

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5 January 2015

**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

Application Number	Address	
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Application Number	I4/0628/P/S73
Site Address	Pomfret Castle Farm Banbury Road Swerford
Date	18th December 2014
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Swerford
Grid Reference	436667 E 230302 N
Committee Date	5th January 2015

Application Details:

Non-compliance with condition 14 of planning permission 07/1085 to allow converted barns A and D to be used for unrestricted residential occupation and variance with condition 14 of 07/1085 to allow converted barn C to be occupied as managers accommodation or a holiday let (retrospective).

Applicant Details:

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

I. CONSULTATIONS

I.1. Swerford Parish Council

No comments received

I.2. Adj Council Little Tew

No comments received

I.3. OCC Highways

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

I.4. WODC Architect

In respect of an application submitted in 2013 under ref I3/0171 for use of three of the barns for unfettered residential use the Council's architect commented as follows:

'There are no material Listed Building implications in this application. However, it is worth noting that these barns and part of the main house were in a very poor condition when the property was purchased by the current owners a few years ago.

I inspected this interesting isolated agricultural group at the time and was involved in the pre application discussions concerning the restoration and conversion of these barns and the several resulting applications in 2007. Part of the consideration at the time was that the barns were in a perilous condition - especially the three barns closest to the main house (each of which is listed in its own right). The proposed repair and conversion was most welcome as it saved the barns

from further decay which would have been seriously detrimental to the character of the whole group.

1.5. WODC Planning Policy Manager

No Comment Received.

2. REPRESENTATIONS

No representations have been received in respect of this application.

3. APPLICANTS CASE

3.1. The original application prior to amendment was accompanied by a supporting statement. The document is summarised as follows:

- This application seeks unrestricted living accommodation which is not a temporary consent for 3 years like the submission made in 2013 (Planning Reference 13/0171/P/S73).
- In this time the conversion of Unit C in Barn Two has been completed. This unit was not included in the previous application.
- Unit A Orchard Barn tenants are on a 6 months lease which ends August 2014.
- Unit B- unconverted. There are no plans to convert Unit B.
- Unit C - The Stables - currently occupied by the applicants. Since the previous application the main farmhouse has been let out on a one year tenancy which ends 9th July. The applicants have moved from the main house into the one of the converted barns.
- Unit D -The Cartshed is let on a periodic tenancy with 2 months' notice to leave.
- In depth pre-application discussions took place post the refusal of 13/0171/P/S73 which advised of the need for a comprehensive marketing exercise to seek to demonstrate that the retention of buildings could only be secured through conversion to unfettered residential use.
- It is for unforeseen circumstances of the current recession which has led to the breach of planning control;
- The costs of the conversions and restoration of the dwellings are not being recouped through the use of the converted buildings as holiday lets. The returns of short term tenancy lets result in a lesser annual economic shortfall.
- Other factors limit the potential returns from the barn conversions as holidays lets which include, the proximity to the A361, on-going building works created by on-going conversion works (All works have since been completed since this statement in 2013), oversupply of business units in more remote locations. Building works and close proximity to the A361 make the units unattractive to holiday makers.
- The restoration of the listed farmhouse and listed barns has both preserved and enhanced important heritage assets which are highly visible from the public domain.
- Following from the previously refused application, the changes to the Use Classes Order to allow the change of use of agricultural buildings to residential use without requiring planning permission was introduced by the Government. Although these are not relevant

to Pomfret Castle barns, the applicant identifies that the central government are determined to increase the supply of housing in rural areas.

- Marketing exercise through Knight Frank ran from 18th October for 6 months.
- The conclusions of the marketing exercise were that during the exercise 106 parties expressed an interest in the properties for residential use. It is clear that there is a low-level demand for non-residential property in the area. The restriction to non-residential use, despite the location, means that the properties have proved unattractive to those buyers registered with Knight Frank and to who have marketed the property.
- The prolonged recession has had a major impact on the on-going conversion works, with the returns from holiday lets being uneconomic and unsustainable.
- To continue the restoration of the listed farmhouse and barns to a high standard of restoration is required for the use of the buildings to be economically viable.
- It is considered that if the site is left it will have a semi-derelict appearance detracting from the setting of the buildings within the AONB.
- In addition the application is accompanied by a marketing exercise which is summarised as follows:
 - A 6 month marketing exercise by Knight Frank was agreed with the LPA and failed to establish that there was any market interest in the barns for the preferred uses.
 - The objective was to undertake a comprehensive marketing campaign for the partially converted barn buildings at Pomfret Castle Farm from 18th October 2013 for 6 months.
 - It was marketed for employment use, holiday accommodation and community use.
 - The barns marketed were for Stable Barn (partially converted), an unconverted barn, Orchard
 - Barn converted two bedrooms and the Cart Shed converted two bedrooms.
 - Marketing board was erected on the side of A361
 - Details of the property were sent to all applicants registered on the Knight Frank database.
 - Advertised in local newspaper on three separate occasions.
 - 106 copies of marketing particulars were sent to interested parties.
 - One formal viewing in October 2013 looking at the site as a whole.
 - Particulars of the property would have been accompanied by the guide price of £1,285,000.
- The restriction to non-residential use, despite the desirable location means that the properties have proved to be unattractive to those buyers registered with Knight Frank to whom they have marketed the property.

