*
- *The site includes for a staff Travel Plan, Servicing Strategy and a Transport Implementation Strategy;*
- *This report has considered the potential vehicle generating characteristics of the site. It demonstrates that an Aldi store in this location would generate a negligible increase in the volume of traffic during peak hours. In this regard therefore, no further junction analysis is considered to be required; and*

*Based on these conclusions the impact of the development proposals on the surrounding transport network should be considered acceptable and sustainable.”*

4.5 The Councils Retail Consultants report has not yet been received in full hence this is likely to be included within the report for any future meeting.

## **5 POLICY**

5.1 The following policies of the adopted West Oxfordshire Local Plan 2011 are considered to be particularly relevant:

- Policy BE2 (General Development Standards)
- Policy BE3 (Provision for Movement and Parking)
- Policy BE5 (Conservation Areas)
- Policy BE18 (Pollution)
- Policy BE19 (Noise)
- Policy NE4 (Cotswolds Area of Outstanding Natural Beauty)
- Policy NE6 (Retention of Trees, Woodland and Hedgerows)
- Policy T1 (Traffic Generation)
- Policy T2 (Pedestrian and Cycle Facilities)
- Policy E1 (Employment Allocations)
- Policy E6 (Change of Use of Existing Employment Sites)
- Policy SH1 (New Retail Development)
- Policy TLC7 (Provision for Public Art)

5.2 Proposal 1 (Cromwell Park) is also of relevance, as is the allocation of the site in the Draft Local Plan (2012) for business use under Core Policy 11 – Land for Business (albeit this currently has limited weight).

5.3 Written Ministerial Statement: Planning for Growth (23 March 2011) - The Minister of State for Decentralisation (Mr. Greg Clark)

5.4 Government Draft Guidance 'Ensuring the Vitality of Town Centres' (2013) includes further guidance on the sequential test and the impact test in considering out of centre retail proposals.

5.5 Guidance within the West Oxford Design Guide SPD is considered to be relevant to this application.

5.6 The priority actions within the Sustainable Community Strategy are also considered to be relevant to this application.

5.7 The requirements of the National Planning Policy Framework (NPPF) are of key importance.

## **6 PLANNING ASSESSMENT**

6.1 Members have visited the site and will be aware of the site context and constraints. The purpose of this report is to consider the principle of the change of use on the site and the various elements of the application and to discuss any issues which need to be addressed in going forward. No recommendation has been made at this time to allow further time to consider the retail assessments submitted. It is therefore likely that further discussion will be required with the applicant and hence Officers suggest that debate at the January meeting is based on any concerns Members may have and determining the key factors to discuss further, before the application returns to a later meeting with an Officer recommendation and with a view to a decision being made at that meeting.

6.2 Taking into account the planning policy, other material considerations and the representations of interested parties, your officers consider that the main issues are considered to be:

- Whether retail development of the proposed size and nature is acceptable in this location;
- The loss of the employment site;
- Design, Visual Impact and Landscaping;
- Highways and Parking Layout;
- Impact upon Amenity of neighbouring residential properties;
- Added Planning Benefits/ s106 agreement
- Other issues

#### Retail Use

6.3 ALDI is a 'deep discount' grocery retailer. The store provides products at discounted prices and is aimed as a 'weekly' food shop or a 'top up' store. It provides a limited product range, with a total of approx. 1,100 lines. The applicants agent notes that this is considerably less than other supermarkets and is due to ALDI not stocking numerous types of one product but rather one line of a given product range. The applicants agent has detailed in their statement that the selection of goods at the store would include groceries, tinned goods, frozen and chilled goods, alcohol, pre-packed bakery goods and some non-food household items.

6.4 Retail planning issues have been the subject of detailed technical submissions in the Planning and Retail Statement accompanying the application. The Council has also instructed a retail consultant to review the reports that have been submitted in support of this application. This report can only address the key issues arising from those submissions but all documents are available for inspection.

6.5 Paragraph 23 of the NPPF details that local planning authorities should:

- Provide competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres;
- Allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.

6.6 The NPPF then goes on to say at paragraph 24 that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Applications for such uses should be located in town centres, then edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge and out of centre locations, preference should be given to accessible sites, well connected to the town centre.

6.7 At paragraph 26 of the NPPF it states that for such sites outside of the town centres, which are not in accordance with the Local Plan, that an impact assessment would be required if the development is over a certain floorspace threshold.

6.8 Policy SH1 of the West Oxfordshire Local Plan 2011 identifies the criteria whereby proposals for new retail development will be considered. Policy SH1 states:

*Proposals for retail development, other than to meet purely local needs, will be located in the following sequence:-*

- 1) *within the town centres;*
- 2) *on the edge of the town centres;*
- 3) *in out of centre locations that are, or can be made, readily accessible by a choice of means of transport.*

*Proposals for retail and other town centre uses in locations other than town centres will only be permitted where:-*

- i) a need for the development has been established;*
- ii) the sequential approach has been followed and there are no suitable sequentially preferable sites available;*
- iii) the development would not harm either directly or cumulatively the vitality and viability of any nearby town centre or planned measures to improve it;*
- iv) the development proposed is appropriate in nature and scale to the location;*
- v) the proposal accords with other policies in the plan with regard to traffic impact, amenity and environment.*

6.9 In relation to the sequential test, it is agreed that in terms of availability and suitability of the sites mentioned in the applicants assessment (Penhurst School, War Memorial Hospital Site, Castle View and Ambulance Station and the Burgage Plots) that none are suitable or available for retail use and therefore that the site proposed would pass the sequential test.

This leaves consideration of the impact test and any potential impact upon the town centre. Based on this, concerns and issues still to be considered at this stage include;

- Any permission may need to be granted specifically to a deep discount user as another supermarket may have a much higher product range and a resulting larger impact upon the town;
- The assumed store catchment area. Although the applicants supporting statement refers to the Councils Retail Assessment (2012) and Chipping Norton drawing trade from its immediate catchment (Zone 2) the calculations are based on the amount of expenditure that is available to the whole district;
- The population and expenditure figures used are based on the whole district not the immediate area. This is flawed as someone living in Carterton, as an example, would not travel all the way to shop in an ALDI in Chipping Norton when there is one in Carterton itself;
- The Councils own retail study identifies that Chipping Norton only attracts market share from a limited area;
- The Councils own study also shows that there is very limited capacity for additional convenience goods floorspace at Chipping Norton, the majority of which may be absorbed by the co-op expansion;
- There is a lack of detailed consideration of comparison goods (non-food) floorspace. As the level is proposed to be 20% of the floorspace, the applicant's agent has indicated it would not warrant detailed consideration. However, the net space is not insignificant and could impact on current non-food retailers in the town centre.

6.10 At this stage, it is therefore considered that a case has still to be made for this out of centre location for additional retail space and as such further information and clarification is required. The comments of the Councils Retail Consultant are also still to be considered and reported and subject to the initial comments of Members regarding the scheme a full assessment of this element will be reported at a future meeting.

#### Loss of Employment Site

- 6.11 The provision of retail floorspace on the site would be contrary in principle to Policy EI, E6 and Proposal I in terms of the loss of the employment use/ designation. Consideration therefore needs to be given as to whether there are any material reasons to depart from adopted policy.
- 6.12 The NPPF requires at Paragraph 22 that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities'.
- 6.13 In this instance, the application site has an extant consent for use as BI, with the Planning Permission Ref. 10/1084/P/S73 having granted consent until 2014 for employment use. The BI use was originally granted on site in 1996 and has subsequently been renewed, to extend the period for the submission of reserved matters until 11<sup>th</sup> January 2014. The site was formally the Highways Depot but has been vacant for a significant period.
- 6.14 The fact that the site has had outline planning permission since 1996 but has not yet been implemented suggests that there may be no reasonable prospect of the site being used for employment purposes. However, the Council's Business Development Officer has indicated that there is a critical shortage of B Class employment land in Chipping Norton, with this site being one of few that could come forward for such use. The applicants agent asserts that there are allocated BI sites for development at Worcester Road Industrial Estate, Primsdown and Station Road but this is not considered to be the case. No further land is available on the Worcester Road Industrial Estate, Primsdown is used by Owen Mumford and is fully developed and Station Lane is also fully built out. Parker Knoll is unavailable as Sainsburys still own an option on this land and The Recycling Centre is a small site situated much further from the town centre. This application site is therefore the only site in the town on which businesses could expand. It is not a case of no demand, for a local insurance company which currently resides on Cromwell Park purchased the land and did wish to expand, but following the recession these plans were put on hold. The situation could therefore change for local businesses in the future as the economic situation improves, and this is one of the only BI sites available. The key priority is also not the number of jobs (as unemployment is generally low in the area) but retaining the opportunity for local businesses to grow, in the local area, and therefore to generate value into the local economy.
- 6.15 Policy E6 of the adopted Local Plan 2011 identifies the criteria whereby proposals for the change of use of existing employment sites. Policy E6 seeks to resist the loss of employment unless:
- a) *it can be demonstrated that the site or premises are not reasonable capable of being used or redeveloped for employment purposes; or*
  - b) *the site or premises is considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or*
  - c) *substantial planning benefits would be achieved by allowing alternative forms of development.*
- 6.16 The applicant's agents identify that the proposed development will generate in the order of 20 FTE jobs.
- 6.17 The suggested benefits of employment generation resulting from the ALDI proposal need to be balanced against the impact on the longer term and wider ranging employment opportunities generated by growing local businesses. This is particularly the case based on the Council's concerns regarding lack of alternative B class land and the relatively low number of FTE jobs which would be created. The proposal could potentially jeopardise investment in the town centre and its overall viability and in occupying an area of accessible and developable employment land, which is unlikely to be able to be replaced elsewhere, there could well be a reduction to potential

economic activity. At this stage, it is not considered that the applicant has fully supported the assertion that there will be no material impact on employment land provision.

