

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 6th October 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

Agenda Index

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

14/1046/P/FP Land south of Church Street Kingham	3
14/1054/P/FP 1 Market Street Woodstock.....	30
14/1055/P/LB 1 Market Street Woodstock.....	33
14/1075/P/FP The Mill Station Road Chipping Norton	36
14/1115/P/FP Cow Shed Upper End Fulbrook	40
14/1121/P/FP Hopkins Yard Market Street Charlbury.....	47
14/1143/P/FP Fardon House Frog Lane Milton Under Wychwood	54
14/1154/P/FP Field Barn Cottages Woodleys Woodstock	62
14/1188/P/S73 Willow View Swan Lane Long Hanborough	66
14/1189/P/FP Hopcrofts Holt Service Station Hopcrofts Holt Steeple Aston.....	69
14/1218/P/FP 14 Farriers Road Middle Barton	75
14/1223/P/FP 10 High Street Woodstock	77

I4/I046/P/FP Land south of Church Street Kingham	
Date	17/07/2014
Officer	Abby Fettes
Officer Recommendation	Grant, subject to the applicant first entering into a legal agreement
Parish	KINGHAM
Grid Ref:	426019,223890

APPLICATION DETAILS

Erection of sixteen dwellings with associated garages and parking.

APPLICANT

Mr & Mrs Endley Felloes Barn, Church Street, Kingham, Oxfordshire, OX7 6YA

BACKGROUND INFORMATION

The site is a paddock in the centre of Kingham Village. It is adjacent to the Conservation Area and within the Cotswold AONB. The residential cul-de-sac Fowlers Road is to the South and there is a field to the north.

The proposal seeks consent for 16 new dwellings and associated garages and parking. 50% of the development would be affordable housing. Access to the development is to be taken from Church Street.

Members are to visit the site prior to the Uplands Planning Sub committee meeting.

1 PLANNING HISTORY

No history relevant to this application

2 CONSULTATIONS

2.1 Kingham Parish Council

The Parish Council have objected to the scheme. Their response (submitted on their behalf by John Rowan and Partners) runs to 15 pages so the conclusion has been copied below and the full response is included as appendix A.

“In the context of the foregoing it is apparent that the proposal conflicts with policies of the adopted Development Plan; conflicts with the National Planning Policy Framework; does not represent sustainable development; the adverse impacts of approving the proposal would significantly outweigh the benefits and there are no material considerations sufficient to outweigh these conflicts. Accordingly, the planning application should be refused.”

2.2 Highway Authority

“There are number of design issues that are unacceptable for the submitted development proposal, which has generated an objection from the Local Highway Authority. Amended plans have been requested to address these issues. However if the Local Planning Authority is minded to approve this application I recommend the conditions quoted above are imposed and a public transport contribution of £16,000 index linked (@ August 2014 prices) is secured via an appropriate legal agreement.”

2.3 OCC Archaeology

“There are no known archaeological sites or features within or adjacent to the application area. There has been quarrying within the site. As such we do not require any archaeological investigations to be undertaken.”

2.4 OCC Education

“Kingham Primary School is full in most year groups, and approaching its overall capacity. It is likely that children already of school age who move into the area would find their specific year group is full, and will have to travel to another village to school. Children reaching school age after moving into the catchment, and thus applying for school through the annual application process, would be expected to be able to secure a place at the school. The school is regularly over-subscribed, so any local population growth is likely to hinder the effective expression of parental preference in the area, and result in children living outside the catchment area being less likely to secure a place at their first choice school. However, it is not currently judged that an expansion of school capacity in this area is required in response to modest levels of housing growth in Kingham, and therefore developer contributions are not currently sought towards primary education. Following recent expansion of the school's accommodation, Chipping Norton (secondary) School has sufficient spaces to absorb the level of housing growth likely in this area. Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.”

2.5 OCC Property

“It is calculated that this development would generate a net increase of: 44.54 additional residents including:

- 2.86 resident/s aged 65+
- 29.12 resident/s aged 20 or over +

Legal Agreement required to secure:

Waste Management	£ 2,851
Libraries	£ 3,786
Museum Resource Centre	£ 223
Health & Wellbeing Resources	£ 3,146
TOTAL	£ 10,006

*Total to be Index-linked from 1st Quarter 2012 Using PUBSEC Tender Price Index

Administration & Monitoring	£	3,750
-----------------------------	---	-------

2.6 WODC Environmental Health

“No objection subject to contaminated land conditions.”

2.7 WODC Leisure

“Request S106 contributions towards the enhancement and maintenance of play/recreation areas within the catchment and towards sport/recreation facilities within the catchment.”

2.8 WODC Drainage

“No objection subject to drainage condition.”

2.9 WODC Housing

“I can confirm that there are currently 40 households who would qualify for affordable housing in Kingham were it available today.”

Of these households, the following require; 11 x 1 Beds, 14 x 2 Beds and 8 x 3 Beds, therefore the affordable scheme mix proposed by the developer meets the local housing need.

Housing Services supports this application.”

3 REPRESENTATIONS

40 letters of objection have been received. Their objections/comments are summarised as follows:

- There is an existing problem with traffic in Church Street due to parking for the two local pubs, the shop, the church and the bus stop as well as through traffic for the train station and Daylesford Farm, and the main route to the primary school
- The Wild Rabbit already causes significant extra traffic with the only respite on a Monday when they are closed
- There are also several farms which result in large vehicles negotiating the street and other road users having to mount the kerb to pass which is a danger to pedestrians
- The introduction of a further 30-40 vehicles at one of the most constricted points is beyond the capacity of Church Street
- Many houses on Church Street don't have off street parking so this problem will always remain
- The widening of the access means that refuse vehicles will occupy the whole side of the carriageway they are travelling along
- There is an existing access directly opposite the site
- There have been two traffic accidents in the last two years both in the vicinity of the site entrance
- The parking design is a cause for concern, how will the spaces at plot one be used?
- The site is only in the draft SHLAA and this indicates only 10-15 houses, 16 is an overdevelopment
- The site is within the AONB and the proposal it is a major development for the village and is contrary to the Local Plan Housing Consultation Paper 2014 which states Planning Permission should be refused for major developments in designated areas except in exceptional circumstances – there are no overriding public interest considerations
- Kingham is designated Conservation Area and AONB in order to preserve its character and setting for future generations
- A single house was refused in 2008 and now an estate is proposed
- The drawings are insufficient to confirm that the access will conform to highway standards regarding sightlines along Church Street
- There are listed buildings in the vicinity and this will detract from their setting
- The planning statement does not sufficiently demonstrate that the badger sett will be protected
- The site is a haven for protected species and should be protected in accordance with policy BE13
- The houses will not enhance the character and appearance of the village, they are typical of larger developments found in Chipping Norton and Morton in Marsh
- It does not contribute to the fabric of the village
- Kingham School is already oversubscribed and other amenities are woefully inept
- The local doctors surgeries in Chipping Norton are full
- The station car park is always full before 9am
- The view will be spoilt and the development will result in a loss of light to Montana Cottage
- The NPPF requires “Good Design” but we consider it a monstrosity! Red brick is not in keeping and the large scale of the brick “garage” is out of character

- The materials are not indicative of the character of Kingham, uPVC windows, red brick and red shingle are not common (however timber lintels, horizontal glazing bars on windows and rough stone and slate construction are in character and are welcomed)
- The front boundary wall to Church Street should only be 1m high
- Not clear what the screening will be from Fowlers Road
- No provision for open space or for elderly people so it is contrary to policy H3
- No facilities for renewable energy
- Ground survey indicates high levels of contamination
- The site was previously landfill and is contaminated
- It will result in the loss of an important open space in the village, contrary to BE4
- The proposal would exacerbate a sense of unease amongst existing residents that the village is being changed beyond recognition and not for the best motives
- The proposal will overlook existing properties, in particular 1 Fowlers Road
- The proposal will increase noise in the vicinity of Fowlers Road
- The cons significantly outweigh the pros for this development and it is contrary to the Local Plan and NPPF
- There are more accessible sites in the village that could provide low cost housing for Kingham, indeed the site at New Road has the support of locals
- None of the houses will be cheap enough for young families to buy
- 16 units seems too many, it is inappropriate in scale in relation to the village
- There are proposals to built at least another 12 houses in the village
- The increase in light from 16 houses will snuff out the stars
- This part of the street has to sandbag from time to time due to heavy rain, this will only contribute to these problems

4 APPLICANT'S CASE

4.1 The following documents were submitted in support of the application and are summarised below:

4.2 Planning statement

It is evident from the foregoing that other than in respect of Policy H5 (development in villages) the proposed development accords with the Development Plan. However, Policy H5 is out of date and the Council cannot demonstrate a five year housing land supply.

The NPPF therefore dictates that the presumption in favour of sustainable development applies and applications should be approved without delay unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

In this instance there are a number of benefits which would result from approving this application.

The proposal will be of significant social benefit through the provision of housing including affordable housing. This weighs significantly in favour of the proposal as there is an identified need to boost housing land supply in the area generally and an identified need for affordable housing in Kingham. In addition, new residents will help to support the local services and facilities such as the church, school, village shop and public houses.

The proposal will make a positive contribution to the local economy and to the economy of Kingham both during the construction phase and thereafter (by bringing new blood in to the village who will help to support local businesses, such as the village shop and public houses).

In environmental terms, Kingham is a sustainable location for development with a range of services and facilities and opportunities for sustainable travel. The proposed development will enhance the

Conservation Area through good design. The site is not prominent within the wider AONB and views of the development will be principally limited to close views, seen in the context of existing development. The development will not have a significant adverse impact on the landscape character of the Cotswolds AONB. There will be some loss of trees but this can be counterbalanced through new planting and other ecological mitigation measures.

There are no adverse impacts of the development which would significantly and demonstrably outweigh the benefits of allowing the proposal having regard to the policies of the development plan and the NPPF taken as a whole.

In accordance with the presumption in favour of sustainable development, the application should be approved without delay.

4.3 Design and Access Statement

The proposal for 16 No. new houses on this site should be viewed as an appropriate and welcome addition to the village of Kingham. Set partly within and on the edge of the Conservation Area it offers the potential to tidy up and complete the village setting on Church Street whilst offering a valuable contribution to the housing need in West Oxfordshire and Kingham, providing high quality, spacious family homes.

The proposals offer a mix of housing in a scale and density entirely appropriate to the village context and is designed in a traditional simple and sympathetic aesthetic, using local materials and detailing.

The setting and geographical relief of the site has been considered to minimise the impact of the development and the existing trees and landscaping have been respected and retained where practical.

The layout and orientation of the houses respects and follows the grain of this part of the village and is not out of character or overdeveloped. The village boundaries have been respected and the open views to the countryside to the south have been maintained. Physical site boundaries (walls, fences etc) have been maintained or repaired to have visual continuity and where trees or planting has been removed it is replaced or supplemented elsewhere within the site.

The larger houses and buildings have been set in the lowest parts of the site, out of the immediate vicinity of the conservation area, and the houses arranged to avoid overlooking whilst still providing a secure environment.

Car parking has been addressed by providing each house with a minimum of 2 No. parking spaces. All of the private housing has either garages or off street parking associated with the property. The number of parking spaces on site should mean that residents and visitors should not have any impact on parking on Church Street.

Refuse and emergency vehicle movements have been considered and taken care of on-site and as such the development should not provide parking issues for the rest of the village.

The Tree Survey, Habitat Assessment, Statement of Significance reports and the Strategic Housing Land Availability Assessment have all been considered and the recommendations incorporated as far as possible.

Pre-application advice and public consultations have been sought and acted upon (see the associated planning statement for details) and amendments made to the proposals to reflect the wishes of the planning department and local residents. 8 No. of the houses are proposed to be affordable units of

varying sizes which will be constructed to the latest standards. The sizes and mix of the houses has been discussed and agreed with the Local Planning Authority.

4.4 Ecology

- No further surveys are recommended at this point
- Scrub and tree removal will be carried out outside the bird nesting period March – September
- A working method statement should be followed for the development to ensure reptiles are unharmed
- A working method statement should be followed during the construction stage of the development, to allow continued use of the badger sett, with on-going monitoring to identify if disturbance occurs
- Six bird boxes could be erected around the site to improve nesting opportunities
- Four bat boxes should be built into some of the proposed buildings

4.5 Ground Investigation

General soil contamination within topsoil and subsoil is not considered to present a significant risk of significant harm to human health or groundwater. The dark grey ash and clinker however observed at the ground surface in the vicinity of TP105-107 and WSI04 in areas of proposed rear garden is however considered to pose an unacceptable risk to human health.

For the gardens located in this area it is proposed to implement a clean cover system for these plots in accordance with BRE 465-Cover system which is designed to remove the pathway element of the *source-pathway-receptor* pollutant linkage.

The placement of the clean cover system is typically completed towards the end of the construction period. The existing topsoil is considered to provide a suitable cover system and has been used to carry out a clean cover thickness assessment. The BRE 465 calculation spread sheet is included as Appendix E using averaged Contamination of Cover Values (topsoil) for lead, mercury and arsenic and worst case recorded exceedances of these contaminants for the ash and clinker.

The BRE 465 Methodology considers the mixing of the import materials with the underlying contaminated ground based on a clean cover thickness which in turn results in a reduction in the overall contamination levels on site (ie 600mm mixing/dilution zone).

Consequently, from the results of preliminary assessment it can be seen that a minimum thickness of 420mm of clean cover (topsoil) is required in garden areas to provide adequate protection to end users.

Validation works should ensure:-

- No mixing of impacted ash and clinker with topsoil during site strip to formation levels.
- Any impacted ash and clinker required to be removed from the site should be separately stockpiled from general spoil prior to disposal at a suitably licensed landfill facility.
- Further analysis of topsoil samples to confirm design assumptions for clean cover system.
- Photographic log verifying that the minimum thickness of clean cover has been placed.

A careful watch should be maintained for any contamination hotspots not identified during the investigation. If encountered, further advice should be sought.

The recommendations given are subject to agreement with Local Authority. It is advised that liaison with this body is undertaken prior to any development commencing at the site.

5 POLICY

- 5.1 The following policies of the adopted plan:
- BE2 - General Development Standards
 - BE3 - Provision for Movement and Parking
 - BE4 - Open Space Within and Adjoining Settlements
 - BE5 - Conservation Areas
 - BE8 - Development Affecting the Setting of a Listed Building
 - NE1 - Safeguarding the Countryside
 - NE3 - Local Landscape Character
 - NE4 - Cotswolds AONB
 - NE6 - Retention of Trees, Woodlands and Hedgerows
 - NE13 - Biodiversity Conservation
 - T1 - Traffic Generation
 - H2 - General Residential Development Standards
 - H3 - Range and type of residential accommodation
 - H5 - Villages
 - H11 - Affordable Housing on Allocated and Previously Unidentified Sites
- 5.2 The NPPF is of relevance, in particular paragraphs 15, 49, 50, 55 115, 116 and 118.

6 PLANNING ASSESSMENT

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

- Principle of development
- Design
- Neighbourliness, pollution and Environmental Health
- Landscape and AONB
- Environmental issues
- Ecology
- Highways
- SI06

Principle of development

- 6.2 The proposal is for a residential development, including 50% affordable housing, on green field land within Kingham. It is fairly centrally located at the heart of the village, in close proximity to existing facilities.
- 6.3 Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 6.4 West Oxfordshire is currently without a set target against which to measure the 5 year housing land supply. The most recent position statement prepared by the Council in April 2014 indicated that the Council could only demonstrate a 4.7 year supply of deliverable housing sites. As such, it is necessary to consider this application in line with the presumption in favour of sustainable development.
- 6.5 Several sites have been put forward under these circumstances and Members will be aware that sites at Bampton, Aston and Woodstock have been approved on their merits, taking into their scale,

impact and the relative sustainability of the settlements, whilst other sites at Bampton, Chipping Norton have been refused. Each site is looked at in the context of the settlement and sustainability.

- 6.6 Although Kingham is categorised as a Group A settlement in the Local Plan (2011) settlement hierarchy, the Settlement Sustainability Report prepared in December 2013 in the context of the local plan, indicates that Kingham is one of the more sustainable settlements in the district, due to the presence of a post office, food store and primary school, as well as local employment opportunities. The village also benefits from sustainable transport links to higher order settlements nearby such as Chipping Norton and Oxford.
- 6.7 As such, it is considered that Kingham should be regarded potentially as a sustainable location for some new housing, although the natural and historic environment constraints in the area will have a significant bearing on the scale of growth that is considered to be acceptable. The 2011 census indicates that there are 913 residents in Kingham. Based on an increase of 40 residents at this site (2.5 persons per dwelling) it would result in less than 5% increase to the population.
- 6.8 Policy H5 of the West Oxfordshire Local Plan 2011 only permitted new development in the villages where it would constitute infilling and the conversion of appropriate existing buildings. It is considered that in the context of Kingham, with its relatively sustainability and presumption in favour of sustainable development, it is necessary to apply this policy with flexibility to enable some limited residential development, provided it respects the village character and would help to maintain the vitality of the local community.
- 6.9 The provision of 50% affordable housing on site is consistent with Policy H11 of the Local Plan where this requirement exists for developments of 2 or more dwellings. The mix of housing types and tenures proposed has been agreed with the housing enabling officer, and would provide a sufficient range to meet the needs of the locality.
- 6.10 It is considered that the proposal would make a contribution towards meeting pressing needs for housing land in the District as well as Affordable Housing. Insofar as the scheme would deliver these things it would be likely to give rise to social and economic benefits within the village. Together these factors weigh heavily in favour of the scheme.

Design and impact on Heritage Assets

- 6.11 The site is immediately adjacent to the Kingham Conservation Area between existing dwellings fronting Church Street. The proposal only utilises land to the north west of the site. This ensures that the new development will relate well to the existing properties on Fowlers Close and will not extend the village boundaries further into the open countryside.
- 6.12 The layout is properties fronting a road in a cul-de-sac, there is no through route to Fowlers Close/Orchard Close.
- 6.13 The arrangement and density of the properties within the site appears to pay regard to the existing settlement character and the proposed design and use of materials in each of the properties should ensure that the environmental character and appearance of the conservation area and AONB are preserved.
- 6.14 The proposal is considered to accord with Policies BE2 and H2 and the advice set out in the West Oxfordshire Design Guide.

Neighbourliness,

- 6.15 The scheme has been designed so that it will have minimal impact on the surrounding properties.

- 6.16 In terms of overlooking, there is over 40m between rear facing windows of the existing properties fronting Church Street and plots 12-15, there are no side windows in plots 12 and 11 adjacent to the properties in Fowlers Road. A condition removing Permitted Development for new windows has been suggested to ensure this remains the case. There are sufficient spaces between proposed and existing buildings to ensure that the new dwellings are not overbearing on existing residential amenities. Therefore the proposal is considered to accord with policies BE2 and H2.