3.2. The following additional supporting information has been submitted following amendment of the application:

- I am writing regarding concerns to ensure that any proposed unrestricted residential uses in the countryside are policy compliant and that there is consistency in decision making throughout the District;
- By reference to four appeal decisions I make the case that the current proposal for Pomfret Castle Farm (for two unfettered barn conversions) would comply with both paragraph 55 of the NPPF and policy H10 of the adopted West Oxfordshire Local Plan 2011.
- Detailed costs of restoring the barns and the farmhouse are provided together with details of borrowing and finance to carry out the restoration works to date and returns on the investment. The details that are provided advise that the annual income from the holiday lets is limited and less than the annual interest payments on the outstanding bank loan used for the restoration of the listed heritage assets.
- In order to provide sufficient monies to complete the restoration of the listed heritage assets the planning application is seeking permission to remove the holiday let condition from Barn A and barn D to allow them to be sold as unfettered dwellings on the open market. Given the current market value Knight Frank estimates that post capital gains tax and fees will generate an income of £615,000.
- The total expenditure to date on the restoration works is £526,986. The income from the sale of Barns A and D minus the expenditure to date on restoration will leave £88,014.
- Unit B will be restored and refurbished as a holiday let utilising the proceeds from the sale.
- The net result of the amended application is that for the reasons noted above :
- Units A and D are sold on the open market for unrestricted residential use;
- Unit C is retained by the owners as a managers house or as a holiday let;
- Unit B is converted to holiday let use.
- A letter from Chris Grimes of 'Manor Cottages' is provided in respect of the prospects of potential letting for the holiday units .A quotation from that letter is as follows:

'..the proximity of the road to your cottages is probably the main element which may hold you back when it comes to bookings .People will look at map locations and will make some conclusions. We do have cottages which are on roads, but these are within towns- nevertheless the bookings have been ok, but not spectacular I am reluctant to give you occupancy figures simply because your location is a little unusual'.
- In respect of recent appeal history regarding policy H10 I would concur that in all of the cases the Inspector has confirmed that policy H10 is generally compliant with the NPPF. However, I would contend that there is a clear and important difference between the barns at Pomfret Castle Farm and the appeal sites. In none of the cases did the conversion schemes involve circumstances where the development would represent optimal viable use of a heritage asset or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- In contrast, it is important to recognise in the case of Pomfret Caste Farm that three of the four barn conversions and the farmhouse are Grade II listed buildings, all heritage

assets of considerable significance. The preservation of these heritage assets, as currently proposed at Pomfret Castle Farm, would fully accord with the 'exceptional circumstances' set out in Policy H10 of the adopted Local Plan and Paragraph 55 of the NPPF.

In further support the following facts need to be underlined:

- The applicants are only part way through the project of restoring the listed house and barns thereby fully revealing their importance as a fine traditional group of 17th and 18th century agricultural buildings in a highly visible rural location. To enable this restoration and conversion work to be completed to a high standard currently being achieved, the use to which the buildings are put must be economically viable. If unrestricted residential use of two of the barns is not permitted, the project will not be completed by the applicants or future occupiers and an opportunity to fully reveal the importance of these heritage assets will be lost.
- With regard to the question of the enhancement of the immediate setting referred to in paragraph 55 of the NPPF, the farm complex is highly visible from the A361 and open countryside to the south. If work has to cease on the conversion project for economic reasons, the overall site will have a semi derelict and uncompleted appearance which will detract from its immediate setting of the farm complex and on the natural beauty of the surrounding AONB.
- The significance of the listed farm house and its barns as heritage assets and the importance of the conversion work carried out to date by the applicants to restore them is underlined in the Council's Conservation Architects response to planning application 13/0171/P/S73(See consultation section of this report).

