

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 3rd March 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

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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.

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13/1767/P/FP The Barn Milton Road Shipton Under Wychwood	
Date	16/12/201324/12/2013
Officer	Mrs Katie Buckingham
Officer Recommendation	Grant, subject to conditions
Parish	SHIPTON UNDER WYCHWOOD
Grid Ref:	427215,218107

APPLICATION DETAILS

Installation of a 199kw biomass boiler with associated flue.

APPLICANT

Mr Sammy Simson, Mill Hill Barn, Woodway Road, Sibford Ferris, Banbury, Oxon, OX15 5DA

BACKGROUND INFORMATION

This application seeks planning permission for the installation of a 199kw biomass boiler with an associated flue. This would be installed in an existing building on the site between Milton under Wychwood and Shipton under Wychwood, set back from the main road. The site has its existing vehicular access opposite to Milton Garage and the Wychwood Primary School and has residential dwellings to the south east, open countryside to the north west and the Solar Farm to the north.

It is important to note that under the General Permitted Development Order 1995 (as amended), the enclosure of the building/ erection of a new building and the provision of a Biomass Boiler is permitted up to 45kw (with an associated flue no greater than 1m in height). Therefore, the applicant can use the barn and a boiler to this kw level without the need for planning permission and this must be considered as the fall back position.

The application has been brought to the Members of the Uplands Area Planning Sub-Committee at the request of Councillor Hibbert-Biles and following the level of comment received and the concerns of the Parish Council.

1 PLANNING HISTORY

13/1313/P/FP – Widening of existing access and access road to barn. Granted.

13/0707/P/AGD – erection of agricultural barn (to include a biomass system not exceeding 45kw thermal). This application was not considered to require Prior Approval, nor Planning Permission hence these works could be carried out under Agricultural Permitted Development.

2 CONSULTATIONS

Original Plans

2.1 Shipton under Wychwood Parish Council

There are no documents associated with this application and there is just a reference to 13/0707/P/AGD where reference is made to a biomass boiler.

My Council believes that the application is incomplete without further detailed information for the reasons and of the type described below and that accordingly the Application should be rejected as incomplete and thus incapable of allowing the Planning Authority to make an informed decision. It is of course open to the

applicant to resubmit a fuller application which can then be the subject of further consultation. The background to this view is as follows.

The burning of biomass fuel is currently regarded as environmentally beneficial overall but it is officially recognised that severe local problems can occur which need to be identified through the planning process and appropriate remedial action required of the applicant. These problems centre around diminished air quality through the emission of oxides of Nitrogen, ash and other particles. There are also environmental issues concerning the storage of feedstock, the disposal of ash and associated traffic movements. Most of these issues can be dealt with if identified in advance through appropriate engineering requirements including flue height and regular maintenance. As the health of local people and particularly school children is at stake my Parish Council takes this most seriously.

Relevant policies are: BE18, BE19, BE20, NE12. Material considerations include; Local circumstances (proximity to school and domestic dwellings); noise, disturbance and smells; traffic and highway safety issues (we cannot believe that increasing the size of the biomass boiler will not result in increased traffic and therefore increased highway safety issues); impact on surroundings.

This problem has occurred repeatedly up and down the country and I see that many planning authorities have adopted a common approach to information gathering and their pro forma is attached. I am sure WODC has its own approach to information collection but it occurred to us that the pro forma gathers together in one place all the information needed to address the concerns my Council expresses. May I leave this with you?

In the meantime we would be grateful if this application could go to committee and be rejected pending resubmission together with the more detailed and entirely relevant information I have outlined.'

2.2 Adjacent Milton under Wychwood Parish Council –

'...note their concern with increased traffic movement with specific regard to the proximity to the primary school'.

2.3 WODC Environmental Health –

'Request for further information on noise emissions, air quality emissions and mitigation measures.'

2.4 OCC Highways -

'The access for this site is located at the point where the school crossing warden assists children and parents to cross the road at the start and end of the school day. I spent a considerable time observing the car parking and pedestrian activity at school drop off/pick up times for the previous application on the site. I concluded that apart from a very short period of time at the ends of the school day there were very few pedestrian movements at this point.

This present application seeks the increase of boiler output size to 199kw from the 45 kw previously approved.

The number of vehicular movements (tractor and trailer or commercial tipper) associated with the supply of wood/pellets/chips would be so few as not to warrant the refusal of a planning permission on grounds of highway safety and convenience.'

Amended/ Additional Plans/ Information

- 2.5 No comments yet received – these will be reported in the Additional Representations Report or verbally at the meeting as appropriate.

3 REPRESENTATIONS

Original Plans

3.1 Representations have been received from Mr and Mrs Munro of Mayfield, D Whitehouse, Mr Pengelly of Cobblers Cottage, PR Jackson, E Newport of Stone Lodge, Mr and Mrs Banks of Malt house, Mrs West and Mr Meecham of Malthouse Cottage and Mr and Mrs Cobb of Castle Bank.

Their comments are summarised as follows;

- I would like to object on the grounds of nuisance to those living nearby and also pollution to their homes and gardens;
- Little attention has been paid to the grain dryer. These machines are very noisy as they have to agitate the grains whilst heating it and incorporate noisy blowers. They also generate large amounts of dust and steam which are discharged into the local environment;
- If the wind is blowing in certain directions, this is blown into the back gardens of the neighbouring properties;
- As approval is already there for a smaller boiler, I presume the larger boiler will mean a larger dryer to accommodate the extra heat generated, which means more noise and dust;
- More information should be provided on noise and dust levels from the dryer and assurance should be given to neighbours that this will not cause a nuisance;
- Day and time limits should be applied and enforced for when the dryer can be operated;
- On the plan mention is made of a possible future dryer, this should go through the planning process;
- I object to where these works are taking place;
- With a larger dryer and boiler there will be more frequent and larger deliveries of biofuel and grain;
- The site is opposite a busy garage where vehicles are regularly parked on the kerb and a primary school where road parking is a big problem. Heavy vehicles using this site could add a considerable burden to this stretch of road;
- There are no official pedestrian crossings in Milton Under Wychwood and the site entrance is on a natural crossing point and the safety here is likely to reduce;
- Building on this land is filling the gap between the two villages which is discouraged;
- This site in the middle of the community is inappropriate;
- This is an AONB and although the solar farm has already been allowed with no further screening, this should not create a precedent for further spoiling the area;
- The added large vehicles coming and going, together with the gym and ménage next door and the school and garage will only increase the chaotic state of affairs outside the school;
- The added dust and particle pollution would have a serious impact on the increasing number of children who suffer from allergies and asthma;
- The applicant is not local and seems set on developing the land into an industrial complex, the stream is blocked and there is little desire to clear it;
- This will affect the character and appearance of the Grade II Listed property, Malt House;
- Burden will fall upon local residents to monitor this site on pollution etc;
- The site will be more 'urbanised' and will impact upon the character and scenic beauty of the countryside and AONB;
- There should be conditions for increased planting, vehicular movements should be prohibited in peak school times and there should be compliance with relevant legislation;
- Particulate matter which will be produced is the air pollutant which most commonly affects peoples health;
- It is proposed to use the farms biomass crop and virgin wood –what farm? How will it get to site?

- Why is the boiler, heated offices and ancillary accommodation required at all?
- We believe there will eventually be an application for housing on this site;
- Will the works actually be 'virtually odourless and smokeless' and 'virtually silent' as suggested?
- The application states the boiler will run for 1800 hours a year, is this also for the dryer? This could be every day for 5 hours.

Amended/ Additional Plans/ Information

- 3.2 No comments yet received – any representations will be reported in the Additional Representations Report or verbally at the meeting as appropriate.

4 APPLICANT'S CASE

- 4.1 Additional information has been provided in relation to the application following the comments of WODC's Environmental Health Officers and the comments received from Shipton under Wychwood Parish Council. This information has been re-advertised until the Committee date.

The applicant has also commented as follows;

'Some of the additional questions asked were applicable to much larger installations of over 366.4 kW and within 20 meters of buildings. Please note this application is regarded as a small scale installation.

I think it important to point out that this scheme is agricultural and already covered under permitted development upto 45kW in size.

The current application is only for a 195kW boiler to increase efficiency on site, as the 45kW boiler could struggle to perform the task required, efficiently.

It includes the FINAL amended plan, which now shows 5 x stack height zone and flue diameter, as recently requested.

This should replace any other plan on file as the master.

It should be noted that the vehicle movements for biomass activities will NOT increase over existing permitted development.

After consultation I can confirm that vehicle movements are considered extremely low. (They would still be considered very low even if movements were 4 x higher).

The reason movements will not increase is that a larger boiler (195kW instead of the 45kW already permitted), will operate far more efficiently for less hours, on a similar quantity of fuel.

The amount of fuel processed on site will be exactly the same. (Broadly speaking, a 195kW will burn circa 175 tons per annum over 1800 hours. A 45kW will burn the same over 8000 hours).

It should also be noted, that apart from an occasional and necessary water heating burn, the boiler will mainly be used when the nights are longer and the weather is colder, or wetter. (mid Autumn, winter upto mid spring).

One can reasonably conclude that these are mainly times when it is better to be inside than out.

We could restrict deliveries of biomass only to avoid school hours if this helps, but they are minimal, off road, and unlikely to cause any problems.