#### Design, Visual Impact and Landscaping

- 6.18 The site is located in a prominent location, on a key approach road into Chipping Norton, adjacent to both the boundary of the Conservation Area and AONB. Both the north and east elevation of the site, and to some extent the west, have the potential to be very exposed to views from the roadside. This is particularly the case with the level of landscaping proposed to be removed from the site, with reliance largely on existing mature trees outside of the site boundary which could not be controlled by the applicant.
- 6.19 In your officers opinion, there is concern that the loss of the majority of the greenery from the site (with potentially some trees being endangered outside of the site) will alter the site completely from a leafy entrance to the town to a very conspicuous utilitarian building surrounded by a large area of car parking with little space left for new planting. It is appreciated that the applicant would wish for the site to be exposed to some degree and also that any business use in this location would entail the removal of a fair degree of greenery. However, another form of less 'standardised' building could be more integrated into the site and the parking could potentially be reconsidered to allow for more greenery to be retained and provided on site to soften the boundaries. Your officer would also suggest that the retention of stone boundary wall and creation of new walling rather than railings on the eastern boundary would be more appropriate and would better reflect the immediate surroundings.
- 6.20 In terms of the building itself, it is a neat and efficient building that does use a traditional palette of materials. However, the town is giving way to the countryside in this location, and particularly with the boundary of the Conservation Area and AONB so close, the design does need careful consideration. None of the other buildings in this location have such a large scale, monolithic form or unbroken massing and it would have the potential to be a very glaring addition to the street scene. In your officers opinion, if the large and unbroken form were to remain, much greater consideration would need to be given to screening the site with larger areas of screen planting along the north and eastern boundaries (or alternatively the design would need to be reconsidered to reflect its prominent and exposed location).
- 6.21 It is noted that the building is shown to only contain two signs, one on the north and one on the east elevation, and with a 6m high double pole sign on the corner of the site. No advertisement consent application is made at this stage for the signage and hence it is not clear if this is all of the signage proposed. In any case, in your officers opinion, a large double pole sign at the corner would not be appropriate (although consideration could be given to such a sign if the site as a whole was less exposed, as it is appreciated the store would need to advertise its location). However, as proposed with little tree cover, the signage would not be appropriate and the overall design and prominence of the site would be out of character with the street scene and the character of the nearby Conservation Area and AONB. Officers will be seeking Members views regarding the design and screening.

#### Highways and Parking Layout

- 6.22 At this stage, the Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.
- 6.23 That said, the concerns of residents and interested parties in relation to the level of public transport available, pedestrian links and the manoeuvring space on site for the delivery lorries in

particular is noted. Should the application be approved, consideration would need to be given to routing agreements, pedestrian links to the London Road (with this delivered by direct mitigation rather than as a contribution), or a bus service on the Banbury Road. As the majority of people visiting would also be by private car, the layout of the parking area does require detailed consideration.

- 6.24 At this stage, and based on the earlier concerns in relation to the level of planting across the site which would need to be increased and potentially conflict on the site with the location of the loading area, further comment on the acceptability of parking and manoeuvring will be reserved for later consideration, in case of any amendments being considered.

#### Impact on Amenity of Neighbouring Residential Properties

- 6.25 It is noted that the more disruptive parts of the site in terms of neighbouring residential amenity are located on the side of the site closest to the residential area to the west. This includes the refrigeration equipment and the loading and delivery area. However, this is the most appropriate side of the site in relation to shielding the area from view and there does remain 26m between this part of the site and the nearest neighbouring property.
- 6.26 The Councils Environmental Health team have not raised any objections to the location of such equipment and have reviewed the applicants noise report submitted. They do suggest conditions to limit opening times, delivery times and the noise level of equipment. Access to the site at night is also suggested to be restricted. Whilst the concerns of some residents in this respect are therefore noted, with appropriate conditions it is considered that the impact could be kept to an acceptable level. It is also noted that with the lawful use of the site being for some form of B class use that there would always be some degree of change to the amenity currently enjoyed by residents closest to the site. In addition, the site remains adjacent to the Council salt depot and it is not considered that the impact from this new retail use and site layout would be so harmful as to warrant the refusal of planning permission.

#### Added Planning Benefits

- 6.27 As detailed above, some of the added community benefits which could be provided on site include pedestrian links to the London Road (with this delivered by direct mitigation rather than as a contribution), or a bus service on the Banbury Road. A contribution towards off-site provision of public art is also sought to be used in the immediate vicinity.

#### Other Issues

- 6.28 An ecology report was submitted in support of the application. No evidence of reptiles or badgers was found on the site and no trees appear suitable for supporting roosting bats, apart from one more mature tree off site. The site is therefore considered as having low suitability overall to support any recorded species.
- 6.29 An air quality assessment has been submitted in support of the application. The report concludes that with appropriate mitigation work that there would only be negligible impact upon the area.
- 6.30 A geo-environmental report has been submitted in support of the application due to its history as a highway depot, although only limited further investigation is required to enable development. Comments from the County Archaeologist suggest that an archaeological desk based assessment will be required of the site to continue.



6.31 A drainage strategy has been submitted with the application. Thames Water have not objected in relation to water infrastructure capacity and WODC engineers require the submission of a Surface Water Drainage Scheme.

#### Conclusions

6.32 As detailed earlier in the report, the purpose of this assessment at this stage is to enable Members to consider the principle of the change of use on the site and the various elements of the application and to discuss any further issues which need to be addressed. This is particularly considering the issues raised in relation to the retail assessment, employment impact and the design and appearance of the site and its layout.

6.33 It is therefore likely that further discussion will be required with the applicant and hence Officers suggest that debate at the January meeting is based on any concerns Members may have and determining the key factors to discuss further, before the application is brought forward for determination at a future meeting.

### **RECOMMENDATION**

Provisional approval.

<b>13/1611/P/FP Linwall Sturt Road Charlbury</b>	
Date	21/11/2013
Officer	Abby Fettes
Officer Recommendation	<b>Refuse</b>
Parish	CHARLBURY
Grid Ref:	436056,218923

### **APPLICATION DETAILS**

Erection of dwelling.

### **APPLICANT**

Mr & Mrs Mike Empson, Keepers Cottage, Southcombe Bottom, Chipping Norton, Oxon, OX7 5QH

### **BACKGROUND INFORMATION**

The proposal seeks planning permission for the erection of a three bedroom dwelling with associated parking and amenity space.

The site is the rear garden of Linwall, Sturt Road, but would be accessed from Hixet Wood. The site is within the Charlbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

### **PLANNING HISTORY**

- 1.1 05/2082/P/OP: Erection of two detached dwellings with new access at land to the rear of Linwall and Stoneleigh, Sturt Road, Charlbury. Planning permission refused on 11<sup>th</sup> January 2006 and appeal dismissed on 1<sup>st</sup> November 2006.
- 1.2 07/0241/P/FP: Erection of one dwelling at land at Stoneleigh, Sturt Road, Charlbury. Planning application on adjacent site withdrawn 29<sup>th</sup> June 2006.
- 1.3 07/1172/P/FP: Erection of one dwelling. Planning application on adjacent site approved by Uplands Planning sub committee October 2007

## 2 CONSULTATIONS

### 2.1 Charlbury Town Council

- “1. We consider it strange that there are no windows proposed in the South elevation (to take advantage of natural light etc. possibly saving energy )  
2. Could the building be re- orientated?  
3. Otherwise no objection.”*

### 2.2 WODC Engineers

*“No objection subject to condition.”*

### 2.3 OCC Ecology

No comment to date (Publicity expires 19/12)

### 2.4 OCC Highways

*“No objection subject to conditions.”*

## 3 REPRESENTATIONS

### 3.1 Three neighbours were notified and one letter of objection has been received from Richard Harvey of Hixet Lodge on the following grounds:

- The siting is inappropriate, too close to Hixet Wood and not following the building line
- Changes the nature of the road and gives impression of over development
- Will be in direct line of site of Hixet Lodge and cause loss of light
- Siting issue caused by lack of depth of plot
- Proposed development should be located further east where plot is wider

### 3.2 Comments have been received for Charlbury Area Advisory Conservation Committee and are summarised as follows:

- The house sits well on the proposed plot and has been designed to be in keeping with the conservation area.

