

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 1 September 2014**

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



WEST OXFORDSHIRE  
DISTRICT COUNCIL

Purpose:

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

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director.

The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

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

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

## **Agenda Index**

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<b>14/0628/P/S73 Pomfret Castle Farm Banbury Road Swerford</b>	
Date	29/04/2014
Officer	Gemma Smith
Officer Recommendation	Provisional REFUSAL
Parish	SWERFORD
Grid Ref:	436667,230302

### **APPLICATION DETAILS**

Non compliance with condition 14 of planning permission 07/1085/P/FP to allow three converted barns & one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation. (Retrospective)

### **APPLICANT**

Mr & Mrs Terry Kelsey, Pomfret Castle Farm, Banbury Road, Swerford, Chipping Norton, Oxfordshire  
OX7 4AR

### **BACKGROUND INFORMATION**

This application seeks a variation of condition for planning permission 07/1085/P/FP that allows three converted barns and one unconverted barn to be used as holiday accommodation. This application seeks a variation of Condition 14 of the original granting consent 07/1085/P/FP (part-retrospective) to enable two converted barns and one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation. This application follows a previously refused application (Planning Reference 13/0171/P/S73) to allow two converted barns and one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation for a temporary period of three years (Part Retrospective). The site in question is within an isolated location comprising of a Grade II Listed Farmhouse, listed stone barns and an outlying (un-Listed barn) set east of the main site. The site lies outside of the Conservation Area and the Cotswolds Area of Outstanding Natural Beauty.

### **I PLANNING HISTORY**

Non-compliance with condition 14 of planning permission 07/1085/P/FP to allow two converted barns and one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation for a temporary period of three years (part-retrospective) (Planning Reference 13/0171/P/S73) Refused 22<sup>nd</sup> March 2013.

“Reason for refusal:

- 1 *It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings are not suitable or reasonably capable of holiday let use or alternative uses. E.g. workshops, offices such that the unrestricted residential use for a temporary period of 3 years is the only option for securing retention of the buildings. As such, non-compliance with Condition 14 of 07/1085 is considered contrary to Policy H10 of the West Oxfordshire Local Plan, 2011 and the Government’s planning policies for England set out in the National Planning Policy Framework..*
- 2 *.Allowing unfettered residential use in this unsustainable location generates a higher level of vehicular movements than holiday lets. As such, non compliance with Condition*

*14 of 07/1085 is considered contrary to policy T1 of the West Oxfordshire Local Plan, 2011 and Governments guidance in the National Planning Policy Framework.”*

Following that refusal a period of marketing was advocated by members before consideration was given to the need for enforcement action.

### Other History

Conversion of Barn One into a holiday let and Barn Two into three holiday lets (Planning Reference 07/1085/P/FP & 07/1086/P/LB) Granted subject to conditions.

Alterations and conversion of barn to business use (Planning Reference 07/0601/P/FP and 07/0600/P/LB).

Conversion of barns to three holiday lets and ancillary accommodation (Planning Reference 07/0599/P/FP).

## **2 CONSULTATIONS**

### 2.1 Swerford Parish Council-

No Comments Received.

### 2.2 Adj Council Little Tew-

No comments received.

### 2.3 OCC Highways-

*“The location is considered unsuitable for an unfettered residential use. Poor accessibility to essential shops and services will result in residents being highly dependent upon the private car and therefore, from a transport perspective, the proposal is considered unsustainable.”*

## **3 REPRESENTATIONS**

3.1 No representations have been received in regards to the application.

## **4 APPLICANT’S CASE**

4.1 The application is accompanied by a supporting statement. The document is summarised as follows:

- This application seeks unrestricted living accommodation which is not a temporary consent for 3 years like the submission made in 2013 (Planning Reference 13/0171/P/S73).
- In this time the conversion of Unit C in Barn Two has been completed. This unit was not included in the previous application.
- Unit A Orchard Barn tenants are on a 6 months lease which ends August 2014.
- Unit B- unconverted. There are no plans to convert Unit B.
- Unit C – The Stables – currently occupied by the applicants. Since the previous application the main farmhouse has been let out on a one year tenancy which ends 9<sup>th</sup> July. The applicants have moved from the main house into the one of the converted barns.

- Unit D –The Cartshed is let on a periodic tenancy with 2 months notice to leave.
- In depth pre-application advice was sought following the refusal of 13/0171/P/S73 with the case officer and enforcement officer to demonstrate a comprehensive marketing exercise to demonstrate that the retention of buildings could only be secured through conversion to unfettered residential use.
- It is for unforeseen circumstances of the current recession which has led to the breach of planning control;
- The costs of the conversions and restoration of the dwelling are not being recouped through the use of the converted buildings as holiday lets. The returns of short term tenancy lets result in a lesser annual economic shortfall.
- Other factors limit the potential returns from the barn conversions as holidays lets which include, the proximity to the A361, ongoing building works created by ongoing conversion works (All works have since been completed since this statement in 2013), oversupply of business units in more remote locations. Building works and close proximity to the A361 make the units unattractive to holiday makers.
- The restoration of the Listed farmhouse and Listed barns has both preserved and enhanced important heritage assets which are highly visible from the public domain.
- Following from the previously refused application, the changes to the Use Classes Order to allow the change of use of agricultural buildings to residential use without requiring planning permission was introduced by the Government. Although these are not relevant to Pomfret Castle barns, the applicant identifies that the central government are determined to increase the supply of housing in rural areas.
- Marketing exercise through Knight Frank ran from 18<sup>th</sup> October for 6 months.
- The conclusions of the marketing exercise were that during the exercise 106 parties expressed an interest in the properties for residential use. It is clear that there is a low-level demand for non-residential property in the area. The restriction to non-residential use, despite the location, means that the properties have proved unattractive to those buyers registered with Knight Frank and to who have marketed the property.
- The prolonged recession has had a major impact on the on-going conversion works, with the returns from holiday lets being uneconomic and unsustainable.
- To continue the restoration of the Listed farmhouse and barns a high standard of restoration is required for the use of the buildings to be economically viable. If the project is completed by future occupiers the importance of these heritage assets will have been lost.
- It is considered that if the site is left it will have a semi-derelict appearance detracting from the setting of the buildings within the AONB.

4.2 In addition the application is accompanied by a marketing exercise which is summarised as follows:

- A 6 month marketing exercise by Knight Frank was agreed with the LPA and failed to establish that there was any market interest in the barns for the preferred uses.
- The objective was to undertake a comprehensive marketing campaign for the partially converted barn buildings at Pomfret Castle Farm from 18<sup>th</sup> October 2013 for 6 months.
- It was marketed for employment use, holiday accommodation and community use.

- The barns marketed were for Stable Barn (partially converted), an unconverted barn, Orchard Barn converted two bedrooms and the Cart Shed converted two bedrooms.
- Marketing board was erected on the side of A361
- Details of the property were sent to all applicants registered on the Knight Frank database.
- Advertised in local newspaper on three separate occasions.
- 106 copies of marketing particulars were sent to interested parties.
- One formal viewing in October 2013 looking at the site as a whole.
- Particulars of the property would have been accompanied by the guide price of £1,285,000.
- The restriction to non-residential use, despite the desirable location means that the properties have proved to be unattractive to those buyers registered with Knight Frank to whom they have marketed the property.

## 5 POLICY

- 5.1 Your officers considered that the following policies of the adopted West Oxfordshire Local Plan, 2011 are particularly relevant:

Policy BE2 General Development Principles.

Policy BE3 Parking and Movements.

Policy BE8 Development affecting the setting of a Listed Building.

Policy BE9 Change of Use of a Listed Building.

Policy H2 General Development Standards.

Policy H10 Conversion of existing buildings in the open countryside.

The provisions of the NPPF are also of relevance

## 6 PLANNING ASSESSMENT

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

- Principle of development;
- Highways and parking implications.

Principle of development.