Landscape

- 6.17 The site is within the Cotswolds AONB. The NPPF has a presumption against large scale development in the AONB (para 115) However, officers consider that this site is within the built up area of the village and is proportionate in scale to the existing village. Furthermore, when viewed from open countryside it would be read against the existing buildings. It is not considered to have a detrimental impact on the character and appearance of the AONB, in accordance with NE4 of the Local Plan and para. 115 of the NPPF.
- 6.18 The applicant is proposing to retain much of the existing vegetation within the site and to replace any that is lost with new planting. This approach would comply with Policy NE6.

Environmental issues

- 6.19 Contamination has been raised as an issue through the consultation process as the applicants Ground Investigations noted that there is a small area of ash and clinker on ground proposed to be garden areas. The Environmental Health officers have considered the application and have recommended conditions for further survey work to ensure that any contamination is dealt with prior to development commencing.
- 6.20 The site is not subject to flooding and is within Flood Zone 1 so is not high risk. However, the development of this site could help alleviate any run off into Church Street which according to local knowledge is occasionally prone to surface water flooding during periods of heavy rain. The Drainage Engineers have recommended that SUDS drainage is implemented if the application is granted which would retain all water on site.
- 6.21 The proposal makes provision for on plot waste storage and the proposed internal road layout is considered to be suitable for use by refuse vehicles for waste collection.

Ecology

- 6.22 The Ecology report has identified that there is a badger sett on site. It has also identified that the site could be used by nesting birds and there is also an outside chance that it is used by reptiles although no evidence was found during the survey.
- 6.23 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
1. Deliberate capture or killing or injuring of an EPS
 2. Deliberate taking or destroying of EPS eggs
 3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or

b) to affect significantly the local distribution or abundance of the species to which they belong.

4. Damage or destruction of an EPS breeding site or resting place.

6.24 Given the above, your officers do not consider that an EPS offence is likely to be committed due to the sett being sited some distance from the proposed dwellings. The residual land to the south of the proposed development, abutting the open countryside has been left to preserve the Badger Sett.

6.25 Your officers consider that sufficient information has been submitted with the application which demonstrates that measures can be introduced which would ensure that an offence is avoided. The application is therefore not considered to have an adverse impact upon protected species provided that the stated mitigation measures are implemented.

Highways and parking

6.26 Highway safety has been one of the main concerns raised in the objections received.

6.27 The Highway Authority have assessed the proposal and consider that the visibility available at the location of the vehicle access meets the appropriate standard for a site in this location. However, the existing vehicle access will require widening to cater for future vehicle movements i.e. refuse vehicle and cars passing each other.

6.28 The proposed access road serving the site is shown as 4.1m in width which is considered to be insufficient so an amended plan is required showing a road width of 4.8m. The boundary wall (1.8m in height) shown alongside the proposed access road (plot 1) is too close to the carriageway edge and must be set back 1m to ensure vehicles do not come into contact with this structure. An amended plan detailing the above changes has been requested. The proposed footway width of 1.2m meets the minimum requirement.

6.29 Parking levels are considered to be acceptable but an amended plan showing larger spaces is required to ensure the parking arrangements are satisfactory as many are adjacent to walls. To overcome this issue amended plans are required with 0.5m is added to the length of each parking space being provided with an additional 0.15m either side to enable car doors to be opened fully. The garage dimensions are acceptable.

6.30 A contribution has been requested by OCC towards public transport in order to improve the existing service that runs from Kingham Station to Chipping Norton. At the current time there are Sunday train services but there are no buses running to allow for integrated public transport journeys.

6.31 On balance the potential highway impacts resulting from the 16 dwellings are considered to be acceptable in this location, and that mitigation can be provided in the form of a contribution to integrated public transport, so the proposal is considered to be in accordance with BE1 and BE3.

SI06 requirements

6.32 Several SI06 contributions have been requested by consultations and they are set out below:

Requested by	For	Amount
OCC Property	Waste management	£2,851
	Libraries	£3,786
	Museums	£223
	Health and Wellbeing resources	£3,146
OCC Highways	Public transport contributions	£16,000
OCC Education	Special needs education	£3,205
OCC	Monitoring	£3,750
WODC Leisure	Sport and recreation	£17,760
	Play	£13,086
WODC Housing	50% Affordable housing	
WODC	Monitoring	£1,000
	Total	£64,807

6.33 Officers believe that all of the above contributions can be justified and would be in accordance with policy BE1 of the Local Plan, and CIL Reg 122.

Conclusions

6.34 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits subject to the following conditions and a legal agreement to secure contributions as set out above and a separate agreement to secure highway improvements.

RECOMMENDATION

Grant, subject to the applicant entering into a legal agreement:

- 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 plans accompanying the application, and the plan received by email on 23 July 2014.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional windows or rooflights shall be constructed in the elevations of the buildings.
REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)
- 4 Before building work commences, a schedule of materials to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery, including porches and dormer windows, 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)
- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality. (Policy BE of the adopted West Oxfordshire Local Plan 2011)
- 7 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 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 infiltration rate used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 9 Development shall not begin until details of the access between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that access has been constructed in accordance with the approved details.
REASON: In the interests of highway safety.
- 10 Development shall not begin until details of the accesses within the proposed development submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that access has been constructed in accordance with the approved details.
REASON: In the interest of highway safety.

- 11 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)
- 12 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 13 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling(s) 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)
- 14 No development shall commence on site for the development until a Construction Traffic Management Plan providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
REASON: In the interest of highway safety.
- 15 Prior to the first occupation of the development a travel information pack shall be submitted to and approved by the Local Planning Authority in consultation with Oxfordshire County Councils Travel Plans Team.
REASON: In the interest of highway safety.
- 16 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the safety of occupiers of the proposed dwellings. (Policy BE1 of the adopted West Oxfordshire Local Plan 2011)
- 17 Four bat boxes and six bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity. (Policy NE13 of the adopted West Oxfordshire Local Plan 2011).
- 18 a) Prior to development commencing, a Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation, shall be submitted to and approved in writing by the local planning authority.
b) Upon the completion of the remediation detailed in the Agreed Method Statement a report shall be submitted to the local planning authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the report to

demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land together with those to controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Policy BE18 of the adopted West Oxfordshire Local Plan 2011)

- 19 If during development, contamination not previously identified, is found to be present at the site no further development shall be carried out (unless otherwise agreed in writing by the local planning authority) until the developer has submitted and received written approval of the local planning authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how the unsuspected contamination shall be dealt with.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land together with those to controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. (Policy BE18 of the adopted West Oxfordshire Local Plan 2011)

- 20 All works of mitigation and enhancement set out in the ecological reports accompanying the application shall be implemented in accordance with a phased scheme of works submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
REASON: In the interests of ecological protection and biodiversity.

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))
- Where communal drainage schemes are proposed approval of the scheme may be required from Oxfordshire County Council sometime after March 2015 and the scheme will need to be adopted under the Flood and Water Management Act.
- 2 The access works are likely to require a S278 Agreement with Oxfordshire County Council. If the proposed development is to be offered for adoption to the Local Highway Authority a S38 Agreement will be required, alternatively if the development is to remain private a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions and S278 Agreement works please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.

APPENDIX A – Kingham Parish Council comments

Planning application for 16 houses on land south of Church Street, Kingham Application reference 14/1046/P/FP

We are instructed by Kingham Parish Council to object to the proposed development of 16 houses on green field land off Church Street, Kingham.

The proposal represents a significant and inappropriate overdevelopment of a green field site, in a Conservation Area and Area of Outstanding Natural Beauty, out-of-keeping with its surroundings and causing significant harm to local roads and highway safety. It is therefore contrary to adopted Policies BE1, BE2, BE5, NE3, NE4, NE6, NE13, NE15, H2, H3 and H5 of the West Oxfordshire District Plan and to the approach set out in the National Planning Policy Framework (including Paragraphs 7, 12, 14, 17, 32, 66, 109, 115, 118 and 197) and should accordingly be refused.

In setting out the objection of Kingham Parish Council to the proposal we have considered in detail the comments made in the developer's application documentation. A number of statements made do not, disappointingly, reflect the situation as experienced by villagers, there are also a large number of omissions of relevant information, and much of the information submitted cannot reasonably be considered to support the conclusions as subsequently drawn. We therefore set out below an assessment of the information as submitted by the developer to demonstrate the significant policy conflict of the proposal.

I. Village consultation

Paragraph 3.5 of the developer's Design & Access Statement and paragraph 1.4 of the Planning Statement make reference to the "community consultation" exercise undertaken. This "exercise" fell well short of the approach advocated by the Government and the Council. Paragraph 66 of the National Planning Policy Framework ("the Framework") states that:

"Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably." (our emphasis)

The *expectation* of the Government is clear, as is its anticipated outcome for schemes which fail to genuinely engage. In respect of the proposals for Church Street there was, disappointingly, no serious effort by the developer to engage villagers in the design of the scheme or to discuss how the site could best meet the needs of the village. Furthermore, it is wholly apparent that the developer has made no real effort to address the expressed concerns of the villagers (as identified at paragraphs 3.5 and 1.4 of the Design & Access Statement and Planning Statement). These concerns are summarised by the developer as:

- Concern regarding the safety of access onto Church Street and impact of additional traffic on this road where there is on street parking.
- Amenity concerns from neighbouring residents relating to traffic movements.
- Concerns regarding the impact on the character of the village.

It is suggested in the Design & Access Statement that the scheme was "re-assessed to take on board" the public comments and, at section 7.0, that public consultations have been "acted upon" to "reflect the wishes of...local residents". As the failings of the scheme as submitted demonstrate, there has been no "re-assessment", no "reflection" and the comments received have not been "addressed" in any form. There has been no effort to address the impact on highway congestion and safety on Church Street; no

effort to address amenity concerns from neighbouring residents relating to traffic movements, and no effort to address the impact on the character of the village.

The development fails to accord with Paragraph 66 of the National Planning Policy Framework and the determination of the application must be seen in this context.

2. Planning history of the site

The site's planning history is relevant to the consideration of the current application, and in 2008 an application was submitted to develop a single dwelling on the site adjacent to Church Street. Planning permission was refused and an appeal against that refusal rejected.

The reasons for the rejection of that proposal for a single dwelling are noteworthy in the context of a proposal now for 16 dwellings. The developer's Planning Statement erroneously suggests (at paragraph 3.1) that the Planning Inspector's decision to reject the appeal was based solely on conflict with adopted Local Plan Policy H5 (notwithstanding that Policy H5 remains an adopted Development Plan policy and the developer accepts that the current scheme also conflicts with this adopted Development Plan policy).

It is therefore instructive to consider the comments and conclusions of the Inspector's in dismissing the appeal (ref 07/1342/P/FP and APP/D3125/A/08/2063641). The Inspector made it clear that not only did the development conflict with Policy H5 sufficient to warrant refusal, but that the development also conflicted with other relevant planning policies, including impact on the openness of the surrounding countryside (Policy BE2), and would fail to preserve the character or appearance of the Kingham Conservation Area and the setting of the adjacent listed buildings.

Once again, it must be remembered that this was in the context of a single dwelling, whereas 16 dwellings are now being proposed.

In the context of the current development proposal, the following comments of the Planning Inspector are therefore pertinent:

"4. Policy H5 states that, in villages such as Kingham, new dwellings would only be permitted if they constituted infilling... Infilling is ... defined as being the filling of a small gap in an otherwise continuous built-up frontage..."

"5. The parties agreed that any new housing in the field to the north of the site would not comply with Policy H5, and this is a view that I share".

"6. In my opinion... the appeal site appeared to be visually separate from the terrace (of Tap Room, Old Beer House and Montana Cottage). When passing along Church Street, I consider that the walling on the north and west sides of the site provided continuity with the boundary treatment around the neighbouring field, thereby relating those 3 pieces of land. Moreover, when looking from the south, the angled position of the terrace relative to the road resulted in this site and the field beyond together contributing to the openness of the streetscape".
(our emphasis)

"7. Therefore, in my judgement the site does not form part of a continuous built-up frontage. Rather, it is visually linked to the field, and so it contributes to the gap that lies between the gable of Tap Room and the dwelling referred to as The Hays".(our emphasis)

"12... Policy H5.. offers some direction as to where [development] should be located. Similarly whether or not the site lies within the confines of the village is not one of the criteria in Policy H5 to indicate that new residential development would be permitted". (our emphasis)

"13... whilst reference has been made to other cases in Kingham.. it appeared that none had been built in a gap comparable to [this] one."

“14. In my opinion...by extending built development into this gap it would unacceptably detract from the openness of the surrounding rural landscape.” (our emphasis)

“15. I conclude that the scheme would conflict with the aims of Local Plan Policy H5...Furthermore, the development would also detract significantly from the openness of the surrounding countryside in conflict with Policies H5 and BE2 in the Local Plan.” (our emphasis)

“18...I consider...the scale of the building now proposed would result in it being unduly discordant and prominent and would not accord with the surrounding pattern of development. I see no reason why the street scene would benefit from articulation at this point”. (our emphasis)

It is therefore apparent that the impact on the special character of Kingham overall and the specific characteristics of this part of Church Street are very important considerations in the determination of any proposal on this site. In considering the current proposal, the following comments of the Planning Inspector should be borne in mind:

- The site is visually separate from the terrace of properties made up of Tap Room, Old Beer House and Montana Cottage).
- The site is visually connected to the neighbouring field and together they contribute to the openness of the streetscape.
- The site does not form part of a continuous built-up frontage. It contributes to the gap that lies between the gable of Tap Room and the dwelling referred to as The Hays.
- Whether or not the site lies within the confines of the village is not one of the criteria in Policy H5 to indicate that new residential development would be permitted.
- Extending built development into this gap would unacceptably detract from the openness of the surrounding rural landscape.
- Development would detract significantly from the openness of the surrounding countryside in conflict with Policies H5 and BE2 in the Local Plan.
- The street scene would not benefit from articulation at this point.

The applicant must therefore demonstrate that circumstances had changed such that the loss of this important gap which contributes to the openness of the streetscape *and* the openness of the surrounding rural landscape would not conflict with adopted Policy BE2 (given that the developer accepts that the proposal conflicts with adopted Policy H5). The developer would also have to address the Inspector’s findings that even if the site lies within the confines of the village this is not relevant to consideration of its suitability for housing, and that the character and appearance of the Kingham Conservation Area would not benefit from articulation at this point in Church Street.

The determination of the application must be seen in this context.

3. Strategic Housing Land Availability Assessment

Much is made in the developer’s submitted documentation of the identification of the site within the Strategic Housing Land Availability Assessment (SHLAA) as potentially suitable for housing. The weight of this document in planning terms compared to the weight to be afforded the adopted policies of the Development Plan is considered later in this response. Notwithstanding this, it is worth at the outset revisiting the initial assessment of the site (as contained in Appendix 5 of the SHLAA).

The assessment contained the following:

“Vehicular access could be provided via Fowler Road which is acceptable in principle. A new access onto Church Street would be undesirable...[a] suitable location, [a] modest level of development would relate well to the existing built form, access achievable from Fowlers Road”

[In the context of the SHLAA assessment of the site, a “new” access onto Church Street means linking into the existing access serving four properties]

It must be remembered that the SHLAA assessment is a “high level” appraisal of a site’s potential, and the indication that a site has “no significant constraints” must be understood in this context as well as the comment that access has to be from Fowlers Road. As is very apparent from the applicant’s own submitted documentation (addressed at sections 5-8 below) as well as from an objective assessment of the planning policy considerations and site-specific issues (section 9 below), the site has many significant constraints which should preclude it from being developed in this form.

If any weight at all is to be given to the identification of the site as a potential location for housing, and if the applicant is seeking to rely on the SHLAA, the starting point must be to assess the submitted proposals against the key criteria of that assessment: Vehicular access via Fowlers Road; modest level of development; relate well to existing built form.

Further consideration will be given to access and highway safety matters in section 7 of this submission but no access is provided via Fowlers Road, whereas access is provided via Church Street which the assessment considers to be “*undesirable*”.

It should also be noted that Kingham Parish Council objected to the inclusion of the site in the SHLAA. The Parish Council noted that the site was outside the building line of the village, within a Conservation Area and Area of Outstanding Natural Beauty and its development for a large number of houses would be totally out-of-keeping with the village.

The Parish Council has been, and remains, keen to support appropriately-scaled development to meet village needs, and has both previously and recently supported the provision of affordable housing on other sites in the village. With regard to this site, the Parish Council considers that it could accommodate up to five modestly sized houses to meet local needs. This would represent a “*modest level of development*” as indicated by the SHLAA assessment.

An assessment of whether the proposals “relate well to existing built form” is provided at sections 5 and 6 below.

4. Village housing needs

The developer’s Design & Access Statement states (at paragraph I.1) that eight of the houses have been designed to “meet the identified needs of the village”. This is factually incorrect. There have been no discussions with the Parish Council or any other associated organisation regarding the current housing needs of the village.

As noted above, the Parish Council has, and continues, to support the provision of appropriately-located and appropriately-sized new homes to support the village. This site has the support of the Parish Council to provide up to five modestly sized houses to meet local needs.

5. The special status of the site as a Conservation Area and Area of Outstanding Natural Beauty (AONB)

The site lies within the Kingham Conservation Area and within the Cotswolds Area of Outstanding Natural Beauty.

Paragraph 109 of the National Planning Policy Framework states, unequivocally:

“The planning system should contribute to and enhance the natural and local environment by...protecting and enhancing valued landscapes”.

Paragraph 115 continues:

“Great weight should be given to conserving landscape and scenic beauty in...Areas of Outstanding Natural beauty which have the highest status of protection in relation to landscape and scenic beauty”.

With regard to the adopted Development Plan and the protection of local environment the developer accepts that the following policies are material (with the description of the objective of the policy taken from the developer’s Planning Statement paragraph 4.11 et seq):

- Policy BE2: “new development should respect and, where possible, improve the character and quality of its surroundings”.
- Policy BE5: “requires the special architectural, historic and environmental character or appearance of the Conservation Area [to] be preserved”.
- Policy NE3 “development will not be permitted if it would harm the local landscape character”.
- Policy NE4: “the conservation and enhancement of the landscape of the AONB will be given great weight”.
- Policy NE6: “planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value”.
- Policy NE13: “the Council will seek to safeguard, maintain and enhance priority habitats and species”.
- Policy NE15: “development that would have an adverse effect on a site supporting a specially protected species will not be permitted”.
- Policy H2: “proposals should not erode the character and appearance of the surrounding area...adversely affect features of...ecological importance and their setting”.
- In the context of these policy tests, it is noteworthy that the developer’s own submitted documentation records that:
- Badgers are known to be present on the site (and are considered by 4Acre Ecology Ltd to be “a constraint to the development of the site” – para 6.12 of the Badger Survey). Development causing a sett to be abandoned due to disturbance is illegal.
- Two species of nationally protected amphibians and three species of nationally protected birds are known to be present on the site.
- Six individual and groups of trees categorised as Category A-C will be removed. Category A-C trees are considered worthy of retention. These trees are semi-mature and mature and have natural lifespans of at least 10 years and some at least 20 years.