## 4 APPLICANT'S CASE

### 4.1 The application is supported by a design and access committee and an ecology report which are summarised as follows:

#### Design and Access Statement

- The applicants have agreed a traditional form of dwelling that enhances the character of the site and its surroundings whilst adding to housing stock
- Expectation is that the merits of the scheme will be objectively assessed and compared to case of Hixet Lodge
- Believe the proposal addresses key issues and would enhance the site
- Adds a sustainable dwelling in an appropriate location

- Currently all districts are having to review their housing supply figures, therefore housing “windfalls” should be seriously considered if they satisfy key planning criteria

#### Ecology report

- The survey was a precautionary measure as there was a historic TVERC record from 2005 which was inconclusive in that the exact location of the pond resulting in the record was not confirmed, nor was confirmation that the siting was a Great Crested Newt.
- The terrestrial habitat provided by the garden area is likely to be of limited value to Great Crested Newts.
- No other protected or notable species were identified as likely to be present. In light of the above suitability assessment and prescribed method statement, amphibians are not seen as a constraint to development.

## **5 POLICY**

- 5.1 The application site is located in the Charlbury Conservation Area. Policies H2, H6, NE15, BE2, BE3 and BE5 of the adopted West Oxfordshire Local Plan 2011 are considered to be particularly relevant.
- 5.2 Guidance in the National Planning Policy Framework is considered to be relevant to this application.

## **6 PLANNING ASSESSMENT**

- 6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:
- Principle of development
  - Design and layout
  - Neighbourliness
  - Ecology
  - Highways

#### Principle of development

- 6.2 The application seeks full planning permission for the erection of a detached 2 storey dwelling on land to the rear of Linwall, Sturt Road, Charlbury. The application site currently forms part of the garden area associated with Stoneleigh and fronts Hixet Wood.
- 6.3 As identified above, outline planning permission was refused for the erection of two detached dwellings at land to the rear of Linwall and Stoneleigh, Sturt Road, Charlbury. The decision of West Oxfordshire District Council was the subject an appeal, which was dismissed in November 2006. In considering this appeal the Inspector states that in the absence of details regarding the design and appearance of the proposed dwellings it was difficult to gauge their likely impact upon the street scene and wider conservation area. The Inspector also considered that additional residential development at the appeal site could be intrusive and thereby detrimental to the semi rural character of the road and the wider conservation area. However, the Inspector concluded that while the appeal site may be suitable for more modest additional residential development, more detailed consideration needs to be given to the way this could be undertaken before planning permission is granted.
- 6.4 Following the inspectors report a dwelling (Hixet Lodge) was permitted under application no. 07/1172 on the adjacent plot. Your officers consider that the permission for the adjacent site has

severely restricted the ability to develop this site whilst retain the character of the semi rural street and the Conservation Area.

- 6.5 In harming the character of the area and the character and appearance of the Conservation Area, your officers consider the proposal is contrary to policies BE2, BE5 and H2.

#### Design and layout

- 6.6 The proposed dwelling is a two storey dwelling in a traditional vernacular style. It is to be constructed in reconstituted stone with concrete tiles. There are two parking spaces to the front and the hedge is to be retained where possible along the frontage.
- 6.7 The design is considered to be appropriate in isolation, however your officers consider that the layout is cramped and over developed for the location. The building line is forward of the existing properties to the north which will impact on the street scene when travelling from the south making Hixet Wood feel much more urban. As identified by the Inspector, Hixet Wood enjoys a relatively semi rural feel at present and your officers also believe that this proposal would also make Hixet Lodge appear as if it has been jammed in as a backland development.
- 6.8 You officers consider that the proposed dwelling as laid out would be contrary to policies H2 and BE2.

#### Neighbourliness, pollution and Environmental Health

- 6.9 The property has been designed so the windows of the first floor rooms facing east are both obscurely glazed therefore protecting the privacy of adjacent occupants. However there is a only a distance of 19m between the rear wall of Linwall and the proposed dwelling which is less than the recommended rule of thumb which is 21m between rear walls of properties. This adds to the feeling of over development and cramped nature of the proposal in a loose knit village context.
- 6.10 Your officers consider that the proposal is contrary to policies BE2 and H2.

#### Ecology

- 6.11 The application is accompanied by an ecology report for Great Crested Newts. The conclusions of the report are that their potential presence on the site is considered to be low. The report includes a method statement for preventing harm to newts if the proposal were to be approved. The OCC Ecologist has been consulted but a response has not been received.
- 6.12 Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented. The proposal is considered to accord with policy NE15.

#### Highways and parking

- 6.13 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway. Two parking spaces have been provided which is in accordance with parking standards for a three bed dwelling. The proposal is considered to accord with policy BE3.

## Conclusions

- 6.14 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits.

## **RECOMMENDATION**

Refuse for the following reason:

By reason of the scale, layout and size of the plot it is considered that the proposed dwelling would appear as a cramped and incongruous feature within the existing streetscene, adversely affecting the visual character, and failing to preserve or enhance the Conservation Area. The proposal is therefore contrary to policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011.

<b>13/1617/P/FP High Street Chipping Norton</b>	
Date	19/11/2013
Officer	Abby Fettes
Officer Recommendation	<b>Provisional Approval</b>
Parish	CHIPPING NORTON
Grid Ref:	431377,227029

## **APPLICATION DETAILS**

Alterations and extensions to existing foodstore to create additional retail floor space. Formation of new car parking facilities and associated alterations to internal access roads.

## **APPLICANT**

Midcounties Co-Operative Society, C/O Agent.

## **BACKGROUND INFORMATION**

The application seeks planning permission for alterations and extension to the existing Co-op Supermarket in Chipping Norton. It is a revised scheme to those detailed in the Planning History section below, the principle changes are as follows:

- a) Reducing the floor area of the supermarket
- b) Changing the parking layout
- c) Omitting some of the S278 highway works
- d) Omitting the works to the Coach House (likely to be the subject of a separate application)

The application site is located to the west of Albion Street and comprises an area of approximately 0.97 hectares (2.39 acres). The application site comprises the land associated with the Co-op Supermarket and land to the rear of no. 8 to 16 High Street. The western boundary of the application site abuts the rear elevation of the properties fronting the High Street. The northern boundary of the application site abuts the rear elevation of the White Hart Mews development. The southern boundary of the application site adjoins Cattle Market, with the Red Lion and public car park beyond. The eastern boundary of the application site adjoins Albion Street (no. 16 and 18 Albion Street are not included in the application site).

The application site is located in the Chipping Norton Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. There are a number of listed buildings within and adjacent to the application site, including no. 7 and 15 which are Grade II\* listed. The application site comprises the medieval burgrave plots to the rear of the buildings fronting the High Street. There is also a significant change in levels between the eastern boundary of the site with Albion Street and the western boundary abutting the rear elevations of the properties fronting the High Street.

## **I PLANNING HISTORY**

- 1.1 There is an extensive planning history for this site, however, the following applications are considered to be of particular relevance:
- 1.2 10/0909/P/FP In 2010, planning permission was granted by the sub committee for extensions as follows:
- 1) extensions and alterations to the existing Co-op supermarket to increase the existing retail sales area from 666 sqm (7,169 sqft) to 1626 sqm (17,438 sqft);
  - 2) the provision of a new vehicular access from Albion Street, serving the proposed car parking area and providing vehicular access to the rear of no. 8 to 16 High Street, inclusive;
  - 3) the provision of a new vehicular access from Cattle Market, providing dedicated access to the service yard. The proposal also involves the re-alignment of the junction with Albion Street and changes in road priority;
  - 4) the erection of a new decked car park facility with access stairs, access ramps, passenger lift and landscaping;
  - 5) the change of use of a former coach house to form a dwelling;
  - 6) the demolition of an existing dwelling known as 'Ampersand';
  - 7) the partial demolition of the rear of no. 8 and 9 High Street, together with the provision of new single storey extensions to the rear; and
  - 8) the provision of hard and soft landscaping.
- 1.3 10/0910/P/DCA: Demolition of existing dwelling, studio and existing outbuilding at 4 High Street, Chipping Norton. Approved
- 1.4 10/0911/P/LB: External alterations to include replacement rear extensions at 4 High Street, Chipping Norton. Approved
- 1.5 12/0681/P/FP in 2012 an application amending the previous scheme was granted permission by the sub committee, and the revisions were as follows:
- 1) The provision of a temporary car park within the undercroft of the car park for a limited period whilst works to the supermarket extension are carried out;
  - 2) The raising of the part subterranean car park out of the ground by 3 metres;
  - 3) The omission of the tunnel linking the two car parks either side of the access road;
  - 4) The omission of the relocation of the sub-station;
  - 5) Unique servicing arrangements for units fronting the High Street;
  - 6) The relocation of the taxi/ mini bus collection point; and

## **2 CONSULTATIONS**

### **2.1 Chipping Norton Town Council**

*"No objection."*

### **2.2 OCC Single Response**

No response to date (last date for comments 26/12).

### **2.3 English Heritage**

*"The proposed reduction in size of the car park, removing the majority of the upper deck and returning the*

*design to something nearer to the original scheme which formed part of application 12/0909/PIFP is most welcome.*

*Likewise the reduction of the size of the store extension is also welcomed. We have always been rather disappointed by the architectural approach taken and a smaller building presents an opportunity to rethink the concept and create a more coherent looking extension that would read as part of the existing building. We would suggest that this opportunity is taken rather than merely truncating the approved design.”*

#### 2.4 Thames Water

No response to date (last date for comments 26/12).

#### 2.5 TV Crime Prevention Design Advisor

No response to date (last date for comments 26/12).