A 195kW boiler will not normally run at 195kW flat out. In all likelihood it will basically tick over much of the time. This makes it very economic and even quieter than stated under test.

On tick over, little smoke is produced and in any event it is only wood smoke. In my honest opinion, it is not unpleasant.

It is completely within guidelines and very much a traditional practice within the area. (Albeit, updated for the 21st Century!)

It does not produce electricity, only heat.

It would be very difficult to hear in operation outside of the building it is housed in. (Even less on tick over, even if you were to stand next to it internally during normal operation).

The nearest building is 83m away and will not hear it.

It is highly automated, so there is no requirement for someone to operate the boiler all the time. (Once or twice a week for about half an hour would suffice).

I must point out, the building is agricultural in nature and we are allowed to operate as an agricultural business as is any other farmer. It has been used as an agricultural site for many years.

There have been large agricultural vehicles and practices of all kinds, lorries, 4x4's, fires, cows, manure piles, cesspits. There were even car boot sales on site.

Nobody, to my knowledge, ever complained of the noise generated at the location. No one has ever complained about the traffic movements on or off the site. No one has ever complained of hours of operation.

The existing permitted development is not restricted, and we have had no complaints, despite working since October.

We cannot limit those hours of operation, as this is wholly dependent on when heating is required. In addition, the agricultural drying process should not be stopped until it is complete, otherwise the exercise is pointless.

The process is automated for night use, so no one need attend. We also have no intention to work at night! However, it must tick over at night when required.

The boiler is highly efficient with stringent compliance of all relevant EU and UK requirements.

The flue and stack height has been independently designed by an expert flue company and is fully compliant with part J. This company (Specflue) has designed thousands of flue stacks throughout the UK, many for biomass installations circa this size.

The fuel is fully compliant G30 wood chip, with no contaminants. Contaminants would damage the boiler and flue to the point where they would require replacement. Therefore, they cannot be used, unless you had more money than sense, as they are not cheap!

I am very confident that concerns regarding this boiler application would be addressed if a site visit to another installation burning G30 wood chip were undertaken.

I think this requires repeating: Why use Biomass?

Biomass is a renewable, low carbon fuel that is already widely available throughout the UK. Its production and use also brings additional environmental and social benefits. Correctly managed, biomass is a sustainable fuel that can deliver a significant reduction in net carbon emissions when compared with fossil fuels.

Benefits of using biomass as a sustainable fuel

Correctly managed, biomass is a sustainable fuel that can offer a wide range of benefits:

Biomass is a “carbon lean” fuel producing a fraction of the Carbon emissions of fossil fuels.

Biomass can be sourced locally, from within the UK, on an indefinite basis, contributing to security of supply.

UK sourced biomass can offer local business opportunities and support the rural economy.

If used as a district scheme, it can also be used to economically heat local houses, businesses and even schools.

The establishment of local networks of production and usage, allows financial and environmental costs of transport to be minimized. There is no region in the UK that cannot be a producer of biomass.

The use of biomass fuel provides an economic incentive to manage woodland which improves biodiversity.

Many biomass fuels generate lower levels of such atmospheric pollutants as sulphur dioxide, that contributes to 'acid rain'. Modern biomass combustion systems are highly sophisticated, offering combustion efficiency and emission levels comparable with the best fossil fuel boilers.

Biomass residues, arisings, co-products and waste not used for energy, or some other application will usually rot. This will generate CO₂ in any case, and may also produce methane (CH₄), a greenhouse gas 21 times more potent than CO₂.

Biomass has the potential to be used for the good of the local community if it is given a chance. We are far behind Germany, Austria, The Netherlands and all the Nordic countries in this regard.

An energy crisis is definitely coming. Ofgem have publicly warned that 2016 is a key year. Electricity and heating are already difficult to square for most families, businesses and schools.

Biomass heating is typically cheaper than traditional fossil fuels. You would be surprised how much is available locally, it just needs drying. Wider local uptake might make it even cheaper.

I would sincerely hope that the information supplied will address any concerns you may have had. With this in mind, I ask that you support this application and get behind a lower carbon, decentralised, Wychwood.

I can be available for any questions if anyone requires additional information'

5 POLICY

5.1 In your officers opinion, the key policies of the West Oxfordshire Local Plan 2011 in the determination of this application as policies:

- BE2 (General Development Standards);
- BE3 (Provision for Movement and Parking);
- BE5 (Conservation Area);

- BE18 (Pollution);
- BE19 (Noise);
- H2 (General Residential Development Standards);
- NE4 (Cotswolds Area of Outstanding Natural Beauty);
- NE12 (Renewable Energy).

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;
- Design and landscape impact;
- Neighbourliness, pollution and environmental health;
- Highways and parking;

Principle of development

6.2 This site has already been considered through the Agricultural Prior Notification process for use of the building on site with a 45kw biomass boiler with a more enclosed barn building than the previous open framed building. These works have partly taken place on site and were not subject to Planning Permission. Prior Approval was not considered to be necessary as sufficient details were submitted with the application on the siting, design and materials of the building and the biomass boiler system complied with Permitted Development regulations.

6.3 This application is therefore only to consider the increase in size of the biomass boiler, not the building or boiler itself. The operation of the biomass boiler, the associated noise/ dust and vehicular movements etc are also therefore only being considered in relation to the larger capacity, not the principle of such a boiler.

6.4 Policy NE12 of the West Oxfordshire Local Plan 2011 details proposals for renewable energy schemes being permitted where the following criteria are met; that there would be no unacceptable impact upon the environment and resources of the area, that there would be no unreasonable nuisance in terms of noise, safety etc and where within the AONB, that they would be small in scale, where it is shown to be in the public interest and where no alternative sites exist.

6.5 In this case, WODC's Environmental Health team have considered the information submitted and have no objections to the application, subject to conditions (see later section). Therefore, it is considered that there would be no unacceptable impact upon the environment and resources of the area and no nuisance to neighbouring properties or the surroundings. The proposal does remain a small scale operation, albeit of larger capacity than allowed by Permitted Development, and would allow for a renewable energy to be used within a farm building. Although the site is within the AONB, the works are all contained internally to the building, which is acceptable in design and form and of a scale and appearance appropriate to its rural location. Therefore, it is not considered that there would be any issues of principle arising and the application is considered to be acceptable as proposed by your officers.

Design and landscape impact

6.6 The building itself has already been approved by the previous agricultural application, hence the scale, form and overall design are outside of the scope of this application. However, it is noted that changes have been suggested to the style of the barn openings on the south east elevation and a flue has been erected at the south end of the roof.

- 6.7 In your officers opinion, the barn openings serving the farm office space are fairly domestic in character, with narrow timber glazed openings which would be more akin to those found on converted office buildings. The applicant has suggested on the amended plans that some solid panels are introduced to try and reduce the domesticity of the openings, although in your officers opinion they remain fairly domestic in character and would be preferable as less divided openings, more typical of those on the opposite elevation. However, it is noted that the elevation concerned is not seen in wider views of the building, are not seen from the entrance to the site and are on the less public face of the building, hence are unlikely to be refusable.
- 6.8 However, should Members share this concern in relation to the openings, a condition could be added to the consent for joinery detail and for these openings to be altered.
- 6.9 In relation to the flue, this is shown as projecting 600mm above the ridge of the roof. As a flue could be erected up to a height of 1000mm without planning consent, this is considered to be acceptable in visual terms.
- 6.10 The site is within the AONB and Shipton under Wychwood Conservation Area, but is in a fairly well sheltered site between the two village envelopes. The building is not visible from the main road and is only glimpsed in views from the nearest neighbouring properties and wider views due to the existing planting. The building is agricultural in form and has replaced an existing structure, hence in visual and landscape terms it is not considered that there is any undue detrimental impact on the character and scenic beauty of the surroundings. The application is therefore considered to be in accordance with Policies BE2, BE5 and NE4 of the West Oxfordshire Local Plan 2011.

Neighbourliness, pollution and Environmental Health

- 6.11 Following a request for further information, the applicant has provided additional specification in relation to the specific equipment to be used, the flue, the output and fuel detail, and air quality. WODC's Environmental Health team have considered the information submitted and have raised no objections to the scheme, subject to conditions. It is therefore considered that there would be no objection in relation to the impact upon the environment and resources of the area and no unacceptable level of nuisance in relation to noise in accordance with Policy NE12.
- 6.12 Policy BE18 requires that there would be no unacceptable levels of pollution, with adequate mitigation measures where necessary and Policy BE19 requires development to not create significant noise disturbance. In your officers opinion and on the advice of Environmental Health officers, both of these policies would be complied with and the conditions attached would provide adequate mitigation/ control against any future noise or pollution issues, should they occur.

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. It is not considered that in highway terms the increase in capacity of the system would result in the same level of increase in traffic (and even with an increase in traffic it would still be of a sufficiently low level that no harm would result on the local highway network).
- 6.14 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

- 6.15 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.