It is noteworthy that the report prepared by 4Acre Ecology Ltd and submitted by the developer is 15 months old and would have missed at least one breeding season.

Paragraph 118 of the National Planning Policy Framework states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

a. If significant harm resulting from a development cannot be avoided...then planning permission should be refused”.

It is also at this point again worth remembering the conclusions of the Planning Inspector in 2008:

“14. In my opinion...by extending built development into this gap it would unacceptably detract from the openness of the surrounding rural landscape.” (our emphasis)

“15. I conclude that the scheme would conflict with the aims of Local Plan Policy H5...Furthermore, the development would also detract significantly from the openness of the surrounding countryside in conflict with Policies H5 and BE2 in the Local Plan.” (our emphasis)

The developer has provided no substantive evidence to demonstrate that the development of 16 family homes on green field land, in a Conservation Area, in an Area of Outstanding Natural Beauty, and resulting in the loss of an important gap in the village would not unacceptably detract from the openness of the surrounding rural landscape. In addition, the developer’s own reports confirm that the proposals would harm local landscape character, result in the loss of trees which are important for their visual and biodiversity value, fail to safeguard priority habitats and would have an adverse effect on a site supporting protected species.

The proposals are therefore contrary to adopted Development Plan Policies BE2, BE5, NE3, NE4, NE6, NE13 and NE15 and Paragraphs 109, 115 and 118 of the National Planning Policy Framework.

6. The immediate streetscene

The developer’s Design & Access Statement records (at paragraph 2.1) the adjacent open field “before the continuation of the village to the North – up Church Street” and contends (at paragraph 3.1) that the streetscape along Church Street will be “enhanced”. No justification is provided for such a statement, and nowhere does the Design & Access Statement actually provide any analysis of the importance of open spaces to the character and appearance of villages such as Kingham.

Help in this regard can be found in the conclusions of the Planning Inspector in rejecting the appeal for a single dwelling on the site in 2008:

“6. In my opinion...the appeal site appeared to be visually separate from the terrace (of Tap Room, Old Beer House and Montana Cottage). When passing along Church Street, I consider that the walling on the north and west sides of the site provided continuity with the boundary treatment around the neighbouring field, thereby relating those 3 pieces of land. Moreover, when looking from the south, the angled position of the terrace relative to the road resulted in this site and the field beyond together contributing to the openness of the streetscape”. (our emphasis)

“7. Therefore, in my judgement the site does not form part of a continuous built-up frontage. Rather, it is visually linked to the field, and so it contributes to the gap that lies between the gable of Tap Room and the dwelling referred to as The Hays”.(our emphasis)

“12...Policy H5..offers some direction as to where [development] should be located. Similarly whether or not the site lies within the confines of the village is not one of the criteria in Policy H5 to indicate that new residential development would be permitted”. (our emphasis)

“14. In my opinion...by extending built development into this gap it would unacceptably detract from the openness of the surrounding rural landscape.” (our emphasis)

“15. I conclude that the scheme would conflict with the aims of Local Plan Policy H5...Furthermore, the development would also detract significantly from the openness of the surrounding countryside in conflict with Policies H5 and BE2 in the Local Plan.” (our emphasis)

“18...I consider...the scale of the building now proposed would result in it being unduly discordant and prominent and would not accord with the surrounding pattern of development. I see no reason why the street scene would benefit from articulation at this point”. (our emphasis)

In this context, it is worthwhile to remember that the developer accepts that the following adopted Development Plan policies are relevant development plan policies against which the proposal should be determined are:

- BE2: New development should respect and, where possible, improve the character and quality of its surroundings.
- BE5: The special architectural, historic and environmental character or appearance of the Conservation Area must be preserved.
- NE3: Development will not be permitted if it would harm the local landscape character.
- H2: Proposals should not erode the character and appearance of the surrounding area...including important public and private open spaces”.

It is also noteworthy that the Council’s emerging planning policy approach, as set out in draft Local Plan Core Policy 2 (which, the developer’s Planning Statement notes, will replace adopted Local Plan policy H5) states that:

“Housing development will be permitted...[where it does not] involve loss of areas of open space/important contribution to the character or appearance of the area”.

It is apparent that open spaces in the built-up areas of villages such as Kingham – especially in street such as Church Street - provide an essential part of the character and appearance of the village and of the Conservation Area, providing “breathing space”, visual interest and a reminder and recognition that this is a rural setting. The loss of the “openness of the streetscape” through development as referred to by the Planning Inspector and the loss of the essential connection to the “openness of the surrounding rural landscape would “detract significantly” and “unacceptably detract” from that openness in conflict with Policy BE2.

Furthermore, even a single dwelling would “not accord with the surrounding pattern of development” whilst the streetscene “would [not] benefit from articulation at this point”.

The developer has provided no substantive evidence to demonstrate that the development of 16 family homes on green field land forming an important gap within Church Street and the Kingham Conservation Area would respect or improve the character and quality of its surroundings, would preserve the special character and appearance of the Kingham Conservation Area, would not harm the local landscape character and would not erode the character and appearance of the surrounding area, including important public and private open spaces.

The proposals are therefore contrary to adopted Development Plan Policies BE2, BE5, NE3 and H2 and Paragraphs 109, 115 and 118 of the National Planning Policy Framework.

7. Access and highway safety

The developer’s Design & Access Statement (paragraph 2.1) notes that the access already serves four large properties. As a consequence of the proposed development the access onto Church Street is therefore intended to serve 20 large properties, with nearly 60 car parking spaces and 100 car movements onto/from Church Street every day. It is noteworthy at this point to recall that the SHLAA assessment considered access onto Church Street “would be undesirable”.

The Design & Access Statement further reports (at paragraph 3.1) that road access has been designed to be highway compliant. It is assumed that this refers to road widths within the development and standard visibility splays at the junction with Church Street, as there is no evidence in the submitted documentation to demonstrate that the specific circumstances of Church Street, and the access,

congestion and safety problems already experienced have been taken into account in the preparation of the scheme.

Furthermore, these issues would have been very clear to the developer as a result of the feedback received from villagers at the consultation exercise, where (as recorded by the Design & Access Statement and Planning Statement) there was “concern regarding the safety of access onto Church Street and impact of additional traffic on this road where there is on street parking” and “amenity concerns from neighbouring residents relating to traffic movements”.

With a single pavement; an access immediately opposite; on-street parking typically along the length of Church Street between the access point and the junction with Fowlers Road making the road single carriageway with very limited (and frequently no) passing places; a bend in the road; agricultural vehicles, service vehicles and delivery vehicles for the village shops using the road, it is apparent that unacceptable levels of highway congestion and safety reductions will be caused by the addition of nearly 100 traffic movements per day.

Photographs of all-to-frequent congestion and reduced highway safety are attached to this objection to illustrate the point.

Adopted Local Plan Policy BE1 states that “development will not be permitted unless appropriate transport, service and community infrastructure is available or will be provided” and adopted Local Plan Policy H2 confirms:

“proposals should not...create unsafe conditions for the movement of people and vehicles”.

In this context the National Planning Policy Framework provides clear guidance to councils: “decisions should take account of whether...safe and suitable access to the site can be achieved for all people”. (Paragraph 32)

“developments should be located...to minimise conflicts between traffic and cyclists and pedestrians”. (Paragraph 35)

Church Street is a narrow village street with no parking controls. Cars are parked on-street by residents of Church Street with no off-street parking available; on-street by visitors to the village shop and post office; and on-street by visitors to the two very successful and renowned pub/restaurants at either end of Church Street, The Plough and the Wild Rabbit. Church Street is used by industrial and agricultural vehicles, and forms the route to Kingham School, to Kingham Railway Station, to Daylesford Farm, to Chipping Norton and the surrounding towns and villages. Protection along the single pavement has had to be introduced recently for the safety of pedestrians – including school children walking from the school – to prevent vehicles mounting the pavement to pass other vehicles.

The proposal to add 16 new large homes to create nearly 100 car movements every day onto and from Church Street will create unsafe conditions for the movement of people and vehicles, will (as the SHLAA recognised) be “undesirable”, will fail to achieve safe and suitable access to the site for all people and will demonstrably not minimise conflicts between traffic and cyclists and pedestrians.

The proposals are therefore contrary to adopted Development Plan Policies BE1 and H2 and National Planning policy Framework Paragraphs 32 and Paragraph 35.

8. Suitability of the ground conditions for housing

The developer’s submitted documentation records the following ground conditions:

- There is a high risk for potential contamination on the site (Core Geotechnics Ltd report, paragraph 4.1).
- There are “significant exceedences” of lead (300% over the upper allowable limit), mercury (220% over the upper allowable limit), EPHC10-40 and arsenic present.

Core Geotechnics concluded that these contaminants present “a possibility of significant harm to human health” (paragraph 7.8) and, in respect of the dark grey ash and clinker “an unacceptable risk to human health”.

Adopted Local Plan Policy H2 resist proposals which “create unacceptable living conditions for existing and new residents”, whilst paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural end local environment by “preventing both new and existing development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil...pollution”.

The proposals are therefore contrary to adopted Development Plan Policy H2 and National Planning policy Framework Paragraph 109.

9. The Development Plan, the National Planning Policy Framework and the presumption in favour of sustainable development

Government guidance provides decision-makers with a clear path for reaching a decision on development proposals. It is therefore instructive to use this guidance to assess the proposal for 16 large new houses on green field land.

(i) The adopted Development Plan is the starting point for determination of the development: Does the development accord or conflict with the policies of the Development Plan?

The developer’s Planning Statement acknowledges (at paragraph 4.1) that the West Oxfordshire Local Plan is the development plan for the area and that the application should be determined in accordance with the policies of that plan unless material considerations indicate otherwise.

The developer identifies the following policies as being relevant to the determination of the application:(using the words of the Planning Statement in paragraphs 4.11 et seq):

- BE1: “development will not be permitted unless appropriate transport, service and community infrastructure is available or will be provided”.
- BE2: “new development should respect and, where possible, improve the character and quality of its surroundings”. [check rest of policy wording]
- BE5: “requires the special architectural, historic and environmental character or appearance of the Conservation Area [to] be preserved”.
- NE3: “development will not be permitted if it would harm the local landscape character”.
- NE4: “the conservation and enhancement of the landscape of the AONB will be given great weight”.
- NE6: “planning permission will not be granted for proposals that would result in the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value”.
- NE13: “the Council will seek to safeguard, maintain and enhance priority habitats and species”.
- NE15: “development that would have an adverse effect on a site supporting a specially protected species will not be permitted”.
- H2: “proposals should not erode the character and appearance of the surrounding area...including important public and private open spaces...adversely affect features of...ecological importance and

their setting; create unacceptable living conditions for existing and new residents; or create unsafe conditions for the movement of people and vehicles”.

- H3: “use land efficiently...and provide a mix of dwellings”.[check wording]
- H5: in villages such as Kingham “new development will be limited to infilling and the conversion of appropriate existing buildings”.
- H1 I: “up to 50% affordable housing will be sought”.

As previously noted, the developer accepts that the proposal conflicts with Policy H5.

The National Planning Policy Framework makes it clear that there is no change in the statutory status of the development plan as the starting point for decision-making: Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts with it should be refused unless other material considerations indicate otherwise (Paragraph 12).

The developer contends that, as the Council cannot demonstrate a five year housing supply, *all* elements of adopted Policy H5 should be put aside, and we address this below. The developer therefore accepts that the remaining adopted Development Plan policies (as they have identified at paragraph 4.1 of their Planning Statement) should be the “*starting point for decision making*” and, therefore, if their development conflicts with the following policies it “*should be refused unless other material considerations indicate otherwise*”.

- BE1: Is appropriate transport, service and community infrastructure available?
- BE2: Does the development respect or improve the character and quality of its surroundings?
- BE5: Does the development preserve the special character or appearance of the Conservation Area?
- NE3: Does the development harm the local landscape character?
- NE4: Does the development conserve and enhance the landscape of the AONB?
- NE6: Does the development result in the loss of trees or their settings which are important for their visual, historic, or biodiversity value?
- NE13: Does the development safeguard priority habitats and species?
- NE15: Does the development have an adverse effect on protected species?
- H2: Does the development erode the character and appearance of the surrounding area (including important open spaces), adversely affect features of ecological importance, create unacceptable living conditions for existing and new residents or create unsafe conditions for the movement of people and vehicles?
- H3: Does the development use land efficiently?
- H5: Does the development comprise infilling?
- H1 I: Does the development provide up to 50% affordable housing?

It is not necessary for the development to conflict with all of these policies for the scheme to be refused in accordance with Government guidance.

The developer accepts that the development conflicts with Policy H5, and it is acknowledged that the proposal provides 50% affordable housing and therefore accords with Policy. It is therefore necessary to assess whether the proposal accords with the following Development Plan policies:

- Provision of appropriate transport, service and community infrastructure (Policy BE1). *For the reasons previously set out, the proposal fails to provide adequate transport infrastructure to ensure safe, convenient access by a variety of modes of transport, with particular regard to the impact of congestion and reduction in highway safety on Church Street. It is therefore considered to conflict with Policy BE1.*
- Respect or improve the character and quality of its surroundings (BE2). *For the reasons previously set out, the proposal fails to improve or respect the character and quality of its surroundings, in particular the importance of open space within the village, the streetscene the character and appearance of the Kingham*

Conservation Area and the appearance and visual importance of the AONB. It is therefore considered to conflict with Policy BE2.

- *Preserve the special historic and environmental character or appearance of the Conservation Area (BE5). For the reasons previously set out, the proposal fails to preserve the special historic and environmental character or appearance of Kingham Conservation Area. It is therefore considered to conflict with Policy BE5.*
- *Avoid harm to the local landscape character (NE3). For the reasons previously set out, the proposal causes harm to the local landscape character. It is therefore considered to conflict with Policy NE3.*
- *Conserve and enhance the landscape of the AONB (NE4). For the reasons previously set out, the proposal fails to conserve and enhance the landscape of the AONB. It is therefore considered to conflict with Policy NE4.*
- *Avoid the loss of trees, woodlands or hedgerows, or their settings, which are important for their visual, historic, or biodiversity value.(NE6). For the reasons previously set out, the proposal fails to avoid the loss of trees and their settings which are important for their visual, historic or biodiversity value. It is therefore considered to conflict with Policy NE6.*
- *Safeguard, maintain and enhance priority habitats and species (NE13). For the reasons previously set out, the proposal fails to safeguard, maintain and enhance priority habitats and species. It is therefore considered to conflict with Policy NE13.*
- *Have no adverse effect on specially protected species (NE15). For the reasons previously set out, the proposal has an adverse effect on specially protected species. It is therefore considered to conflict with Policy NE15.*
- *Avoid eroding the character and appearance of the surrounding area (including important private open spaces); avoid adversely affecting features of ecological importance and their setting; avoid creating unacceptable living conditions for existing and new residents; avoid creating unsafe conditions for the movement of people and vehicles (H2). For the reasons previously set out, the proposal erodes the character and appearance of the surrounding area, including important private open spaces, adversely affects features of ecological importance and their setting, creates unacceptable living conditions for existing and new residents and creates unsafe conditions for the movement of people and vehicles. It is therefore considered to conflict with Policy H2.*
- *Use land efficiently and provide a mix of dwellings. The proposal involves the use of green field land in an AONB. Whilst the proposal involves a mix of dwelling sizes, it cannot, therefore, in the context of Government advice on prioritising the use of previously-developed land, be considered to use land efficiently, It is therefore considered to conflict with Policy H3.*
- *Comprise infilling or the conversion of appropriate existing buildings (H5). The proposal represents neither infilling nor conversion of an existing building. As accepted by the developer, the proposal conflicts with Policy H5.*

It is therefore apparent that the development conflicts with at least 11 adopted Development Policies and complies with just one. The development also conflicts with Paragraphs 32, 35, 66, 109, 115 and 118 of the National Planning Policy Framework. In accordance with Paragraph 12 of the Framework planning permission “*should be refused unless other material considerations indicate otherwise*”.

(ii) What impact does the Council’s failure to demonstrate a five year housing supply have on this overwhelming Development Plan policy conflict?

With regard to adopted Policy H5, the developer contends that this whole policy should be set aside and presumption in favour of sustainable development should prevail. It is therefore worth revisiting the wording of Policy H5, the wording of the Framework, and the relevant tests to be applied in the determination of planning applications.

The developer's Planning Statement erroneously suggests (at paragraph 4.25) that emerging policy Core Policy 2 is "less prescriptive" than adopted policy H5. An assessment of Policy H5, the other relevant adopted development plan policies and draft policy Core Policy 2 actually indicates that they are consistent in their approach to development within villages and, arguably, more restrictive. Draft Core Policy 2 requires any "limited" development proposed in a village to "*respect the village character and local distinctiveness*".

Draft Core Policy 2 also sets additional tests for "*land adjoining a village*", which will only be supported if it is necessary to meet a specific local housing need that cannot be met in a more sustainable way and where the development forms a logical complement to the existing scale and pattern and character of the area, protects or enhances the local landscape and setting of the settlement, can be provided with safe vehicular and pedestrian access and complies with the policies for the protection of the natural environment and heritage assets. These tests are very similar to those set out in adopted Local Plan policies BE1, BE2, BE5, NE3, NE4, NE6, NE13, NE15 and H2, as detailed above.

The developer's Planning Statement proposes an argument that adopted Policy H5 should be disregarded as the Local Plan only made housing provision to 2011. This is to misunderstand the purpose of Policy H5 which was not to allocate specific sites but to identify the criteria by which development proposals would be assessed.

In this context it is noteworthy that the very latest emerging local plan policy (which has been the subject of public consultation) in the West Oxfordshire Local Plan Housing Consultation (August 2014) proposes the same locational strategy as the adopted Local Plan (the so-called "three towns approach" of focussing most development on Witney, Caverton and Chipping Norton with only very limited development in villages such as Kingham).

It is also noteworthy that the draft Local Plan records at paragraph 4.13 that this approach means that development should take place on sites which have "*the least environmental impact and best access*".

Paragraph 197 of the National Planning Policy Framework states that in assessing and determining development proposal local planning authorities should apply the presumption in favour of sustainable development. With specific regard to housing application, the Framework reiterates that these should be considered in the context of the presumption in favour of sustainable development. "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (Paragraph 49). Where the relevant policies are out-of-date planning permission should be granted "*unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole*" (Paragraph 14).