- 6.2 The original application was granted permission for the conversion of two barns into a series of holiday lets on the condition that the *occupation of the accommodation provided shall be limited to holiday tenancies and those tenancies not to exceed 8 weeks (in each case)*. This condition was introduced to ensure compliance with Policy H4 of the West Oxfordshire Local Plan, 2011 because of the unsustainable location of the site for new residential development and its relative isolation from community facilities and local amenities.
- 6.3 Residential development would not normally be permitted in this location unless there was a genuine operational need for a full-time worker to live on site. Policy H10 of the West Oxfordshire Local Plan provides further guidance, particularly in relation to the conversion of the existing buildings to residential use in the countryside. Outside of the towns and villages listed within the settlement hierarchy of the West Oxfordshire Local Plan, 2011 the conversion of buildings for residential use, other than for holiday accommodation will rarely be appropriate. Policy H10

allows conversions for unfettered dwellings only in exceptional circumstances and where retention of the building meets overall sustainability objectives. In open countryside locations such as 'Pomfret Castle', holiday accommodation or non-residential uses are the preferred new uses for existing rural buildings.

- 6.4 Notwithstanding these conditions and the policies of the adopted Plan, 2011, the National Planning Policy Framework introduced changes to provide some flexibility which needs to be given consideration.  
The NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, however LPAs should avoid new isolated homes in the countryside unless there are special circumstances such as:
- *The essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
  - *Where such development would represent the optimum viable use of heritage assets or would be appropriate enabling development to secure the future of heritage assets; or*
  - *Where the development would re-use redundant or disused buildings and lead to the enhancement to the immediate setting; or*
  - *The exceptional quality or innovative nature of the design of the dwelling.*
- 6.5 The most relevant point in this case would be point 2, as it could be argued that unrestricted residential use of the Listed building will ensure that the heritage asset is retained. In addition the applicant identifies the changes to the Town and Country, General Permitted Development Order, 1995 (as amended) and the introduction of Class MB to allow the conversion of an agricultural building to residential use. It is identified that the barns at Pomfret Castle would not benefit from this permitted change due to the Listed Building status. Notwithstanding this, the criteria sets out five reasons for not accepting the use as a residence, one of which being '*an undesirable and impractical location*'. This impractical and undesirable location element is explored further in Paragraph 14 of the National Planning Policy Framework and in your officers opinion would apply in this case. The pd right is not therefore considered particularly relevant
- 6.6 In considering the principle of new residential development officers would have regard to the provision of the adopted West Oxfordshire Local Plan, 2011 and guidance of the National Planning Policy Framework. Proposals for new residential development in Swerford would have been considered under H4 of the West Oxfordshire Local Plan, 2011. In light of the agreed Housing Land Position Statement, the District Council are currently in a position whereby they are unable to demonstrate a five year housing land supply. Given this, in accordance with paragraph 49 of the NPPF, proposals for housing development should be considered in the context of a 'presumption in favour' of sustainable development and that relevant policies for the supply of housing should not be considered up to date.
- 6.7 Given this, the provision of a residential use at this site should be considered in the context of paragraph 14 of the NPPF which states that:  
*"Where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:  
any adverse impacts on doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*
- 6.8 Officers consider that the proposal would be contrary to H10 and the provisions of the NPPF and that this outweighs the benefit of the proposed use. Furthermore the

change of use to unfettered residential would set a dangerous precedent for new residential development in isolated and unsustainable, rural locations.

- 6.9 One of the key differences between the previously refused application and this one is that the condition was to be removed temporarily for three years. This application seeks unrestricted unfettered residential use. Furthermore in the time between the application and this application, conversion works for Unit C in Barn Two has continued and it is now fully converted. In addition the applicants are now in breach of the letting condition in that they have moved out of the main farmhouse into one of the holiday let barns.
- 6.10 The applicant's argument for the unfettered residential use was to increase revenue at the property following loss of investment whilst restoring the Listed Barns and Farmhouse. However, the ongoing investment is noted and in any event it is understood that since the original breach of planning control circa. December 2011 the tourism industry has continued to perform well despite the recession.
- 6.11 Following the refusal of planning reference 13/0171/P/S73 a marketing exercise was undertaken for 6 months from 18<sup>th</sup> October 2013. The marketing exercise uses a combination of campaigns for a price guide for the barns of £1,285,000. Details of the individual price guides for both unconverted and converted barns can be identified in the applicants planning statement documents. Your officers are however concerned that the evidence is not substantiated and provides very little information in relation to the marketing of the properties as holiday lets and whether their use could be made viable with careful management. In light of this, your officers consider that the case has not as yet been made in respect of the viability of the holiday let units and no suitable alternatives have been explored. E.g. part-sale or alternative uses.

#### Highways

- 6.12 The Local Highways Authority Officers have concerns that the location is unsuitable for an unfettered residential use. Poor accessibility to essential shops and services would result in residents being highly dependent upon the private car and therefore, from a transport perspective, the proposal is considered unsustainable. Officers also note the unsuitability of safety highway at the site and access on to the A361. It is therefore considered that the proposal would be contrary to Policy BE3 and T1 of the adopted West Oxfordshire Local Plan 2011.

#### Conclusions

- 6.13 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is unacceptable on its planning merits for the following putative reasons:
- I. It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings are not suitable or reasonably capable of holiday let use of alternative uses such that unrestricted residential use is the only option for securing retention of the buildings. As such, non compliance with condition 14 of 07/1085/P/FP is considered contrary to Policy H10 of the adopted West Oxfordshire Local Plan, 2011 and the Government's planning policies for England set out in the National Planning Policy Framework.



2. Allowing unfettered residential use in this unsustainable location generates a higher level of vehicular movements than holiday lets. As such non-compliance with condition 14 of 07/1085/P/FP is considered contrary to Policy T1 of the West Oxfordshire Local Plan 2011, a Government guidance in the National Planning Policy Framework.
- 3 It is not considered that the marketing exercise has addressed these concerns, but a meeting is scheduled with the agent between the time of agenda preparation and the date of the meeting whereupon additional material may be available for consideration. A verbal update will be given at the meeting.

## RECOMMENDATION

Provisional Refusal.

<b>14/0833/P/FP Reeves Barn Pound Hill Charlbury</b>	
Date	06/06/2014
Officer	Abby Fettes
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	CHARLBURY
Grid Ref:	435493,219763

## APPLICATION DETAILS

Demolition of existing garage and erection of dwelling.

## APPLICANT

Mr L Pratley, Reeves Barn, Pound Hill, Charlbury, Oxon, OX7 3QN

## BACKGROUND INFORMATION

The site is a garage block behind a property fronting Pound Hill in Charlbury. The site is within the Conservation Area and the Cotswolds AONB.

The application seeks consent for the demolition of the existing garage block and replacement with a two storey dwelling with associated parking and amenity space.

The application was deferred by the July sub committee for a site visit which will be carried out on the 28<sup>th</sup> August.

## 1 PLANNING HISTORY

- 1.1 14/0402/P/FP demolition of existing garages and erection of dwelling – Withdrawn following officer concerns over design.
- 1.2 12/10/27/P/FP Demolition of barn and construction of new dwelling and garage with room over. Approved. (adjacent property Abbeywell).
- 1.3 Planning permission for the erection of two dwellings was approved under reference 05/2248/P/FP and was subsequently renewed in 2009 under reference 09/0461/P/RFP.