### **3 REPRESENTATIONS**

3.1 90 neighbours were notified of the application and the closing date for receipt of representations is 26<sup>th</sup> December. So far three letters have been received from NHS Foundation Trust as tenants of The Albion Centre, Marilyn Steward of 16 Albion Street and Alex Corfield and their comments are as follows:

- Reservations about increased traffic movements
- Concerned with disruption in the car park and accessibility for the people we support
- Accessibility is essential as we support service users with complex mobility issues, several are in wheelchairs and one is blind
- We have heard the next door car park is to be developed for housing in April 2014 and have serious concerns for access to the Albion Centre
- This new plan shows there will be a two storey car park to the side of my property. I am very unhappy about this on several counts:
- Firstly, this will mean that the parked cars on the upper deck will be in line with my bathroom window and not far from the bedroom window above, thus imposing on my privacy. The bathroom window is currently unglazed as I have never had onlookers before!
- Secondly, this is a lot higher than I had anticipated - my private garden will be private no longer.
- Can you please ask for a planning condition that planting conditions can be imposed? The existing car park is, of its type, very successful in this regards.

3.2 Following the publicity expiry date an update will be provided in the Additional Representations Report and/ or verbally at the Sub-Committee meeting as necessary.

### **4 APPLICANT'S CASE**

4.1 The application is supported by the following documents, available to view on line and on the file:

- Planning and Retail Statement,
- Design and Access Statement,
- Ecological Assessment,
- Protected Species Survey,
- Conservation Area Appraisal and Impact Assessment,
- Tree Survey,
- Archaeological Evaluation,

- Site Investigation,
- Flood Risk Assessment and Drainage Strategy, and
- Transport Assessment.

4.2 The planning and retail statement is summarised as follows:

- The proposal is fully compliant with the terms of all relevant development plan policies, government level planning guidance and all other material planning considerations
- The site is within the defined town centre and the latest government guidance positively advocates as the best location for new retail development
- Chipping Norton is recognised by West Oxon as being deficient in its town centre food store provision and this proposal directly meets the councils requirement for the town
- The improved store will positively enhance the vitality and viability of the town centre
- It has previously been demonstrated that there is local support for the proposed store extension

4.3 The Design and Access statement is summarised as follows:

1. Retain the existing junction of Albion Street and Cattle Market which will have a significant reduction in civil engineering operations within the town centre.
2. Current traffic close to Cattle Market will remain as existing.
3. Major improvements to customer safety by separating delivery service vehicles from customers will still be maintained as part of the amended scheme proposals.
4. The previously approved customer multi-storey car park facility is to be reduced to predominantly a single deck car park across the site, set at a similar level to that previously accepted by the Local Authority with the upper level now removed. A small number of undercroft car parking, reserved for private use, are to remain. A small area of upper deck will be provided where site levels allow level access.
5. Building structures within the decked car park area that accommodated lift shafts and staircases have now been omitted as a result of the reduction in car parking.
6. To maintain the existing entrance to the site which will be given exclusive to service vehicles and the omission of a level of car parking the proposed store extension has been reduced slightly.
7. As a result of the store extension being reduced, increased number of car parking is being provided directly adjacent to the store entrance.
8. The scheme still maintains pedestrian links through from the retail area and parking through to the High Street retail zone.
9. The construction period will be reduced by approximately 2.5 months reducing disruption on Albion Street and the adjoining residential roads.

## 5 POLICY

5.1 The following policies from the adopted West Oxfordshire Local Plan 2011 are considered to be particularly relevant:

- BE1 Environmental and Community Infrastructure
- BE2 General Development Standards
- BE3 Provision for Movement and Parking
- BE5 Conservation Areas
- BE6 Demolition in Conservation Areas
- BE7 Alterations and Extensions to Listed Buildings
- BE8 Development affecting the Setting of a Listed Building
- BE13 Archaeological Assessment



- NE13 Biodiversity Conservation
- NE15 Protected Species
- T1 Traffic Generation
- T2 Pedestrian and Cycle Facilities
- T8 New off-street public car parks
- H7 Housing within Service Centres
- E7 Existing Businesses
- SH1 New Retail Development

5.2 Guidance within the West Oxfordshire Design Guide is considered to be particularly relevant.

5.3 The National Planning Policy Framework is also of key consideration.

## **6 PLANNING ASSESSMENT**

6.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:

- Principle
- Design
- Highways and parking

### Principle/land designation/Policy

6.2 The principle of development of an extended supermarket in this location has been established by the granting of permission for the previous planning permissions. Further investigations by the applicant have found that the optimum size to be slightly less than previously approved. However it is considered that the proposed additional floor space is of sufficient size to improve the shopping experience for local people. The proposal would result in the creation of 708m<sup>2</sup> floorspace rather than the 860m<sup>2</sup> that was approved under 12/0681/P/FP.

6.3 Having regard to the above, your officers consider that the principle of extending the existing supermarket is in accordance with both Government guidance and development plan policy.

### Design and Heritage matters

6.4 The design principles of the building are largely unchanged from the previously approved applications, save for the slight reduction in the retail floorspace.

6.5 The design and form of the proposed extension to the supermarket is contemporary. The palette of materials for the proposed extension to the supermarket comprises the following:

- Random natural coursed stone walling;
- Natural stone cladding
- Render
- Planar structural glass walling
- Metal standing seam roof

6.6 Within the West Oxfordshire Design Guide it identifies that appropriate walling materials within Chipping Norton comprise natural stone (laid to course), ashlar stone and render. As such, your officers consider that this palette of materials is entirely appropriate. Furthermore, your officers consider that the proposed materials will ensure that the contemporary architecture assimilates more easily with the surrounding vernacular architecture.

- 6.7 Your officers consider that the redesign of the proposed car park is simple in terms of its form and materials. The proposed revisions to the car park mean that the lift shaft and stair tower will no longer be required which will result in minimal impact on the Conservation Area. As such, your officers do not consider that it will be unduly prominent from public vantage points.
- 6.8 Having regard to the above, the proposal is considered to be in accordance with policies BE2, BE5, BE6, BE7, BE8 and BE13 and guidance contained within PPS5.

Highways and parking

- 6.9 The proposal seeks to omit many of the S278 highway works that were required by the previous applications. This will reduce the construction period for the supermarket and therefore the disruption to local access to the town centre.
- 6.10 The previous application approved a multi storey car park. This proposal will result in a reduction of that structure with the majority of parking being provided at surface level with only a few spaces of undercroft parking remaining. The previous approval allowed for 169 parking spaces and the revised scheme is proposing 160 spaces.
- 6.11 A response has yet to be received from the Highway Authority and your officers will provide comments either in the Additional Representations report or verbally at committee.

Conclusions

- 6.12 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, subject to no substantive further issues being raised and no objections being raised by the highway authority.

**RECOMMENDATION**

Permit subject to no further substantive issues or objections being raised. A schedule of the conditions will be provided in the Additional Representations Report.

<b>13/1618/P/FP Bell Inn 115 Main Road Long Hanborough</b>	
Date	18/11/2013 25/11/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	HANBOROUGH
Grid Ref:	442519,214282

**APPLICATION DETAILS**

Alterations and extensions to create two dwellings with associated parking.

**APPLICANT**

Empire Homes, The Long Barn, Oxford Road, Old Chalford, Oxon OX7 5QR

**BACKGROUND INFORMATION**

The application seeks planning permission for the change of use of the former public house to two dwellings. The application also proposes extensions and alterations to the existing building. The application relates to a Grade II Listed Building located on the main thoroughfare through the village. The site is not within any area of special control.

## **I PLANNING HISTORY**

- 1.1 Planning permission has been granted for the conversion of the public house to form a dwelling under reference I3/0572/P/FP.
- 1.2 The application is accompanied by an associated Listed Building Consent application which appears elsewhere on the schedule.

## **2 CONSULTATIONS**

- 2.1 Hanborough Parish Council:  
No comments received to date (final date for comment 26 December 2013)
- 2.2 OCC Highways:  
No comments received to date (final date for comment 26 December 2013)

## **3 REPRESENTATIONS**

- 3.1 Seven neighbours have been notified of the application and, at the time of preparing the officers report, no letters of representation have been received. An update in this regard will be given in the Additional Representation Report and/ or verbally at the Sub-Committee Meeting as necessary.

## **4 APPLICANT'S CASE**

- 4.1 A short Design and Access Statement has been submitted in support of the application. This document can be viewed in full on the application file or on the District Council's website.

## **5 POLICY**

- 5.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011, in the determination of this application are policies:
- BE2 (General Development Standards),
  - BE3 (Provision for Movement and Parking),
  - BE7 (Alterations and Extensions to a Listed Building),
  - BE8 (Development Affecting the Setting of a Listed Building),
  - H2 (General Residential Development Standards),
  - H7 (Service Centres),
  - H11 (Affordable Housing), and
  - TLC12 (Retention of Existing Community Facilities)
- 5.2 In addition, the National Planning Policy Framework is of consideration.

## **6 PLANNING ASSESSMENT**

- 6.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:
- Principle of development,
  - Heritage Assets,
  - Impact upon the character and appearance of the Street Scene,
  - Amenity,

- Highway Safety, and
- Affordable housing.