It is therefore apparent that the Framework is not suggesting that all adopted Development Plan policies should be put aside if a Council cannot demonstrate a five-year supply of housing, only "relevant policies for the supply of housing". The Council's policies relating to housing numbers have not been carried forward, but the Council's approach to the specific locational criteria for development in villages as set out in Policy H5 remain a part of the Development Plan and appropriate to the consideration of specific development proposals. As recognised by the developer, the proposal conflicts with adopted Policy H5. As set out in Paragraph 12 of the National Planning Policy Framework, a proposal that conflicts with the adopted Development Plan should be refused unless other material considerations indicate otherwise. The proposal conflicts with 12 policies of the adopted Development Plan and accords with just one. It also conflicts with substantial sections of the Framework itself.

(iii) Are there any material considerations sufficient to outweigh substantial Development Plan policy conflict, the nature of sustainable development and the extent of adverse impacts.

It is necessary to consider whether any material considerations are sufficient to outweigh this substantial and overwhelming Development Plan policy conflict.

The developer contends that the absence of a five-year housing supply means that the presumption in favour of sustainable development is sufficient to outweigh all these policy conflicts. The approach set out in Paragraph 14 of the Framework is that the presumption in favour of sustainable development should be applied unless the adverse impacts significantly and demonstrably outweigh the benefits.

The first question to address, therefore, is whether the proposal represents *sustainable development*. If it does not it should be refused in any event. If the proposal is considered to represent sustainable development, the subsequent question to address is whether conflict with 12 adopted Development Plan policies and significant parts of the National Planning Policy Framework and other adverse impacts should be outweighed by the presumption in favour of sustainable development. Recent Case Law supports this approach. In the case of *William Davis Ltd v Secretary of State for Communities and Local Government* [2013], Lang J observed:

“I accept [the Secretary of state’s] submission that paragraph 14 NPPF only applies to a scheme which has been found to be sustainable development. It would be contrary to the fundamental principles of NPPF if the presumption in favour of development in paragraph 14 applied equally to sustainable and non-sustainable development”.

With regard to the first (and fundamental) question - *is the proposal sustainable development* – it is instructive to be reminded of the dimensions of sustainable development as defined in the Framework at Paragraph 7:

- An economic role – ensuring that sufficient land of the right type is available in the right places at the right time to support growth. *Green field land, designated as AONB and forming an important open space in the character and appearance of the village is not considered to be the “right type” of land or in the “right place”.*
- A social role – creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being. *The development of a modest number of appropriately-sized houses to meet specifically identified local needs would accord with this dimension. The current proposal cannot be considered to do so.*
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment. *The development of a green field site, causing the loss of an important local open space and resulting in the loss of semi-mature and mature trees and habitats of protected species cannot be considered to accord with this dimension.*

It is therefore contended that the proposal does not necessarily constitute sustainable development. The presumption in favour of sustainable development should not therefore apply and the planning application should be refused in any event.

Even if it was considered that the application (notwithstanding its demonstrable failings) did constitute sustainable development, are the adverse impacts of the proposal sufficient to outweigh the overwhelming Development Plan policy conflict? In addition to the conflict with 12 adopted Development Plan policies, the proposal conflicts with a number of objectives of the National Planning Policy Framework, including “*conserving and enhancing the natural environment*” (Paragraph 17), “*the achievement of safe and suitable access*” (Paragraph 32) refusing permission where “the residual

cumulative impacts of development are severe” and the “*great weight given to conserving the landscape and scenic beauty in Areas of Outstanding Natural Beauty* (Paragraph 115).

It is therefore apparent that the adverse impacts of approving the proposal would “*significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework*”.

Conclusion

In the context of the foregoing it is apparent that the proposal conflicts with policies of the adopted Development Plan; conflicts with the National Planning Policy Framework; does not represent sustainable development; the adverse impacts of approving the proposal would significantly outweigh the benefits and there are no material considerations sufficient to outweigh these conflicts. Accordingly, the planning application should be refused.

14/1054/P/FP 1 Market Street Woodstock	
Date	18/07/2014 18/07/2014
Officer	Gemma Smith
Officer Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	444487,216771

APPLICATION DETAILS

Alterations and part change of use to dwelling with single storey rear extension.

APPLICANT

Christina Broad, 1 Market Street, Woodstock, Oxon, OX20 1SU

1 BACKGROUND INFORMATION

- 1.1 This application seeks planning permission for alterations and part change of use of retail space (A1 use) to residential (C3 use) with single storey rear extension. The new residential dwelling would be occupied by the shop owner. The application sites relates to a three storey mid-terraced Grade II Listed Building situated on Market Street in a prominent position within the main retail ‘triangle’ of Woodstock. The site is located within the Woodstock Conservation Area.

2 PLANNING HISTORY

- 2.1 Alterations and part change of use to dwelling with single storey rear extension (Planning Reference 14/1055/P/LB)
- 2.2 Removal of existing rear door and window and replace with French doors. (Planning Reference 09/0189/P/FP) Granted subject to conditions 9th April 2009.

Internal and external alterations to include removal of one flight of stairs and changes and balustrade to increase floorspace, removal of existing rear door and window and replace with French doors (Planning Reference 09/0191/P/LB) Granted subject to conditions 9th April 2009.

- 2.3 Affix non-illuminated hanging sign to front elevation (Planning Reference 09/0190/P/AC) Granted subject to conditions 9th April 2009.

3 CONSULTATIONS

- 3.1 Woodstock Town Council:

“Woodstock Town Council wish to make no comment about this planning application.”

3.2 OCC Highways:

“The proposal, if permitted, will not have a significant detrimental effect on the local road network. No Objections.”

4 REPRESENTATIONS

4.1 Eight neighbouring properties were notified of the application and no letters of representation have been received. Neither have any comments been received in response to the site notice erected at the site.

5 APPLICANTS CASE

5.1 The applicant has submitted a Planning Statement in support of their application which is summarised as follows:

- The applicant purchased the ground and basement property in November 2013 with the aim of providing a viable business that would be appealing to local people and tourists.
- It has been found that there is an excess of retail space that affects the profitability of the whole business and it will not be possible to run this amount of retail floorspace in the future.
- The retail/gallery space is proposed to create a duplex garden flat forming a home for the owner of the business.
- The modest rear extension is proposed to enhance the available space.
- The proposal has due regard to amenity of neighbouring properties and will not have an undue visual impact in relation to its surroundings.

6 POLICY

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

BE2 (General Development Standards);
BE3 (Provision for Parking and Movement);
BE5 (Conservation Area);
BE8 (Development Affecting the Setting of a Listed Building);
BE9 (Change of Use of a Listed Building);
SH3 (Change of Use in Town Centres);
SH5 (Loss of Local Shops); and
H2 (General Residential Development Standards).

7 PLANNING ASSESSMENT

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

- Principle;
- Impact upon the Listed Building; and Implications on Highways and Parking.

Principle

7.2 There are two key considerations in the principle of development, firstly the loss of retail space at the unit and second the principle of a new dwelling.

- 7.3 The Local Plan and the National Planning Policy Framework both contain policies and guidance which seek to preserve and enhance the vitality of local service centres. Policy SH5 of the adopted West Oxfordshire Local Plan, 2011 seeks to prevent the loss of local shops unless:
- a) The existing use is no longer viable; or
 - b) There is no demonstrable loss to the range of goods and services available within or adjoining the settlement.

Paragraph 28 of the National Planning Policy Framework (NPPF) also supports this approach.

- 7.4 However, in considering the principle of the development, officers have to establish whether there is any policy justification to refuse planning permission. Policy SH5 seeks to prevent the loss of shops (A1 use). Officers note that the proposal would result in a loss of approx 30 sqm. of the existing retail space on both ground and basement floors, of which approx. 12 sqm relates to basement space which is currently not in use due to the impractical nature and configuration of this space. Given this officers would find it difficult to resist the loss of the retail space. A street facing retail use at ground level floor level will still be retained within the street scene.
- 7.5 In general terms, Policy H7 allows for the erection of new dwellings within towns such as Woodstock, provided that they comprise either infilling, rounding off within the built up area or conversions of existing buildings. In this case, the dwelling will fit within the definition of part-conversion of existing building.
- 7.6 The dwelling is proposed to be provided in the form of an extension to the existing dwelling and part-conversion of retail space. The principle of providing a dwelling in this location is therefore considered to be acceptable and in accordance with Policy H7 of the West Oxfordshire Local Plan 2011. The dwelling would also be in a sustainable location in accordance with the requirements of the National Planning Policy Framework.
- 7.7 On this basis, whilst the Authority acknowledges the loss of the potential retail space, officers cannot identify a policy which specifically resists such development. Therefore officers consider the principle of the part change of use of this unit to be acceptable.

Impact upon the Listed Building

- 7.8 Policy BE9 of the West Oxfordshire Local Plan, 2011 seeks to retain the character and special architectural or historic interest of Listed Buildings through change of use. The modest extension to the rear would measure and be constructed from rendered masonry to match existing with a felt flat roof. The proposed internal changes entail alterations to portioning which would not result in significant historic fabric being lost. It is therefore considered that the principle of the change of use is acceptable and would not result in detrimental impact to the character of the Listed Building or Conservation Area. Indeed it could be argued that the change of use would secure better long term protection for the Grade II Listed Building. Furthermore the proposal would be considered to accord with the provisions of Section 12 of the National Planning Policy Framework.

Highways and Parking

- 7.9 The Local Highway Authority Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Therefore officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway and would be in accordance with Policy BE3 of the Local Plan.

Conclusions

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

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: 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) 1404:001 and 1404:002
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 That part of the development to be rendered shall be rendered using materials of the same type, colour and texture as the render used on the existing building.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors and windows (including cills and heads), 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)

14/1055/P/LB 1 Market Street Woodstock	
Date	18/07/2014 18/07/2014
Officer	Gemma Smith
Officer Recommendation	Grant subject to conditions
Parish	WOODSTOCK
Grid Ref:	444487,216771

APPLICATION DETAILS

Alterations and part change of use to dwelling with single storey rear extension.

APPLICANT

Christina Broad, 1 Market Street, Woodstock, Oxon, OX20 1SU

BACKGROUND INFORMATION

This application seeks Listed Building consent for internal alterations to allow the part change of use from retail (A1 use) to residential (C3 use) to also include a single storey rear extension. The new residential dwelling would be occupied by the shop owner. The application sites relates to a three storey mid-terraced Grade II Listed Building situated on Market Street in a prominent position within the main retail 'triangle' of Woodstock. The site is located within the Woodstock Conservation Area.

I PLANNING HISTORY

- 1.1 Alterations and part change of use to dwelling with single storey rear extension (Planning Reference 14/1055/P/LB)
- 1.2 Removal of existing rear door and window and replace with French doors. (Planning Reference 09/0189/P/FP) Granted subject to conditions 9th April 2009.
- 1.3 Internal and external alterations to include removal of one flight of stairs and changes and balustrade to increase floorspace, removal of existing rear door and window and replace with French doors (Planning Reference 09/0191/P/LB) Granted subject to conditions 9th April 2009.
- 1.4 Affix non-illuminated hanging sign to front elevation (Planning Reference 09/0190/P/AC) Granted subject to conditions 9th April 2009.

2 CONSULTATIONS

2.1 Woodstock Town Council:

“Woodstock Town Council wish to make no comment about this planning application.”

3 REPRESENTATIONS

- 3.1 Eight neighbouring properties were notified of the application and no letters of representation have been received. Neither have any comments been received in response to the site notice erected at the site.

4 APPLICANTS CASE

- 4.1 The applicant has submitted a Planning Statement in support of their application which is summarised as follows:
 - The applicant purchased the ground and basement property in November 2013 with the aim of providing a viable business that would be appealing to local people and tourists.
 - It has been found that there is an excess of retail space that affects the profitability of the whole business and it will not be possible to run this amount of retail floorspace in the future.
 - The retail/gallery space is proposed to create a duplex garden flat forming a home for the owner of the business.
 - The modest rear extension is proposed to enhance the available space.
 - The proposal has due regard to amenity of neighbouring properties and will not have an undue visual impact in relation to its surroundings.

5 POLICY

- 5.1 In your officer's opinion, the key policies of the West Oxfordshire Local Plan 2011 in the consideration of this application are policies:
- 5.2 Your officers consider that the following Local Plan Policy is particularly relevant to the consideration of this application:
 - BE7 - Alterations and Extensions to Listed Buildings.
 - BE8- Development affecting the setting of Listed Building.

5.3 The National Planning Policy Framework is also a material consideration.

6 PLANNING ASSESSMENT

6.1 The full planning considerations of the proposal have been assessed under Planning Application Reference I4/ 1054/P/FP. The application seeks Listed Building Consent for internal changes which comprise of alterations to the partitioning and resiting of bathroom facilities. The proposal also seeks permission for the erection of a flat roofed extension to the rear of the building. It is considered that this addition is sympathetic to the character of the existing building and is sited sensitively to reduce impact on the character of the Conservation Area and Listed Building. With this in mind, the proposal is considered to be in accordance with Policies BE2, BE5 and BE7 of the West Oxfordshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.

Conclusions

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

RECOMMENDATION

Permit subject to the following conditions:

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of S.18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2 That the development be carried out in accordance with plan No(s) I404:001 and I404:002.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 That part of the development to be rendered shall be rendered using materials of the same type, colour and texture as the render used on the existing building.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 5 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.
REASON: To preserve internal features of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 6 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building. (Policy BE7 of the adopted West Oxfordshire Local Plan 2011)
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors and windows (including cills and heads), 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).

14/1075/P/FP The Mill Station Road Chipping Norton	
Date	24/07/2014
Officer	Abby Fettes
Officer Recommendation	Provisional approval
Parish	CHIPPING NORTON
Grid Ref:	430776,226847

APPLICATION DETAILS

Removal of existing building and erection of nine dwellings with associated alterations to site access, new parking arrangements and landscaping works.

APPLICANT

A2Dominion Developments Ltd Spelthorne House, Thames Street, Staines-upon-Thames, TW18 4TA.

BACKGROUND INFORMATION

The site is within the built up area of Chipping Norton, within the Cotswolds AONB but outside the boundaries of the Conservation Area.

The building has most recently been used for retail purposes. The application seeks planning consent for nine 3 and 4 bed dwellings on the site.

The application is before committee as the officer recommendation differs to the Town Councils comments.

1 PLANNING HISTORY

- 1.1 W98/0917: Change of use from BI to antiques centre for the sale of antiques and compatible goods and restoration materials and ancillary sale of food and drink (retrospective) at Station Mill Antiques Centre, Station Yard Industrial Estate, Chipping Norton. Planning permission granted subject to conditions on 3rd November 1998.
- 1.2 W99/0009: Change of use from BI to antiques centre for the sale of antiques and compatible goods and restoration materials and ancillary sale of food and drink (retrospective) at Station Mill Antiques Centre, Station Yard Industrial Estate, Chipping Norton. Planning permission granted subject to conditions on 2nd March 1999.
- 1.3 05/0453/P/OP: Demolish existing building and erection of flats at the Station Mill Antiques Centre, Station Road, Chipping Norton. Outline planning permission granted 23rd August 2008. This permission was not implemented and has now lapsed.
- 1.4 07/0127/P/FP: Erection of twenty four apartments and associated parking, landscaping and amenity at The Mill, Station Road, Chipping Norton. Planning permission allowed at appeal 26th June 2008.
- 1.5 08/1392/P/OPR Removal of existing building and erection of 14 flats with associated parking. Station Mill Antique Centre Station Road Chipping Norton planning permission granted 2008.

2 CONSULTATIONS

2.1 Chipping Norton Town Council

“The description of this planning application is not correct. The existing outbuilding in your description is actually the large Mill building.

The Town Council do not like the scale and the design of the proposed development. The proposed plan does not have enough car parks for the site.

This area of town lacks car parking spaces.”

2.2 WODC Environmental Health

“I have considered the above application and have no adverse observations or conditions to recommend.”

2.3 Highway Authority

“The proposal will generate less vehicular movements than the existing B1 use or the proposal for flats that has an extant permission.

The site has good pedestrian and cycling links to the town centre.

No objection subject to conditions.”

2.4 WODC Drainage

“No objection subject to condition.”

3 **REPRESENTATIONS**

Representations have been received from Jason Steptoe on behalf of Mr & Mrs Steptoe at 52 Webb Crescent, and Mr & Mrs Yells at 54 Webb Crescent, and Paul Meathrel of 4 Crafts Mill Terrace.

- The planning for the houses are favourable over that of the previously approved apartments, with the exception of the privacy. On the apartments, rear aspect windows facing towards the rear gardens at Webb Crescent, were opaque glass, where now they are not.
- We have a boundary dispute where the rear gardens of 52 and 54 Webb Crescent boundary onto the land know as The Mill, Station Road They do not have permission to included the above mentioned land within the development.
- Concerned about the proximity of the development to our back fence and the degree to which this would overshadow us and the loss of light throughout the year into our garden and property. The height of the planned development at 2.5 storeys would bring a significant loss of light and overshadowing during large parts of the year, particularly as our garden in south facing. This is an issue for us personally as the side of the development extends over the entire length of our back fence due to the layout of the proposed development.
- The height of the proposed development is higher than the previously accepted application.
- Concerned about the loss of privacy for our neighbours whom will be overlooked more than ourselves.

4 **APPLICANT'S CASE**

- 4.1 The following documents have been submitted in support of the applicants case and are summarised below:

Design & Access Statement

- 4.2 The proposed development delivers a high quality scheme which makes efficient use of an urban brownfield site and delivers new homes. The scheme respects local context and character by providing a scheme which is of appropriate form, style, scale, massing, detailing and materials.

Chipping Norton's strong local identity has been a key factor guiding the form and detailing of the scheme. The proposed development delivers an active frontage to Station Road. The scheme proposes traditionally-styled dwellings with simple detailing and locally appropriate materials. The scheme provides adequate separation distances, appropriate orientation from neighbouring properties. Adequate on site arrangements are provided for vehicular access, servicing and parking.

Flood Risk Statement & Development Drainage Strategy

- 4.3 The Environment Agency's flood zone map indicates the site to be wholly located within the lowest risk category - Flood Zone 1. As a result of the 915m² (41%) reduction in impermeable areas, the peak rate and volume of surface water runoff from the site post development, will be less than its existing state (including an allowance of 30% for predicted climate change up to the year 2115). Although this provides a reduction of over 20% in surface water peak flow and volume entering the existing sewer network, conformation should be sought from Thames Water to ensure that the existing sewers have sufficient current capacity to receive these flows. This redevelopment represents a potential reduction of approximately 0.02 l/s in peak foul flow over existing conditions.

Transport Statement

- 4.4 The site is in an accessible location, within walking distance to the town centre and schools, with opportunities to use buses. The location of the new site access represents an improvement on the existing accesses. The car parking provision of two allocated spaces accords with OCC's maximum car parking standards. Two dedicated cycle parking spaces will be provided within each plot in accordance with cycle standards. The proposed site will allow refuse collection to, enter, turn and exit and will service the five dwellings accessed via shared surface, refuse for the remaining dwellings will take place from Station Road. The proposal will generate a maximum of six two-way movements per hour during the network peak hour. The traffic generation of the site is lower than that of the permitted use of the site.
- 4.5 Safe and acceptable access will be provided; residents will be able to take up the existing good opportunities for walking, cycling and public transport use; and there will be a residual severe traffic impact - indeed the scheme represents a traffic benefit when compared to the re-use of the site for offices or the permitted flatted redevelopment of the site.