## 2 CONSULTATIONS

## 2.1 Charlbury Town Council

- “1. Can the letters sent by residents be given careful consideration. It is unusual that this many letters have been sent.*
- 2. Can this go to committee please as interest is considerable. A site visit should be undertaken to understand the issues involved clearly.*
- 3. We consider this to be over development of the site.*
- 4. We object to this application.”*

## 2.2 Highways

*“No objection subject to parking condition.”*

## 2.3 Thames Water

### *“Waste Comments*

*Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)*

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

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

### *Water Comments*

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

## 2.4 WODC Drainage

*“No objection subject to surface water drainage condition.”*

## **3 REPRESENTATIONS**

3.1 12 neighbours were notified of the application. A total of 17 letters have been received from Charlbury residents. 8 letters of support have been received and are summarised as follows:

- Proposed design has been revised in a careful way to address previous concerns.
- Impact on adjoining properties will be minimal.
- I can see no reason why the scheme should not gain consent.
- A number of developments have been granted permission.
- Will enhance the site in a very sympathetic way.
- The Dairy Court and Reeves Barn brought unused employment sites back into use.
- I strongly object to Nimbyism where unrepresentative views try to frustrate an attractive residential proposal.
- It is the same architect used by adjacent property Abbeywell which is a very attractive property.
- The proposed house and proposed materials will fit in well with surroundings.

3.2 9 letters of objection have been received and are summarised as follows:

- Fundamental matters raised on the previous application have not been addressed.
- Our previous comments of objection remain valid.
- Roof terrace will overlook and cause loss of light to The Firs, and will overlook 2 Dairy Court and Abbeywell.
- Utility door will overlook The Firs.
- Will result in over development of the site.
- The roof terrace is unnecessarily high and large and will cause disturbance to neighbours.
- Raised garden levels will result in overlooking, almost 5ft
- The design is not in keeping with the Conservation Area.
- Over development of the site with 4 dwellings is a potential highway issue and parking issues.
- Design of the building is not in keeping.
- The plans do not respect the ground levels or the dramatic impact on our property (5 Dairy Court).
- The location plans omit our windows.
- The proposed fence will be overwhelming from our garden (4m).
- No consideration for retaining walls or problems with drainage from the raised garden.
- Results in urban creep on garden land.
- Extremely concerns that we will lose our view.

3.3 Charlbury Conservation Area Advisory Committee have commented as follows:

- This proposal will be visible from various situations and we were particularly concerned about views from Burford Road.
- At the moment this plot along with The Firs and Dairy Court look bleak as many of trees have been cut down and we would like to see landscaping condition.
- Worried about glass balcony as may reflect light and draw attention to the building.

## **4 APPLICANT'S CASE**

- 4.1 A brief Design and Access statement has been submitted in support of the application and is available to view online and on the file.

## **5 POLICY**

- 5.1 Your officers considered that the following policies of the adopted West Oxfordshire Local Plan, 2011 are particularly relevant:

Policy BE2 (General Development Standards);  
Policy BE3 (Provision for Movement and Parking);  
Policy BE5 (Conservation Areas);  
Policy NE4 (Area of Outstanding Natural Beauty);  
Policy H2 (General Residential Development Standards); and  
Policy H7 (Service Centres).

- 5.2 In addition to the above, the National Planning Policy Framework is a material consideration.

## **6 PLANNING ASSESSMENT**

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

- Principle of development;
- Design and impact on heritage assets;
- Residential amenity;
- Highways and parking implications.

### Principle

- 6.2 The site has historically been used as part of a larger employment site which has now been redeveloped. This site itself has been granted planning permission previously for the redevelopment for residential purposes. The site is not currently used as an employment site and has not been for some time however, officers would suggest that given the residential nature of the immediate surroundings the redevelopment of the site would provide planning benefits due to the constrained nature of the site and poor access visibility. In considering the principle of residential development officers would have regard to the provision of the adopted West Oxfordshire Local Plan, 2011 and the guidance of the National Planning Framework (NPPF).
- 6.3 Proposals for new residential development in Charlbury would have been considered in line with Policy H7 of the adopted West Oxfordshire Local Plan, 2011. In light of the recently agreed Housing Land Position Statement, the District Council are currently in a position where we are unable to demonstrate a five year housing land supply. Given this, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), proposals for housing development should be considered in the context of a 'presumption in favour' of development and that relevant policies for the supply of housing should not be considered up to date.

- 6.4 Given this, the provision of a house on the site should be considered in the context of paragraph 14 of the NPPF which states that:

*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 6.5 In light of the guidance of the NPPF, and that Charlbury is considered to be a relatively sustainable location given the range of facilities and services provided for, officers therefore consider that the principle of development is acceptable.

#### Design and impact on Heritage Assets

- 6.6 The proposed dwelling is of a relatively simple form and the elevations reflect the form of Reeves Barn. The dwelling is proposed to be constructed of natural stone under a slate roof. The existing garage block on site is of poor quality and is of little contribution to the character of the area. The proposed dwelling would, due to its simple design and form provided a visual link between the existing barn conversion at Reeves Barn and the new residential development at Abbeywell and Dairy Court. The dwelling is to be constructed in an appropriate design and materials and would preserve the character and appearance of the Conservation Area.

- 6.7 In regard to the concerns about light reflecting from the proposed glass balcony, these can be addressed by conditioning non reflective glass.

- 6.8 Your officers consider the proposal to be in accordance with policies BE2, BE5 and H2 of the Local Plan.

#### Residential amenity

- 6.9 There are significant changes in land levels over the application site and to the residential development to the rear. The dwelling will appear as a single/one and a half storey from the front and two storey from the rear. It will be set back 1.5m from the shared boundary with The Firs.
- 6.10 The proposal includes a terraced area to the rear with 1.5m high side walls to prevent overlooking of the recently constructed properties in Dairy Court and also The Firs to the north west (which Members may recall coming before committee in November 2013 with an application to replace the existing house with a larger dwelling). Given the separation distances officers do not consider that the impact of the development would be so harmful in terms of overlooking to justify the refusal of planning permission.
- 6.11 There are two doors proposed on the north west elevation facing The Firs but it is proposed that there is a 1.8m wall along the shared boundary so it is not considered that this will introduce unacceptable levels overlooking. There are no windows facing south east towards the immediate neighbour at Abbeywell. The existing property at Reeves Barn has an open garden to the rear which has previously been compromised by the employment use. The new dwelling has minimal first floor openings on the front elevation (roof lights) which would not give rise to any direct overlooking.

- 6.12 Your officers consider the proposal to be in accordance with BE2 and H2 of the Local Plan.

Highways and parking

- 6.13 Five parking spaces are shown on the layout for the new property and two remain for the existing dwelling Reeves Barn. Abbeywell has three spaces at the front of the site.
- 6.14 Following August committee, clarification was sought from the Highway Authority following their initial objection. They are satisfied that sufficient on site parking can be provided subject to conditions.
- 6.15 On these grounds officers are satisfied that the proposal is acceptable on highway grounds.

Conclusions

- 6.16 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**

Grant 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 the plans submitted with the application.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no extension shall be constructed.  
REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before 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 The external walls shall be rendered in accordance with a sample panel which shall be laid on site and approved in writing by the Local Planning Authority before development commences and which shall thereafter be retained on site 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)

- 6 The roof(s) shall be covered with natural slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 7 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 BE 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. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest value used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 9 The carport shall not be altered or enclosed and shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011)
- 10 The glazed balcony shall be fitted with non reflective glass and thereafter retained.  
REASON: In the interests of the protection of the Cotswolds Area of Outstanding Natural Beauty.
- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

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 sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)).

<b>I4/0932/P/FP Sunnyside, Upper End, Shipton Under Wychwood</b>	
Date	24/06/2014
Officer	Gemma Smith
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	Shipton under Wychwood Parish Council
Grid Ref:	427755, 216960

## **APPLICATION DETAILS**

Erection of replacement dwelling and detached home office.

## **APPLICANT**

Mr and Mrs J Withey, Sunnyside, Upper End, Shipton u Wychwood, OX7 6DP.

## **1 BACKGROUND INFORMATION**

This application seeks planning permission for the erection of a replacement dwelling and detached home office to the rear of the dwelling. The site is located in the Conservation Area and Cotswolds Area of Outstanding Natural Beauty.

## **2 PLANNING HISTORY**

No relevant planning history.