4. PLANNING POLICIES

BE8 Development affecting the Setting of a Listed Building

BE9 Change of Use of a Listed Building

BE3 Provision for Movement and Parking

H2 General residential development standards

H10 Conversion of existing buildings to residential use in the countryside and

H4 Construction of new dwellings in the open countryside and small villages

T1 Traffic Generation

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

5. PLANNING ASSESSMENT

- 5.1. This application was originally submitted for the following: Non-compliance with condition 14 of planning permission 07/1085/P/FP to allow three converted barns & one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation. (Retrospective)
- 5.2. The application has subsequently been amended for the following: Non-compliance with condition 14 of planning permission 07/1085/P/FP to allow converted barns A and D to be used for unrestricted residential occupation and variance with condition 14 to allow converted barn C to be occupied as managers accommodation or a holiday let.

Background Information

- 5.3. This application, as amended, seeks a variation of condition 14 of planning permission 07/1085/P/FP that allowed conversion of barns on the site to holiday let accommodation. This application seeks non-compliance with Condition 14 of the original consent 07/1085/P/FP to enable two of the converted barns to be used for unrestricted residential accommodation and a variance with condition 14 to allow one of the converted barns to be used as mangers accommodation or as a holiday let.
- 5.4. This application follows a previously refused application (Planning Reference 13/0171/P/S73) to allow two converted barns and one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation for a temporary period of three years (Part Retrospective).
- 5.5. The site is located in the open countryside adjacent to the A361. The buildings to which the application relate were former agricultural outbuildings associated with the adjoining farmhouse which is Grade II listed. Two of the barns the subject of this application are also listed. According to the Council's architect at the time the decision was taken to approve the buildings for holiday let use, the barns which formed part of an 'interesting isolated group' were in a 'perilous' condition.

Planning History

- 5.6. Non-compliance with condition 14 of planning permission 07/1085/P/FP to allow two converted barns and one unconverted barn approved for holiday accommodation to be used for unrestricted residential accommodation for a temporary period of three years (part-retrospective) (Planning Reference 13/0171/P/S73) Refused 22nd March 2013. The reasons for refusal were as follows:
 1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings are not suitable or reasonably capable of holiday let use or alternative uses. e.g. workshops, offices such that the unrestricted residential use for a temporary period of 3 years is the only option for securing retention of the buildings. As such, non-compliance with Condition 14 of 07/1085 is considered contrary to Policy H10 of the West Oxfordshire Local Plan, 2011 and the Government's planning policies for England set out in the National Planning Policy Framework.
 2. Allowing unfettered residential use in this unsustainable location generates a higher level of vehicular movements than holiday lets. As such, non-compliance with Condition 14 of 07/1085 is considered contrary to policy T1 of the West Oxfordshire Local Plan, 2011 and Government's guidance in the National Planning Policy Framework.
- 5.7. The application was part retrospective and as such constituted a breach of planning control. Following that refusal a period of marketing was advocated by Members before consideration was given to the need for enforcement action. This latest application has been submitted following a period of marketing. It also contains information about the costs of the refurbishment works to the complex of listed buildings including the Farmhouse, the return on the holiday let use and a comments from a holiday let company in respect of issues relating to the location of the tourism use adjacent to a busy A road.

Other History

- 5.8. Conversion of Barn One into a holiday let and Barn Two into three holiday lets (Planning Reference 07/1085/P/FP & 07/1086/P/LB) Granted subject to conditions
- 5.9. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.10. The main issue in respect of this application is whether or not the requirements of policy H10 of the WOLP can be set aside to enable funding for completion of the conversions approved under the 2007 planning and listed building consents. In other words, meeting the exceptional circumstances test of policy H10 in the interests of the listed heritage assets and their immediate setting.
- 5.11. Whilst policy H10 has been in recent appeal decisions considered as generally compliant with the NPPF in considering this application paragraph 55 of the NPPF is a material consideration. Paragraph 55 states that Local planning authorities should avoid isolated homes in the countryside unless there are special circumstances. Two such special circumstances are relevant to the consideration of this application:
- 5.12. The circumstances are (i) where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or (ii) where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.13. Policy H10 relates to the conversion of existing buildings to residential use in the countryside and small villages. The policy allows for the conversion of buildings to unfettered dwellings only in exceptional circumstances and where retention of the building meets overall sustainability objectives. In open countryside locations such as 'Pomfret Castle', holiday accommodation or non-residential uses are the preferred new uses for existing rural buildings.
- 5.14. The case being made in this application in simple terms is that with the barns in use as holiday lets, the costs of the restoration project for the overall site significantly outweighs the income generated from the holiday let use such that it is unviable. In light of this, further conversion/refurbishment works cannot be funded and the heritage assets (listed barns) and their immediate setting will therefore deteriorate over time. If however, unfettered use of two of the barns is allowed, the completion of the restoration project in the interests of the listed barns and an enhancement of their immediate setting will be assured.
- 5.15. In support of the application the applicant has provided financial evidence, marketing evidence and evidence from a specialist holiday lettings agent commenting on the impact that the proximity of the barns to the busy A361 may have on the desire of holiday makers to stay at the site.