Soil Investigation Report & Asbestos Report

- 4.6 The WAC testing results are generally below the inert waste landfill guidelines, but the mineral oil result of 2275mg/kg exceeds the inert limit of 500mg/kg. The results fall within the WAC limits for hazardous waste. To be able to reclassify the waste from the rest of the site as inert further WAC testing is recommended.

Asbestos Survey Report

- 4.7 During the course of the Type 3 "Full access Sampling and Identification Survey" (Pre-demolition/Major Refurbishment Survey), seven samples have been taken and analysed by an UKAS Accredited Laboratory.
- 4.8 No asbestos was identified within the samples analysed.

5 POLICY

- 5.1 The following Local Plan policies are of relevance.
- 5.2 The application site is located outside of the Chipping Norton Conservation Area.

Policy E6 (Change of Use of Existing Employment Sites),
H2 (General Residential Development Standards),
H3 (Range and Type of Residential Accommodation),
H7 (Service Centres), BE2 (General Development Standards)
BE3 (Provision for Movement and Parking).

5.3 The guidance of the NPPF is 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
- Design and neighbourliness
- Highways

Principle

6.2 The principle of residential development has previously been accepted on this site (see planning history).

6.3 Policy H11 of the adopted Local Plan 2011 deals with the provision of affordable housing. Policy H11 states that proposals in Chipping Norton where 15 or more dwellings are proposed, or on sites greater than 0.5 hectares, up to 50% affordable housing will be sought. The application seeks planning permission for the erection of 9 units which is below the threshold set out within policy H11.

6.4 The proposal is considered to accord with local plan policy and the NPPF.

Design and Neighbourliness

6.5 The proposal is for a terrace of five properties to the rear of the site and two pairs of semi detached properties at the front of the site. This is a decrease in numbers from the previously approved scheme, allowing for more space around the buildings.

6.6 The layout of the proposed development breaks up the scale and massing of the proposed building and will allow the design and form of the building to respect the local vernacular. All the dwellings are 2.5 storeys with rooms in the roof but the building utilises the levels of the site to its advantage, and has subservient wings at either end of the terrace to break up the massing. This will also ensure that the proposed building will not appear overbearing when viewed from within The Leys.

6.7 Having regard to the above, your officers consider that the scale and layout of the proposed development will protect the character of the street scene and maintain the amenity of neighbouring residential properties. Concerns have been raised regarding the potential for overlooking from the windows of the terraced properties. Officers are seeking clarification over the proposed balconies and the proposed boundary treatment to ensure that privacy is not compromised and an update will be given either in the additional representations report or verbally at the meeting.

6.8 The boundary dispute raised through representations is a civil matter and not for consideration by the planning system.

Highways and parking

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

6.10 The proposal is considered to accord with policy 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, subject to the clarification of residential amenity issues as set out above.

RECOMMENDATION

Provisional approval.

14/1115/P/FP Cow Shed Upper End Fulbrook	
Date	29/07/201429/07/2014
Officer	Gemma Smith
Officer Recommendation	Grant, subject to conditions
Parish	FULBROOK
Grid Ref:	425891,213365

APPLICATION DETAILS

Erection of dwelling.

APPLICANT

Mr Tim Pearce C/O Agent

BACKGROUND INFORMATION

The application seeks planning permission for the proposal to rebuild a redundant cow shed at land to the rear of Manor Farm, Upper Fulbrook to create a new two-bedroomed residential dwelling. The rebuilt structure would be constructed out of a zinc finish curved roof, vertical cedar cladding with a limecrete base. The rebuilt structure would also be the same height and accommodate the same footprint of the existing unit. The site is located within the Cotswolds Area of Outstanding Natural Beauty but outside of the Conservation Area.

I PLANNING HISTORY

- I.1 Conversion of part of existing outbuilding to form holiday cottage. Manor Farm Barns. (Planning Reference 13/1770/P/FP & 13/1771/P/LB) Granted subject to conditions 5th February 2014.
- I.2 Conversion of agricultural outbuilding to household garaging/storage and replace roof over entire length of building. 3 Manor Farm Barns. (Planning Reference 04/1278/P/FP) Granted subject to conditions 17th August 2004.
- I.3 Erection of conservatory to west elevation. North End Barn. (Planning Reference W2002/0355 & Listed Building Consent W2002/0356) Granted 5th April 2002.

- 1.4 Insertion of flue. Listed building consent. 3 Manor Farm Barns. (Planning Reference W96/1125) Granted 4th September 1996.
- 1.5 Conversion of loft alterations and erection of side extension to dwelling and re-location of LPG tank. 3 Manor Farms (Planning Reference W94/1696) Granted 8th March 1995.

2 CONSULTATIONS

2.1 Fulbrook Parish Council

“Fulbrook Parish Council (FPC) has the following observations regarding the above planning application:

- 1. General Observations -FPC is not in support of this application.*
- 2. We consider that there are too many holiday lets in the village, to the detriment of traditional village life.*
- 3. Upper End is over-developed already.*
- 4. We have concerns that the development will generate increased traffic along the narrow and poorly maintained access lane to Upper End. There has already been considerable interaction with the highway authority to try and resolve the potholing and flooding problems at the lanes's junction with the A361 Burford to Chipping Norton Road.*
- 5. We consider this development to be outside the village envelope, and that permission will set a precedent that could effect every shed or disused barn structure in the village or its environs.*
- 6. Traditionally, the residents of Fulbrook have used the unrestricted right of way and track through the property for access to and from Garnes Lane that runs parallel to the church. We would not wish to see the loss of this amenity.*
- 7. If planning permission is granted then FPC would wish to see the use restricted to holiday lets only (as per the condition attached to planning application ref. 13/1770/P/FB for 3 Manor Barn Cottage). It should not be capable of being used as a permanent residence.*
- 8. As there are parking issues in Upper End, FPC would expect to see are similar condition included for onsite parking as included in 13/1770/P/FP.*

“Fulbrook Parish Council has received further information from a parishioner who has lived in Fulbrook for many years, in relation to the path across the fields. There is a suggestion that this has been in long term use for many years, even as far back as pilgrims going to Stow. Please could you take this into consideration, added at point 6, with the e-mail I sent you on Monday 18th August, in that traditionally the residents of Fulbrook have used the unrestricted right of way and track through the property for access to and from Garnes Lane that runs parallel to the church.”- dated 21/08/2014.”

2.2 OCC Highways

“The proposal, if permitted, will not have a significant detrimental impact on the local road network. No objection.”

2.3 WODC Environmental Health

“No objections.”

2.4 WODC Drainage Engineers

“According to the EA flood maps, the site is situated within an area at very low risk of fluvial and surface water flooding and within flood zone 1. The proposal is more than 20m from a watercourse. There is no history of either the application site or surrounding area being flooded previously. Proposal of Soakaway. Proposal of crushed limestone for hard standing/access. No objection subject to appropriate conditions.”

2.5 Natural England

“The standing Advice includes a habitat decision tree which provides advice to planner on deciding if there is a ‘reasonable likelihood’ of protected species being present. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework..”

3 REPRESENTATIONS

3.1 Four neighbouring properties were notified of the application and on letter of representation has been received from Ms. Laverack of 3 Manor Farm Barns. The representation is summarised as follows:

- In principle we agree with the proposal – we feel it is preferable to develop existing structures in areas such as Fulbrook rather than to build new homes.
- However we strongly object to the proposal to plant 1.8m high hedge along the side of our barn. This would affect and block light and views out from the windows.
- Although officially not a public footpath local residents use the field for walking and access is through the gate where the proposed drive and parking are proposed. If this access was no longer available, this would have a negative impact on the local residents.

4 APPLICANTS CASE

4.1 The applicant has submitted a Planning, Design and Access Statement and Ecological Assessment in support of their application. The Design and Access Statement is summarised as follows:

- Upper End is characterised by a collection of houses which line the road to Manor Farm and a series of historic buildings. The farm no longer functions from this site and the agricultural building have been converted into houses. The buildings at the extremity of the area and adjoining countryside include more modern farm buildings which have been converted to ancillary domestic use and as holiday lets.
- Manor Farm and its converted barns are all Listed.
- The building and its form represents a historically interesting structure in terms of the history of agricultural development and husbandry practices.
- An electric transformer unit lies adjacent to the building and is considered to have a detrimental impact on the character of the area and the setting of the adjoining Listed Buildings.
- The planning opportunities include that the site is Brownfield and an alternative use of the site would justify the removal and relocation of the transformer which mars the setting of the Listed Buildings.
- The innovative design seeks to replicate and reinforce the historical agricultural significance of the existing structure.
- Improvements to biodiversity with the establishment of new native species hedging.
- The proposal does not involve any additional encroachment of building or curtilage into the open countryside.
- The replacement building would be built on the exact same footprint.

- The proposed treatment of the boundary with a native species hedge and the replication of the building in its current format but in a state fit for purpose will enhance the natural beauty of the area as a whole.
- The use of muted shades of grey and timber for construction materials replicates the colour palette found in the local vernacular.
- A staggered native hedge is proposed to allow light and filtered views from 3 Manor Farm Barns, but to also retain privacy in connection with the new building.

4.2 The Ecological Assessment is summarised as follows:

- A Phase I Habitat survey has been completed in respect of the buildings and outside area.
- No protected species within the building.
- The proposals include the planting of native species hedges around the perimeter of the property.
- There are no statutory or non-statutory nature conservation designations which impinge upon the study site.
- The habitats within the site are considered to be of low overall ecological value, and are not assessed to be subject to any Biodiversity Action Plans.
- The barn was assessed to have negligible bat roosting potential, and no evidence of bats was noted during the building inspection survey.
- No evidence of barn owl or other nesting birds was noted within the barn.
- It is recognised that any removal of vegetation which may be proposed at this site should be programmed outside the bird nesting season (typically mid February to August inclusive).

5 POLICY

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

BE2 (General Development Standards);
 BE3 (Provision for Movement and Parking);
 H2 (General Residential Development Standards);
 NE1 (Safeguarding the Countryside);
 NE3 (Local Landscape Character);
 NE4 (Cotswolds Area of Outstanding Natural Beauty); and
 NE15 (Protected Species).

5.2 Section 7 (requiring good design) and Section 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework are of key considerations.

5.3 In addition to the above, the National Planning Practice Guidance is also a material planning consideration.

6 PLANNING ASSESSMENT

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

- Principle;
- Design and Impact upon the setting of a Listed Building
- Impact on the character of the landscape area;
- Impact on neighbouring amenity;
- Ecology; and

- Implications on Highways and Parking.

Principle

- 6.2 In considering the principle of the proposed new dwelling, 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 Fulbrook would have been considered in line with Policy H5 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.
- 6.3 Given this, the provision of a new dwelling 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 In light of the guidance of the NPPF, and that Fulbrook is considered to be a relatively sustainable location given the range of facilities and services provided for and proximity to Burford, officers therefore consider that the principle of development is acceptable.
- 6.5 Concerns have been raised over the number of holiday lets within the area, officers note that this application is for the creation of a new residential dwelling.

Design and Impact upon the setting of a Listed Building

- 6.6 The existing 1950s cowshed is impractical for conversion to residential due to the structure beginning to fail. The building and form of the agricultural unit reflects the historical use within the area. The rebuilt cowshed will carry a more contemporary form than the existing barn. Advice from our Conservation Officers, at pre-application stage, to avoid contemporary rooflights on the structure has been noted and these have been removed from the scheme and replaced with clerestory.
- 6.7 Paragraph 58 within Section 7 of the National Planning Policy Framework, aims to ensure development responds to the local character and history, and reflect the identity of local surroundings and materials, whilst not discouraging appropriate innovation. The design of the rebuilt cowshed closely replicates the form by way of the curved roof line, similar footprint, siting and would be constructed of materials that replicate the character of the local vernacular. Given this, your officers are of the opinion that the proposal would reflect the historical setting of the barn through the transposition of form, respecting the local area and therefore would accord to local policy BE2 of the West Oxfordshire Local Plan, 2011.
- 6.8 It is considered that the proposal would not result in a detrimental impact on the adjoining Listed Barns at Manor Farm. The proposed dwelling would be built in the exact footprint of the original barn, perpendicular to the Listed Buildings. The building would retain the lean to connection to the existing barns. Therefore the proposal would not result in any significant loss in historic fabric nor would it compromise the historic interests of the adjoining Listed Buildings. The existing structure of the cowshed is particularly dilapidated and whilst the amenity of the heritage assets are

predominantly characterised to the front elevation, the proposed rebuilding of the cow shed, in your officer opinion, would enhance the character of the setting of the Listed Buildings. The proposal therefore accords with Policy BE7 of the West Oxfordshire Local Plan, 2011 and Section 12 of the National Planning Policy Framework.

- 6.9 The application also proposes to re-site an existing utilities transformer to the East of the site. This is not a material planning consideration and the planning merits are not assessed under this application.

Impact on the character of the landscape area

- 6.10 Concerns have been raised over a historical public right of way within the area. Whilst there is no official public right of way within the immediate vicinity, it is considered that the rebuilding of the existing agricultural unit would not result in any detrimental impact on the character of the surrounding landscape and wider views. Furthermore it is considered that there would be no detrimental impact on the character of the Cotswolds Area of Outstanding Natural Beauty. It could be considered that the rebuilding of the agricultural unit enhances the character of the AONB, officers therefore consider that the development is in accordance with Policies NE1 and NE4 of the West Oxfordshire Local Plan, 2011 and paragraph 115 of the National Planning Policy Framework.

Impact on neighbouring amenity

- 6.11 Officers acknowledge that the rebuilt agricultural structure will change from a former agricultural unit to a residential property. No. 3 Manor Barns is the only residential neighbouring property that has window openings on the north elevation. There would be no window openings to the proposed dwelling that would allow overlooking. The applicant proposed to plant a staggered native hedge to allow light and filtered views but also retain the privacy within the amenity space proposed with the new building. Concerns have been raised that the 1.8m hedges will block views and result in loss of light to the neighbouring property at No.3 Manor Barns. It is considered that there would be no additional loss of light to the existing property as a result of the planting scheme. Furthermore the hedges would not require planning permission, therefore refusal of the development could not be justified.

Ecology

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

Parking and highways implications.

- 6.14 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the proposal. Therefore, officers do not consider that the proposed development will create undue danger within the site, nor that it will detract from the safety and convenience of users of the public highway. Officers note that the proposal would create car parking for two cars. Given the proposal would create a two-bedroom property, it is considered that the proposal would provide adequate off-street parking to serve a property of this scale in line with parking provision guidance under Policy BE3 within the adopted West Oxfordshire Local Plan, 2011.

Conclusions

- 6.15 In light of these observations, having considered the relevant planning policies and all other material planning considerations, your officers consider that the proposed development is on balance 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 plan No(s) L4199/PL.01:B and L4199/PL03:D.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls of the new dwelling shall be constructed with timber cladding, 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)
- 4 The roof shall be covered with zinc 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 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), and vents 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)
- 6 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 (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 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)

7 No dwelling shall be occupied until space has been laid out within the site for two cars to be parked and such spaces shall be retained for parking purposes thereafter.

REASON: To ensure that adequate provision is made for off-street parking. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

8 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. 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 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0845 600 3078.

2 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)).

14/1121/P/FP Hopkins Yard Market Street Charlbury	
Date	31/07/2014 11/08/2014
Officer	Cheryl Morley
Officer Recommendation	Grant, subject to conditions
Parish	CHARLBURY
Grid Ref:	435631,219512

APPLICATION DETAILS

Extensions and conversion of barn to create dwelling and associated works.

APPLICANT

Mr David Maxwell, 1 Westminster Palace Gardens, Artillery Row, London, SW1P 1RL

BACKGROUND INFORMATION

Hopkins Yard constitutes a range of former agricultural buildings and garages located on approximately 845 square metre site in Charlbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. Whilst the group of un-listed buildings as a whole is of low quality and little architectural value, the ‘historic core’ of the barn range is an important vernacular structure of some interest.

This application seeks planning permission for the extensions and conversion of barn to create dwelling and associated works (Alterations to the approved application 13/0398/P/FP).

I CONSULTATIONS

I.1 Charlbury Town Council

- 1. Can the letters from immediate neighbours be given careful consideration please.*
- 2. This is possibly an important Anglo-Saxon site (see attached) and therefore we would ask for an archaeological survey.*
- 3. We are not happy with the proposal to use zinc cladding. We would prefer to see blue slate for roofing and natural stone for walls in this important part of the Conservation Area.*
- 4. Can a site visit be arranged to enable the committee to understand the context of the application. Can the application go to committee please.*
- 5. Can previously applied conditions be revisited as they were relevant on this conspicuous site.*
- 6. We object to this application.*

I.2 Natural England

“Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Having reviewed the application Natural England does not wish to comment on this development proposal.”

I.3 Cotswolds AONB

“Cotswolds Conservation Board will not be commenting on the planning application. This does not imply either support for, or an objection to, the proposals.”

I.4 OCC Highways

“The proposal, if permitted, will not have a significant detrimental impact on the road network.

No objection subject to condition.”

I.5 WODC Engineers

“No objection subject to conditions.”

I.6 OCC Archaeology Department

“No objections subject to conditions.”

2 PLANNING HISTORY

- 2.1 11/1020/P/FP: Change of use of barn to dwelling – Permission refused for the following reason:

That the existing building proposed for conversion has been subject to a number of alterations and extensions which have compromised the former agricultural quality of the barn to the detriment of the character and appearance of the building. As such, the building is not considered to be worthy of retention and as such would be contrary to policies BE10 and H7 of the West Oxfordshire Local Plan 2011.

- 2.2 13/0398/P/FP: Extensions and conversion of barn to create dwelling and detached garage. Granted subject to conditions on 25th June 2013.

3 REPRESENTATIONS

- 3.1 The Revd John Witheridge – Minster Cottage, Church Street

“There is not sufficient space for us to turn our car at the garage, so we have to reverse, and then turn in Hopkins Yard. We are concerned that there will not be space for this to happen when the barn is converted. There is a turning space in the plans but I am not confident that is large enough or angled in a way that will allow us to turn.”

- 3.2 Ms Morris

- Concerns with boundary walls;
- Zinc Roof;
- Master bedroom clad in brown zinc and height.
- Connection to drains

- 3.3 Mrs Clarke – Bramley Barn, Market Street

- Concerns with roof materials and the zinc master bedroom;
- Height of the development;
- Building work and the times work is carried out.

- 3.4 Mrs Way – Bramley House, Market Street

- Roofing material;
- The zinc of the master bedroom;
- Heights of the buildings;
- Construction work;
- Drainage.