## **3 CONSULTATIONS**

### **3.1 Shipton u Wychwood Parish Council-**

*“Serious objections were raised as follows, which means the Parish Council requests that the application be taken to Committee and that you advise me of what is happening (so people have an opportunity to make representations at the appropriate moment and date):- There were major concerns over the size of the proposed development compared with the size of the site, as well as its proximity to adjacent properties given windows and the resulting effect on privacy. thinking about reference to existing neighbourly properties either side.*

*Specifically: PPBE2, BE5. Material Considerations: Overlooking and loss of privacy, overbearing and over-dominant in terms of scale.”*

### **3.2 OCC Highways-**

*“The proposal, if permitted, will not have a significant detrimental effect on the local road network. No objection subject to conditions.”*

### **3.3 WODC Drainage Engineers-**

*“The site is situated on a relatively flat gradient; therefore the surface water proposal should not increase the flood risk to other residential properties within the vicinity. As the site is susceptible to surface water flooding, Individual Property Protection should be incorporated into the design. No objections subject to conditions.”*

## **4 REPRESENTATIONS**

4.1 Three neighbouring properties were notified of the application and two letters of representation have been received from Mr. Wilkinson of Wyelands and Dr. Cross of Hillside. The comments can be summarised as follows:



- Concerns over the adverse impact on the ground floor and first floor windows.
- Concerns of loss of up to 50% of light.
- The proposal will be less than 4m rather than 8m in distance from my property.
- The proposal would block both first floor windows view and encroaching on the 45 degree rule.
- There would be a financial impact on the increased lighting that would be required inside my property.
- Loss of views of the countryside from the hallway window.
- Concerns over the construction of the property.
- Impact on neighbouring privacy upstairs proposed frosted window would give a view directly into and upstairs space.
- Do not object to the erection of the single-storey detached office that would overlook my garden and into my lounge area as I do not considered to be as a significant impact as the proposed replacement dwelling. (Comments from Wyelands).
- Support the application and consider it a suitable and tasteful design for the neighbourhood with no detriment to the neighbouring property at Hillside.

## **5 APPLICANT'S CASE**

5.1 A Planning, Heritage and Design and Access Statement has been submitted as part of the application. The document is summarised as follows:

- The principle of the development is considered acceptable with Local Policies.
- The design, scale, layout and form of the proposed dwelling and outbuilding would preserve the character and appearance of this part of the Shipton-u-Wychwood Conservation Area.
- The special landscape qualities of the Cotswolds Area of Outstanding Natural Beauty would be conserved.
- That the amenities of neighbouring residential properties would not be adversely affected.
- That an appropriate quality of accommodation would be provided for future occupiers of the development.
- There would be no adverse impact on existing landscape features on the site.
- That appropriate provision would be made for access and parking to serve the development.

## **6 POLICY**

6.1 Your officers consider that the following Policies of the West Oxfordshire Local Plan 2011 are particularly relevant in the consideration of this application:

BE2 - General Development Standards;  
 BE3 - Provision for Movement and Parking;  
 BE5 - Conservation Areas;  
 BE6 - Demolition in Conservation Areas;  
 NE4- Cotswolds Area of Outstanding Natural Beauty;  
 NE9- Surface Water;  
 H2 - General Residential Development Standards;

6.2 In terms of the National Planning Policy Framework, sections 6 (delivering a wide choice of high quality homes) and 7 (requiring good design) are also particularly relevant.

The West Oxfordshire Design Guide is also an important consideration.

## **7 PLANNING ASSESSMENT**

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

- Principle of development;
- Design and the impact on the character of the area;
- Neighbourliness;
- Highways and parking implications; and
- Ecology.

### Principle of development.

7.2 There are two key considerations in the principle of development, firstly is the demolition of the existing property and second the principle of a replacement dwelling.

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

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

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

7.5 The principle of the erection of a replacement dwelling in this location is controlled by the provisions of paragraph 55 of the National Planning Policy Framework. In considering the principle of a replacement dwelling in this location, officers would have regard to the provision of the adopted West Oxfordshire Local Plan, 2011 and the guidance of the National Planning Framework (NPPF). Proposals for new residential development in Shipton-under- Wychwood would have been considered in line with Policy H2 of the adopted West Oxfordshire Local Plan, 2011. In light of the recently agreed Housing Land Position Statement, the District Council are currently in a position where we are unable to demonstrate a five year housing land supply. Given this, in accordance with paragraph 49 of the National Planning Policy Framework (NPPF), proposals for housing development should be considered in the context of a 'presumption in favour' of development and that relevant policies for the supply of housing should not be considered up to date.

7.6 As the site is not within the built up part of Shipton-u-Wychwood the policy supports the provision of replacement dwellings on the site should be considered in the context of paragraph 14 of the NPPF which states that:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- specific policies in this Framework indicate development should be restricted.”*

7.7 In light of the guidance of the NPPF, officers consider that the principle of the replacement dwelling is acceptable.

#### Design and impact on the character of the area.

7.8 As noted above, the existing dwelling is of little architectural merit however, its impact upon the character and appearance of the Conservation Area is neutral particularly given how much lower the dwelling sits than the existing road level. Officers note that the neighbouring property to the west elevation is a contemporary replacement dwelling approved under Planning References 11/0356/P/FP. As proposed, the replacement dwelling at Sunnyside will carry a more contemporary form than the existing structure (currently a bungalow). It will also increase in height from single-storey to a two-storey property and would sit at the same height as the neighbouring property at Hillside.

7.9 In your officers opinion the Cotswold stone and roof tile is considered entirely appropriate to the character of the street scene and is considered to enhance and preserve the character of the Conservation Area.

7.10 Concerns have been raised over the size of the dwelling, however, the proposed design and form reduces the massing. The proposed double gable frontage splits the mass and subsequent scale of the proposal from the street scene. As such the proposal is not considered to be unduly prominent within the street scene set in context with the neighbouring property at Hillside and Waterworks Cottage. Furthermore the site benefits from a large plot and the scale of the development is considered to be appropriate.

7.11 The detached single-storey office is considered to be secondary in form to the proposed replacement dwelling and appropriate by way of siting, scale and form. The siting of the single-storey office is considered by officers to not result in a detrimental impact on wider views within the Conservation Area and Cotswolds Area of Outstanding Natural Beauty.

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

#### Neighbourliness.

7.13 The replacement dwelling would sit taller than the existing dwelling at 8.2m to tallest ridge height. Given the slight incline in the topography of the road, it is considered that the dwelling will be comparable in scale with neighbouring properties to each side of the proposal site.

- 7.14 There would be no change in proximity of the replacement dwelling to the neighbouring property to the west, Hillside. Furthermore there are no proposed first floor windows to the west elevation of the proposed replacement dwelling. The replacement dwelling would site closer to the neighbouring property to the east, Wyelands. The existing property sits 9m in distance from the west elevation of the neighbouring property. The replacement dwelling would be positioned approximately 2m in distance from the neighbouring property. It is considered that although the dwelling would be closer in proximity to the neighbouring property to the east, your officers consider that the spacing between the dwellings respects the character of the settlement pattern within the road.
- 7.15 Concerns have been raised over the impact on neighbouring amenity by way of loss of light, overbearing impact and loss of privacy as a result of the proposal on Wyelands. Whilst the dwelling proposed will impact upon the light received to these windows, this will be for a short period of the day when the sun is at its lowest due to the orientation of the dwelling. It is therefore considered that the proposed new dwelling would not, in your officer's opinion, be so detrimental to the residential amenity of the neighbouring property to justify the refusal of planning permission. Furthermore there are no first floor windows on the east elevation which would result in overlooking or loss of privacy to the first floor window of the neighbouring property which serves a hallway. Officers consider the two rooflights on the east elevation would not result in a detrimental impact on neighbouring amenity. A condition has been added to ensure no new windows are inserted without express consent.
- 7.16 With regard to the above, officers acknowledge that there may be a perceived loss of light to neighbouring properties as a result of this proposal. Whilst this maybe the case, officers do not consider that the proposal would have such a harmful impact on neighbouring properties to justify the refusal of Planning Permission.
- 7.17 Concerns have been raised over the potential devaluing of the neighbouring property as a result of this proposal. Officers do not consider that the potential financial impact to be of a material planning consideration.