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 SIM/13/04B and the specification submitted.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The 199kW biomass boiler plant hereby approved must satisfy the OFGEM accreditation process for installation and commissioning.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)
- 4 Prior to the first use of the boiler (or within a timetable to be agreed by the Local Planning Authority), the applicant shall provide the Local Planning Authority with an OFGEM Emissions Certificate, providing evidence that the boiler meets the air quality requirements for the rate and quality of emissions of the non-domestic Renewables Heat Incentive (RHI)- Regulation 5A(3) and Schedule A1. The boiler shall be used in strict accordance and comply with the requirements of the Emissions Certificate at all times.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)
- 5 The biomass boiler fuel used shall be that of woody biomass woodchip virgin fuels only.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)
- 6 Boiler fuel and boiler ash shall only be imported and exported from the site during the following working hours: Monday to Friday 7 am- 6 pm, Saturdays 8 am- 1 pm and shall not take place at any time on Sundays, Bank Holidays, Good Friday or Christmas Day.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)
- 7 The tonnage of delivered boiler fuel shall not exceed 200 tonnes per annum or more than 2 fuel vehicle movements per week.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)
- 8 The biomass boiler installation shall only be used and sited within the enclosed space or building as depicted in Drawing No. SIM/13/04 B (Dec 2013).
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)

- 9 That a person responsible for the boiler be identified, contactable and their details displayed on a site board on the site boundary at all times when the boiler is in use.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)
- 10 The noise level emitted from the boiler shall not exceed the existing background level (noise) by more than 5 dBA as assessed according to BS 4142:1997 at any neighbouring noise sensitive premises.
REASON: To ensure the proposal is acceptable in environmental and amenity terms (Policy BE2, BE18, BE19 and NE12 of the adopted West Oxfordshire Local Plan 2011)

NOTES TO APPLICANT

It is an offense to emit dark smoke from the chimney of any building. (Clean Air Act 1993)

14/0007/P/FP 3 Church Street, Bladon, Oxfordshire, OX20 1RS	
Date	20/12/2013
Officer	Gemma Smith
Officer Recommendation	Grant subject to conditions.
Parish	BLADON
Grid Ref:	444864,214668

APPLICATION DETAILS

Alterations to include erection of single storey rear extension.

APPLICANT

Mr & Mrs C Rhodes, 3 Church Street, Bladon, Oxfordshire, OX20 1RS

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a replacement single-storey rear extension. The property is a two-storey terraced property located within the Bladon Conservation Area and Oxford Green Belt. This application follows a withdrawn application, Planning Reference 13/1550/P/FP, for a larger scheme.

Members will have undertaken a site visit prior to the consideration of this application at committee.

I CONSULTATIONS

I.1 Bladon Parish Council

“The members of Bladon Parish Council note that, in these amended plans, there is no mention of extension to the separate building described as "summerhouse" and are assuming that that extension will not proceed. It is also noted that the build line of the proposed extension to the house has been moved away from the boundary with no. 5 Church Street. These two amendments to the original proposals are welcomed, but unfortunately they do not address all the issues raised in response to the previous application.

The members of the Council contest the Design and Access Statement's references only to "modest" and "small" increases. Although the footprint of the existing building may be modestly increased, in this situation members would not describe as a "small addition" the extension which on the plans appears to be of a similar area to the sun room, and half the kitchen area.

As the proposals would still appear to add a further 3.5 metres to the existing extension, at the same height as existing, the objections on the grounds of massing, dominance and loss of light to number 5

Church Street remain.

The overall increase in mass, the additional length of the proposed extension at that height would dominate and loom over the house and courtyard garden at no. 5, which already appear to be lower-lying than no. 3.

There would be a considerable loss of light to both kitchen and courtyard garden which at present only benefit from limited natural light from the west in the afternoon/evening.

The narrow pathway leading to the garden belonging to no. 5 would be constantly overshadowed, and the members of the Parish Council are concerned over the safety implications of a dank, slippery surface underfoot.

The members of the Parish Council believe that a site visit is necessary to fully appreciate the affect of this application in this situation. Due to the individual layout of the two houses the proposed plans to improve the amenities at no. 3 Church Street would have an unacceptable impact on the neighbour's enjoyment of her own space at no. 5. Whilst generally sympathetic to the wishes of residents to extend and improve their property, in this instance the members of the Parish Council have to object to the proposals in their present form on the grounds previously mentioned: dominance, massing and loss of light to the neighbouring property.”

2 REPRESENTATIONS

2.1 Three neighbours were notified and one letter of representation has been received from Gloria Booth of 5 Church Street. The comments are summarised as follows:

- Impact on the property would be big due to the height and length of the proposal.
- Overshadowing and loss of light – will block afternoon and evening sunlight and any outlook from kitchen
- Courtyard will be overshadowed
- Dark tunnel effect would be created which would be overbearing.

3 APPLICANT'S CASE

3.1 The applicant was advised by your officers to withdraw a previous planning application comprising of a larger scheme (Planning Reference 13/1550/P/FP). Subsequently a reduced scheme has been negotiated with the applicant prior to resubmission to address that the side wall would be aligned with the existing dwelling.

3.2 The application is supported by a Design and Access statement which states that the existing rear conservatory requires replacing as it is in poor condition. The Design and Access Statement is summarised as follows:

- Re- submission of application 13/1550/P/FP taking into consideration Officers and Parish comments and to reduce impact on residential amenity.
- The proposal is to rebuild the existing conservatory as it is in poor condition and for a small addition to the rear.
- Seeks to retain traditional detailing to main rear walls and roof aspects
- Designed to provide maximum privacy of adjacent dwelling.

4 POLICY

4.1.1 In your officers opinion the key policies of the West Oxfordshire Local Plan, 2011, in the consideration of this application are policies:

- BE2 (General Development Standards);

- BE5 (Conservation Areas);
- H2 (General Residential Development Standards); and
- NE5 (Oxford Green Belt).

4.2 In addition the National Planning Policy Framework is of key consideration.

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

5 PLANNING ASSESSMENT

5.1 This application seeks permission for the erection of a single-storey rear extension (replacement of the existing conservatory and a 3.5m addition). The extension would be 2.6m in height, and would be constructed of stone, render and slate, glass and felt to match the existing dwelling.

5.2 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:

- Principle of development;
- Impact upon the character and appearance of the Conservation Area; and
- Impact upon residential amenity.

Principle and impact upon Conservation Area

5.3 It is considered that the proposed rear extension is in principle acceptable. The extension is appropriate in form to the existing dwelling. Policy BE2 of the West Oxfordshire Local Plan 2011, seeks for new development to respect and where possible improve the character and quality of the surrounding area. It is considered by your officers that the proposed replacement single-storey extension and addition to the rear would improve the condition of the current structure in situ.

5.4 The single storey rear extension is appropriate to the existing dwelling, in terms of its scale, siting and is considered to be sympathetic in appearance. The property accommodates a large narrow plot and as such the additions are appropriate to the curtilage. The additions are sited to the rear of the property and therefore would have no impact on the street scene. It is also considered that there would be no impact to the character and appearance of the Conservation Area.

5.5 The addition to the rear of 3.5m would amount to a total of 7.6m from the rear of the existing property.

Residential Amenity

5.6 The dwellings in this area are characterised by long narrow garden plots. As a terraced property, the immediate neighbours to be affected would be Lamb House to the south west and No.5 Church Road situated on the north east side.

5.7 Lamb House would be situated 8m in distance from the proposed addition, however the view is considered by your officers to be already compromised by intervening boundary screening. It is therefore considered by your officers, that there would be no harmful impact on neighbouring amenity to Lamb House.

5.8 The rear amenity space of the neighbouring property to the north west of the application site, 5 Church Road, is disadvantaged by a narrow access to a garden situated to the north east of the property, to the rear of the application site and No.5. It is considered by your officers that the main amenity space to the neighbouring property would be considered to be to the garden.

- 59 In addition, it is also considered by your officers that the tunnelling effect to the narrow access of the neighbouring property at No.5 is contributed to largely by the existing close board fencing along the boundary with No.7.
- 5.10 It is considered by your officers, that the kitchen and immediate patio to No. 5 are also already compromised from the intervening garden wall, measuring 3.0m between the properties. This, by site inspection, already leads to loss of light. The new addition proposed at the application site would be 7m on the north west side from the rear of the neighbouring property at No. 5. It is considered that there would be no harmful impact by way of visual intrusion or loss of light to the dwelling at No.5.
- 5.11 Furthermore, the form of the proposed extension is carefully designed in height to be situated below the existing garden wall between the boundary with No. 5. In addition the low mono-pitched roofline, is considered to not result in an overbearing impact to neighbouring amenity.

Conclusions

- 5.12 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is on balance, acceptable on its planning merits and that permission should be recommended subject to conditions.

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: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No(s) P/13/0148/001, P/13/0148/002 and P/13/0148/003.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011.)

14/0050/P/FP Land adj to Riely Close Long Hanborough	
Date	19/12/2013 13/01/2014
Officer	Abby Fettes
Officer Recommendation	Grant, subject to conditions
Parish	HANBOROUGH
Grid Ref:	442111,214151

APPLICATION DETAILS

Erection of eighteen dwellings with associated parking and access from Riely Close.

APPLICANT

Westlea Housing Ltd, Methuen Park, Chippenham, Wiltshire, SN14 0GU

BACKGROUND INFORMATION

The application seeks permission for a Rural Exception Site of 18 affordable dwellings with associated landscaping and parking on a site to the south of the A4095, accessed from Riely Close.

Members of the Uplands Planning Sub Committee may remember an earlier application on this site (Planning Permission Ref. 11/0936/P/FP) which was considered by Members and was subsequently refused but allowed at appeal. The earlier application was for 15 dwellings.