- 3.5 Prof Geoffrey Walton –Owner of The Alley, Market Street, Downstone House, Griffin House and Griffin Cottage

- No concerns with the latest application provided the site is operated in a responsible fashion during acceptable working hours.
- Septic tank arrangements

4 APPLICANTS CASE

- 4.1 The applicant’s agent has submitted a detailed Design and Access Statement in support of the application.

The Design and Access Statement concludes with the following points:

- The proposed development is of considerable architectural merit;
- The development retains a fine example of a traditional stone Cotswold barn. The proposed conversion retains the historical appearance and integrity of the main retained barn.
- The scale and massing of the development sits comfortably within the site. This application in fact reduces the footprint of additional development.
- The development does not impact the existing amenity of neighbouring occupiers, in terms of the loss of privacy.
- The removal of the more modern outbuildings to the rear of the site enhances the Conservation Area.
- The removal of the modern garage extension to the front of the main two storey barn, significantly improves appearance and historical integrity of the existing main barn.
- The proposal makes efficient use of the brown field site.
- The proposal complies with local planning policies BE2, BE10 and BE5.
- This revised application has no more impact on any relevant policy over the existing permission ref: 13/0398/P/FP.

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 BE10 – Conversion of Unlisted Vernacular Buildings

Policy H2 – General Residential Development Standards

Policy H7 – (The erection of new dwellings in) Service Centres

5.2 In terms of the National Planning Policy Framework, section 6 (delivering a wide choice of high quality homes), 7 (requiring good design) and 12 (conserving and enhancing the historic environment) are also particularly relevant.

The West Oxfordshire Design Guide is also an important consideration.

6 PLANNING ASSESSMENT

6.1 As noted above, Hopkins Yard constitutes a range of former agricultural buildings and garages located on an approximately 845 square metres site in the Charlbury Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. Whilst the majority of the un-listed buildings on the site are low quality and are of little architectural value, the ‘historic core’ of the barn range as important vernacular structure of some interest.

6.2 This application seeks planning permission for the erection of a new dwelling on site incorporating the most important element of the existing range. The amended scheme will be prominently visible from third party property, but will only be visible in glimpse views from the public realm.

6.3 Taking into account the relevant planning policy, the comments of the objectors and all other material considerations, in your officers’ opinion the key considerations of the application are:

- Design and Siting;
- Residential Amenity;
- Highways and Parking;
- Additional considerations

Design and Siting

- 6.4 The principle of development is considered acceptable as this application is seeking alterations to application 13/0398/P/FP of which was previously approved 25th June 2013. The alterations are considered to be appropriate to the site. The materials to the additional master bedroom have been amended and changed from brown zinc to timber feather boarding and a stone slate roof to reduce the impact that would be caused to the surrounding street scene, Conservation Area and neighbouring properties.
- 6.5 With respect to the specifics of the design, officers consider that the forms of the proposed additions are respectful to the hosting building and would not cause a detrimental effect to the Conservation Area. Your officers recommend that conditions are applied to ensure the chosen materials and detailing of the extensions are appropriate. However, officers consider that the principle of the modern materials for the rear extension, in contrast to the vernacular materials used in construction of the historic barn, is acceptable; the 'legibility' of the site will be retained and there will be clear distinction between old and new. This approach is recognised as acceptable in the West Oxfordshire Design Guide. As such the development is considered to be in accordance with policies H2, BE2 and BE5 of the adopted West Oxfordshire Local Plan 2011.

Residential Amenity

- 6.6 Officers acknowledge the concerns raised by neighbouring properties but the proposed alterations to the approved scheme 13/0398/P/FP are considered not to cause any further adverse effects to neighbouring amenity. Officers recommend that an informative is attached to the decision to highlight that 'The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.' To address the concerns raised by the letters of representations received.

Highways and Parking

- 6.7 The Local Highway Authority Area Liaison Officer has assessed the proposal for parking and has no objections to the proposed alterations subject to the relevant conditions attached to the schedule.

Additional considerations

- 6.8 Officers note the concerns of the neighbours in regards to drainage. This issue will be dealt with through the appropriate conditions attached.
- 6.9 Issues relating to damage to private property caused by building works are civil issues which will need to be addressed by the interested parties through the appropriate channels.

Conclusions

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

RECOMMENDATIONS

Permit subject to the following conditions;

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 The development shall be carried out in accordance with the plans accompanying the application as modified by the revised plans deposited on 22nd September 2014
REASON: The application details have been amended by the submission of revised details.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as described in Classes A to H shall be constructed without Planning Permission being first obtained from the Local Planning Authority.
REASON: Control is needed to ensure the character of the Conservation Area is preserved. (Policies BE2 and BE5 of the West Oxfordshire Local Plan 2011)
- 4 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance).
- 5 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)
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights, lantern light and typical eaves and verge details for the new extension, with assemblies shown at 1:20 scale and each component at 1:5 scale, 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 That a sample of the proposed timber and treatment to be used on those parts of the buildings to be timber feather boarding shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To ensure the character of the Conservation Area is preserved. (Policy BE2 and BE5 of the adopted West Oxfordshire Local Plan 2011)
- 8 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing building.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 9 That a sample of the stone to be used in the construction of the boundary walls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
REASON: To ensure the character of the Conservation Area is preserved. (Policy BE2 and BE5 of the adopted West Oxfordshire Local Plan 2011)
- 10 The roof slopes shown on the approved plans to be covered with stone slate shall be covered with stone slate a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To ensure the character of the Conservation Area is preserved. (Policies BE2 and BE5 of the adopted West Oxfordshire Local Plan 2011)
- 11 The building shall not be occupied until the private road, parking and manoeuvring areas shown on the submitted plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
REASON: To ensure that a usable parking area is provided and retained. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 12 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 13 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)
- 14 The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.
Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)
- 15 Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.
Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

NOTE TO APPLICANT

The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

I4/I143/P/FP Fardon House Frog Lane Milton Under Wychwood	
Date	01/08/201401/08/2014
Officer	Gemma Smith
Officer Recommendation	Grant subject to conditions
Parish	MILTON UNDER WYCHWOOD
Grid Ref:	426768,217909

APPLICATION DETAILS

Demolition of existing bungalow and erection of two dwellings with associated garaging & works. Retention of existing & provision of additional vehicular access.

APPLICANT

Mr & Mrs Paul Horner, Seemattstrasse 36, 6333, Hunenberg See, Switzerland.

BACKGROUND INFORMATION

This application seeks planning permission for the replacement of a single storey bungalow with two detached two-storey dwellings, garages and associated parking. The application site is located on an end plot down Frog Lane.

The application is brought before Committee following concerns received from neighbouring representation.

1 PLANNING HISTORY

- I.1 No relevant site history, however the following planning history from the immediate context is of relevance:
- I.2 Land adjacent to Orchard House, Frog Lane, Milton u Wychwood-
Erection of two detached dwellings (Planning Reference W2002/1945) Granted 4th February 2003.
- I.3 Land at Woodbury, Frog Lane, Milton u Wychwood-
Construction of detached dwelling, close existing pedestrian access and formation of new vehicular access (Planning Reference W2003/0493) Granted 3rd June 2003.
- I.4 Land at Woodbury, Frog Lane, Milton u Wychwood-
Erection of detached dwelling and construction of new vehicular access (Planning Reference 03/1942/P/FP) Granted subject to conditions 10th December 2003.
- I.5 Land at Woodbury, Frog Lane, Milton u Wychwood-
Erection of dwelling and associated access (amendment to planning permission 03/1942/P/FP) to allow erection of a conservatory to rear elevation W2003/0493 to allow erection of single storey extension above garage) Granted subject to conditions 7th September 2004.

2 CONSTRAINTS

- 2.1 The site is located within the Cotswolds Area of Outstanding Natural Beauty.

3 CONSULTATIONS

- 3.1 Milton u Wychwood Parish Council

No comments received.

3.2 OCC Highways

No comments received to date.

3.3 OCC Drainage Engineers

“All extensions/ developments which increase the size of the hard areas must be drained using SUDs methods to decrease the run off to public sewers and thus reduce flooding. Soakage tests are required to prove the effectiveness of soakaways or filter trenches. No objections subject to appropriate conditions.”

3.4 WODC Drainage Engineers

“According to the EA flood maps, the site is situated within an area at very low risk of fluvial and surface water flooding and within flood zone 1. The proposal is more than 20m from a watercourse. According to W.O.D.C records the proposal has no history of flooding previously. A property directly flooding report, so the cause of flooding is not known. According to level contours, the site is situated on a relatively steep gradient of approx. 1 in 15, with land falling towards the SE. The surface water proposal should be designed to avoid increasing the flood risk to other residential properties within the vicinity. No objections subject to standard conditions.”

3.5 WODC Environmental Health

“No objections.”

4 REPRESENTATIONS

4.1 Ten neighbouring properties were notified of the application and three letters of representation have been received from Mrs Owen of Robinswood, Mrs White of The Garden Cottage and Mr and Mrs. Walker of Stone Cottage. The representations are summarised as follows:

- Strongly object to the proposed building of two houses at Fardon House.
- Consider the proposal as overdevelopment of the plot within the rural location.
- The height of the buildings are of concern as the windows will look directly into the bedroom window of Robinswood.
- Concerns in relation with vehicle access with a narrow lane.
- Frog Lane has been a long favourable area with well spaced properties.
- Proposed houses close to the boundary fence which runs between The Garden Cottage and Fardon House.
- Ensure the nearest to The Garden Cottage is moved further away from the boundary fence.
- Question the Local Policy context in particularly Policy H6 and believe the proposal site is on the periphery and does not appear to complement the existing pattern of development along Frog Lane.
- Concerns over overshadowing and overlooking to Stone Cottage.
- The two dwellings appear to be a snug fit in the area available, where a single structure would sit more satisfactorily.

5 APPLICANT'S CASE

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

- The existing Fardon House is in a very poor state of repair and is not a building of any architectural merit.

- The principle of demolishing it and dividing the plot in two, for two new houses was the first principle that was discussed and agreed at pre-application enquiry reference 13/02167/enq and supported the principle.
- The scale and form of the development is carefully considered to not be overbearing or overpowering to the surroundings.
- The ridge heights of the two dwellings match that of the adjacent Garden Cottage.
- Materials chosen for the building reflect those in the area; natural coursed rubble limestone covers the majority of the walls, including some areas of timber cladding as a reference to the existing timber building on site.
- No bats or any other protected species were found within the buildings or the garden and no further surveys were considered necessary.
- The site survey shows trees that are currently on the site and there is one fruit tree to the West corner of the plot that will need to be removed to facilitate construction.
- A new vehicular access will be required to serve the second house.
- There would be level access to each building to accord with accessibility guidance's. Doorways are wide enough for wheelchair access and each house has an accessible WC on the entrance level.

5.2 A Protected Species Survey Report has been submitted as part of the application. The document is summarised as follows:

- A protected species survey of Fardon House was undertaken on 23rd December 2013.
- The buildings were surveyed internally and externally for bats and evidence of bats in accordance with best practice guidelines published by the Bat Conservation Trust (2012). The buildings were also assessed for their potential to offer shelter to roosting bats.
- The survey also included searches for evidence of either protected species such as nesting birds, and an assessment of garden features for breeding great crested newts.
- No evidence of bats or other protected species was found within the buildings.
- The buildings are considered to have little potential to offer shelter to bats within an undetected roost site.
- The garden water features are not considered to be suitable for breeding great crested newts
- No further ecological surveys are considered necessary
- No significant impacts on bats or great crested newts are predicted under The Conservation of Habitats and Species Regulations 2010.
- It is not necessary to consider the 'three tests' of the The Conservation of Habitats and Species Regulations 2010 in this instance
- A European Protected Species (bat or newt) Licence is not considered to be necessary for the proposed works to proceed.
- Recommendations are made with regard to timing, careful work practices and habitat enhancements fro bats and birds.

5.3 A Sustainability Compliance Statement has been submitted as part of the application. The document is summarised as follows:

- In accordance with West Oxfordshire District Council's Interim Planning Advice, careful thought has been given to sustainability measures.
- The new dwellings will be constructed from SIPs, a structural insulated panel system. This has the benefits of reduced build times and reduced material wastage, as well as very high levels of thermal insulation and a thermal bridge free construction.
- Both houses will have photovoltaic arrays to generate electricity.
- The design will be detailed carefully to ensure airtight construction and heat recovery ventilation will be used, in conjunction with highly efficient gas boilers.

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, particularly sections 6 (delivering a wide choice of high quality homes) and 7 (requiring good design) are also particularly relevant.

6.3 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 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 Milton-under- Wychwood would have been considered in line with Policy H6 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.

7.3 As the site is not within the built up part of Milton-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.”*

- 7.4 In light of the guidance of the NPPF, officers consider that the principle of the replacement bungalow with two dwellings would be acceptable.

Design and impact upon the character of the area.

- 7.5 The existing bungalow is of little architectural merit within the character of the street scene and as one storey has a negligible impact on the surrounding area. Officers note that two modern detached properties constructed out of stone sit diagonally to the North of the application site. The proposed replacement dwellings would increase in height from a bungalow to two-storey and would read more contemporary than the existing bungalow. The proposed dwellings would sit at the same height as the neighbouring property, The Garden Cottage.
- 7.6 In your officers opinion the proposed materials of Cotswold stone, timber cladding under a reconstituted stone roof is considered to be appropriate to the character of the area. Furthermore the design has regard to the conservation of energy and resources with the incorporation of a photovoltaic array on each proposed dwelling and the use of a structural insulated panel system.
- 7.7 Concerns have been raised over the resulting overdevelopment of the plot by the erection of the two dwellings and that this would be out of keeping with the traditional spacing along Frog Lane. Whilst it is acknowledged that there would be an increase in the number of properties at the site, the spacing between the neighbouring property at The Garden Cottage and the proposed Stoneham House would be 9.8m in distance. The distances between the two dwellings would be 8.6m. Officers consider that this proximity is in keeping with the spatial pattern along Frog Lane and would not be detrimental to the character of the area. Furthermore officers note that the two new dwellings granted permission in 2003 (Planning Reference W2002/1945) at Pippins and Greenbanks are similarly spaced in proximity with the host site at Orchard House.
- 7.8 The two proposed dwellings are of relatively simple form and are considered to not be unduly prominent within the street scene. Frog Lane is largely made up of two-storey dwellings, therefore the increase in height from a bungalow to a two-storey dwelling would be in keeping with the character of the surrounding area.
- 7.9 The garages to the front of the proposed dwellings are proposed to be flat roofed and as thus would not be visible within the street scene. They would be constructed out of stone to match the dwellings.
- 7.10 The development would be more noticeable due to the increase in height and number of properties replacing the bungalow, but given the limited architectural merit of the existing structure officers are of the opinion that, on balance, the development would be in keeping with the character of the area, and consider that the development complies with policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.

Impact on neighbouring amenity.

- 7.11 The replacement dwellings would sit taller than the existing dwelling at 8.2m to tallest ridge height. It is considered that the dwelling will be comparable in scale with the neighbouring property to the east The Garden Cottage.
- 7.12 Concerns have been raised over the spacing between the properties in relation with the neighbouring property at The Garden Cottage and proximity with the boundary fence. The existing bungalow sits at the nearest 5m to the boundary between the site and neighbouring property. The proposed dwelling, Stoneham House, would be situated approx. 2.2m in distance with the boundary fence. It is considered that although the proposed 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.

- 7.13 Furthermore the West elevation of The Garden Cottage has no openings, therefore the first floor window proposed on the East elevation of the proposed Stoneham House would not result in any detrimental impact on neighbouring amenity by way of overlooking or loss of privacy.
- 7.14 Concerns have been raised over the level of overlooking and overshadowing on the adjacent property at Stone Cottage as a result of the proposal. Stone Cottage is situated across Frog Lane and would be approx. 21m in distance from the front elevation of the proposed dwellings. Concerns have also been raised from the adjacent property at Robinswood in relation to loss of privacy by way of overlooking into a first floor front elevation window which serves a bedroom. Officers note that the properties on the northern side of Frog Lane are situated slightly higher than those on the south. Whilst officers note that the increase in height of the dwellings in this location would be more prominent within the street scene, it is considered that the proposed new dwellings 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.

Highways and parking implications.

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

Ecology.

- 7.16 A protected species survey report has been submitted with the application which notes that there are no protected or notable species utilising the site. They have however, suggested that development should take place outside of the bird nesting season and have recommended some biodiversity enhancements as part of the proposal. Officers have suggested a condition requiring the development to take place in accordance with these recommendations and on this basis it is considered that the development complies with policy NE15 of the West Oxfordshire Local Plan 2011.

Conclusions.

- 7.17 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:

- 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) 087-PL-01, 087-PL-02, 087-PL-03, 087-PL-04, 087-PL-05, 087-PL-06, 087-PL-07, 087-PL-08, 087-PL-09, 087-PL-10, 087-PL-11, 087-PL-12 and 087-PL-14
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 protect the character of the area and prevent overdevelopment. (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 of the dwellings to be clad in timber, 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 The roofs of the buildings shall be covered with reconstituted stone 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)
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external doors, windows (including cills and heads), rooflights, eaves/verges, chimneys and rainwater goods at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 8 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 before first occupation.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 9 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)
- 10 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).

- 11 No development shall take place until details of the implementation; maintenance and management of the sustainable urban drainage scheme have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- I. a timetable for its implementation, and
 - II. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable urban drainage scheme throughout its lifetime.
- REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding. (Policies CC2 and NRM 4 of the South East Plan 2009)
- 12 The detached garages 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 not be served by adequate off street parking or amenity space. (Policies BE2 and H2 of the West Oxfordshire Local Plan 2011)
- 13 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area. (Policies NE6 and BE2 of the adopted West Oxfordshire Local Plan 2011)
- 14 That the development shall be carried out in accordance with the recommendations set out in Section 6 of the Protected Species Survey Report dated January 2014.
REASON: In the interest of protected species. (Policy NE15 of the West Oxfordshire Local Plan 2011)

NOTES TO APPLICANT:

- I All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given the relevant contact number for Natural England, which is 0845 600 3078.

- 2 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))

14/1154/P/FP Field Barn Cottages Woodleys Woodstock	
Date	04/08/201404/08/2014
Officer	Gemma Smith
Officer Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	443793,218277

APPLICATION DETAILS

Erection of two storey side extension and part change of use to form chiropractic clinic.

APPLICANT

Mr & Mrs M Pencherz Field Barn Cottages, Woodleys, Woodstock, Oxfordshire, OX20 1HU

BACKGROUND INFORMATION

This planning application seeks planning permission for the erection of a two-storey side extension and part change of use to form a Chiropractic clinic. The application site relates to a semi-detached property along the main A44 into Woodstock in a isolated location outside of the Conservation Area and Cotswolds Area of Outstanding Natural Beauty.

This application has been brought before the Uplands Area Sub-Committee as the officers recommendation differs to that of the Town Council.