#### Principle

- 6.2 The principle of the change of use of the public house to residential was previously supported by Members at the June 2013 Meeting of the Uplands Area Sub-Committee. This permission remains extant and it was concluded that the loss of the Public House would not be of harm to the facilities of the village given that the George and Dragon Public House is situated some 300 metres from the site. Given that no circumstances have changed since that time, and that the permission remains extant officers consider that the principle of the loss of the Public House remains acceptable.
- 6.3 The provision of new dwellings in Long Hanborough is supported by Policy H7 of the West Oxfordshire Local Plan 2011 which supports the conversion of existing buildings to residential. On this basis officers consider that the conversion of the building to two residential units, as opposed to the one previously approved is acceptable in principle.

#### Heritage Assets

- 6.4 The existing building is a Grade II Listed Building which has been the subject of a number of unfortunate extensions historically. Listed Building Consent has previously been granted for the removal of some of these elements however, this work has not been carried out as yet. As noted above, the application is accompanied by a Listed Building Consent application. Officers will make an assessment in relation to both applications below.
- 6.5 The proposed extensions and alterations to the building effectively result in the loss of a number of the uncharacteristic flat roofed extensions to the property. The provision of the pitched roof projections and the small two storey side extension improve the character of the Listed Building particularly when viewed from the public realm (street scene). The rear elevation does have a more complicated form but is considered to represent an improvement over the previous extensive flat and pitched roof extensions.
- 6.6 The internal and external alterations otherwise proposed are limited and would not result in any significant loss in historic fabric nor would it compromise the historic interest of the Listed Building. Given this officers are of the opinion that the development is acceptable in terms of the impact upon the Heritage Asset.

#### Street Scene

- 6.7 The proposed two storey side extension replaces the existing single storey mono-pitched roof extensions to the side. These extensions would therefore be more in keeping with the character and form of the building and would read as clearly secondary and subservient to the main property. This would, in your officer's opinion result in an improvement to the character and appearance of the street scene. Furthermore, the replacement of the existing bank of tandem parking with two discreet parking areas, the provision of two separate access points and the stone wall will result in the property reading as more clearly residential and sitting more comfortably in relation to the neighbouring properties either side.

#### Amenity

- 6.8 The application proposes two storey additions and pitched roofs along the boundaries with the neighbouring properties. The two storey extension along the western boundary is relatively short in length and is set approximately 10 metres away from the rear elevation of the nearest property

to the west. The extension will be visible to that property however; due to the staggered nature of development in the area and the limited extent of the extensions officers do not consider that this would have such an impact upon the amenity of the neighbouring properties to the west to justify the refusal of planning permission.

- 6.9 The extension along the eastern boundary sits close to the boundary and the neighbouring property to this side is a single storey dwelling. The majority of the two storey side extension will sit alongside the gable of the neighbouring bungalow and as such, this is not considered to give rise to harm to amenity. The two storey rear projection on this side is longer than that to the West however, it is narrower in form and as such, its height is less. The eaves height of this element would be 3.3 metres and this would extend 6.5 metres along the boundary. It would replace the existing double pitched roof form and the single storey building which runs along the boundary of the site. Officers acknowledge that the development will have a greater impact upon the amenity space of the neighbour however, due to the orientation; the relationship; and the change of use to a more sympathetic use officers do not consider that the development would be so harmful to justify the refusal of planning permission.
- 6.10 Each of the dwellings proposed would be served by relatively limited, but acceptable, levels of amenity space.

#### Highways and parking

- 6.11 At the time of preparing the officers report no comments from the County Council as Highways Authority have been received. Whilst this is the case, the proposal appears to represent an improvement in highway terms through the potential reduction in movements and the ability of vehicles to enter turn and leave in a forward gear. Officers will provide an update in relation to the comments received in the Additional Representations report and/ or verbally at the Sub Committee Meeting.

#### Affordable Housing

- 6.12 The application does propose two dwellings at the site however, it is important to note that there is extant permission for the provision of a single dwelling at the site. On this basis, given that the permission could be implemented for one dwelling, the approval of this application would result in a net gain of one dwelling only. On this basis officers consider that it would be unreasonable to require Affordable Housing in relation to this development.

#### Conclusions

- 6.13 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.

### **RECOMMENDATION**

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with the plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Class A to E of Part 1, Schedule 2, Article 3 shall take place.  
REASON: To preserve the amenity of existing and future occupiers. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)
- 4 Before first occupation of the building as a dwellinghouse the first floor windows in the side elevations shall be fitted with obscure glazing and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The external walls of the extensions 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 development commences and thereafter retained until the development is completed.  
REASON: To safeguard the character and appearance of the area. (Policies BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011)
- 6 The roof(s) of the extensions shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, roof lanterns and rooflights at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 8 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; all ground surface treatments and materials; means of enclosure and car parking layouts and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 9 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation.  
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 10 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 11 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 and 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 the supporting Technical Guidance)

#### NOTE TO APPLICANT

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.

<b>13/1619/P/LB Bell Inn 115 Main Road Long Hanborough</b>	
Date	18/11/201325/11/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	HANBOROUGH
Grid Ref:	442519,214282

#### **Application details**

Internal and external alterations and extensions to create two dwellings with associated parking.

#### **Applicant**

Empire Homes, The Long Barn, Oxford Road, Old Chalford, Oxon OX7 5QR

**Please see report prepared for application 13/1618/P/FP for full assessment**

#### **Recommendation**

Permit subject to the following conditions:

- 1 This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.  
REASON: The time condition is imposed in order to comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).
- 2 That the development be carried out in accordance with plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.

- 3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings. REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings. REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

<b>13/1631/P/FP Drystone Hill Farm Cleveley Road Enstone</b>	
Date	19/11/2013 19/11/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Refuse</b>
Parish	ENSTONE
Grid Ref:	438768,224024

### APPLICATION DETAILS

Siting of two caravans to provide agricultural workers dwellings (Retrospective).

### APPLICANT

Miss Emma Brickell, Willow Farm, Crawley Road, Witney, Oxon OX29 9TE

### BACKGROUND INFORMATION

The application seeks retrospective planning permission for the retention of two mobile homes as agricultural workers dwellings. Each unit is occupied by a separate individual however, the occupiers are related. The site is located in an open countryside location approximately 400 metres to the east of Enstone. The site is not within any area of special control. The caravans are typical white touring caravans set against the backdrop of the existing barn.

### 1 CONSULTATIONS

1.1 Enstone Parish Council:

*No objections*

1.2 OCC Highways:

No comments received to date (final date for comment 19/12/13)

1.3 An update as to the comments received will be given in the Additional Representations Report and/ or verbally at the Sub-Committee Meeting as necessary.

### 2 REPRESENTATIONS

2.1 No neighbours have been notified due to the location of the site. A site notice has been erected at the site. No letters of representation have been received at the time of preparing the officers report and an update will be given in the Additional Representations Report and/ or verbally at the Sub-Committee Meeting as necessary.

### 3 APPLICANT'S CASE



- 3.1 Limited information has been submitted in support of the application. All of the documentation can be viewed in full on the application file or on the District Council's Website. The statement submitted can be summarised as follows:
- The caravans are required for workers to keep an eye on livestock and property.
  - The farm is 113 acres of permanent pasture but we own 400 acres in total.
  - We graze about 2000 acres in various places; have 120 horses (which include 70 brood mares), a flock of 850 breeding sheep and an Aberdeen Angus Suckler herd of 83 head.
  - The workers would care for the animals at this site which include 35 horses, some sheep and some cattle.
  - The workers would also travel to our other farm which is two miles away in Gagingwell where we winter our Aberdeen Angus Cattle. We also calve our cows in Gagingwell and bring breeding ewes for lambing in April.
  - The site is suitable as it has a flushing toilet and the caravans are out of sight.
  - Are farms are spread over a wide area and we currently have £22,000 vehicle expenses travelling between farms. We hope to halve this through the employees.
  - The siting of the caravans will help with snow forecast.
  - The caravans also act as a deterrent from unwanted visitors.
  - There is water and mains electricity at the farm.

#### **4 POLICY**

- 4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the determination of this application are policies:
- BE2 (General Development Standards),
  - BE3 (Provision for Movement and Parking),
  - H2 (General Residential Development Standards),
  - H4 (New Dwellings in the Open Countryside and Small Villages), and
  - H14 (Residential Mobile Homes).
- 4.2 In addition to the above, officers are of the opinion that the National Planning Policy Framework is of key consideration.

#### **5 PLANNING ASSESSMENT**

- 5.1 Taking into account the representations of the interested parties, planning policy and other material considerations, your officers consider that the main issues are considered to be:
- Principle of development;
  - Impact upon the character and appearance of the area;
  - Amenity; and
  - Parking and highways

##### Principle

- 5.2 The West Oxfordshire Local Plan 2011 at policy H14 controls development in relation to residential mobile homes. The policy states that the development would only be supported for a temporary period and where:
- a) There is a genuine need for a residential mobile home on the site;
  - b) The need for residential accommodation cannot be met through use of existing buildings;
  - c) The character and appearance of the area is not adversely affected; and
  - d) The proposal is well related to existing buildings and/ or screened by existing landscape features.