#### Highways and parking.

- 7.18 The comments of the Local Highway Authority have been received and they have raised no objections in relation to the scheme. The application proposes sufficient off street parking and turning space within the site to enable vehicles to enter, turn and leave in a forward gear. The development is therefore considered to be in accordance with policy BE3 of the West Oxfordshire Local Plan 2011.

#### Conclusions.

- 7.19 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 for the following reasons:

- I 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 1411(PL)400, 1411(PL) 103, 1411(PL)207, 1411(PL)100, 1411(PL)101, 1411(PL)102, 1411(PL)200, and 1411(PL) 201.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before 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)
- 4 The roof shall be covered in tiles a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 The external walls of the detached outbuilding shall be constructed with timber boarding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows, rooflights (including cills and heads) and chimneys at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 7 The detached outbuilding hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.  
REASON: A separate dwelling in this location would be would be inappropriate in relation to neighbouring residential amenity and contrary to Policy H2 of the West Oxfordshire Local Plan, 2011.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows shall be constructed in the east elevation of the building.  
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any re-enactment of that Order) no extension or alterations otherwise approved by Class A of Part 1 of Schedule 2 to

the Order, garage or other outbuilding otherwise approved by Class E of Part I of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

REASON: To avoid over development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 10 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 details of the retention of any existing trees and shrubs and planting of additional trees and shrubs; all ground surface treatments and materials and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the character and landscape of the area. (Policies BE2 and BE5 of the adopted West Oxfordshire Local Plan 2011)

- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 12 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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

#### NOTES TO APPLICANT:

- 1 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 sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)).
- 2 The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

<b>14/0966/P/FP The Merrymouth Inn Stow Road Fifield</b>	
Date	07/07/2014
Officer	Abby Fettes
Officer Recommendation	<b>Refuse</b>
Parish	FIFIELD
Grid Ref:	423305,218520

## **APPLICATION DETAILS**

Conversion of public house to five dwellings and associated works.

## **APPLICANT**

Daniel Family Homes C/O Agent

## **BACKGROUND INFORMATION**

The site is a roadside public house with letting rooms in a prominent location on the A424 between Burford and Stow-on-the-Wold at the cross roads with the road from Fifield to Upper Rissington. It is within the Cotswolds AONB.

The application seeks consent for the change of use from a public house to residential, converting and extending the existing buildings to provide 5 dwellings, one 2 bed, three 3 bed and one 5 bed dwelling.

The application is brought before members at the request of Cllr Enright.

## **1 PLANNING HISTORY**

- 1.1 12/0198/P/OP Outline permission to extend guest rooms from 9 to 18 granted May 2012
- 1.2 14/1051/P/RM Erection of two storey building to form additional hotel accommodation with associated works & landscaping. Currently under consideration

## **2 CONSULTATIONS**

### **2.1 Fifield PC**

No comments received to date (publicity expired 31/07)

### **2.2 Highway Authority**

*“No objection, the proposal, if permitted, will generate less movements than the existing.*

*NB the existing cellar flap and proposed bollards may be in the public highway, in which case any works will require a licence from OCC*

### **2.3 WODC Drainage**

*“If full planning permission is granted, could you please attach a SUDs drainage condition”.*

### **2.4 WODC Environmental Health**

*“There are no adverse observations or objections to this application.”*

2.5 WODC Business Development Officer

*“From the economic perspective, there is nothing in the application to suggest that the pub is not a viable business and therefore I would not support the loss of the business to a residential development.”*

2.6 Thames Water

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

*Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.*

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

**3 REPRESENTATIONS**

- 3.1 Three neighbours were consulted. No representations have been received (Closing date 31/07).

**4 APPLICANT’S CASE**

- 4.1 The application is accompanied by a Planning Statement, a Design and Access Statement and an Affordable Housing Statement (received 18/08/14) are summarised below.

Planning Statement

- 4.2 *The Merrymouth Inn is prominent and located in a highly sensitive and beautiful countryside of highest quality. It is however unfortunately no longer economically viable as a public house and hotel. There is a risk it will fall into disrepair and become an eyesore in the AONB. The only viable option is to change the use to residential. This is consistent with adopted and emerging local plan policy, and national planning policy. The proposal will result in conservation and enhancement of the Merrymouth Inn as an important feature in the landscape. The change of use will support social and economic well being of the area by provision of market and affordable housing. Proposed development is in accordance with development plan. For this and other reasons set out in this statement permission should be granted.*

Design and Access Statement

- 4.3 *The form, bulk and materials to be used will allow the proposal to give the impression of a timeless building sitting in the rural scene without standing out as a recent development and will endeavour to complement its surrounding and buildings and not compete with them. Through careful choice of materials and craftsmanship, it is an example of strong traditional design, using vernacular materials that are sensitive to its location within the area.*

Affordable Housing Statement



- 4.4 *Based on the estimated market sale prices and development costs and applying a fairly modest developer's margin to the proposed scheme, the resultant property value is actually negative to the tune of almost £0.25m. Looked at in a different way, just to achieve a nil value for the property or the land means only securing a contribution for overheads and profit of £125,000. In normal circumstances, a developer would not be willing to pursue a scheme with these financial dimensions. It is arguable that The Merrymouth Inn has an alternative use value which is superior to that achieved by a residential conversion scheme. However, the existing business is barely profitable and has been marketed over a lengthy period and attracted no interest. So the current use is essentially of no value. The conversion of The Merrymouth Inn to a smaller number of dwellings might generate an underlying value; its redevelopment as a single plot certainly would if that were permissible in planning terms. Clearly, there is no scope in viability terms to generate any planning obligations from the proposed conversion scheme based on the current estimates for values and costs.*

## **5 POLICY**

5.1 Local plan policies considered to be relevant to this application:

- BE2 – General development standards
- BE3 – Provision for movement and parking
- NE4 – Cotswolds AONB
- H2 - General residential development standards
- H4 – Construction of new dwellings in the countryside
- H10 (Conversion of existing buildings to residential use in the countryside and small villages)
- H11 – Affordable housing on allocated and previously unidentified sites
- TLC12 (Protection of existing community services and facilities)

5.2 Paragraphs 28, 49 and 55 of the NPPF are also of particular relevance.

## **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
- Affordable Housing
- Design
- Highways

### Principle

6.2 The principle of development forms two key parts. Firstly the principle of new dwellings on this site and secondly the principle of the loss of the public house.

6.3 Considering the principle of new dwellings, officers would advise that the District Council does not currently have a five year housing land supply. In accordance with paragraph 49 of the NPPF, if the Council are unable to demonstrate the five year supply of developable sites then the policies of the Local Plan (relating to housing) should be considered out of date and should be determined with a presumption in favour of sustainable development. Paragraph 14 of the NPPF states that where the

development plan is absent, silent or relevant policies are out of date planning permission should be granted unless:

- Adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted.

6.4 Even on the basis of the lack of a five year land supply and the guidance of the NPPF, this site is not considered to be a sustainable location for new housing and officers would advise that the principle of new dwellings on this site is not supportable.

6.5 Whilst officers acknowledge that the housing policies of the local plan are considered out of date, the remainder of the saved policies are still applicable for development management purposes. Policy TLC12 of the West Oxfordshire Local Plan 2011 states that the loss of community facilities (such as public houses) will only be supported where:

- The existing use is no longer viable; or
- Adequate and accessible alternative provision remains or will be provided.