The main change to the previous application is that one of the dwellings proposed of the 15 (which was a 5 bed dwelling) is now proposed to be altered to four 1 bed flats, hence increasing the overall number of dwellings on the site from 15 to 18. However, the physical amount of development on site is similar to that previously approved.

The applicant's agent has confirmed that this amended scheme is proposed following a review of the original scheme in light of the financial viability and changes that have occurred in housing need requirements. Other minor adjustments and the removal of some car ports across the site have also been included.

1 PLANNING HISTORY

- 1.1 Application Ref. 11/0936/P/FP gained planning permission for the erection of fifteen dwellings on site with associated parking and access. The works have not been implemented, although the existing permission would be extant until 2nd October 2015.
- 1.2 The site was originally identified in the Strategic Housing Land Availability Assessment as part of a larger site.

2 CONSULTATIONS

2.1 Hanborough Parish Council

*“Hanborough Parish Council (HPC) is concerned by the vague promise that the allocation of potential homes will be in line with Oxfordshire County Council's affordable housing allocation policies, “the aim being to ensure that the housing will be occupied by local people with the greatest need.” This is not as specific as the promise given previously, which identified existing Hanborough residents and people with strong family ties to Hanborough as those with priority. Indeed, HPC believed it had made successful representations for older social housing to be filled from within the parish when present occupants moved into new affordable homes. **HPC would wish to object to a development that fell short of promising clear priority for parish residents and their relatives in both new and existing affordable homes.***

HPC welcomes Westlea Housing Limited's change of Cottsway Housing Association's original plan for a five bedroom house to be included on the site. Four one bedroom flats will be seen as a better reflection of residents' needs. HPC is also pleased that the new agreement will guarantee that the housing remains affordable and available in perpetuity; although HPC is disappointed that this seems to preclude any possibility of a few tenants working towards part ownership.

HPC would like to see the following details revised:

- *Hedgerow screening of the site appears to have been diminished, with emphasis on prospective residents being able to look out not only upon a green space of their own but beyond to fields and woodland. This flies in the face of many local residents who were promised that the impact of the development on a cherished open space enjoyed by walkers would be mitigated by denser planting*

than that shown on the coloured drawing of the site. Claiming that the new homes and their cars will blend into a “backcloth of tree screening” comes across as disingenuous. Moreover, failure to plant a substantial screen to the south will rekindle fears that a later extension of the development is intended.

- The new homes will be all the more conspicuous if built in Westlea’s proposed mishmash of finishes, including red brick, pebble dash and reconstituted stone. Sovereign’s palette for the affordable homes at Corn Hide captures “the character of local village housing” far better than Westlea’s suggested mixture of ubiquitous suburban styles ever could.
- A footpath link from the housing site onto the Coffin Path has been reinstated after being deleted from the original plan in response to representations. It would lead children onto the wildlife site and possibly deter the badgers from settling back into their set. Rather than a footpath link, HPC would like to see a more robust hedge than the single line of planting shown on the coloured drawing.
- Justifying the first floor flat above one of the garages leading off Riely Close, on the grounds that it prevents this area “becoming a featureless link” with the site, will not console nearby householders whose properties it overlooks. Could it be bundled with the other four one bedroom dwellings elsewhere on the site?
- It is not correct to say that the Parish Council supported access to the site from Riely Close; HPC merely accepted that expert opinion identified Riely Close as the least bad option available.

HPC has yet to be convinced that the necessary remodelling of roads, parking bays and pavements around the Riely Close junction with Main Road has been properly thought through. Nobody seems to have negotiated with the freeholders who own land immediately in front of the parade of shops, with a view to arriving at a coherent plan.

We believe it would be premature for planning permission to be given until safety conscious road and pavement layout has been designed in detail and agreed.”

2.2 OCC Highways

No reply to date (final date for comment 13/02/2014)

2.3 Thames Water

“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 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.

Supplementary Comments

There is a sewage pumping station located within the boundary of this site which is understood to serve several properties within Riely Close. This is currently privately owned but is likely to be transferred to Thames Water by October 2016, therefore we request that access to this station is not affected.”

2.4 WODC Engineers

“According to the EA flood maps, the proposal is not situated in an area at risk from river flooding, but it is close to or within an area at a low risk of surface water flooding. It is more than 20m from a watercourse. The FRA reports that there has been a surface water flooding problem in Riely Close, partly due to its lower level in comparison with the surrounding land causing it to be inundated by surface water runoff from hardstandings and the adjacent school, which then ponded in the dip at the end of the close.

It is calculated that the existing (greenfield) surface water discharge rate from the site would increase from 11.60 l/s to 19.45 l/s as a result for the development. It is proposed to maintain the greenfield rate, or provide betterment by reducing to a zero runoff rate, by providing an excess of on-site attenuation in the form of permeable paving and cellular soakaways. It is anticipated that the surplus capacity of the porous paving could help to mitigate some of the runoff from Riely Close. Another suggestion that is made is for a pump to be installed in Riely Close, to pump water from the highway away from the property.

The site is very flat, with a gradual fall towards the south, away from any properties. It is elevated about 1.8m above the southern end of Riely Close with the entrance to the site at a lower level. The area of the housing development site is 1.41ha. There is an additional ecological development area of 0.79ha, but as there will be change to the amount of impermeable area here it has not been considered as part of the FRA.

Soakage tests have been undertaken, but the results only related to a single test per pit, and not 3 tests as per BRE 365. Full test results will need to be submitted as part of this application. Site investigations reveal underlain by sandy gravels to a depth of at least 1500mm. The superficial gravel deposits are underlain by an unproductive stratum with the bedrock.

The applicant needs to complete an Environment Agency surface water pro-forma for sites between 1ha and 5ha in size and submit it for approval to WODC.

As the development is to be adopted under a Section 38 agreement, OCC will ultimately need to approve the road and drainage design.

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 test carried out at the site to demonstrate the infiltration rate. <Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset.> The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

In these cases the following notes 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)).

Where communal drainage schemes are proposed approval of the scheme will be probably be required from Oxfordshire County Council after April 2014 and the scheme will need to be adopted under the Flood and Water Management Act.”

2.5 Natural England

No reply to date (final date for comment 13/02/2014)

2.6 Thames Valley Police Crime Prevention Officer

No reply to date (final date for comment 13/02/2014)

2.7 WODC Housing

No reply to date (final date for comment 13/02/2014)

3 REPRESENTATIONS

3.1 Comments have been received from Ms B Lyle of Trenowyth, Chatterpie Lane, Combe, Mr James on behalf of the Long Hanborough Methodist Church and Mrs Breakspear of 78 Main Road. Their comments are summarised as follows;

- Since the original appeal, traffic has increased considerably on the A4095 and there is more congestion in the Riely Close car park and adjacent shopping area;
- Affordable housing is very necessary, but to have more traffic going through this close is of great concern for all in the area;
- Please consider an alternative access as requested before, using The Coffin Path. That surely must have precedence over life and limb;
- The Blenheim Allotment site is not the right place for the affordable housing, given the access problems and congestion;
- There is already the village school in this close which generates large amounts of traffic and with the safety implications for the children attending;
- This is a very real issue with the construction traffic having to use a narrow residential close, squeezing past other traffic;
- The parade of shops on the corner of Riely Close produces its own traffic as many patrons come by car from elsewhere;
- The Methodist Chapel on the eastern corner of the close, which has activities in the building throughout the week for the whole community and beyond produces its own share of traffic each day at varying times;
- Existing residents also experience traffic and parking problems;
- The added houses and access through the close has not been thought through, especially as the road layout is to be reconfigured, with the lay by removed, the parking area in front of the shops remodelled and yellow lines introduced in the close. How has this been agreed with OCC without consultation with owners of the land or users of the space?
- The existing car park is already inadequate and there is always overflow onto the road and layby and to take this away will deprive villagers of the parking;
- It is essential to retain the availability of short term parking on Riely Close, as many attendees are elderly or infirm and cannot walk far;
- A path across the playing field has been suggested, however, this would merely push school traffic onto the surrounding roads, like Pinsley and Roosevelt Road which are unable to cope with additional volumes;
- My property, No. 78 Main Road, was situated in an old gravel pit which created a hollow surrounded by a bank which we have maintained;
- The boundary to the west, where one flat was constructed, has remained a point of contention as we believe we own to the other side of the bank. However, when Riely Close was constructed a fence was put up just over the brow of the bank and we have not been able to resolve this with Cottsway;
- How will this bank be secured going forward? If part of it is removed it will collapse, how will it be stabilised;
- As the five bed house will now be 4 one bedroom flats, why not build five and do away with the flat where the present garages are?
- This would allow us and those on Riely Close more privacy and give the builders more flexibility with the new road;

- The rear of the proposed development will remain open, could a fence be erected to clearly define boundaries;
- I note there is a buffer zone between the back boundary of the site and my trees but I am concerned that these boundaries may creep closer to my boundary and a fence would stop this from happening and add privacy.

4 APPLICANT'S CASE

4.1 The application is accompanied by the following documentation available to view online or on the file:

- Design and Access Statement
- Habitat Survey Report
- Arboricultural survey
- Flood Risk Assessment (FRA)
- Public Consultation Statement

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)
- NE3 (Local Landscape character)
- NE6 (Retention of Trees, Woodland and Hedgerows)
- NE15 (Protected Species)
- H2 (General Residential Development Standards)
- H12 (Affordable Housing on Rural Exception Sites)

5.2 Guidance within the West Oxfordshire Design Guide is considered to be relevant to this application, as is the West Oxfordshire Landscape Assessment.