- 5.3 Points c) and d) will be addressed further below however; the point a) and b) will be addressed here.
- 5.4 In assessing whether there is a genuine need for a residential mobile home on the site officers would refer to policy H4 of the Local Plan. It states that such accommodation will only be supported where:
- The need cannot be met through the use of existing buildings on or close to the enterprise or in any other way; and
  - The proposed dwelling is of a size appropriate to both its functional requirements and the financial viability of the enterprise; and
  - The enterprise is in operation, is economically viable and is capable of being sustained for a reasonable period of time.
- 5.5 This approach is broadly consistent with the requirements of the National Planning Policy Framework which, at paragraph 55 notes that new residential dwelling in open countryside location can be supported where there is a genuine need for a rural worker to live on site. Whilst Annex A of PPS7 was revoked through the introduction of the National Planning Policy Framework the guidance provided within that document is generally considered appropriate to assess the necessity for an agricultural workers dwelling.
- 5.6 As detailed above, generally, very little information has been submitted to support the application. Officers acknowledge that the livestock numbers are significant however; the application does not go so far as to demonstrate why these numbers over the whole enterprise would justify the need for two dwellings on this site. The information suggests that only 'some' sheep and cattle are on this site, but that more cattle are provided for in Gagingwell. Whilst the information notes significant transport casts associated with holding it does not explore opportunities within the nearby village of Enstone which is just 400 metres from the application site. A search on Rightmove notes that there are two and three bedroom properties available to rent and buy in the village.
- 5.7 Whilst officers acknowledge that the holding is significant and covers a large area, insufficient information has been submitted which adequately demonstrates the need for dwellings on this site in particular. Furthermore, no information has been submitted which demonstrates the viability of the holding, nor have any alternative ways of providing the accommodation been explored. On this basis officers do not consider that the need has been demonstrated and as such, consider the development contrary to Policies H4 and H14 of the West Oxfordshire Local Plan 2011 and paragraph 55 of the National Planning Policy Framework.

#### Character and appearance of the area

- 5.8 The caravans are not of any aesthetic merit and are incongruous features in open countryside locations such as this. Whilst this is the case the site is well concealed behind a tall roadside hedge which prevents public views of the caravans. Furthermore, the changing land levels ensure that the caravans are not seen in wider views. Any limited local views of the caravans which can be achieved are seen in the context of the existing buildings and as such, on balance, officers do not consider that the development would give rise to such harm to the character and appearance of the area to justify the refusal of planning permission.

#### Amenity

- 5.9 The site is located some distance from any neighbouring properties and as such, would not give rise to any harm to the amenity of those residents.

#### Highways and parking

5.10 At the time of preparing the officers report no comments from the County Council as Highways Authority had been received. Whilst this is the case, the access to the site is wide and whilst there is limited visibility, given the existing use officers do not consider that the development would be so harmful to highway safety to justify the refusal of planning permission. Officers will however, provide an update as to the comments of the County Council either in the Additional Representations Report or verbally at the Sub-Committee Meeting as necessary.

Conclusions

5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits.

**RECOMMENDATION**

Refuse for the following reasons:

That it has not been demonstrated that there is an essential operational need for two full time workers to live on site at all times. Furthermore, it has not been demonstrated that there are not any other properties within the nearby villages which would provide suitable accommodation for such workers, As such; the development would result in the provision of two new dwellings in an unsustainable location contrary to policy H4 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.

<b>13/1651/P/AC The Guildhall Goddards Lane Chipping Norton</b>	
Date	25/11/2013
Officer	Abby Fettes
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHIPPING NORTON
Grid Ref:	431384,227230

**APPLICATION DETAILS**

Alterations to replace existing fascia and hanging signs.

**APPLICANT**

West Oxfordshire District Council, Council Offices, Woodgreen, Witney, Oxon, OX28 1NB

**BACKGROUND INFORMATION**

The application seeks advertisement consent for two replacement signs at the Guildhall, Chipping Norton. It is a listed building located within the Chipping Norton Conservation Area.

The application is brought to committee for determination as the District Council is the applicant. The application is an amended scheme as the previous application 13/1388/P/AC was deferred for amendments from the November Uplands Area Planning Sub Committee and subsequently withdrawn.

**I PLANNING HISTORY**

13/1388/P/AC and 13/1389/P/LB Alterations to replace existing fascia and hanging signs which was withdrawn following Member comments at the Uplands Sub Committee in November 2013.

## **2 CONSULTATIONS**

### **2.1 Chipping Norton Town Council**

No response received to date (closing date for comments 23<sup>rd</sup> December).

### **2.2 Highway Authority**

No response received to date (closing date for comments 23<sup>rd</sup> December).

## **3 REPRESENTATIONS**

3.1 Four neighbours were consulted and no representations have been received to date. The closing date for comments is 23<sup>rd</sup> December and an update as to the comments received will be given in the Additional Representations Report and/ or verbally at the Sub Committee Meeting as necessary.

## **4 APPLICANT'S CASE**

4.1 A Design and Access Statement has been submitted with the application and is summarised as follows:

- The WODC operated Guildhall site will operate as a one stop shop for Police, Council and Visitor Information Services.
- To deliver this new working arrangement both the Council and TVP would like to change the current signage to make the new partnership clear to residents and visitors alike
- Following feedback from Members at the November sub committee the design has been revised to show the Information point and the background colour has been changed to navy rather than the white background

## **5 POLICY**

5.1 In your officers opinion, the following policies of the West Oxfordshire Local Plan 2011 are considered relevant to this application:

- BE15 Advertisements and Signs

## **6 PLANNING ASSESSMENT**

6.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Amenity
- Public Safety

### Amenity

6.2 The proposal is for new signs to show that the Guildhall will be accommodating the Police counter service and the Visitor Information Service as well as the District Council. The signs are replacements for the existing signage with additional information pertaining to the Police and the Customer Information Centre. The design has been amended and the background colour is darker and the information "i" is more prominent on both signs. The information is also more evenly distributed on the signs. Both the hanging sign and the wall mounted sign are the same size and

form as the existing signs and will be located in the same positions and are not considered to detrimentally impact on the amenity of the area.

#### Public Safety

- 6.3 The sign is to be hung from the existing sign bracket which is over 3.5m above ground level so the bottom of the sign is over 2.8m from the pavement. It is not considered to detrimentally impact on the safety of users of the footpath. The sign is non-illuminated and in the same position as the existing signage and would not be an undue distraction to vehicles using the public highway.

#### Conclusions

- 6.4 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, subject to no further representations being made.

### **RECOMMENDATION**

That advertisement consent be granted subject to conditions:

- 1 This consent shall operate for a period of five years from the date of this notice.  
REASON: By virtue of R.13 (5) of the above regulations.
- 2 That the development be carried out in accordance with plan No(s) 1a and 2a.  
REASON: For the avoidance of doubt as to what is permitted.

<b>13/1652/P/LB The Guildhall Goddards Lane Chipping Norton</b>	
Date	25/11/2013
Officer	Abby Fettes
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHIPPING NORTON
Grid Ref:	431384,227230

### **APPLICATION DETAILS**

Alterations to replace existing fascia and hanging signs.

### **APPLICANT**

West Oxfordshire District Council, Council Offices, Woodgreen, Witney, Oxon OX28 1NB

### **BACKGROUND INFORMATION**

The application seeks Listed Building Consent for the provision of replacement signage at the Guildhall. The application relates to a Grade II Listed Building located in the Conservation Area.

The application is brought to committee for determination as the District Council is the applicant. The application is an amended scheme as the previous application 13/1389/P/LB was deferred from the November Uplands Area Planning Sub Committee to negotiate amendments and was subsequently withdrawn.

### **I CONSULTATIONS**

- I.1 Chipping Norton Town Council

No comments received to date (final date for comment 23<sup>rd</sup> December 2013).

## **2 REPRESENTATIONS**

- 2.1 Four neighbours have been notified and, at the time of preparing the report no comments have been received. The Consultation period expires on the 23<sup>rd</sup> December 2013 and an update as to comments received will be given in the Additional Representations Report and/ or verbally at the Sub Committee Meeting as necessary.

## **3 POLICY**

- 3.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 are:
- BE7 (Alterations and Extensions to a Listed Building).
  - BE8 (Development Affecting the Setting of a Listed Building).

## **4 PLANNING ASSESSMENT**

- 4.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issue for consideration is the impact upon the character of the Listed Building.
- 4.2 The application proposes the replacement of existing signs with new signage. The signage will be the same size but with the inclusion of the Thames Valley Police logo and detailing that the Customer Information Centre is located in the building. The change in colour from green to navy and the amended design are relatively modest changes and would not have any significant impact upon the overall character or appearance of the Listed Building. Furthermore, given that the signage is to be located in the same position as the existing, the development would have no impact upon the fabric of the Listed Building. On this basis officers consider that the character, appearance and fabric of the Listed Building are preserved by this development.
- 4.3 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.

## **RECOMMENDATION**

Permit subject to the following conditions:

- 1 This Listed Building Consent is granted subject to the condition that the works to which it relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.  
REASON: The time condition is imposed in order to comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended).
- 2 That the development be carried out in accordance with plan No(s) 1a and 2a.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)

<b>13/1685/P/FP Charnwood Shipton Road Milton Under Wychwood</b>	
Date	02/12/2013 02/12/2013
Officer	Gemma Smith
Recommendation	Grant, subject to conditions
Parish	MILTON UNDER WYCHWOOD
Grid Ref:	427040,218199

## APPLICATION DETAILS

Erection of single storey rear extension.