I PLANNING HISTORY

- 1.1 Erection of two-storey extension to form dining room lounge and conservatory with two bedrooms over to side and rear of dwelling. (Planning Reference w93/0377)
- 1.2 Erection of stabling (for three ponies) two shelters (for maximum thirty sheep) and tack stores and garage. Demolition of existing garage. (Planning Reference w92/1392).

2 CONSULTATIONS

2.1 Woodstock Town Council-

Objects to this planning application based upon traffic concerns. The access is unsuitable for traffic joining a major principle road. i.e. the A44.

2.2 OCC Highways

Dated 12/09/2014

"I can't demonstrate sufficient harm to warrant the refusal of a pp even though the A44 is one of the busiest roads in the district. Only 10 movements a day the majority of which are off peak. Vision and geometry are adequate at the access and there is no record of an accident problem"

Dated 3/09/2014

“No objections.”

2.3 WODC Drainage Engineers

“All extensions/developments which increase the size of the hard areas must be drained using SUDs methods to decrease the run off to public surface water sewers and thus reduce flooding. Soakage tests are required to prove the effectiveness of soakaways or filter trenches. No object subject to appropriate condition”

3 REPRESENTATIONS

3.1 One neighbouring representation has been received from Mr. and Mrs. D Barton of 2 Field Barn Cottages. The objection is summarised as follows:

- The access drive was only intended for agricultural use to get to the farm at the end and land behind Field Barn Cottages. I believe a new access track would need to be required for the intended business use.
- There is no main sewer for either of the properties (Currently No.2 and No.3 share a cesspit). Concerns that the additional business use at the property will overload the underground pipes.
- Concerns over the number of parking spaces available as part of the proposal and existing occupiers.
- Concerns that an existing business is moving to the proposed site which would generate additional staff at the site.
- Concerns in relation with the opening hours of the business and increase in traffic on weekends.

4 APPLICANT’S CASE

4.1 A Planning Statement accompanies the submitted application which is summarised as follows:

- The proposed extension whilst providing further habitable rooms associated with the existing dwelling is also to be used by the applicant as an ancillary chiropractic clinic.
- The proposed chiropractic clinic is modest and will involve a maximum number of 5 clients per day.
- The clinic will be open Mon- 9am -1.30pm and Tues-Sat 9am – 12pm.
- The proposed extension respects the design and form of the existing dwelling and extension and is subservient to the main dwelling when viewed from public vantage points.
- The existing dwelling is served by in excess of four parking spaces to the rear of the property.
- If it is considered that the modest clinic does require planning permission, it fully accords with guidance contained within Paragraph 28 of the National Planning Policy Framework.

5 POLICY

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

BE2 (General Development Standards);
BE3 (Provision for Movement and Parking); and
H2, (General Residential Development Standards).

5.2 In addition Section 11 (Conserving the Natural Environment) and Section 3 (Supporting a prosperous rural economy) in particular of the National Planning Policy Framework are of key consideration.

6 PLANNING ASSESSMENT

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

- Principle;
- Design and impact on the character of the existing building;
- Impact on neighbouring amenity; and
- Highways and parking implications.

Principle

6.2 The proposal seeks to establish a part-change of use of the existing property by way of a two storey extension, for the use as a chiropractic clinic. The maximum number of 5 patients a day would attend the clinic which would operate six days a week from Monday – Saturday.

6.3 Paragraph 28 of the National Planning Policy Framework (NPPF) aims to support economic growth in rural areas in order to create jobs and prosperity in particular both through the conversion of existing buildings and well designed new buildings. Your officers consider that the proposal would be in accordance with the provisions set out within the NPPF.

Design and Impact on character

6.4 Policy BE2 of the West Oxfordshire Local Plan, 2011 seeks for new development to respect and where possible improve the character and quality of the surrounding area. Proposals should be refused for development that fails to respect the existing scale, pattern and character of the surrounding area; and that the landscape surrounding is not adversely affected.

6.5 Officers note that the proposal would block access to the stable block to the rear of the site and identify that this may be an opportunity for the conversion of an un-vernacular building within the countryside. Following negotiation with the agent to consider the re-use of the stable block, it is concluded that the financial costs of the conversion would outweigh that of the development of an extension to the main property.

6.6 It is the opinion of your officers that the symmetry of the pair of cottages has been lost through the extension of the dwelling planning application reference (W93/0377). However, it is considered that whilst the materials are in-keeping with the existing buildings and respect the immediate area, the proposed form and mass of the proposal would, in your officer's opinion, appear excessive in relation to the original dwelling.

6.7 Therefore it is suggested that a pre-commencement condition is applied, reducing the roof and eaves height for the resulting form to reflect secondary in nature to that of the existing dwelling.

6.8 Officers also note the potential for the dwelling to be subdivided, a planning condition has been attached for the business and extension to remain ancillary to that of the main dwelling as the siting of a new dwelling in this rural location would be contrary to Policies BE2 and the sustainability objectives of the NPPF.

Neighbouring amenity

6.9 The proposed two-storey extension is located on the north elevation of the dwelling and would not extend past the rear elevation of the existing building line. It is therefore considered that there would be no impact by way of overbearing impact, loss of light or privacy as a result of the

extension. It is therefore considered that the proposed extension would be in accordance with Policy H2 of the West Oxfordshire Local Plan, 2011.

Highways and Parking

- 6.10 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. Following comments from the Town Council your officers sought further opinion from the Local Highways Authority in relation to the safety and increase of 10 vehicular movements as a result of this proposal. The Local Highways Authority concludes that there have been no accident records at this site on the A44 and as such officers could not refuse the application on this basis. Therefore, your officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.
- 6.11 Officers also note that the proposal would increase the number of bedrooms within the property and through the creation of the business at the site would require additional parking provision. Officers note that there are four car parking spaces to serve the existing property and that an additional four car parking spaces are proposed. It is therefore considered that the proposal would accord with Policy BE3 of the West Oxfordshire Local Plan, 2011.
- 6.12 In light of these observations, having considered the relevant planning policies and all other material considerations subject to an amended plan being received showing the ridge of the extension as subservient to the existing property, your officers consider that the proposed development is acceptable on its planning merits. The proposal would accord to Policies BE2, BE3 and H2 and the provisions of the National Planning Policy Framework.

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 The materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing building.
REASON: To safeguard the character and appearance of the area. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 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 (or alterations) otherwise approved by Classes A, B, C or D of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A of Part 2 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 of the original dwelling. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)
- 4 The development shall be used for a chiropractic clinic and for no other purpose (including any other purpose in Class D1 of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

REASON: The site is only suitable for the use specified because of the special circumstances of the site. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 5 Business activity shall not take place on the site before 9.00 a.m. on weekdays and Saturdays or after 1.30 p.m. on Mondays and 12 noon Tuesdays to Saturdays and shall not take place at any time on Sundays, Bank Holidays, Good Friday or Christmas Day.

REASON: To prevent unreasonable disturbance to the occupiers of nearby residential properties. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)

- 6 The extension 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 contrary to Policy BE2 of the West Oxfordshire Local Plan, 2011 and the sustainability objectives of the NPPF.

- 7 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)

- 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 and a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

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

NOTE TO APPLICANT:

If it is the intention of the applicant to connect surface water or foul sewerage to any public sewer, the applicant should, prior to any connection being made, apply direct to Developer Services, Thames Water Utilities, Reading - 01189 236683 - for an application form.

Thames Water Utilities will not allow:

1. Discharge of surface water to the foul water sewer
2. Discharge of ground water to the public sewer system.
3. New building works over a public sewer

14/1188/P/S73 Willow View Swan Lane Long Hanborough	
Date	11/09/2014
Officer	Mrs Hannah Wiseman
Officer Recommendation	Grant, subject to conditions
Parish	HANBOROUGH
Grid Ref:	441644,214440

APPLICATION DETAILS

Non compliance with condition 7 of planning permission 11/1128/P/FP to allow alterations to approved landscaping plan and erection of shed (Retrospective).

APPLICANT

Mr Martin Few, Willow View, Swan Lane, Long Hanborough, Oxon, OX29 8BT

BACKGROUND INFORMATION

This is a retrospective application for the erection of a timber shed on land belonging to the applicant but which sits just outside, to the north east, of the domestic curtilage of the property Willow View. The land is mostly laid to lawn, has ornamental planting, small sections paved areas and appears to be used as an decorative lawn area for the occupants of Willow View, which sits in a modest sized plot, for the size of the property.

The owners erected the shed and undertook some landscaping works which where in breach of condition 7 of notice of permission 11/1128/P/FP (which granted the change of use of the land, see planning history below) which read; "Each Plot shall be retained in accordance with the approved landscaping plan and shall not form part of the domestic curtilage of any adjoining plot". This application is seeking permission to allow variations to that approved plan to include the erection of the timber shed also.

1 PLANNING HISTORY

- 1.1 11/1128/P/FP- Change of use from agriculture to domestic, Land to rear of Merry Fields, 1,2,3 and 4 Swan Lane, Long Hanborough- permitted 8 September 2011.
- 1.2 12/0268/P/S73- Non compliance with Condition 7 of Planning Permission 11/1128/P/FP to allow neighbouring owners to purchase the adjoining land, Land to rear of 3 Swan Lane, Long Hanborough- Permitted 3 April 2013.

2 CONSULTATIONS

2.1 Hanborough Parish Council

The following comments were received on 7 September 2014:

"This large shed has been built, outside the curtilage of the applicant's original garden, on a piece of grassland alongside an Area of Outstanding Natural Beauty field. Hanborough Parish Council believes its introduction into the landscape is questionable under the terms of Saved Policies BE2 and NE4; we therefore do not support retrospective planning permission." Further clarification from Officers was sought as to whether these comments formed a formal objection and it was confirmed; *"Yes, the Parish Council do want to object to the application."*

3 REPRESENTATIONS

- 3.1 Four notification letters were sent and one letter of support has been received from the residents of Quiet Hollow, which states:

"We are very pleased with all the landscaping that Mr and Mrs Few have achieved since they purchased the plot adjacent to ours after the planning permission 11/1128/P/FP was granted. We enjoy the view of their plot when we are in the back of our garden. We feel the Cedar wood workshop is sympathetic to the landscape and an attractive feature."

- 3.2 One letter of comment has been received from the residents of Merryfields which is summarised as; *"Whilst we have no objection to the shed itself, we do object to the following:*

1. *Intrusion to our property from the siting of a bench that is positioned to look directly into our property from an elevated position above fence line. The householders frequently sit on this bench and look directly into our rear garden, kitchen and living room.*
2. *This is made possible due to the construction of a large timber terrace that again is not referred to on the original planning application 11/1128/P/FP or subsequent application 14/1188/P/S73, and does not appear on the G Soame drawing that accompanied the original planning application (attached)*
3. *Further intrusion from siting of a series of highly powered electric lights on each level of the timber terrace structure, of which the top two rows shine directly into the rear of our property)."*

4 POLICY

4.1 Your officers consider the following Policies of the West Oxfordshire District Local Plan 2011 are relevant in the consideration of this application.

- BE2- General Development Standards
- NE3- Local Landscape character
- NE4- Area of Outstanding Natural Beauty
- H2- General Residential Development Standards

5 PLANNING ASSESSMENT

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

- Design and Impact on the visual amenity of the area
- Impact on nearby residential amenities
- Impact on adjacent AONB

Design and Impact on the visual amenity of the area

5.2 The principle of the change of the use of the land has already been permitted and variations to the landscaping scheme have been approved to allow the removal of a single hedge which was considered acceptable as the area was still read as a domestic garden and therefore will help preserve the visual quality of the area. The shed/store is 5m by 7.5m with an eaves height of 2m rising to a ridge of 2.7m. It is constructed of cedar timber slats with brown clay roof tiles and uPVC windows. There are 2 doors on one side, and a door and two windows on the front elevation. The shed is considered to be of a high quality design and finish in materials in relation to its relatively basic and utilitarian function.

5.3 The re arrangement of the area now results in it extending behind the property Merryfields and 1 Swan Lane. The application is therefore seeking to approve the change in the previously approved landscaping plan which indicated the divisions by hedges, to now no longer have a dividing hedge, and to approve the siting of shed within the south west corner of the plot between the side boundary of the end of the garden of Merryfields, and the rear boundary of the 1 Swan Lane.

5.4 No wider views of the shed are visible from the street and therefore the shed has very little impact on the wider visual amenity of the area. The shed is of a good quality, domestic in nature and assimilates well in to the area. Officers therefore consider that the proposed development is acceptable in design terms and is in accordance with policies BE2 and NE3 of the Local Plan.

Impact on nearby residential amenities

5.5 The rear boundary of Merryfields is enclosed by an approx. 1.8m high timber fence and 1 Swan Lane by the same fence with a substantial evergreen hedge behind that extending to the height of the

shed, so therefore benefits from substantial screening from the shed. Officers have viewed inside the shed and can confirm it is for storage of gardening equipment, play items and other paraphernalia. The erection of a domestic shed in this location is not considered to cause any adverse impact on neighbouring residential amenities in terms of loss of privacy, light or outlook. The proposal is therefore considered compliant with policies BE2 and H2 of the Local Plan. However in the interest of protecting amenities for future occupiers it is suggested that a condition be imposed to restrict the use of the shed to an ancillary and incidental use only.

- 5.6 It is noted that neighbours are concerned about overlooking issues as a result of the landscaping works on the plot. Previously the Councils' Enforcement Officer investigated this and found that due to the existing slope and contours of the land, the works were not tantamount to development. Officers have also only clarified with the applicant that the 'banana' chairs/bench situated there are not fixed and can be moved to anywhere within the site, and were placed off of the lawn whilst the turf was setting. The siting of bench/chair like this is not considered to result in 'development', as defined, and is therefore beyond control. Likewise, the installation of lights are also not defined as development and therefore not strictly covered by consideration under this application.

Impact on Adjacent AONB

- 5.7 The application site sits just on the edge of the Cotswold AONB but it is considered that due to the change of ground level in the area, the site is not unduly prominent or visible within the wider AONB or conservation area. The Parish Council notes that they find the introduction of the shed in to the landscape here questionable in terms of policy NE4. Policy NE4 states that development will need to be sympathetically designed and located to respect the landscape; the scale of the proposed development as well as siting and use of materials will be important considerations. As discussed above it is considered the building has been designed in a sympathetic way, for the proposed use, and is sited as unobtrusively as possible between existing boundaries on the site. The proposal is not considered to detract from the visual amenity of the natural landscape character or the wider AONB and is therefore considered to comply with policies NE3 and NE4.

5.8 Conclusions

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:

- I The shed/store hereby permitted shall be used for associated storage purposes only, incidental to the use of the land and shall at no time be occupied as a separate dwelling.
REASON: A separate dwelling in this location would not be acceptable.

14/1189/P/FP Hopcrofts Holt Service Station Hopcrofts Holt Steeple Aston	
Date	17/9/14
Officer	Hannah Wiseman
Officer Recommendation	Grant, subject to conditions
Parish	STEEPLE BARTON
Grid Ref:	446503,225138

APPLICATION DETAILS

Redevelopment of site comprising new petrol filling station (including 4 island forecourt with 8 refuelling positions with underground tanks & septic tank) with staff room above. Erection of three bay workshop & reception. Associated car parking facilities.

APPLICANT

Petrocell Holdings Ltd, 274/278 Wickham Road, Shirley, Croydon, Surrey, CR0 8SS.

BACKGROUND INFORMATION

The application site comprises a petrol filling station with forecourt, shop and a MOT service area with forecourt spaces for the sale of cars. The site is situated on the Crossroads where the A4260 and the B4030 meet, in Steeple Aston. The application is seeking planning permission for the redevelopment of the site to include a new filling station, with forecourt and pumps, a larger convenience store and kiosk, with a staff rest/store room above. Works will also be undertaken to improve and upgrade the underground fuel storage tanks and septic tank.

The application is before the sub committee at the request of Councillor Courts on the grounds of scale of development and character of the area and the potential impact the proposal may have on the viability of the local facilities in Middle Barton and Steeple Aston due to increase in commercial use of the site. Amended plans were received on 15/9/14 and the re-consultation expires on 29/9/14.

1 PLANNING HISTORY

W81/1045 Construction of vehicular access for tanker delivery.

W89/2109- Erection of canopy over forecourt.

W99/0707- Formation of display area for up to 15 cars for sale.

09/0694/P/OP- Erection of workshop unit (Class B2) for mechanical vehicle repairs.

2 CONSTRAINTS

There are no relevant constraints for this site.

3 CONSULTATIONS

3.1 Parish Council

No response at the time of writing.

3.2 County Highways

“The proposal, if permitted, should improve the periodic congestion at the pumps and hence the risk of queuing on to the adjacent public highway. The number of vehicular turning movements should not be significantly increased. Records show there is no reportable injury accidents associated with turning movements to and from the site during the last 5yr period. No objection subject to conditions regarding parking plan, SUDs drainage scheme and information that no surface water is to discharge to the highway.”

3.3 County Drainage Engineer

“Ensure no run off from forecourt area is to discharge on to the highway.”

3.4 Consenting Engineer

“No objections- there should be no increased risk of surface water flooding but further details are required suggest relevant condition.”

3.5 Thames Water

“Suggest relevant informatives regarding Septic tank use, installation of oil/petrol receptors and surface water drainage- on the basis of information provided Thames Water would advise that with regard to the water infrastructure capacity, we would not have any objection to the above planning application.”

4 **REPRESENTATIONS**

One objection has been received from a neighbour at the adjacent property, Half Acre. The comments are summarised as:

- *When we purchased the house in 2004 the garage operation was much smaller... now is more like a light industrial site...*
- *Application 09/0694/P/Op included a condition imposing that a hedge is maintained along the sites southern boundary we request this condition be applied for the whole of the southern boundary –we would like protection of our residential amenity*
- *We use our garden extensively- we maintain our hedge and suggest to help this a minimum ten foot wall should be built along the entire boundary*
- *The increase in activity on the site would increase traffic and noise and our domestic amenity need to be protected*
- *We objection to the extension of opening hours- the increase will impact on our daily lives and this would be unacceptable through the night.*
- *Height of building should be no higher than the existing*
- *Septic tank and vent pipes are close to the residential boundary and should be relocated*
- *Concerned over light impact if opening hours are longer*
- *Water pressure is low- this should not be further compromised*
- *Appears to be no justification for the residential accommodation if the station has been successfully run and staffed for the last 39 years as the applicant claims.*

5 **APPLICANT'S CASE**

- 5.1 The applicant has submitted a design and access statement to support their application which explains the history and use of the site, the key point summarised below.
- 5.2 The current forecourt has two quad, and one double pump serving diesel and petrol with jet wash facilities etc. with staff and customer toilets. There is an area for car sales with its own office. The current shop has a single till counter position and has freezers and chillers and newspaper racks etc. The workshop has a good customer base and the MOT station carries out about 25-30 MOTs per week. The business is currently run by the owner and 2 full time and 1 part time staff in the shop and 3 full time staff in the mechanics garage.
- 5.3 The proposed redevelopment of the site will include the removal of all buildings and the existing fuel infrastructure. The development is proposed to be replaced by a new filling station with a 4 island forecourt, canopy and refuelling area and shop. The rationalising of the buildings will result in less congestion of the vehicles at peak times. The parking will be improved to allow 8 customer parking spaces. The new fuel infrastructure will be installed comprising of 2x 60,000 litre double skin steel fuel storage vessels.