Financial and Marketing Evidence

Financial Evidence

- 5.16. This evidence provides details of the cost of restoring the barns to date and the return from the investment in terms of income from the holiday lettings. The income from holiday lettings is not sufficient to cover the annual interest payments on the outstanding bank loans, nor the capital receipt. The financial evidence concludes that if two of the barns are allowed to be sold as unfettered residential units that the remaining outstanding works to the barns can be completed and the range of listed heritage assets that make up 'Pomfret Castle Farm' can be restored in the interests of the enhancement of the immediate setting of the former agricultural buildings. Once completed the site would consist of the existing farmhouse, two unfettered dwellings, a holiday let and a managers/holiday let. The latter two barns being fettered by planning conditions.

Marketing exercise

- 5.17. A marketing exercise has been carried by Knight Frank to find out if there is any interest in the use of the site for the preferred uses outlined in policy H10, those being employment, recreation/community uses, or tourist accommodation uses including holiday lets. This marketing exercise was carried out on the same basis as respective marketing exercises for other similar planning applications in the District for unrestricted residential use of barn conversions. According to the application the conclusions of this exercise proved that there was no market interest for the preferred use.

Holiday Lettings Evidence

- 5.18. Holiday lettings agent comments:

A letter submitted with the planning application from a holiday lettings agency suggests that the proximity of the holiday let use to the busy A361 may dissuade holiday makers from choosing to locate at 'Pomfret Castle Farm'.

Highways

- 5.19. As Members will note OCC Highways has objected to the unfettered use of four barn conversions on the site on the grounds that the location is an unsustainable one given the isolated location of the site away from shops and services. No comment has been received at the time of writing in respect of the amended application which is for two unfettered barn conversions.

Conclusion

- 5.20. In coming to a conclusion in respect of this application which proposes unrestricted dwellings in an unsustainable open countryside location, the exceptional circumstances of policy H10 needs to be considered together with the paragraphs of the NPPF, in particular the special circumstances of paragraph 55.
- 5.21. Both Policy H10 and the paragraphs of the NPPF make provision for unfettered residential uses in open countryside locations in exceptional and special circumstances. In this case the complex of buildings that make up 'Pomfret Castle Farm' consist of a number of vernacular former

agricultural buildings which prior to approval for holiday lets were in a poor state of repair which without restoration /repair/conversion would have been seriously detrimental to the character and appearance of the whole group of heritage listed assets and the immediate setting of those assets.

- 5.22. The conversion works which have sought to secure the future heritage assets have been partly implemented to date but has resulted in a funding shortfall due to the limited income from the holiday lets. In order to address the financial shortfall and secure completion of the restoration of the listed buildings this application seeks to reduce the number of holiday lets on the site from 4 to 2 and sell off two unrestricted residential units to fund the completion of the works.
- 5.23. In light of the above and given the marketing exercise that has been undertaken in respect of the barns which resulted in no market interest being shown for alternative uses for the barns, your officers consider that notwithstanding the isolated location of the barns complex, the unfettered use of two of the barns and the a variance of condition to allow one barn to be used as a managers unit/holiday let can be considered Policy H10 and NPPF compliant in this case.
- 5.24. The application is recommended for conditional approval accordingly.

6. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the details and plans accompanying the application but as modified by the applicants agents letter(s) dated 14 October 2014 and E-Mail dated 12 December 2014.
REASON: The application has been amended by the submission of revised details.
3. The occupation of Barn 'C' shall be limited to occupation as managers accommodation associated with the holiday let use on the site or as a holiday tenancy not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods and shall not be sold separately from Barn 'B'.
REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.
4. The occupation of Barn 'B' shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.
REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.
5. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

Application Number	I4/I260/P/FP
Site Address	Home Farm Grove Road Bladon
Date	18th December 2014
Officer	Phil Shaw
Officer Recommendations	Defer
Parish	Bladon
Grid Reference	445000 E 215243 N
Committee Date	5th January 2015

Application Details:

Removal of modern agricultural buildings, conversion of traditional agricultural building to office, erection of 27 dwellings with associated parking.

Applicant Details:

Vanbrugh Unit Trust
Home Farm
Grove Road
Bladon
Oxfordshire
OX20 1RH

I. CONSULTATIONS

I.1. One Voice Consultations

Raise concerns about the parking provision, no objections regarding archaeology, request funding towards expansion of the school and other education needs and funding towards other OCC services.