5.3 The priority actions within the Sustainable Community Strategy are also considered to be relevant to this application and the sustainability objectives of the National Planning Policy Framework (NPPF).

6 PLANNING ASSESSMENT

6.1 Your officers consider that the key issues in respect of this application are as follows:

- 1) The principle of the proposed development
- 2) Access and parking
- 3) Siting, design and form
- 4) Impact upon the residential amenity of neighbouring properties
- 5) Impact on ecology and landscape
- 6) Drainage
- 7) S106 contributions

Principle of development

- 6.2 The proposal seeks Planning Permission for a rural exceptions site to create 18 affordable properties for people with a local connection, in line with policy H12 of the Local Plan. This is in place of the existing consent for 15 affordable properties, which was allowed at appeal under Application Ref. 11/0936/P/FP.
- 6.3 As with the previous application, the nature of Rural Exception Sites is that they sit on the edge of towns and villages, on land that would not normally be acceptable for development. Therefore, if this proposal was for private housing it would be contrary to policy. However, as it remains for affordable properties and is in place of an existing consent, the principle of development is considered to remain acceptable.
- 6.4 Your officers consider that the principle of developing the proposed site is therefore in accordance with Local Plan policies BE2 and H12.

Access and Parking

- 6.5 The site access was agreed with County Highways at an early stage and as part of the previous application. Following public consultation with the Parish Council other possible accesses were investigated, however these were ruled out on the following grounds. Firstly the Coffin Path was considered but it was ruled out for a number of reasons. It is a historic right of way between Long and Church Hanborough, it is very narrow and the levels drop away to the east so it would require very substantial upgrading that would affect the existing trees and hedgerows and the badgers sett. The Highways Authority were not supportive as it has sub standard sight lines onto the A4095.
- 6.6 The second access considered was from Roosevelt Road, and across the playing fields but this was ruled out due to the detrimental impact on the playing fields and land ownership issues ruled it out. This coupled with the sheer cost of construction of an access road would render the scheme unviable.
- 6.7 Thirdly, Olivers Garage was considered but the land was outside of the applicants control and in several different ownerships and was therefore not pursued further.
- 6.8 At this stage, no comments have been received from OCC Highway regarding the increase in number of the properties. Any comments received will be reported in the Additional Representations Report or verbally at the meeting as appropriate. However, your officers would comment that in terms of parking, the change has little to no impact as the requirement for a 5 bed dwelling could potentially be 4 off street spaces and with this becoming 4 one bed flats instead, the parking requirement would be the same (i.e. one for each flat). It is noted that some of the parking layout on the site has been altered and some of the car ports removed but off street parking can still be provided for all the properties, at a level of 2 spaces per house and one space per flat.
- 6.9 Three visitor spaces are also still incorporated and this level of parking is now considered to be sufficient. Each property will also have cycle storage for 2 bikes within the sheds that are provided in every garden.
- 6.10 Your officers therefore consider that the proposal is in accordance with Local Plan policy BE3.

Siting, Design and Form

- 6.11 The proposed development is accessed via the rear of properties in Riely Close and all the development is on what was once allotment land but it was handed back to Blenheim some years ago as the sites were underused.
- 6.12 The site layout remains with 1 no. one bed flat over a garage on the access road and then 17 dwellings arranged in a horseshoe. Of the 17 subsequent dwellings, these are 4 no. one bed flats, 8 no. two bed houses and 5 no. three bed houses each of which has dedicated parking and garden space. There are also 3 additional visitor spaces and a small green in the centre of the houses.
- 6.13 The style of the properties is vernacular, they are of a simple flat fronted form, incorporating narrow gable widths and steeply pitched roofs. They are proposed to be constructed of reconstituted stone with concrete tiles or artificial slates with some buildings in render or red brick. These materials are identified as appropriate in the West Oxfordshire Design Guide for this Limestone Wold location and indeed the Planning Inspector for the previous application noted that the development style would accord with the vernacular of the area generally.
- 6.14 The alterations to be made in design are to remove some of the car ports across the site and to alter the 5 bed dwelling in the far south eastern corner of the site to the 4 one bed flats. The external alterations made remain in character with the remaining dwellings on site and do not result in a significantly larger footprint. The design, form and scale therefore remain appropriate and in character with the local vernacular.
- 6.15 Your officers consider that the siting and design of the proposed dwellings is appropriate and in accordance with policies BE2 and H2 of the Local Plan.

Impact on residential amenities

- 6.16 The proposed site is to the south of existing properties in Riely Close and those fronting the Main Road, with agricultural land to the south and east and the recreation ground to the west. It is well screened by existing trees and hedgerows on the west and northern boundaries and it is proposed to bolster this existing screening through further planting as well as new planting along the south and eastern boundaries. Although the concerns raised in this respect by neighbouring properties and Parish Council are noted, the Planning Inspector commented in their report that they consider the site to be well screened, with limited longer distance views and in this edge of settlement location some degree of visibility would be expected in any case.
- 6.17 The built form which is proposed to be altered is all in the south eastern part of the site which is a significant distance from any of the nearest neighbouring dwellings, hence the changes made have no implications in terms of neighbouring residential amenity.
- 6.18 Your officers consider that the new proposal will therefore continue to have no detrimental impact on the residential amenities of adjacent properties and the proposal is in accordance with policies BE2 and H2 of the Local Plan.

Impact on ecology and landscape

- 6.19 The application was accompanied by ecological surveys which concentrated on badgers, reptiles and dormice. The advice from these surveys are that the outlier badger sett be temporarily closed during the construction phase under a license from Natural England, and that reptiles are translocated to other suitable sites prior to start on site. There were no further measures for Dormice as none were found during further survey work undertaken between August and November last year. These mitigation measures can be controlled by condition and the proposal is therefore in accordance with policy NE15.

- 6.20 The proposal is in an area designated as Semi enclosed flat vale farmland within the Eynsham Vale. There are some long distance views when approaching the site from the south from either Church Hanborough or Pinsley Wood, however, the impact can be mitigated through strategic planting and it is not considered that the scheme would be detrimental to landscape character. It is considered to be in accordance with Local Plan policy NE3.
- 6.21 There are no significant trees affected by this proposal, some small self seeded trees will be removed from the site and there are some sycamore trees in the vicinity of the access from Riely Close that will be removed but none of these are individually protected specimens and there will be considerable new planting and landscaping around the site that will mitigate against the loss of any vegetation. It is considered to be in accordance with Local Plan policy NE6.

Drainage

- 6.22 Thames Water have raised no objection to the scheme in terms of drainage and sewerage subject to appropriate SUDS conditions.

S106 contributions

- 6.23 At this stage, no information has been received from OCC in relation to the contributions required. Further information will be provided in this respect either in the Additional Representations report or verbally at the meeting as appropriate.

Conclusion

- 6.24 The proposal is in accordance with relevant policies of the local plan and would be replacing an existing consent, albeit for less dwellings. There are no objections to the scheme in respect of highway safety, subject to conditions and the S106 requirements, the scheme is considered to be meeting an identified need for local people in accordance with policy H12. It is considered to be in character with the village and not detrimental to the landscape character or protected species. The proposal is recommended for approval subject to a S106 to secure Highway contributions and the housing remaining as affordable in perpetuity.

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 hereby permitted shall be carried out in accordance with the approved plans ref. 2010027/P10b, 2010027/P11a, 2010027/P12a, 2010027/P21a and 2010027/P22 to 2010027/P28.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before building work commences, a schedule of materials to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The external walls shall be constructed of artificial 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. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 5 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas 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.

REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 6 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 in the next planting season and thereafter properly maintained.

REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 7 Notwithstanding Condition 2, no development shall take place until details of the proposed sheds have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 8 Notwithstanding Condition 2, no development shall take place until details of, and the phasing for, the mitigation, compensation and enhancement measures for ecology have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details and phasing.

REASON: To safeguard ecology in the area. (Policy NE15 of the adopted West Oxfordshire Local Plan 2011)

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

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 10 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have been submitted to and approved in writing by the Local Planning Authority before development commences.

REASON: To safeguard the safety of occupiers of the proposed dwellings. (Policy BE1 of the adopted West Oxfordshire Local Plan 2011)

- 11 No development shall take place until a Construction Management Travel Plan (to include wheel washing facilities and a time limit on construction and delivery traffic) has been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the character and appearance of the area, living conditions and road safety. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)

- 12 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 13 Development shall not commence until a sustainable drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the implementation of the scheme and a management and maintenance plan for the lifetime of the development which shall include arrangements for the adoption by any public body or statutory undertaker; or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The development shall be carried out in accordance with the approved details.
REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding. (Policies CC2 and NRM 4 of the South East Plan 2009)
- 14 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Hannah Read Revision C) and the following mitigation measures detailed within the FRA:
Limiting the surface water run-off generated by all storm events up to and including the 1% annual probability critical storm so that it will not exceed the run off from the undeveloped site and not increase the risk of flooding off-site.
REASON: To avoid flooding. (Policies CC2 and NRM 4 of the South East Plan 2009)
- 15 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 16 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts to serve the dwelling have been laid out, surfaced, lit and drained in accordance with a detailed plan and specification that has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that a usable parking area is provided and retained. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 17 No dwelling shall be occupied until all the estate roads, footways and cycleways and other pedestrian routes have been laid out, surfaced (apart from the final surfacing) lit and drained in accordance with plans and specifications 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)
- 18 No dwelling shall be occupied until the parking and manoeuvring areas have been laid out, surfaced and drained in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority and these areas shall not thereafter be used for any purpose other than the parking and manoeuvring of vehicles.
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 19 The carports shall not be used for any purpose other than the parking of vehicles.