Paragraph 28 of the NPPF also notes that District Council's should be promoting the retention and development of local services in villages such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

6.6 Under TLC12 we would normally expect evidence of a prolonged marketing exercise to demonstrate the non-viability of an existing business to enable us to make an informed decision. Without this evidence we cannot draw a valid conclusion. It is interesting to note that in May 2012 permission was granted (12/0198/P/OP) to double the number of guest rooms, from 9 to 18, because the owners 'receive far more enquiries for rooms than they are currently able to accommodate'. The hotel business was obviously thriving at that point, and there is a current reserved matters application (14/1051/P/RM) that is under consideration to keep that permission live.

6.7 Furthermore, although the information submitted in support of the application shows that the business has been making a loss, it does not confirm that the business has been extensively marketed.

6.8 On this basis, your officers are of the opinion that the proposed development is unacceptable in relation to policy TLC12 of the Local Plan and Paragraph 28 of the NPPF in that it does not secure the retention of the public house in the longer term.

6.9 In this instance, whilst the District Council cannot demonstrate a five year land supply officers are of the opinion that inability of the proposal to secure the retention of the public house is sufficient harm to outweigh the benefit in terms of housing land supply.

#### Affordable housing

6.10 The applicants have submitted information in support of the application that shows provision of affordable housing in accordance with policy H11 would render the proposal unviable. Your officers consider that the information provided is sufficient to justify not providing affordable housing in accordance with policy.

#### Design

- 6.11 The proposal involves the conversion of the existing pub buildings and letting rooms with some extensions.
- 6.12 Plots 1, 2 and 4 would be accessed from the Rissington Road to the north via a parking court, and plots 3 and 5 would be accessed from the existing site entrance from the A424.
- 6.13 It is considered that the general character of the buildings will become very suburban and domesticated. Officers have concerns that the proposal does not result in sufficient amenity for future residents, due to the proximity and overlooking that cannot be avoided because of the layout of the buildings. There is also a proliferation of rooflights across the scheme which would result in a cluttered appearance which is considered inappropriate within the sensitive setting of the AONB.
- 6.14 The proposal is not considered to accord with policies BE2 or H2.

Highways and parking

- 6.15 The Highway Authority is of the opinion that the proposal will result in a reduction in traffic movements from the site, and on that basis have no objection. There is sufficient parking proposed for the number of dwellings. It is not considered that the proposal will be detrimental to highway safety and is therefore in accordance with policy BE3.

Conclusions

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

**RECOMMENDATION**

Refuse for the following reasons:

By reason of the lack of a sufficient detailed marketing exercise, the application fails to demonstrate that the operation of the premises as a public house is not viable and that an alternative community use has been explored. Furthermore, the site is not considered to be a sustainable location for new housing and the design is inappropriate in this sensitive location within the Cotswolds AONB. As such, the development is contrary to Policies BE2, NE4, H4, H11 and TLC12 of the West Oxfordshire Local Plan 2011 and paragraphs 28, 49 and 55 of the National planning Policy Framework.

<b>14/1059/P/FP Cling Clang Farm Hyne Jones Field Church Enstone</b>	
Date	17/07/2014
Officer	Gemma Smith
Officer Recommendation	<b>Refuse</b>
Parish	ENSTONE
Grid Ref:	437986,224874

## **APPLICATION DETAILS**

Erection of a field shelter.

## **APPLICANT**

Mr Stephen Lawson, 8 Keswick Green, Leamington Spa, Warwickshire, CV32 6NA

## **BACKGROUND INFORMATION**

The application seeks planning permission for the erection of field shelter. The application relates to an area of land located to the south of Church Enstone and the north of Enstone. The holding comprises an area of rising land (south to north) and has historically been in agricultural use. There is limited agriculture on the site at present however, an application for a storage barn was approved at committee earlier this year.

The application is brought before committee as the Parish Council have objected to the proposal and it needs to be considered alongside the proposal submitted under reference 14/1060 which does not at the time of agenda preparation have a final recommendation

## **I PLANNING HISTORY**

- 1.1 Application 14/0274/P/FP for the provision of a mobile home was refused planning permission for the following reason:  
*That it has not been demonstrated that there is an essential need for a full time worker to be present on site at most times. As such the proposal would result in a new dwelling in an unsustainable open countryside location contrary to policies H4 and H14 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.*
- 1.2 14/0468/P/FP Erection of a storage barn for hay, straw, fodder and the sorting of livestock. Approved at committee in July 2014.

## **2 CONSULTATIONS**

### **2.1 Enstone Parish Council**

*“Enstone Parish Council strongly objects to these planning applications as the area is unsuitable for all the suggested uses and the scale of the plans do not justify the amount of buildings and investment.”*

### **2.2 OCC ROW Field Officer**

No comments received (Expiry of consultation: 14th August 2014)

### **2.3 OCC Highways**

No comments received. (Expiry of consultation: 14th August 2014)

### **2.4 WODC Landscape and Forestry Officer**

No comments received. (Expiry of consultation: 14th August 2014)

## **3 REPRESENTATIONS**

- 3.1 Two letters have been received from Mr and Mrs Wearing of 4 The Square, Church Enstone and Ms Kemp of The Barnslade, Church Enstone objecting on following grounds:
- main concern is with the planned position of the shelter being on the highest, most open, part of the field and so consequently will be viewable from the footpaths and from Enstone village across the valley
  - concerned that access is not suitable for the increased traffic which we believe will be using this lane/field if Mr Lawson's planned development of the site goes ahead
  - it should be at the top of the field along from the field entrance on Cling Clang Lane & not in the middle of the field - if you watch the sheep that are in the field at the moment they all lie up the top not down the bottom by the silage bales that are there at the moment.
  - The shelter could be dug into the ground to lessen its impact.

#### **4 POLICY**

- 4.1 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),
  - BE12 (Archaeology),
  - H2 (General Residential Development Standards),
  - NE1 (Safeguarding the Countryside), and
  - NE3 (Local Landscape Character).

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

#### **5 PLANNING ASSESSMENT**

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

##### Impact upon the character and appearance of the area

- 5.2 The structure is designed for the sheltering of animals, primarily sheep, during adverse weather. The field is currently very open and so is devoid of both wind, rain and snow protection but also of shade. It is also proposed to be located mid way along a field boundary.
- 5.3 Notwithstanding the use of feather boarding and olive green roofing your officers are concerned that the structure will appear very visually exposed and that this will be exacerbated by the lack of natural screening and the fact that it is located mid boundary rather than tucked into a corner of the field. On balance the visual impact is considered sufficient to justify refusal, notwithstanding that the principle of some form of animal shelter is considered acceptable

##### Highway safety

- 5.4 Notwithstanding the concerns expressed regarding an access the applicant advises that the field shelter does not require an access track and as such it is not envisaged that OCC will be raising highway objections

Conclusions

- 5.5 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 unacceptable on its planning merits.

**RECOMMENDATION**

Refuse for the following reason.

By reason of its elevated and exposed position and incongruous siting the proposed field shelter is considered to represent an unduly harmful feature in the open countryside and when viewed from the adjacent rights of way network and as such is contrary to policy BE2, NE1 and NE3 of the WOLP and the provisions of the NPPF.

<b>14/1060/P/FP Cling Clang Farm Hyne Jones Field Church Enstone</b>	
Date	18/07/2014
Officer	Gemma Smith
Officer Recommendation	Provisional REFUSAL
Parish	ENSTONE
Grid Ref:	437986,224874

**APPLICATION DETAILS**

Erection of a machinery storage barn and extension to existing track.

**APPLICANT**

Mr Stephen Lawson 8 Keswick Green, Leamington Spa, Warwickshire, CV32 6NA

**BACKGROUND INFORMATION**

The application relates to an area of land located to the south of Church Enstone and the north of Enstone. The holding comprises an area of rising land (south to north) and has historically been in agricultural use. There is limited agriculture on the site at present however, an application for a storage barn was approved at committee earlier this year.

The application seeks consent for a machinery store and to extend an existing farm track.