I.2. Bladon Parish Council

The members of Bladon Parish Council are in favour of development on this site, but strongly request that a number of elements of the current design should be addressed:

1. Viewed from the road, plots 1-4 would present an unappealing solid block obscuring the view of the attractive buildings behind. In addition, they would appear to be isolated and segregated from the main residential area, surrounded by tarmac to an extent which is not replicated in the main residential area. Members of the Parish Council and residents of Bladon have voiced their dislike of the location of this block, and would prefer it to be further back towards the park wall. It is believed that this could be accomplished without great loss of the line-of-sight/vista through the development.
2. Plots 1-4 and 22-27 have level, unbroken ridge lines with uniform roof height and materials. They are not attractive and the lack of individuality in their design does not reflect the varied style of housing throughout the village. Plots 13-21 do have varied roof heights and materials, and members would like to see that replicated in plots 1-4 and 22-27.
3. Bladon suffers greatly from inadequate parking space. Many residents are not able to park on or outside their property, and this situation is exacerbated by the large numbers of visitors to the village. Serious thought should be given to measures to prevent the green space in this development being used as an unofficial car park.

4. The turning area behind plots 17-21 would also be used for parking and/or skateboarding. Members of the Council do not believe it is necessary in the form presented, and feel that the space could be put to better use. The pressure on parking in Bladon should not be underestimated - any additional possible parking spaces will be seized upon.
5. Agreement on the long term responsibility for maintenance of the green space with its associated trees and hedges must be clear. As the creation of this vista formed such an important part of the development, it must be maintained to the highest standard. The Parish Council is not in a position to fund the maintenance now, and would not welcome attempts to pass on the costs in the future.
6. The road width in the residential area is seen to be too narrow, and the sight lines for access to the very busy A4095 from both the commercial and residential areas are poor and should be reconsidered.
7. Before the development goes ahead, verification that there is sufficient capacity in the existing infrastructure for the treatment of sewage is required. It is the Council's understanding that the present 5" outflow is only just sufficient for current needs, which, on occasion, results in blockages with sewage rising to the surface and flooding residents' gardens. It is essential that the new development is not allowed to overload the system and add to the distress experienced by affected residents.
8. It is essential that a full SuDS survey is carried out to ensure that all surface water is retained within the site, allowing no run-off to Grove Road which suffers from flooding after heavy rain.
9. The Parish Council wishes to secure funding from S106 agreements for facilities within the village.
10. Members of the Parish Council request that the plans for the commercial section should include one retail unit. Bladon has no shop, and it is believed that the provision of a shop would be of benefit to individual residents and also a means of bringing the whole community together.

Bladon Parish Council wishes to see a development which will enhance the village, so it is important to members that the existing infrastructure should not be put under strain and that the view from the street should be pleasant and in keeping with the existing style of the village.

I.3. Adj Council Blenheim Parish Meeting

No Comment Received.

I.4. WODC Rural Development

No Comment Received.

I.5. WODC Env Services - Car Parking

No Comment Received.

I.6. WODC Legal & Estates

No Comment Received.

- I.7. WODC Community Safety
No Comment Received.
- I.8. WODC Env Consultation Sites
No Comment Received.
- I.9. WODC Env Services - Waste Officer
No Comment Received.
- I.10. WODC - Sports
Request funding to assist the Parish Council to purchase a parcel of land locally for the provision of sporting and play opportunities
- I.11. WODC - Tourism
No Comment Received.
- I.12. TV Police - Crime Prevention Design Advisor
No Comment Received.
- I.13. WODC Architect
Verbal response that the revised proposal is much better than the previous schemes
- I.14. WODC Env Services - Engineers
No Comment Received.
- I.15. WODC Env Services - Landscape
No Comment Received.
- I.16. WODC Env Health - Lowlands
No Comment Received.
- I.17. WODC Env Health - Uplands
No comments subject to a contaminated land condition
- I.18. WODC Head Of Housing
No Comment Received.
- I.19. WODC Landscape And Forestry Officer
No Comment Received.
- I.20. WODC Planning Policy Manager
No Comment Received.

I.21. WODC - Arts

No Comment Received.

I.22. English Heritage

Appearance of farmstead is compromised by later additions and conversion would be a good way of preserving and enhancing its significance. Proposals are an improvement on earlier schemes and proposals will not affect setting of WHS or Grade I Palace or harm the significance of the CA. Most development would be at least partially screened by frontage properties. New buildings need to be well detailed

I.23. Environment Agency

No objection subject to conditions regarding contamination and no soakaways in contaminated land

I.24. Thames Water

No objections subject to Grampian condition regarding sewerage and requiring SUDS drainage

2. REPRESENTATIONS

In respect of the original plans 8 letters of representation have been received. It is considered that the main points raised may be summarised as follows:

- Inappropriate development in the Green Belt
- 27 units cannot be classed as infilling
- Simply removing eyesore features does not improve openness or setting of World Heritage Site
- No evidence that jobs created will be positive for Bladon
- Office units will add more traffic to the village
- Employment use does not constitute the special case to justify Green Belt development
- Village lacks basic amenities
- This does not meet community aspirations
- Commercial development could go ahead without the residential scheme
- If the estate chooses not to maintain its buildings this is a matter for them but does not justify residential development
- No historic buildings are at risk
- The CA will not be enhanced
- It will not enhance the WHS
- They will be ungainly houses in an elevated position
- PC do not enjoy community support for their position
- PC would like a village shop
- PC will of course accept 106 monies
- Entry and exit are dangerous
- Volume of parking speaks for the traffic generation
- Over-development
- Village should not pay for the benefits to the Estate
- Scale is too large
- Loss of harm would affect rural character of village
- Additional noise and disturbance

- Loss of wildlife value
- Village shop committee is disappointed that no shop is included
- They are aiming to create a community owned and run shop
- A local shop would reduce traffic movements
- Concern regarding noise and smell impact of bin enclosures
- Increase in traffic will cause disturbance
- Boundary enclosures need to be increased in height
- Plots 1-4 do not enhance Conservation Area
- Loss of views of historic farm buildings
- Scheme is much better than before but still seems a bit crowded
- Will roof lines be too high_
- Concerned at loss of swallow habitat
- Affordable houses are needed
- Should be an equal number of detached and affordable units

3. APPLICANT'S CASE

- 3.1. A variety of reports have been submitted to support the application and these are available on the Council's website.
- 3.2. The applicant has offered the following clarification following the submission of amended plans.
- 3.3. Clarification of car parking spaces on the office element - As you are aware in the original application we stated that 50 new job opportunities would be created as part of this development, we think this needs further clarification as discussed, as it is expected that a lot of these would be part time, so the FTE would be expected to be nearer 30/35 as these offices will be designed for and occupied by a professional occupier. I have copied in Geoff Arnold at OCC for his information as requested and I would hope that this clarification will enable him to withdraw his objection.
- 3.4. Clarification around the village shop - As discussed we do not feel that a village shop use in this location would be ideal as for a shop to be successful it needs main road prominence and ideally parking, neither of which would be readily available. In addition such a use would not sit comfortably alongside a professional office use as is proposed for the commercial element. However, we do fully support the village shop idea and would be prepared to offer the sum of £5k as part of any legal agreement to further the objectives of setting up a village shop, subject to the funds being used within an agreed time scale and only for the objectives of establishing such a village community facility.
- 3.5. Clarification around the proposed S106 WODC leisure contribution - We have spoken to Martin Holland on this point as discussed. Martin commented that he had not been fully aware of the other matters going on in Bladon or the full details on this application, notably the existing offer of £20k for recreational uses to the PC, although he was aware of the PC proposal for the new play area and that pending application. Consequently we believe that there has been some double counting.
- 3.6. As we understand it, WODC have asked for £29,970 for leisure and sport and £15,530 for play equipment, both to be used within the village of Bladon, this I believe is a new request that was not present in the previous application. As part of the current application we had offered £20k

for such purposes, are we therefore talking about a net £25,500 as a request from WODC, could you confirm as more than this does really begin to stretch the viability and I suspect is not needed?

- 3.7. Clarification over the management of the proposed public open space. I suggest this is conditioned but we would be happy to agree in principle to a reasonable management plan and undertake to put a contract in place to that effect. However, it is not something we have included in our appraisals and I am awaiting costings. I would however ask that in considering the landscaping plan (which I assume will be conditioned) that you be prepared to accept a planted (as opposed to hard landscape), but low maintenance option.
- 3.8. Design detail on plots 1 to 4 and design detail of the split crescent returning it to a single crescent as previously proposed. Drawings have been amended as discussed and summarised below:
- 3.9. Plots 1 to 4:
 - Window and door arrangement formalised.
 - Brick detailing added around doors/ windows to match precedent of existing cottages on Grove Road.
 - Chimneys added to match precedent of existing cottages on Grove Road.
 - Triple rear doors changed to double doors plus side window.
- 3.10. Plots 5 to 12:

Crescent joined together using crescent on The Green at Cassington as a precedent.
- 3.11. Plots 7 to 12:
 - Low pitched roofs replaced with steeper pitched roof linked together.
 - Some units handed to add interest to the elevations.
- 3.12. Plots 22 to 27:
 - Large roof area broken down into smaller more cottage-like porches.
 - Chimneys added.
- 3.13. The above consolidates previous emails I believe, with the exception of the one in response to Barbara Chillman's request for information on timing which I responded to on 1 December.
- 3.14. Hopefully you now have everything you need to consider this further and hopefully take to committee with a recommendation for approval.

4. PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
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
BE10 Conversion of Unlisted Vernacular Buildings
BE11 Historic Parks and Gardens
NE5 Oxford Green Belt
NE6 Retention of Trees, Woodlands and Hedgerows
NE15 Protected Species
E4 Re-use of Vernacular Buildings
TLC7 Provision for Public Art
H2 General residential development standards
H11 Affordable housing on allocated and previously unidentified sites
The advice of the NPPF and PPG is also of relevance
The National Planning Policy framework (NPPF) is also a material planning consideration.

5. PLANNING ASSESSMENT

Background Information

- 5.1. Members will recall that a scheme on the same site for a development of 25 units and conversion of the barns to offices was refused at the May 2014 meeting of the sub-committee under application reference I4/0106/P/FP. The refusal reasons centred on the following matters:
 - 1 Green Belt- inappropriate development and harmful to purposes of the Green Belt
 - 2 Scale and intensity of development was too great for the village
 - 3 Harm to heritage assets (Listed Wall, scheduled park/garden, setting of World heritage site and Conservation Area)
 - 4 Loss of amenity for adjoining residents
 - 5 Insufficient affordable housing (4 units)
 - 6 Inadequate parking and access
 - 7 Lack of a S106 to secure community mitigation measures
- 5.2. These issues form the context against which to assess the revised proposals and the report is structured to address these points in turn.
- 5.3. Also of critical importance in the manner in which Officers have approached the negotiations on this scheme, is the note which Members appended to the refusal advising that refusal reasons 5 and 7 were capable of being overcome and that a less intense scheme based upon the conversion of the existing barns and re building on the footprint of the demolished buildings along with an appropriate community benefits package might be considered more favourably.
- 5.4. The scheme has been amended during the processing of the application to amend some of the house types and disposition, and to secure an improved S106 offer (see Applicant's Case section of the report for more details). The re consultation is currently underway at the time of agenda preparation and will expire before the date of the meeting. Any additional comments received will be reported verbally, or by way of the additional representations report.

Green Belt

- 5.5. Residential development, other than limited infilling, is by definition inappropriate development in the Green Belt and, as such, as Paragraph 87 of the NPPF sets out "should not be approved except in very special circumstances". In determining any application paragraph 88 sets out that "local planning authorities should ensure that substantial weight is given to any harm to the Green Belt" and that "very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other circumstances".
- 5.6. There is thus a clear balancing exercise that decision makers need to undertake. The fact that the development is inappropriate needs to be given substantial weight and only if this weight can be clearly outweighed by other circumstances can approval be given. This clearly sets the bar at a high level before an approval could be granted.

Scale and Intensity

- 5.7. The number of units has increased since the refused scheme and the village still lacks many basic facilities and amenities. However an additional affordable housing unit has been negotiated which is the maximum that the scheme can bear with the cross subsidy to the commercial units. The provision of commercial units will potentially help to rebalance the economic and residential structure of the village and it is understood that the units are already of interest to an occupier, albeit that the identity is not known and the employment created may thus not be locally based. The offer of funding to help support the proposed village shop is also of benefit in providing a more diverse range of facilities and the contributions to education and other community infrastructure is also to be welcomed.
- 5.8. Given the clearly stated drive by Central Government to increase housing supply your officers are of the view, on balance, that the increased benefits/diversity that the scheme would generate coupled with the contribution to housing supply mean that refusal reason 2 would now be difficult to defend at appeal as "unsustainable" development.

Heritage Assets

- 5.9. As advised above the number of units has actually increased since the last refusal. However that is not the full story. The disposition of units on the site now largely either replaces the unsightly modern agricultural buildings that currently dominate the central section of the site, or are "tucked away" behind the existing frontage properties. A large central spine of undeveloped land is preserved that gives an impression of lower density. Additionally, the houses are more characteristic terraced forms that do not sprawl across the site, the parking is better screened and the layout preserves views up the site to the listed wall and stand of trees such that in conjunction with the open space opposite the site will give a much less densely developed appearance than the refused scheme. Where new units have been introduced to the frontage of the barns, they have been modelled on the existing model cottages elsewhere in the village and sit comfortably on the building line of development in this part of the village. The impact on the parkland is largely confined to gable ends, and the character and appearance of the Conservation Area is considered to be preserved or enhanced.
- 5.10. Taken in the round, the substantially revised form and disposition of the revised scheme is considered to have addressed refusal reason 3.

Loss of amenity for adjoining residents

- 5.11. Members will recall that the key issues of concern with the last application were the houses in the former quarry located at the SW edge of the site and where previously there was a terrace of active frontage at higher level dominating their outlook. The revised scheme has replaced that terrace with an open parking court and one property gable end on to the existing units. This disposition is considered to have addressed the concerns that led to the earlier refusal reason. Concerns have been raised by one respondent regarding the location of a bin store, but this was not a factor that led to the refusal of consent previously, and the location and use is not considered sufficiently problematic in terms of noise or smells as would be able to sustain a refusal reason.