REASON: In the interest of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

I4/0056/P/FP Harriets Cake Shop 20 High Street Woodstock	
Date	09/01/2014 09/01/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	444536,216684

APPLICATION DETAILS

Change of use of ground floor from retail to residential.

APPLICANT

Mr & Mrs P Jones, Harriets Cake Shop, 20 High Street, Woodstock, Oxfordshire OX20 1TF

BACKGROUND INFORMATION

The application seeks planning permission for the change of use of the ground floor of the property from A3 use to residential to be used in association with the residential accommodation occupying the floors above. The application relates to a Grade II* building located in a prominent position within High Street. The site is also within the Conservation Area. The application also proposes the replacement of the existing shop front with two sliding sash windows, to replicate other openings in the building.

I CONSULTATIONS

I.1 Woodstock Town Council:

“RESOLVED (unanimous) that Woodstock relies on its tourist trade and a variety of refreshment facilities are crucial to support this, therefore WTC objects to this planning application on the grounds that it would deprive the town of a much valued amenity for tourists and residents which is in a prime location in the town, with an authentic historical setting, and to grant it would set an unwelcome precedent.”

I.2 OCC Highways:

“The proposal, if permitted, will have no significant effect on the local road network. No objection.”

I.3 English Heritage:

“This proposal involves substituting sash windows for a relatively modern shopfront in a traditional style. As the shopfront is not of significance and the works would return the elevation to something closer to its 18th century appearance this represents a potential enhancement of the significance of the building and is thus supported in principle. We do note however that the upper floor windows are apparently early 18th century examples, with small panes and thick glazing bars. Reverting to this pattern, rather than replicating the later 18th century style windows of the adjacent property, would arguably be a better course of action as it would make for a more unified elevation. The works will also require the construction of stone flat arches above the new window heads as well as a fair amount of high quality stonework. Any consent granted should be conditional on details being provided as to how this is to be done.”

Recommendation

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

2 REPRESENTATIONS

2.1 Twelve neighbours were notified of the application and three letters of representation have been received from Owner of 12 Brook Hill, Blythe Campbell of 3 Chaucer's Lane, The owner of 94 Manor Road and Brian Yoxall of The Old Stable. The comments received can be summarised as follows:

- There are other places in Woodstock to buy drinks but none have the unique selling point of Harriet's in promoting Woodstock.
- If we agree to this where would it leave us in relation to our fight to retain the butchers?
- The property is important in serving both tourists and residents.
- The town's needs are greater than the applicant's.
- The town needs all the shops it can get.

3 APPLICANT'S CASE

3.1 The applicant has submitted a Design and Access statement in support of their application which concludes as follows:

3.2 The proposed change of use of the ground floor of the application site from the current retail use to residential is fully supported by both national planning policy guidance in the form of the National Planning Policy Framework and local planning policy in the form of the adopted West Oxfordshire Local Plan 2011.

3.3 The change of use will maintain the fine balance between residential and town centre uses in Woodstock Town Centre, a Local Plan objective, and would not result in the loss of an essential community facility or have a detrimental impact on the viability or vitality of the town centre.

3.4 The proposed removal of the late 20th century shop front, which has minimal significance to the overall historic and architectural merit of the listed building, will not cause significant harm to this important heritage asset. The re-instatement of sliding sash windows is supported in principle by both the District Council's Conservation Officer and English Heritage.

3.5 In summary, as the proposed development fully complies with the requirements of the National Planning Policy Framework and the adopted Local Plan and there are no other material planning considerations, there are no reasonable grounds for refusing planning permission or listed building consent. It is anticipated therefore that the application will receive the full support and encouragement of the District Council.

4 POLICY

4.1.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:

- BE2 (General Development Standards);
- BE3 (Provision for Parking and Movement);
- BE5 (Conservation Area);
- BE7 (Alterations and Extension to a Listed Building);
- BE8 (Development Affecting the Setting of a Listed Building);
- SH3 (Change of Use in Town Centres); and
- SH5 (Loss of Local Shops).

4.2 In addition the guidance of the National Planning Policy Framework is 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
- Impact upon the Listed Building
- Impact upon residential amenity
- Highways and parking.

5.2 The associated Listed Building application (Ref. 14/0057/P/LB) appears elsewhere on this agenda however; for the sake of clarity officers have considered the impact of the development upon the character, appearance and fabric of the Listed Building as part of this report.

Principle

5.3 The Local Plan and the National Planning Policy Framework both contain policies and guidance which seek to preserve and enhance the vitality of local service centres. Policy SH5 of the West Oxfordshire Local Plan 2011 seeks to prevent the loss of local shops unless:

- a) the existing use is no longer viable; or
- b) there is no demonstrable loss to the range of goods and services available within or adjoining the settlement.

5.4 This approach is further supported by Paragraph 28 of the NPPF.

5.5 Officers acknowledge that it is unfortunate to lose an establishment of this sort within Woodstock. Whilst this is the case, in considering the principle of the development, officers have to establish whether there is any policy reason to justify the refusal of planning permission. Policy SH5 (detailed above) does seek to prevent the loss of shops (A1 use) however, there are no specific policies which seek to prevent the loss of A3 (café/ restaurant) uses. Officers, note that the provision of cafes are vital to both the tourist trade and are beneficial community facilities however; in this case, given that there are a number of other establishments within Woodstock which serve the same purposes, officers would find it difficult to resist the loss of the unit.

5.6 Indeed, even if the café were considered to be a community facility under Policy TLC12 of the West Oxfordshire Local Plan 2011 the loss of community facilities could be supported where: *'adequate and accessible alternative provision remains or will be provided'* (Policy TLC12 Criteria b).

5.7 On this basis, whilst the loss is unfortunate officers cannot identify a policy which specifically resists such development. Furthermore, Policy SH3 notes that the intrinsic quality of the town of Woodstock is characterised by the inter-relationship of residential properties and retail uses. On this basis, on balance, officers consider the principle of the loss of this unit to be acceptable.

Impact upon the Listed Building

5.8 The property is a Grade II* Listed Building. The existing use of the ground floor is relatively low key and the only change to the structure of the building has been the insertion of the 20th century shop front. The Listing description for the property notes that the property was originally a house. The proposed change to the front elevation of the building will remove the shop window which, compromises the otherwise balanced front elevation of the building to its detriment. Policy BE7 and BE8 of the West Oxfordshire Local Plan 2011 and paragraph 132 of the National Planning Policy Framework seek to protect the historic fabric of Listed Buildings with the NPPF noting that harm to Grade II* Listed Buildings would only be allowed in wholly exceptional circumstances.

Whilst officers note that the harm to the building has already taken place, this application serves to rectify the harm restoring the original character of the building and also serves to secure the long terms future of the property. Whilst this use is relatively low key, future occupiers of the building could wish to intensify the use which could result in more extraction and ventilation equipment being installed. Considering the proposed changes as submitted officers are of the opinion that the proposed development is acceptable in terms of preserving the Grade II* Listed Buildings. Officers have noted the comments of English Heritage and have imposed a suitably worded condition in relation to the form of the proposed replacement windows on the associated Listed Building Consent I4/0057/P/LB.

Residential Amenity

- 5.9 The proposed change of use of the ground floor accommodation to residential would not result in any impact upon the neighbouring properties. The existing structure has a large glazed ‘shop’ window on the front elevation which will be replaced by two smaller sash windows reflecting the original character. The development would, therefore, not result in any harmful overlooking and would preserve the amenity of neighbouring properties.

Highways and Parking

- 5.10 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

- 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 on balance 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(s) 240/1 and 240/2.
REASON: For the avoidance of doubt as to what is permitted.
- 3 That the accommodation hereby approved shall be used as part of the existing dwellings house on the upper floors of 20 High Street and not as a separate dwellinghouse.
REASON: In the interest of residential amenity. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)

I4/0057/P/LB Harriets Cake Shop 20 High Street Woodstock	
Date	09/01/2014 09/01/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	444536,216684

APPLICATION DETAILS

Alterations to include new windows to front elevation.

APPLICANT

Mr & Mrs P Jones, Harriets Cake Shop, 20 High Street, Woodstock, Oxfordshire OX20 1TF

BACKGROUND INFORMATION

PLEASE SEE REPORT PREPARED FOR 14/0056/P/FP

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) 240/1 and 240/2.
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)
- 5 Prior to any works to the exterior of the building commencing full details of all remedial works required and repairs to the existing window openings with particular regard to the flat arches 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 unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interest of the special interest of the Listed Building. (Policies BE7 and BE8 of the West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of the jambs, flat arch, frames, weight box and sliding sashes at a scale of 1:20 along with joinery details at a scale of 1:5 detailing the glazing details and glazing bars which shall match those in the early 18th Century windows in the remainder of the building including 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 character of the Listed Building. (Policies BE7 and BE8 of the adopted West Oxfordshire Local Plan 2011)

14/0079/P/FP Leys Field Barn Great Tew	
Date	08/01/2014/17/01/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Refuse
Parish	GREAT TEW
Grid Ref:	439045,230419

APPLICATION DETAILS

Change of use of agricultural land to domestic, formation of new vehicular access, construction of earth bund and erection of three outbuildings.