## APPLICANT

Mr & Mrs Michael McCormack, Charnwood, Shipton Road, Milton Under Wychwood, Oxfordshire., OX7 6JS.

## BACKGROUND INFORMATION

Charnwood is a detached two storey dwelling within Milton under Wychwood within the Cotswolds Area of Outstanding Natural Beauty. This application seeks planning permission for a ground floor single storey extension to the South East side of the dwelling. The extension would be positioned to the rear of the dwelling extending from a previous side extension.

The application has been brought to Members of the Sub-Committee to consider as the applicants agent is related to a member of staff.

## 1 PLANNING HISTORY

13/0909/P/FP – Erection of first floor side extension. Granted permission dated 7<sup>th</sup> August 2013.

## 2 CONSULTATIONS

### 2.1 Parish Council

No reply at time of writing the report (final date for comment 02/01/2014).

### 2.2 OCC Highways

No reply at time of writing the report (final date for comment 02/01/2014).

## 3 REPRESENTATIONS

No representations received at this time. The final date for comment is 2<sup>nd</sup> January 2014. Should any comments be received these will be reported in the Additional Representations report or verbally at the Sub-Committee meeting as appropriate.

## 4 POLICY

4.1 The key policies of the West Oxfordshire Local Plan 2011 for consideration in the determination of this application are, in your officer's opinion, policies:

- BE2 (General Development Standards);
- BE3 (Provision for Movement and Parking); and

- H2 (General Residential Development Standards).

4.2 In addition Section 7 (Requiring Good Design) and Section 11 (Conserving the Natural Environment) of the National Planning Policy Framework are of key consideration.

## **5 PLANNING ASSESSMENT**

5.1 Taking into account planning policy and other material considerations (the representations of the interested parties), your officers consider that the main issues are considered to be:

- Design, form and scale;
- Impact on neighbouring amenity; and
- Highways and parking.

### Design, form and scale

5.2 The proposed modest extension would measure 5.0m in length, 3.5m in width and 3.8m in height to roof pitch. This is considered to be secondary in form and scale to the main dwelling and would not compete with the original property. It is considered that the siting (to the rear) of the proposal would not harm the character of street scene.

5.3 The extension is noted to be constructed in reconstructed stone and tiles to match existing. The extension would be in keeping with the character of the main house and surrounding street scene and on this basis your officers consider that the development would be acceptable as it is in accordance with policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011.

### Impact on neighbouring amenity

5.4 The extension is proposed on the south east side of the dwelling and is therefore blocked from view of the neighbouring property 'Chester Gate' by the existing property. The extension would be situated to the rear of an existing extension and the previously approved proposal for a first floor extension (reference 13/0909) which is yet to be constructed. It is therefore considered that there would be no adverse impact upon properties to the front and rear in terms of loss of daylight or change in privacy.

5.5 The extension would be immediately alongside the boundary with the nearest neighbour 'Priors Haven'. A fence and hedging is between the boundary of the properties. In addition there the proposed windows to the extension are to be situated on the south west elevation facing into the garden of the host property. Therefore it is considered that there would be no significant impact on neighbouring amenity by way of overlooking. On this basis the proposed development is considered to be in accordance with policy BE2 of the adopted West Oxfordshire Local Plan 2011.

### Highways and parking

5.6 Highways officers have not yet had the opportunity to assess the scheme however; officers note that the existing dwelling has access to a least four off street parking spaces. Only three off street parking spaces would be required for a dwelling of this scale and therefore this is considered to remain acceptable. On this basis officers do not consider that the proposal would give rise to unacceptable harm to highway safety however, officers will await the comments from the Highways Authority and update Members in the Additional Representations Report or verbally at the Sub Committee meeting as necessary.

### Conclusions



5.7 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.

## RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 The materials to be used for the external walls and roof of the extension shall be of the same colour and type and texture as those used in the existing building.  
REASON: To safeguard the character and appearance of the area. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 3 That the development be carried out in accordance with the plan No.s 1305/1 and 1305/2.  
REASON: For the avoidance of doubt as what is permitted.

<b>13/1688/P/FP Police House Hixet Wood Charlbury</b>	
Date	02/12/2013 02/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHARLBURY
Grid Ref:	435822,219324

## APPLICATION DETAILS

Erection of replacement dwelling.

## APPLICANT

Mrs Karen Simpson, 2 Police House, Hixet Wood, Charlbury Oxon

## BACKGROUND INFORMATION

The application seeks planning permission for the erection of a replacement dwelling. The application relates to one of two former police houses which are located in a prominent position within the street scene and within the Charlbury Conservation Area.

## I CONSULTATIONS

### I.1 Charlbury Town Council

*1. There is growing concern at the introduction of timber cladding on recent proposals which is not considered to be appropriate in the Charlbury Conservation Area. This application appears to have a considerable area of timber cladding included which is visible from several angles.*

*2. Some concerns were expressed that the appearance of the building is somewhat incongruous in this particular location.*

*3. Materials need to be sensitively chosen to ensure that they reflect those used in the immediate vicinity.*

4. The provision of off road parking will make some of the existing on road parking impossible. Probably no net gain will be achieved.

5. Can this go to committee please.

#### 1.2 OCC Highways

No comments received to date (final date for comment 2 January 2014)

#### 1.3 Charlbury Conservation Area Advisory Committee

No comments received to date (final date for comment 2 January 2014)

#### 1.4 WODC Engineers

No objection subject to conditions

### **2 REPRESENTATIONS**

Ten neighbours were notified of the application and, at the time of preparing the report, no letters of representation had been received. An update will be given in the Report of Additional Representations and/ or verbally at the Sub Committee Meeting as necessary.

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

The applicant has submitted a Design and Access Statement and Heritage Statement as part of the application which are available to view on the District Council's Website or on the application file.

### **4 POLICY**

4.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011, in the determination of the application are policies BE2 (General Development Standards), BE3 (Provision for Movement and Parking), BE5 (Conservation Areas), BE6 (Demolition in Conservation Areas), NE15 (Protected Species) and H2 (General residential Development Standards).

4.2 In addition the West Oxfordshire Design Guide and National Planning Policy Framework are of key consideration.

### **5 PLANNING ASSESSMENT**

5.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- Principle of development (including demolition),
- Design and impact upon Heritage Assets,
- Residential Amenity,
- Ecology and
- Highways and parking.

#### Principle

5.2 The principle of the erection of a replacement dwelling within the existing built up area of Charlbury is supported by Policy H2 of the West Oxfordshire Local Plan 2011.

5.3 Whilst the description refers to alterations and extensions to the existing dwelling, given the level of the dwelling to be demolished officers consider that the proposal is tantamount to the demolition of the existing structure.

5.4 The principle of the demolition of structures within a Conservation Area is controlled by Policy BE6 of the West Oxfordshire Local Plan 2011. The policy only allows for the loss of existing structures where:

- The structure to be demolished makes no positive contribution to, or has an adverse impact upon, the character and appearance of the area, or
- The demolition forms part of redevelopment proposals that will positively enhance and improve the character and setting of the Conservation Area.

5.5 In your officers opinion the existing dwelling is of little architectural merit and pays little regard to the form of development in the area. However, at present it makes a neutral impact upon the character and appearance of the Conservation Area. Given this officers would need to be satisfied that the proposed redevelopment of the site made a positive contribution to the character of the area in line with criteria 2 of the policy.

#### Design and impact on Heritage Assets

5.6 As noted above, the existing dwelling is of little architectural merit however, its impact upon the character and appearance of the Conservation Area is neutral particularly given how much lower the dwelling sits than the existing road level.

5.7 The site is located in the Conservation Area where the test is whether the proposed development would preserve or enhance the character of the area. The National Planning Policy Framework notes that where development is proposed which impacts upon a heritage asset, an assessment of the significance of that asset should be made along with an assessment of the impact of the proposed development upon that significance. The Heritage Assessment submitted in support of the application concludes that the proposed development would make a more positive contribution to the character and appearance of the Conservation Area than the existing building.

5.8 As proposed, the replacement dwelling will carry a more contemporary form than the existing structure. It will also increase in height to sit at the same height as the adjacent Police House (number 1). The existing dwelling, due to its lower ground levels reads as a relatively low structure in the street scene, which is set behind the road frontage and is of simple design and form. The proposed dwelling is increased in height and is extended forward in the site to sit adjacent to the road frontage.

5.9 In consideration of the scheme on site it is noted that the existing dwelling is of limited prominence from the south due to existing planting. When considered from the north however, the dwelling is more visible from some distance. The alterations to the scale and massing of the dwelling results in the building being more prominent however, the strong reference to traditional materials and the amendments to the design and form have resulted in a much simpler form of development when viewed on approach from the north. Given this, officers consider that the proposed design and form, whilst contemporary would have a strong reference back to the vernacular palette of materials and would assimilate well into the street scene.

5.10 The development would be more noticeable due to its contemporary form but given the limited architectural merit of the existing structures officers are of the opinion that, on balance, the development would, at least, preserve the character and appearance of this part of the Conservation Area and as such, consider that the development complies with policies BE2, BE5, BE6 and H2 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.