- 5.4 The provision of fuel for local motorists is important and convenient positioning of the site suits the use. The existing premises are unattractive and the application brings a unified rebuild under a pitched roof and will make a significant visual improvement. The access arrangements will be slightly improved and the major visual improvements will be in the treatment of the building facades and the relationship of those buildings to the street scene.

6 POLICY

Policies BE2, BE3, BE14, T1, SH4 and E7 of the WOLP and the paragraphs of the NPPF are of most relevance to this application.

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
- Design
- Impact on neighbouring amenities
- Highway safety
- Viability

Principle

- 7.2 The proposal is essentially to rationalise and modernise the existing buildings on site where the existing use a petrol filling station with ancillary store and car washing/sales facilities is already well established. In principle therefore officers are not objecting to the improvement and redevelopment of this existing site which is located on trunk roads located away from any built-up residential settlements and has operated for some years without any apparent concern.

Design

- 7.3 The site currently consists of the main building to the south of the site under a corrugated cement pitched roof containing below it the workshops, shop and entrance to the kiosk. In front of this, parallel to the A4260 is the canopy under which the petrol pumps are situated. To the north of the main building, west of the site are two single storey garage buildings and a 'porta-cabin type building for the care sales office with parking in front and to the side of this.
- 7.4 The proposal is to increase the area of the overhead canopy so all pumps will be under cover and the ground floor space of the shop will increase to 175.32m² with two till points and a disabled WC. This main building will generally cover the same footprint as the original with the orientation and main entrances on the same elevation. The building is proposed in a rectilinear form with a mono pitched roof and glazing to extend across most of the front elevation. A fascia is proposed along with double doors and a night time servery hatch. The walls are proposed to be finished in a light grey render with 1m high stone dado skirt on the base. The shop front will be comprised of anodised aluminium encasement with thick laminated safety glass. The canopy will be made of aluminium and with acrylic fascias, subject to a separate advertisement consent application.
- 7.5 The rear elevation of the main shop building proposes an external staircase to provide access to the staff rest room and store above. There are two doors on this elevation at ground floor and first floor and two windows in the roof slope. This is also finished in the grey render with plain tile roof. The existing workshop is 6m in height and the canopy is 5m in height, the proposal will result in the main building rising to a height of 7.3m and the canopy 5.1m in height.

- 7.6 The workshop is proposed in the North West corner of the site in an off set 'L' shape. The front elevation will have three roller shutter doors opening on the three MOT test bays, rising to a pitch roof with gable end at a height of 7.3m. There is also proposed a door and windows on the same elevation providing access the reception area of the garage where the pitch of the roof here rises to 6.5m.
- 7.7 The design and layout of the proposal is considered to be appropriate to the setting and rationalising of the existing buildings, which are not of any particular merit, is considered to result in an improvement on the visual impact in the locality and character of the area. There is a modest increase in size of the buildings on this site but the scale and massing are considered appropriate in the context of the wider area and the fairly utilitarian design is acceptable given the proposed use. Officers there fore consider the proposal to be acceptable in design terms.

Impact on neighbouring amenities

- 7.8 Officers have fully noted the concerns raised by the nearest residential property at Half Acre, to the west of the site, and it accepted that in terms of residential amenity they are the property that is most likely to be affected by this proposal. The distance between the closest point of the proposed shop and the residential property is 17m and is actually set back from the matured hedged boundary by 0.5m further than the existing building currently is. The height of the building on this boundary will be approximately 1m higher than the existing and this will just be visible above this boundary hedge where the roof slopes away. Officers do not consider that neighbouring amenities will be adversely affected in terms of outlook due to the substantial screening that the hedge provides. It is noted that the hedge is not in the applicants' ownership, but the adjacent residents have stated in their comments that they tend to the hedge annually at an expense of employing tree surgeons, indicating it is their intention to continue to maintain this boundary screening. However officers are mindful that the boundary treatment along the western boundary of the site is important in order to protect neighbouring amenities and it is therefore suggested that a condition be imposed requesting further details of the boundary treatments. It should be noted that the boundary to the north of Half Acre and the activities beyond, are outside of the red line area to which this application relates.
- 7.9 Officers initially had concerns regarding the provision of the residential accommodation above the shop, in the original scheme. Amended plans were sought and the description amended so that the space above the shop is proposed as a staff room/rest area with store only. It is suggested in the interest of protecting neighbouring amenities, and ensuring that inappropriate accommodation is not established, that a condition be imposed to restrict the area to uses ancillary to the use of the garage and shop only and not be used a separate unit of accommodation. There is one door to the store/rest room area with and external balcony and stairs. Given the likely fairly infrequent use of this door and very small balcony area it is not considered that any the use of this area will lead to any loss in privacy due to overlooking. The proposal is there considered to comply with policies BE2 and H2 of the WOLP.
- 7.10 The hours of opening and operation are proposed to be from 6am to 10pm Monday – Saturday and 7am to 10pm on Sundays and Bank Holidays. The current opening hours of the shop and garage are 7am to 9pm. It is not considered that the extension of hours to an extra hour at morning and night will lead to any significant increase in disturbance that would warrant refusal of these suggested times. However officers consider that to ensure the opening times are adhered to a condition is suggested to be imposed to restrict the opening hours as applied for.

Highway safety

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

safety and convenience of users of the public highway. The parking on site has been rationalised and as a result provides 2 extra spaces including disabled spaces. The proposal is therefore considered to comply with policy BE3 of the WOLP.

Viability

- 7.12 The proposed shop and retail area is proposed to increase in size to 175.32m² with the provision of an extra pay point till. The additional space will result in a greater range of goods being offered from the store. It is noted that the ward member for The Barton's is concerned that the increase in size of the shop here will undermine the viability of the village store in Middle Barton and Steeple Aston. Policy SH4 of the WOLP relates to facilities for the local community. In the body of the policy text it is noted that there is a established tradition for an AI shopping unit to be located on petrol filling station forecourts and that these are ancillary to the use of the site as a petrol station and sometimes do not require express permission. It says where the shops proposed do require planning permission, as in this case, then the provisions of the policy apply and the location of the facility in relation to towns and villages and over size and scale of the development will be taken into account.
- 7.13 Officers note that the filling station is sited on a main road with a well accessed route connecting Banbury, Bicester and Oxford. The nearest adjacent village is Middle Barton which has Middle Barton Stores approximately 2.5miles from the filling station. The other adjacent village to the east is Steeple Aston which has a Post Office situated approximately 1.5 miles from the filling station. It is noted that both of these stores serve the villages and provide a key role to the community. However it is also noted that the provisions of the local stores will differ from the range of services and provisions at the service station, i.e larger item goods, and vehicle maintenance equipment which are unlikely to be provided at a local store. Due to the range in items offered and the proximity of the local stores to the villages in which they serve, it is not considered that the increase in size of the existing retail space at the filling station will have any detrimental affect on the viability of the two local stores and therefore the proposal is considered to comply with policy SH4 of the WOLP.

Conclusions

- 7.14 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is 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 plan No(s) PA-01, PA-07, PA-06a, PA-04a, PA-03a and PA-05a.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The additional accommodation above the garage shop hereby permitted shall only be used ancillary to the use of the garage by staff employed at the premises only.
REASON: To protect neighbouring amenities and prevent use of inappropriate residential accommodation.

- 4 The premises shall not be open for customers outside the following hours: -
06:00 - 22:00, Monday to Saturday
07:00 - 22:00 Sundays and Bank holidays.
REASON: To safeguard living conditions in nearby properties.
- 5 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.
- 6 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 {{insert}}.
REASON: To ensure a safe and adequate access.
- 7 No building shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- I. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - II. include a timetable for its implementation; and
 - III. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- REASON: To secure an adequate and sustainable means of disposing of surface water from the site and to avoid flooding.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building(s) are occupied.
REASON: To safeguard the character and appearance of the area.

NOTES TO APPLICANT

- 1 No materials, plant or temporary structures of any kind should be deposited on or adjacent to the public footpath that may not obstruct or dissuade the public from using the route while development takes place, nor should there be any encroachment on to the existing width, or change in the route of the public footpath.
- 2 The grant of planning permission does not override the personal property rights of neighbours, landowners and other interested parties.

14/1218/P/FP 14 Farriers Road Middle Barton	
Date	19/08/2014 19/08/2014
Officer	Cheryl Morley
Officer Recommendation	Grant, subject to conditions
Parish	STEEPLE BARTON
Grid Ref:	443332,225877

APPLICATION DETAILS

Erection of replacement porch and alterations to form new ramps to side and rear.

APPLICANT

Mrs Jane Hazell, 14 Farriers Road, Middle Barton, Oxon, OX7 7EU

BACKGROUND INFORMATION

The application seeks planning permission for the erection of a replacement porch and alterations to form new ramps to the side and rear of an existing residential property. The site is not within the Conservation Area. The application is before committee because the applicant is made by West Oxfordshire District Council.

1 PLANNING HISTORY

No relevant planning history.

2 CONSULTATIONS

2.1 Steeple Barton Parish Council

No comments received to date (Consultation deadline 22nd September 2014).

2.2 Adj Council Wescott Barton

No comments received to date (Consultation deadline 22nd September 2014)

3 REPRESENTATIONS

3.1 Two neighbours were notified of the application and no representations have been received to date (Consultation deadline 22nd September 2014).

4 POLICY

4.1 The relevant West Oxfordshire Local Plan policies are considered to be:

Policy BE2 – General Development Standards
Policy H2 – General Residential Development Standards

5 PLANNING ASSESSMENT

5.1 Taking into account the relevant planning policy, the comments of the objectors and all other material considerations, in your officer's opinion the key considerations of the application are:

- Neighbouring amenity; and
- The impact on the street scene.

Neighbour amenity/ Street scene

5.2 The proposed development, due to its position would have no impact upon any neighbouring property or the street scene due to the form, design and massing of the proposed. The materials of the porch and ramp are also considered to be acceptable. The proposed porch and side ramp would

be visible from the street scene but are considered appropriate in design and scale to the existing building and therefore would not cause any harm to the surrounding area.

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

RECOMMENDATION

Permit subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended).
- 2 That the development be carried out in accordance with the plans submitted with the application.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

14/1223/P/FP 10 High Street Woodstock	
Date	20/08/2014 20/08/2014
Officer	Gemma Smith
Officer Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	444502,216695

APPLICATION DETAILS

Part change of use from retail (A1) to residential (C3).

APPLICANT

Mr & Mrs Buckingham C/O Agent

BACKGROUND INFORMATION

This application seeks planning permission for the part change of use from retail (A1) to residential (C3). The application seeks the change of use of the front part of the ground floor and does not comprise of any external or internal alterations. The building concerned is part of a historic terrace fronting onto High Street, and the building is a three-storey Grade II Listed Building within the Woodstock Conservation Area.

This application has been brought before the Uplands Area Sub-Committee as the recommendation is different to that of the Town Council.

I PLANNING HISTORY

- I.1 Alterations and erection of rear extension to enlarge existing dwelling (Planning Reference 13/1037/P/FP & 13/1038/P/LB) Granted subject to conditions 10th September 2013.

- 1.2 Alterations and extensions to rear elevation to enlarge existing dwelling (Planning References 13/0557 & 13/0558/P/LB) granted subject to conditions 10th June 2013.
- 1.3 Internal alterations to support beam (Planning Reference 13/0353/P/LB) Granted subject to conditions 2nd May 2013.
- 1.4 Alterations and extensions to rear elevation including change of use of butchers shop to enlarge existing dwelling. (Planning Reference 12/1724/P/FP & 12/1723/P/LB) Withdrawn 3rd January 2013.
- 1.5 Internal alterations on first and second floors (Planning Reference 05/2007/P/LB) Granted subject to conditions 15th December 2005.
- 1.6 Removal of meat preparation and storage area and erection of three storey extension. Conversion of building to form two dwellings and butcher's shop. (Planning Reference W2001/0744 & W2001/0743) Granted 3rd July 2001.

2 CONSULTATIONS

2.1 Woodstock Town Council

“Object to this planning application on the grounds of Shopping Policy SH5 and because of the draft Local Plan specifically recommends that retail units in Woodstock be retained wherever possible. Please refer to the Council’s previous response to planning application (Ref: 12/1724/P/FP – Alterations and extensions to rear elevation including change of use of butchers shop to enlarge existing dwelling). The council noted that the planning application description did not entirely reflect the situation because if approved this property would no longer retain any retail facilities.”

2.2 OCC Highways

No comments have been received to date. Consultation expires 25th September 2014

3 REPRESENTATIONS

- 3.1 Six neighbouring properties were notified of the application and no letters of representation have been received. Neither have any comments been received in response to the site notice erected at the site.

4 APPLICANTS CASE

- 4.1 The applicant has submitted a Planning Statement in support of their application which is summarised as follows:

- The proposed change of use will return thus unused retail floor space to its original use. It will also assist in the objective of restoring a mix of uses in the town. The change of use is therefore consistent with Policy SH3.
- The butcher's shop closed prior to the applicant's purchase in 2012 and has remained vacant ever since.
- Allowing the change of use back to residential would accord with Council's objective to enhance the vibrancy and vitality of the centre by introducing further residential occupancy.
- In support of this application we are enclosing accounts for the last 4 years in which the previous owner traded. Those accounts show that the business made a loss in three out of the four years 2007/8 to 2010/11. These losses were not sustainable and led to the business being closed and the premises being sold.

- The previous planning permissions (13/0557/P/FP and 13/0558/P/LB have resulted in the rear part of what was the butchers shop being extended and converted to residential use and the front part of the shop being integrated with the residential accommodation such that the retail area is not reduced. Moreover, the retail space has lost its rear access and does not have kitchen or storage facilities.
- No internal or external alterations are proposed and therefore the change will have no impact on either the character of the streetscene or the setting or fabric of the Listed Building.

5 POLICY

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

BE2 (General Development Standards);
 BE3 (Provision for Parking and Movement);
 BE5 (Conservation Area);
 BE8 (Development Affecting the Setting of a Listed Building);
 BE9 (Change of Use of a Listed Building);
 SH3 (Change of Use in Town Centres);
 SH5 (Loss of Local Shops);
 H2 (General Residential Development Standards); and
 H7 (Service Centres).

5.2 The National Planning Policy Framework is of key consideration.

6 PLANNING ASSESSMENT

6.1 The original use of the building was residential until the 20th Century when the shop window was installed and a butcher's shop was run from the premises until it was closed in 2011. Financial information has been submitted to support the planning application showing accounts for the shop between the years 2007 and 2011. The retail space has remained vacant since this time. Subsequent alterations have been undertaken throughout time at the property. Most recently internal and external alterations including extensions to rear elevations to enlarge the existing dwelling (Planning References 13/0557/P/FP and 13/0558/P/LB). This proposal removed an existing rear flat roofed addition which as last used for storage for the retail unit.

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

- Principle;
- Impact upon the Listed Building; and
- Implications on Highways and Parking.

Principle

6.3 The Local Plan and the National Planning Policy Framework both contain policies and guidance which seek to preserve and enhance the vitality of local service centres.

6.4 The application proposes a change of use of a retail unit to residential within the central policy area of Woodstock. Policy SH3 of the West Oxfordshire Local Plan relates to changes of use in Town Centres. Officers consider that this site does fall within a town centre. The policy seeks to resist proposal which would result in the loss of residential dwellings within the policy area, or proposals for retail uses outside of the central policy area. However, Policy SH3 does not prevent the loss of

retail units within the central policy area. As such, there is no reason within this policy to refuse the loss of the unit.

6.5 Policy SH5 of the adopted West Oxfordshire Local Plan, 2011 seeks to prevent the loss of local shops unless:

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

6.6 Paragraph 23 of the National Planning Policy Framework (NPPF) also supports this approach.

6.7 Officers acknowledge that it is unfortunate to lose an establishment of this sort within Woodstock. Whilst this is the case, in considering the principle of the development, officers have to establish whether there is any policy reason to justify the refusal of planning permission. Policy SH5 (detailed above) does seek to prevent the loss of shops (A1 use), however officers consider that the loss of the approx total of 34m² of retail space would not result in a demonstrable loss of goods and services available in the wider Woodstock central area as per part b). The financial accounts that have been submitted with the application demonstrating a loss in profit from 2007/08 – 2010/11 would suggest that part a) of the policy is also met.

6.8 Furthermore, Policy SH3 notes that the intrinsic quality of the town of Woodstock is characterised by the inter-relationship of residential properties and retail uses. On this basis, on balance, officers consider the principle of the loss of this unit to be acceptable.

6.9 The dwelling is proposed to be provided in the form of an extension to the existing dwelling and part-conversion of retail space. The principle of providing a dwelling in this location is therefore considered to be acceptable and in accordance with Policy H7 of the West Oxfordshire Local Plan 2011 albeit officers acknowledge that this carries less weight in light of the absence of the 5-year housing land supply. The dwelling would also be in a sustainable location in accordance with the requirements of the National Planning Policy Framework.

6.10 On this basis, whilst the Authority acknowledges the concerns of the Town Council regarding the loss of the establishment, officers cannot identify a policy which specifically resists such development. Therefore officers consider the principle of the loss of this unit to be acceptable.

Impact upon the Listed Building

6.11 Policy BE9 of the West Oxfordshire Local Plan, 2011 seeks to retain the character and special architectural or historic interest of Listed Buildings through change of use. There are no changes proposed to the structure of the property. It is therefore considered that the principle of the change of use is acceptable and would not result in detrimental impact to the character of the Listed Building or Conservation Area.

Highways and Parking

6.12 Officers note that there would be no increase in bedrooms at the property and therefore the provision for car parking remains satisfactory.

Conclusions

6.13 In light of there observations, having considered the relevant planning policies and all other material planning considerations, your officers consider that the proposed development is on balance

unacceptable on its planning merits and accords with Policy BE2, BE5, BE7, BE8, SH3, SH5, H2 and H7.

RECOMMENDATION

Grant subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with plan No. 1167/9:C
REASON: For the avoidance of doubt as to what is permitted.

NOTES TO APPLICANT:

- 1 This consent is for change of use only. Any alterations to the building to enable it to be used for the purpose proposed are likely to constitute development requiring the submission of a further separate planning application.
- 2 This consent is for change of use only. Any alterations to the building to enable it to be used for the purpose proposed will require the submission of a further separate application for Listed Building Consent.