APPLICANT

Mr Julian Stevenson, 131 St Marks Road, London W10 6NP

BACKGROUND INFORMATION

The application seeks planning permission for various works at the site including the provision of a new access and driveway to the property, the provision of an earth bund to the south west boundary of the site, an extension of the domestic curtilage and the provision of outbuildings to form a pool house (and associated pool), a bike store and tractor store. The site is located within an open countryside location but is not within any special area of control. However, it is in close proximity to the boundary of the Grade II Listed Great Tew Park. The property itself is Grade II Listed.

I PLANNING HISTORY

Planning permission and Listed Building Consent for the partial reconstruction and conversion of the barns to form a dwelling and the refurbishment of the existing cottage to provide ancillary accommodation was granted planning permission under reference 10/1705/P/FP and 10/1706/P/LB.

Since that time various applications for alterations to that enabling consent have been submitted to and supported by the District Council.

2 CONSULTATIONS

2.1 Great Tew Parish Meeting:

No comments received to date (final date for comment 20/02/14)

2.2 OCC Highways:

“The proposal, if permitted will not have a significant effect on the local highway network

No objection subject to

- *G11 access specification*
- *Close ex vehicular access and reinstate highway verge”*

3 REPRESENTATIONS

- 3.1 Due to the isolated nature of the site no neighbours were directly consulted of the application however, a site notice has been erected at the site. At the time of preparing the report no letters of representation have been received however, an update in relation to this matter will be provided in the Additional Representations Report and/ or at the Sub-Committee meeting as necessary.

4 APPLICANT'S CASE

- 4.1 The applicant's agent has submitted a Design and Access Statement in support of the application which can be viewed in full on the application file or on the District Council's website. The report is however concluded as follows:

'The alterations are viewed to be sensible, considered and holistic in their relationship to the existing buildings and already approved scheme. The proposed palette of materials is the same as already approved within the scheme.'

5 POLICY

- 5.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011, in the consideration of this application are policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE7 (Alterations and extensions to the Listed Building),
- BE8 (Development affecting the Setting of the Listed Building),
- BE11 (Historic Parks and Gardens),
- NE1 (Safeguarding the Countryside) and
- NE3 (Local Landscape Character).

- 5.2 In addition, the National Planning Policy Framework is of key 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:

- Impact upon Heritage Assets;
- Impact upon the local landscape character; and
- Impact upon highway safety.

Impact on Heritage Assets

- 6.2 As noted above the application relates to a range of former barns which are Grade II Listed. The boundary of the application site also abuts the edge of the Grade II Listed Parkland at Great Tew. In the determination of the application for the conversion of the buildings officers paid special regard to the setting and character of the Listed Building and the setting of the nearby Listed Parkland. In the determination of the enabling consent the conversion of the substantial former agricultural buildings was supported as it would allow for a significant level of accommodation without the need for any outbuildings. Furthermore, the domestic curtilage was closely related to the buildings and therefore preserved the character and setting of the Listed Buildings.
- 6.3 The application, as proposed, represents a significant extension of the domestic curtilage essentially extending to the boundary of the Listed Parkland. Whilst both the dwelling and the Parkland are Listed no assessment of the significance of these elements, or the impact of the proposed development on the significance of these elements (heritage statement) has been submitted in support of the application. Paragraphs 131, 132 and 133 of the national Planning Policy Framework note that substantial harm to the significance of a heritage asset should only be supported in exceptional circumstances. In your officers opinion, the proposed development including the long access driveway, the outbuildings located on the outside of the courtyard of buildings and the extended domestic curtilage would lead to a domestication of the land surrounding the former cluster of agricultural buildings. This would result in a significant change to the setting of both the Listed Building and Listed Parkland which would impact upon their significance. As such, in the absence of any 'exceptional circumstance' to support the application officers consider that the

development is contrary to policies BE7, BE8 and BE11 of the West Oxfordshire Local Plan 2011 and paragraphs 131, 132 and 133 of the National Planning Policy Framework.

Impact upon Local Landscape Character

- 6.4 Whilst not in any area of special control policies NE1, NE3 and BE2 seek to protect the character and appearance of the local area for its own intrinsic qualities. West Oxfordshire is a largely rural District and erosion of the rural character of the landscape would be of significant impact to its unique character. In your officer's opinion, this part of the District is a large scale semi-enclosed limestone wolds of the Ironstone Valleys and Ridges which are noted as being visually sensitive to development.
- 6.5 The extension of the domestic curtilage, the domestic features outside of the courtyard (typical of clusters of farm buildings within the countryside), and the access track and earth bund would all be alien features within the landscape and would not respect the intrinsic qualities of the landscape. Indeed, the earth bund with a height of up to four metres would significantly change the landscape character.
- 6.6 Given this officers are of the opinion that the development would also be harmful to the character and intrinsic qualities of the local landscape character contrary to policies NE1 and NE3 of the West Oxfordshire Local Plan 2011.

Highways and parking

- 6.7 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. The application proposes a new access in a more northerly position and a longer access drive. Whilst this leaves little consideration of the storage of bins or other waste receptacles in highway safety terms adequate visibility is provided and the development would allow for passing of vehicles and turning and leaving in a forward gear. 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

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

RECOMMENDATION

Refuse for the following reason:

- I That the proposed access track, earth bund, extended domestic curtilage and outbuildings would lead to an extension of domestic development into the open countryside to the detriment of the character of the former agricultural Grade II Listed Building, the setting of the Grade II Listed Parkland of Great Tew and the setting of the Conservation Area. The proposed development is therefore contrary to policies BE2, BE7, BE8, BE11, NE1 and NE3 of the West Oxfordshire Local Plan 2011 and the guidance of the National Planning Policy Framework.

14/0130/P/FP 40 Hughes Close Charlbury	
Date	24/12/201328/01/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Grant, subject to conditions
Parish	CHARLBURY
Grid Ref:	436146,218998

APPLICATION DETAILS

Removal of garage and extension to existing dwelling. Erection of new detached dwelling with associated parking.

APPLICANT

Charlbury Building Company Ltd, Doric House, Browns Lane, Charlbury, Oxfordshire OX7 3QW

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a new dwelling. The application relates to a prominent site within the Conservation Area situated adjacent to the Charlbury Fire Station on the main thoroughfare through the village. The application proposes a single storey dwellinghouse which will be positioned as a continuation of the existing terrace of properties.

I CONSULTATIONS

I.1 Charlbury Town Council:

No comments received to date (final date for comment 27/02/14)

I.2 OCC Highways:

No comments received to date (final date for comment 27/02/14)

I.3 WODC Engineers:

No objections subject to conditions

I.4 An update as to the consultation responses received will be given in the Additional Representations Report and/ or verbally at the Sub Committee Meeting as necessary.

2 REPRESENTATIONS

2.1 Ten 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 as to the representations received will be given in the additional representations report and/ or verbally at the Sub-Committee meeting as necessary.

3 APPLICANT'S CASE

3.1 An ecology report has been submitted in support of the application. The report concludes that no protected species were located however, advises a precautionary approach with avoidance measures being proposed.

4 POLICY

4.1 In your officers opinion the key policies of the West Oxfordshire Local Plan 2011, in the consideration of this application are policies:

- BE2 (General Development Standards),
- BE3 (Provision for Movement and Parking),
- BE5 (Conservation Areas),
- NE15 (Protected Species),
- H2 (General Residential Development Standards), and
- H7 (Service Centres).

4.2 In addition, the National Planning Policy Framework is 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;
- Impact upon the character and appearance of the Conservation Area;
- Impact upon residential amenity;
- Impact upon highway safety; and
- Protected Species.

Principle

5.2 The principle of new residential properties in Charlbury is controlled by Policy H7 of the West Oxfordshire Local Plan 2011. Charlbury is classed as a 'Service Centre' in the current West Oxfordshire Local Plan 2011 and as such, is held to be a sustainable location for the provision of new dwellings. Policy H7 allows for the provision of new dwellings in such locations where the development would constitute infilling or rounding off. Infilling is defined as the filling of a small gap in an otherwise continuous built up frontage and rounding off is defined as the provision of a dwelling as a logical complement to the existing pattern of development. Given the form of the proposed dwelling (as a continuation of the existing terrace), officers are of the opinion that the development would constitute rounding off and as such, consider the principle of development to be acceptable. Indeed, the National Planning Policy Framework also seeks to support the provision of dwellings in sustainable locations.

Impact upon the character and appearance of the Conservation Area

5.3 The application, as noted above, seeks permission for the provision of a dwelling as a continuation of the existing terraced form of properties. This form of development is replicated on the other side of the access to Hughes Close and as such, the symmetry which currently exists will be slightly altered. Whilst this is the case, there is limited space on the other side, therefore limiting development potential on that side. The proposed dwelling is to be constructed of materials to match the existing form of development will create a covered passageway between the existing and proposed dwelling.