### Residential Amenity

- 5.11 The proposed dwelling, whilst increasing in height, would not impact upon the residential amenity of neighbouring properties. The dwelling does not provide any new openings which would directly overlook the neighbouring property at number 1 Police House. The majority of the windows will be angled towards the south and given the separation distance of over 20 metres officers do not consider that the development would have any significant adverse impact in terms of overlooking. Given the changing land levels and orientation the development would not result in any harmful overshadowing.

### Ecology

- 5.13 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
1. Deliberate capture or killing or injuring of an EPS
  2. Deliberate taking or destroying of EPS eggs
  3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
    - a) to impair their ability –
      - i) to survive, to breed or reproduce, or to rear or nurture their young, or
      - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
    - b) to affect significantly the local distribution or abundance of the species to which they belong.
  4. Damage or destruction of an EPS breeding site or resting place.
- 5.14 The ecology survey submitted as part of the application notes that there are no protected species at the site which would be harmed by the proposed development. On this basis officers consider that the development is acceptable in ecology terms and would comply with policy NE15 of the West Oxfordshire Local Plan 2011 and the guidance issued by Natural England.

### Highways and parking

- 5.15 At this time the Local Highway Authority Area Liaison Officer has not had the opportunity to assess the proposal from parking and safety perspectives. Whilst no objections were raised to the previously submitted scheme officers will provide an update as to the comments received either in the Additional representations report or verbally at the sub-committee meeting as necessary.

### Conclusions

- 5.16 In light of these observations, having considered the relevant planning policies and all other material considerations, and on the basis of the information available to date, your officers consider that the proposed development is acceptable on its planning merits.

## **RECOMMENDATION**

Permit subject to the following conditions:

- I The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).

- 2 That the development be carried out in accordance with the plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Class A to E of Part 1, Schedule 2, Article 3 shall take place.  
REASON: to preserve the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)
- 4 Before 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 preserve the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)
- 5 The external walls to be constructed of natural stone 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 development commences and thereafter retained until the development is completed.  
REASON: to preserve the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, Brise soleil and slatted privacy screen at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.  
REASON: to preserve the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)
- 7 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 preserve the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)
- 8 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. 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 the supporting Technical Guidance)
- 9 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. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 10 Before development commences precise details of the finished floor, eaves and ridge levels of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To preserve the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)

**NOTE TO APPLICANT**

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

<b>13/1699/P/FP Albion Street Depot/Store Albion Street Chipping Norton</b>	
Date	05/12/201305/12/2013
Officer	Miss Dawn Brodie
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHIPPING NORTON
Grid Ref:	431463,227002

**APPLICATION DETAILS**

Conversion of building to form two dwellings.

**APPLICANT**

Blochouse Ltd, 11 Fleetwood Apartments, 2 Northwold Road, London N16 7HG

**BACKGROUND INFORMATION**

The application seeks planning permission for the change of use of the existing depot building to form two dwellings. The building is located on the eastern side of Albion Street, immediately to the south of Harding’s Yard and to the north of the Chipping Norton Veterinary Hospital. The vehicular access to the car park serving the Chipping Norton Co-op is situated immediately to the west of the application site.

The application site is located in the Chipping Norton Conservation Area and the Cotswold Area of Outstanding Natural Beauty. The existing building is not listed as being of special architectural or historical interest.

The existing depot building is a substantial building constructed of stone under a concrete tile roof. There is a large opening in the western elevation of the building which incorporates an uncharacteristic metal roller shutter. There are also a number of windows and openings to the northern elevation of the building.

Other than the space within the building, there is currently no off street parking associated with the existing depot building.

**1 PLANNING HISTORY**

Planning permission was granted for the change of use of the building to form two dwellings under reference 12/1603/P/FP.

**2 CONSULTATIONS**

2.1 Chipping Norton Town Council:

No comments received to date (final date for comment 02 January 2014)

2.2 OCC Highways:

No comments received to date (final date for comment 02 January 2014)

2.3 WODC Engineers:

*“No objection subject to conditions.”*

2.4 An update as to the comments received will be given in the Additional Representations Report and/ or verbally at the Sub Committee meeting as necessary.

**3 REPRESENTATIONS**

3.1 Twenty four neighbours were notified of the application and, at the time of preparing the officers report, no letters of representation have been received. An update as to the representations received will be given in the Additional Representations Report and/ or verbally at the Sub Committee meeting as necessary.

**4 APPLICANT’S CASE**

4.1 The applicant has submitted a Design and Access Statement, Ecology Report and Structural Survey as part of the application. These documents can be viewed in full on the application file or on the District Council’s Website.

**5 POLICY**

5.1 The application site is located in the Chipping Norton Conservation Area and the Cotswold Area of Outstanding Natural Beauty. Your officers consider the following policies from the adopted West Oxfordshire Local Plan 2011 are particularly relevant:

- Policy BE2 – General Development Standards
- Policy BE3 – Provision for Movement and Parking
- Policy BE5 – Conservation Areas
- Policy H7 – Residential Development in Service Centres
- Policy E6 – Change of Use of Existing Employment Sites

5.2 In addition the National Planning Policy Framework is of consideration.

**6 PLANNING ASSESSMENT**

6.1 Taking into account planning policy, other material considerations and the representations of the interested parties, your officers consider that the main issues are considered to be:

- the principle of the proposed residential conversion;
- access and parking;
- impact upon the character and appearance of the Conservation Area; and
- impact upon residential amenity, and
- ecology.

Principle

6.2 Policy H7 of the adopted Local Plan 2011 identifies the criteria whereby proposals for residential development within Chipping Norton will be considered. Policy H7 allows for the conversion of appropriate existing buildings. The structural report submitted concludes that the building is capable of conversion.

- 6.3 Planning permission has previously been granted for the conversion of the building to two residential properties. Whilst this permission has lapsed, there has been no material change in the circumstances at the site which would lead to the District Council drawing a different conclusion in relation to the principle of development. A statement has been submitted in support of the previously approved application confirmed that the building has been used historically as a storage facility for the storage of cleansing/grounds maintenance equipment and not for employment generating uses. On this basis, your officers concluded that the proposal would not result in the loss of an existing employment site and therefore accords with Policy E6.
- 6.4 Having regard to the above, your officers consider that the principle of converting the existing building for residential purposes accords with Policies H7 and E6 of the adopted Local Plan 2011.

#### Access and Parking

- 6.5 The existing building benefits from a vehicular access directly onto Albion Street. Other than within the existing building, there is no off street parking associated with the use of the building as a depot. The building has historically been used for the storage of cleansing/ grounds maintenance equipment. There is not sufficient space within the building for the maintenance vehicles to manoeuvre. As such, it is currently not possible for these vehicles to enter and exit the site in a forward gear. Furthermore, the existing use also generates a number of vehicle movements. On the basis that there is no off street parking associated with the existing building, the historic use would have resulted in some on street parking in the vicinity of the building.
- 6.6 The plans submitted in support of the application detail the provision of 2 off street parking spaces to serve the proposed dwellings. Having regard to the parking standards within the adopted Local Plan 2011, the proposal would generate a requirement for a maximum of 4 off street parking spaces (2 each to serve the two and three bed units). However, the application site is located on the edge of the Chipping Norton town centre in close proximity to a public car park. There are a range of employment, retail, educational and recreational facilities available within walking distance of the site. Furthermore, there are other forms of transport available including public transport links with Oxford, Stratford, Banbury and Witney. Regard also has to be had to the lawful use of the site which has historically generated a number of vehicle movements.
- 6.7 At the time of preparing the report, the consultation response was still awaited from the County Council as highway authority. An update will be reported in the additional representations report or verbally at the Uplands Area Planning Sub-Committee.

#### Conservation Area

- 6.8 The application now proposes a number of external alterations to the building. The building sits tight on its boundaries and the northern elevation does benefit from a number of openings already. The proposed development utilises the existing openings and provides additional light into the building through the use of rooflights. The proposed alterations are fairly contemporary; however, the use of the timber screens and simple rooflights is considered to be appropriate for this town centre location and would not detract from the more functional form of the existing building. Indeed, the introduction of a more active frontage on the northern elevation would enhance this part of the Conservation Area and would provide some natural surveillance over the neighbouring parking area.
- 6.9 The only other visible change would be the removal of the roller shutter door fronting Albion Street. Officers consider this to be an improvement. On this basis officers are of the opinion that the application would preserve the character and appearance of the Conservation Area.

#### Residential Amenity



6.10 The application proposes no windows which would overlook third party property and as there is no change in terms of the envelope of the building the development would have no adverse impact upon the amenity of neighbouring properties. The openings which face onto the neighbouring parking area are limited, and would not give rise to any harm to the use of this neighbouring site. Neither of the proposed dwellings would be served by private amenity space however, this is a town centre location where amenity space is limited for a number of properties. Officers do not consider that this matter would be of such harm to justify the refusal of planning permission.

#### Ecology

6.11 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).

4. Deliberate capture or killing or injuring of an EPS
5. Deliberate taking or destroying of EPS eggs
6. Deliberate disturbance of a EPS including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young, or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

6.12 The report submitted as part of the application notes that there are no protected species using the building. On this basis officers consider that the development would preserve the local populations of protected species. The development is therefore in accordance with Policy NE15 of the Local Plan and the guidance produced by Natural England.

#### Conclusions

6.13 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.

### **RECOMMENDATION**

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with the plans accompanying the application.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the elevations of the building.  
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)

- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights and timber screens at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the character of the building. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)