**I PLANNING HISTORY**

- 1.1 Application 14/0274/P/FP for the provision of a mobile home was refused planning permission for the following reason:  
*That it has not been demonstrated that there is an essential need for a full time worker to be present on site at most times. As such the proposal would result in a new dwelling in an unsustainable open countryside location contrary to policies H4 and H14 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.*

1.2 14/0468/P/FP Erection of a storage barn for hay, straw, fodder and the sorting of livestock. Approved at committee in July 2014.

1.3 14/1059 Erection of a field shelter. To be determined.

## **2 CONSULTATIONS**

### **2.1 Enstone Parish Council**

*“Enstone Parish Council strongly objects to these planning applications as the area is unsuitable for all the suggested uses and the scale of the plans do not justify the amount of buildings and investment.”*

## **3 REPRESENTATIONS**

3.1 Please see application 14/1059

## **4 POLICY**

4.1 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),
- BE12 (Archaeology),
- H2 (General Residential Development Standards),
- NE1 (Safeguarding the Countryside), and
- NE3 (Local Landscape Character).

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

## **5 PLANNING ASSESSMENT**

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

- Impact on the character and appearance of the area;
- Impact upon highway safety

5.2 As with application 14/1059 above this represents a further building on this very small holding where consent has already been given for one such structure. In support of the need for the building the applicant advises that:

## **machinery Storage Barn**

This structure is designed for the storage of machinery and farm equipment. Cling Clang Farm has a tractor and numerous farm tools from the simple spade to petrol chainsaws, all of which are used in general farm maintenance, livestock movement and attending to the planted arable. All tools are currently transported to the farm on every visit, and the tractor lives outside, a situation which is far from ideal.

The barn has been designed to have a secure area within one of the three divisions; this area will be used for small tool storage and act as a workshop for fixing mechanical breakdowns or for building such items as pig arks or hen runs/houses.

The barn is a steel frame structure, the walls are timber clad and the roof is covered in olive green bitumen sheets. The bitumen sheets are light weight and self coloured, and not susceptible to rusting, meaning that they won't deteriorate in appearance over time.

### **Access**

On existing plans of the area you will see that a track from Cling Clang Lane leading to the area to where the barn is located already in existence. In reality this track has been lost to time and is no longer apparent in the field.

On construction of the above barn I wish to reinstate this track in Cotswold stone, and extend it from its current length to encroach within the curtilage and up to the front of the machinery barn. This is detailed on the enclosed plans for clarity.

- 5.3 Your officers are not persuaded that the need identified cannot be met using the structure already approved and consider that the prominent siting of what is a fairly utilitarian structure in a very publically visible location is not justified on its planning merits when compared to the harm to the current open and attractive countryside in this location.

#### Highways and parking

- 5.4 OCC has yet to respond to the application and as such a verbal update will need to be given as to the highway implications of the proposal

#### Conclusions

- 5.5 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is likely to be unacceptable on its planning merits subject to the final response of OCC as Highway Authority.

## **RECOMMENDATION**

Provisional Refusal

<b>14/1064/P/FP 18 Littlebrook Meadow Shipton Under Wychwood</b>	
Date	18/07/2014 22/07/2014
Officer	Cheryl Morley
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	SHIPTON UNDER WYCHWOOD
Grid Ref:	427688,218415



## **APPLICATION DETAILS**

Erection of single and two storey extensions to include replacement attached garage.

## **APPLICANT**

Mr & Mrs Walsh, 18 Littlebrook Meadow, Shipton Under Wychwood, Oxon, OX7 6EL

## **I BACKGROUND INFORMATION**

- 1.1 The application seeks planning permission for the erection of a single and two storey extension to a detached dwelling. The site is within Shipton under Wychwood Conservation Area and Cotswold AONB. The application is brought before committee as Shipton under Wychwood Parish Council have objected to the application.

## **2 Planning history**

- 2.1 No relevant planning history for this site.

## **3 CONSULTATIONS**

- 3.1 Shipton under Wychwood Parish Council

*“The Committee had considerable concerns with this application and was particularly anxious that the views of neighbours were taken fully into account. If neighbours wished to object the Committee would support them.*

*Littlebrook Meadow is a pleasant modern estate with a harmonious balance in design of the various properties. The proposed development is quite out of keeping with that design intention being both dominant and overbearing. The footprint of the completed development would be nearly double the existing one. It is unsympathetic to the general character of the area and to the nature of the Conservation Area. In particular the incorporation of the garage provides an overly dominant perspective to the front and is out of line with all other properties on the estate. (PP BE2, BE4, BE5, H2, and Material Considerations too.)*

*As a very minimum the Committee would wish to see the application resubmitted to address these very real concerns.”*

- 3.2 OCC Highways

*“The application should be granted but the suitable conditions applied (as below)*

*The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the extension and for no other purposes. REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011).*

*The parking area shall be retained unobstructed except for the parking of vehicles associated with the development at all times. REASON: In the interests of highway safety.”*

## **4 REPRESENTATIONS**

- 4.1 Six properties were notified of the application and two letters of representation have been received to date and summarised below (Consultation deadline 1<sup>st</sup> September 2014).

Mr & Mrs A Williamson - 25 Littlebrook Meadow

- The increase in depth and size not in keeping with existing properties and the design would cause unacceptable harm to the character and appearance of the Estate.
- The proposal to replace the existing detached garage and rebuild a much larger one that is attached to the house would bring the structure significantly closer to the road and reduce the off-street parking capacity. As the property occupies a prominent position within the road, the impact of this would be that the extended property would appear too imposing and not in keeping with the open plan design and feel of the area;
- The reduction of the off-street parking will naturally increase the on-street parking immediately in front of both applicant's property and our property (no. 25), which will be in addition to the vehicles that are already being regularly parked by neighbouring properties. The carriageway in Littlebrook Meadow is not wide and as such further obstructions will reduce the safety for pedestrians and children playing.
- Despite the increased living space, the applicant is not proposing any additional bedrooms as such, we are concerned that the attachment of the Garage to the house may pave the way to a future planning application to build a first floor extension above.

Mr & Mrs Rondel – 37 Littlebrook Meadow

- Freedom of access is inhibited when any vehicle is parked outside No. 18;
- A considerable amount of lorry traffic due to the proposed;
- The proposed extension will be over the top and will spoil the ambiance of the place.

## **5 POLICY**

- 5.1 The relevant West Oxfordshire Local Plan Policies are considered to be:

Policy BE2 – General Development Standards

Policy BE3 – Provision for Movement and Parking

Policy BE5 – Conservation Areas

Policy H2 – General Residential Development Standards

Policy NE4 – Cotswolds Area of Outstanding Natural Beauty

The NPPF is also of relevance to this application

## **6 PLANNING ASSESSMENT**

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

- Design & Siting;
- Residential amenity; and
- Highways.

### Design & Siting

- 6.2 The existing property is a two storey detached dwelling with a detached double garage to the side. The application seeks planning permission for the erection of single and two storey side and rear extensions. The proposed development would not cause an adverse effect to the street scene. The scheme has been amended to remove the link extension to the garage which would have been visible from the street scene and was considered to be overbearing in regards to the form and massing of the development. The main part of the development is located to the rear of the property of which is large in scale but on balance due to its location would not cause a detrimental effect to the Conservation Area or the Cotswold AONB. The proposal is considered to accord with policies BE2 and NE4.

### Residential Amenity

- 6.3 The single storey and two storey extensions are considered to be located far enough away from the surrounding neighbouring properties to not cause an adverse effect to neighbouring amenity. The proposed garage alterations and link extension to the dwelling have been omitted and therefore will reduce the impact that would have been caused to No.20. No.16 is 20m to the North which is considered to be a distance of which the proposed will cause no adverse effects to neighbouring amenity. The proposal is therefore in accordance with Policy BE2.

### Highways and parking

- 6.4 It is considered that the proposal will not create undue danger within the site or that it will detract from the safety and convenience of users of the public highway. The proposal is unlikely to result in any significant intensification of transport activity at the property. No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network and is therefore considered to be in accordance with Policy BE3. Although local residents are raising concerns there is no technical objection to the scheme.