5.4 The area of land currently forms an open piece of land and a garage of no architectural merit is constructed upon it. Whilst the dwelling will result in the loss of some of this space the open nature of the land will be retained by the remaining land which sits forward of the current and proposed dwelling. The open character of this part of the Conservation Area is therefore considered to be maintained as part of the proposal. Officers have suggested a condition to ensure that this area is not enclosed at any point in the future. On this basis officers are of the opinion that the proposed development is acceptable and would preserve the character and appearance of the Conservation Area.

Impact upon residential amenity

- 5.5 The proposed dwelling will have windows in the front and rear of the building. The single storey form and the continuation of the current building line will ensure no harmful impact upon the amenity of the neighbouring property in terms of overbearing impacts or loss of light. It will lead to a reduction in the private amenity space for that property, however, this would not be of harm to the amenity of that property. The new dwelling, due to the layout and form of the existing development would result in some increase in the overlooking to the amenity spaces to the rear, however, this would not be any more harmful than the level of mutual overlooking which already exists.
- 5.6 The proposed dwelling will be located close to the Fire Station however; any potential purchaser would have prior knowledge of this. The proximity of the fire station would not be so harmful in terms of amenity to justify the refusal of planning permission.

Highways and parking

- 5.7 At the time of preparing the officers report the comments of the County Council as highways authority had not been received. Whilst this is the case, the development utilises the existing vehicular access which serves 40 Hughes Close and proposes only a small increase in the width of the access. Currently vehicles have little space to manoeuvre within the site which may cause reversing onto the highway at a point close to the junction with Sturt Road. As proposed each dwelling would be served by two off road parking spaces and would be served by a turning area which would allow access and egress in a forward gear. Therefore, it could be argued that the intensification of the use of the access is offset by the improvements in terms of manoeuvrability. Officers will provide an update of the comments of the County Council in the Additional Representations Report or verbally at the Sub-Committee Meeting.

Protected Species

- 5.8 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.
- 5.9 The report submitted in support of the scheme highlights that there were no protected species discovered at the site however have recommended a cautionary approach in relation to the development. Officers have suggested a condition which requires the development to be carried out in accordance with the recommendations contained within that report. With this condition the development is considered to be in accordance with policy NE15 of the West Oxfordshire Local Plan 2011.

Conclusions

- 5.10 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 drawing numbers 3 and 5.
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 wall, fence or other means of enclosure shall be constructed or erected, other than those expressly authorised by this permission.
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing building.
REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery 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 safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design and materials of boundary treatment to be erected between the existing dwelling and the newly created dwelling. The boundary treatment shall be completed in accordance with the approved details before the building is occupied.
REASON: To safeguard the amenity of the existing dwelling. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 7 No dwelling shall be occupied until the vehicular accesses, driveways, car parking spaces and turning areas that serve the existing and proposed 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)
- 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 That the development be carried out in accordance with Section 4 of the ecology report submitted in support of the application dated January 2014.

REASON: In the interest of protected species. (Policy NE15 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.

14/0163/P/FP The Knoll Oxford Road Enstone	
Date	03/02/201403/02/2014
Officer	Miss Dawn Brodie
Officer Recommendation	Provisional Approval
Parish	ENSTONE
Grid Ref:	437577,224435

APPLICATION DETAILS

Erection of detached dwelling with associated parking.

APPLICANT

Mr P Ducker, Waverley, Banbury Road, Chipping Norton, Oxon OX7 5AW

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a new dwelling on land between The Knoll and Knapp View on Oxford Road, Enstone. The site is located on the western side of the A44 as you move through the village on the A44. The site is set back from the road and there is some boundary screening to the front of the site at present. The application also proposes expansion of the existing off street parking area serving the existing property which will involve ground works due to the changing levels of land to the west of the A44.

I CONSULTATIONS

I.1 Enstone Parish Council:

No comments received to date (final date for comment 06/03/14)

I.2 OCC Highways:

No comments received to date (final date for comment 06/03/14)

I.3 WODC Engineers:

No objections subject to conditions

- I.4 An update as to the consultation responses received will be given in the Additional Representations Report and/ or verbally at the Sub Committee Meeting as necessary.

2 REPRESENTATIONS

- 2.1 The two neighbouring properties have been notified of the application and, at the time of preparing the officers report, no letters of representation have been received. The consultation period does not however, expire until the 6th March 2014 and as such, 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.

3 APPLICANT'S CASE

- 3.1 A Planning Statement has been submitted in support of the application which can be viewed in full on the application file or on the District Council's website. The statement however, is summarised by the following paragraph in the document:
- 3.2 *In summary, as the proposed development fully complies with the requirements of the National Planning Policy Framework and the adopted Local Plan and there are no other material planning considerations, there are no reasonable grounds for refusing planning permission. It is anticipated therefore that the application will receive full support and encouragement from the District Council.*

3 POLICY

- 3.1.1 In your officers opinion the following policies of the West Oxfordshire Local Plan 2011 are of particular relevance in the consideration of this application:
- BE2 (General Development Standards),
 - BE3 (Provision for Movement and Parking),
 - H2 (General Residential Development Standards), and
 - H6 (Medium Sized Villages).

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 issues are considered to be:
- Principle;
 - Impact upon the character and appearance of the area;
 - Impact upon residential amenity; and
 - Impact upon highway safety.

Principle

- 4.2 The principle of new residential dwellings in Enstone is controlled by policy H6 of the West Oxfordshire Local Plan 2011. The policy allows for the provision of new dwellings where they constitute infilling or rounding off. Infilling is considered to be the filling of a small gap in an otherwise continuous built up frontage and rounding off is development as a logical complement to the existing pattern of development.
- 4.3 The site forms a gap between two dwellings however, is located on the west side of the A44 where development is more sporadic. Whilst this is the case, the development would conform to either definition and as such, officers consider that the principle of the development is acceptable.

Design and impact upon the character and appearance of the area

- 4.4 The dwelling has been designed to reflect both of the neighbouring properties. The neighbouring property to the South is a dwelling with half dormers whilst the property to the north has first floor accommodation fully within the roof space. The application proposes a dwelling with dormers sitting on the eaves of the building, bridging the design differences between the two properties. The dwelling will be constructed of stone under a plain tile roof in order to ensure that the proposal sits comfortably with the neighbouring dwellings.
- 4.5 The space to which the application relates is a gap in the street scene however, development on this side of the A44 is more sporadic in nature. Whilst sporadic the site does form a gap in a row of approximately five dwellings and the gap does not significantly contribute to the character or distinctiveness of the settlement. The District Council has previously refused development further along the A44 on this side of the road but this was on a site which extended development beyond the existing built form. On this basis officers are of the opinion that the dwelling itself would preserve the character and appearance of the area and is acceptable in terms of design.
- 4.6 Whilst this is the case, the application does propose the enlargement of the existing parking area which is cut into the land and provides parking for existing properties. Limited information has been submitted in respect of this element of the scheme with only ground plans having been received. Given the rising land levels to the west of the application site officers have requested more detailed level information, elevation plans and details of retaining structures in relation to this part of the scheme to ensure that the enlarged parking area, and any engineering works required to provide it, would not be so harmful to the amenity of the area to justify the refusal of planning permission. An update on this element will be given at the Sub-Committee Meeting.

Residential Amenity

- 4.7 The dwelling will sit on the space between the two gable ends of the existing dwellings. Neither of the dwellings on either side have any windows in the gable ends which would be adversely impacted by the proposed development. Both properties do however have front and rear facing windows which are also unlikely to be impacted by the proposed development. Whilst sitting marginally forward of The Knoll the one metre forward projection would not be harmful to windows in the front elevation. Similarly, the dwelling will sit alongside the gable of Knapp View and will not impact upon this property's windows. The amenity space of The Knoll will already experience some mutual overlooking due to the attached nature of the neighbouring property at Slade Cottage. Whilst this is the case, the separation distance from Knapp View and the property to the north gives the amenity space serving that property a degree of privacy. Rear windows of the proposed dwelling will allow some overlooking of the amenity space serving this property, however, the angles will be oblique and the closest window serves a bathroom. With this in mind, officers do not consider that the development would be so harmful to the amenity of existing properties to justify the refusal of planning permission.
- 4.8 The proposed dwelling, when completed, will be served by adequate amenity space and whilst experiencing a degree of mutual overlooking from the properties on either side, will not be the subject of any harm in terms of amenity.

Highways and parking

- 4.9 The application proposes six off street parking spaces sufficient to serve the existing and proposed dwellinghouses. The turning area associated with the spaces is limited, however, is larger than the existing space. At the time of preparing the officers report officers have not received the comments of the County Council as highways authority and an update in regard to this matter will be given in the Additional Representations Report or verbally at the Sub-Committee Meeting as necessary.

Conclusions

- 4.10 In light of these observations, having considered the relevant planning policies, all other material considerations and based upon the information available to date your officers consider that the development is acceptable at this time. This is subject to the receipt of amended plans clearly showing the proposed alterations to the parking area fronting Oxford Road and subject to the receipt of relevant consultation responses.

RECOMMENDATION

Provisional approval with delegated authority to officers to determine following the expiry of the consultation period and subject to no new and substantive issues being raised in the remainder of that period.