### Conclusions

- 6.5 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development although large in scale on balance is acceptable on its planning merits now that the replacement attached garage has been omitted from the scheme.

## **RECOMMENDATION**

Grant subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 The development shall be carried out in accordance with the plans accompanying the application as modified by the revised plans deposited on 14th August 2014.  
REASON: The application details have been amended by the submission of revised details.

- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the extension and for no other purposes.  
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area. (Policies BE2 and BE3 of the adopted West Oxfordshire Local Plan 2011).
- 5 The parking area shall be retained unobstructed except for the parking of vehicles associated with the development at all times.  
REASON: In the interests of highway safety.

<b>14/1065/P/OP 16 Witney Road Long Hanborough</b>	
Date	21/07/2014
Officer	Abby Fettes
Officer Recommendation	<b>Grant, subject to conditions</b>
Parish	HANBOROUGH
Grid Ref:	441465,214228

#### **APPLICATION DETAILS**

Erection of four dwellings.

#### **APPLICANT**

Mr Carlo Soave, 40 Common Road, North Leigh, Oxon, OX29 6RB

#### **BACKGROUND INFORMATION**

The application seeks outline planning permission for the erection of four dwellings. The application seeks approval for access, with all other matters reserved. The application relates to a site adjacent to the Suzuki garage in Long Hanborough. Its boundaries to the north and west are with residential properties and the southern boundary is with the A4095.

#### **1 PLANNING HISTORY**

- 1.1 11/1121 Erection of four dwellings. Refused at committee as it was not demonstrated that it was unviable to provide affordable housing on site.

#### **2 CONSULTATIONS**

##### 2.1 Long Hanborough Parish Council

Concern about the sight lines for ingress/egress

##### 2.2 Thames Water

*“Waste Comments*

*Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.*

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

#### *Water Comments*

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

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

#### 2.3 WODC Engineers

*“No objection subject to condition.”*

#### 2.4 Highway Authority

*The application, as submitted, is acceptable in highway safety and convenience terms. The proposal should not have a significant effect on the local road network. I note car spaces P3 and P4 are wider than standard presumably to accommodate some pedestrian movement around them.*

*No objection subject to conditions*

### **3 REPRESENTATIONS**

3.1 14 neighbours were consulted and 5 letters have been received from Mr and Mrs Adair of 18 Witney Road, Ms Wagerfield of 4 Evenload Drive, S Greatbatch of 6 Evenload Drive, Colin Smith of 8 Evenlode Drive and from Sportif Suzuki, Witney Road. They are summarised as follows:

- No objection in principle but the existing boundary fence should remain in situ and not be disturbed
- Who will be responsible for the fence?
- Will measures be taken to ensure the hedge remains?
- Where will all the refuse bins be kept on collection day?
- The existing driveway was built for one dwelling but will have up to 9 vehicles using it, creating a danger for pedestrians and cyclists
- All four units should have a lower eaves height with roof lights to ensure no overlooking occurs
- Units 1&2 will overbear and overlook 6&8 Evenlode Drive and should have same elevations as 3&4

- We are a long established business, can you please confirm we have the right to carry on our business without the worry of potential complaints from future occupiers?

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

4.1 The application is accompanied by a Planning Statement summarised as follows:

*The proposed development will provide additional and much needed housing within the district and is considered to meet the core planning principles highlighted in the framework and the policies of relevance in the local plan. The proposal remains unchanged from the previous application proposal, the principle of which was considered acceptable by the LPA. Unlike the previous application, however, it has now been fully demonstrated that any level of affordable housing would render the scheme unviable. It is therefore considered that the application can be supported by the District Council and it is respectfully requested that permission be granted.*

4.2 A viability assessment has also been submitted but it has been requested to remain confidential. It shows that provision of affordable housing would render the scheme unviable.

#### **5 POLICY**

5.1 The key policies of the West Oxfordshire Local Plan 2011 in the consideration of the application are, in your officers opinion:

- BE2 (General Development Standards)
- BE3 (Provision for Movement and Parking)
- NE15 (Protected Species)
- H2 (General Residential Development Standards)
- H7 (Service Centres)
- and H11 (Affordable Housing on Allocated and Previously Unidentified Sites).

5.2 The guidance given in the National Planning Policy Framework 2012 is also considered of relevance.

#### **6 PLANNING ASSESSMENT**

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

- Principle of development
- Impact upon the character of the area
- Residential amenity
- Highways

##### Principle of development

6.2 Proposals for new residential development in Long Hanborough would have been considered in line with Policy H7 of the adopted West Oxfordshire Local Plan, 2011. In light of the recently agreed Housing Land Position Statement, the District Council are currently in a position where we are unable to demonstrate a five year housing land supply. Given this, in accordance with paragraph 49 of the National Planning

Policy Framework (NPPF), proposals for housing development should be considered in the context of a 'presumption in favour' of sustainable development and that relevant policies for the supply of housing should not be considered up to date.

- 6.3 Given this, the provision of a house on the site should be considered in the context of paragraph 14 of the NPPF which states that:

*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

- 6.4 Whilst part of the development is technically on garden land officers consider that the development is in a sustainable location and would meet with the aims of the policies for the spatial distribution of dwellings. As such, officers consider that the development is acceptable in principle.

- 6.5 As the application results in a net gain of three dwellings Policy H11 of the West Oxfordshire Local Plan 2011 requires the provision of up to 50% affordable housing. The applicant's agent has submitted information which shows that the provision of affordable housing on this site would render the scheme unviable. Your officers are inclined to agree with the information within the viability assessment in that it is not viable to provide affordable housing due to the existing plot value and build costs.

#### Impact on character of area

- 6.6 The local area is characterised by a mix of housing types and various densities of development. Approval of the layout is not sought at this stage, however officers would note that the proposed development could follow the pattern of the adjacent development fronting Witney Road. Furthermore, the two storey form is considered appropriate to the context and would not be unduly prominent in the wider area.
- 6.7 Given this officers consider that the proposed development is acceptable. Whilst appearance is not a matter for determination at this time, the indicative drawings are appropriate and would respect the character of development in the vicinity.

#### Residential amenity

- 6.8 As noted above, whilst appearance is not a matter for determination at this time, the indicative drawings provide an appropriate relationship with the neighbouring properties. Whilst separation distances to the rear are limited, the indicative drawings show that openings have been kept to a minimum and rooflights have been provided in some cases to ensure that no unacceptable level of overlooking occurs. Furthermore, as the dwellings proposed which site nearest the properties to the rear have a lowered eaves height, the scale and massing of the buildings is reduced ensuring that the proposal has no unacceptable overbearing impact upon the dwellings to the rear. The detailed design of the buildings will however, be fully considered at a later date.
- 6.9 The proposal moves close to the neighbouring structures to either side however, there are no openings in the side elevations of the existing structures which would

be adversely impacted by the proposed development. In relation to the layout and scale officers consider that the proposed development would be acceptable in terms of residential amenity.

#### Highways and parking

- 6.10 The application provides for four dwellings. Each property is served by two off street parking spaces with one visitor space (with disabled access). This accords with the standards set out in the West Oxfordshire Local Plan 2011. From the submitted information it appears that sufficient turning space would be provided to allow vehicles to enter, turn and leave in a forward gear. The Highway Authority have raised no objection and the proposal is considered to accord with BE3.

#### Conclusions

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

### **RECOMMENDATION**

Grant for the following reasons.

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of S.92 of the Town and Country Planning Act 1990.
- 2 Details of the appearance, landscaping, layout and scale (herein called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.
- 3 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. <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 the supporting Technical Guidance).



- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Class A to E of Part 1 of Schedule 2 of Article 3 shall take place.  
REASON: Control is needed to protect the visual amenity of the area and the residential amenity of neighbouring properties. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)
- 5 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before occupation of the dwellings.  
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 6 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 7 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

NOTE TO APPLICANT:

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

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