Affordable Housing

- 5.12. The number of units has been increased and the additional confidential financial information provided to officers would now indicate that this is the maximum level that this scheme will bear given the costs of conversion of the existing barns to commercial use. Whilst much less than ideal, the Government's recent policy change reducing the point at which such units can be required, and the fact that all such housing can only be required to the point where a scheme is made unviable mean that this refusal reason is also considered by officers to have been overcome.

Access and Parking

- 5.13. Members will note that OCC has raised concerns at the level of parking. In response the agent has advised that whilst 50 jobs will be created, some of these will be part-time, such that there will not be a need for 50 spaces at any one time. That being the case, and with the relevant vision sprints etc. now being detailed, the concerns of OCC would appear to have been overcome, but a verbal update will be given at the meeting when the revised comments of OCC have been received.

Legal agreement

- 5.14. The 7th refusal reason related to a mechanism to ensure that an appropriate legal agreement was put in place to secure community mitigation. The agent has confirmed that he is happy for a S106 to address affordable housing, county contributions, monies to the village shop, and leisure etc. as requested in the consultation responses, and so this refusal reason is also considered capable of being resolved if the application secures a resolution to approve.

Conclusion

- 5.15. Your Officers consider that the final 6 refusal reasons either have been, or are capable of being, overcome by way of the amended scheme. That leaves the question of the Green Belt based refusal reason and the very special circumstances that might outweigh the harm to Green Belt policy to justify an approval. The creation of a more balanced community and restoration of heritage assets in a form that respects the sensitivity of the location and the amenities of neighbours are all commendable and go some way to making this case, but not to the extent that as yet it is considered reasonable to justify an approval. However, the agent is also making the case that a portion of the receipts will be used to support the future maintenance of the World Heritage site. In your officers' opinion this may represent the compelling case that tips the balance, but at the time of agenda preparation these discussions are on-going. A full verbal update will be given regarding this aspect at the meeting. Dependant on the outcome it may be possible to bring the application forward for determination at the meeting.
- 5.16. If it is not possible to resolve the outstanding matters, it is recommended that the application is deferred.

Application Number	I4/01497/FUL
Site Address	I Glovers Close Woodstock Oxfordshire OX20 1NS
Date	18th December 2014
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Woodstock
Grid Reference	445194 E 216609 N
Committee Date	5th January 2015

Application Details:

Removal of garage and erection of new two storey dwelling

Applicant Details:

Mr & Mrs Faulkner
I Glovers Close
Woodstock
Oxfordshire
OX20 1NS

I. CONSULTATIONS

I.1. Town Council

Conflict with Local Plan Policy BE2 in reducing standards in the street scene.

I.2. OCC Highways

No objection

I.3. Thames Water

No objection

I.4. Parish Council

No Comment Received.

2. REPRESENTATIONS

2.1. Objections have been received from No.2 The Ley, No.4 The Ley, No.6 The Ley, No.2 Glovers Close, No.3 Glovers Close, No.5 Glovers Close, No.9 Glovers Close, 16 Flemings Road, and 36 Crecy Walk. These refer to the following matters:

- Potential danger from on-street parking in this location
- The proposal is out of keeping with the character of the area and is overdevelopment
- Impact on residential amenity
- The developer should be required to make a contribution to affordable housing
- Lack of community involvement

- The roof should be amended to provide no glazing and the maximum number of bedrooms limited to 2
- Permitted development rights should be removed
- The removal of garages, parking and garden will reduce the appeal of No.1 Glovers Close
- Possibility of future development of the roof space
- Proximity to footpath
- The condition of the existing garages should not be a justification for the development
- The full width of the footway on the north side of Princes Ride should be kept clear. Hedges along the side should be cut back to maintain its width and sight for traffic.
- Loss of green area

2.2. Two residents at 14 Crecy Walk have written in support of the application, referring to the following:

- The development would be an improvement to the area
- The design will transform an unsightly garage block into an attractive modern home
- A similar development at 8 Crecy Walk has been an enhancement

2.3. A further letter of support has been received from a local estate agent, suggesting that similar infilling has taken place in the town, the property would improve the general character of the area without any significant impact on neighbouring properties, and it would also fulfil a need in the locality.

3. **APPLICANT'S CASE**

The submitted supporting statement contains the following conclusions:

- 1) The applicants are long standing members of the community who have commissioned an aesthetically pleasing and environmentally sustainable building.
- 2) The proposal will provide a useful addition to the housing stock.
- 3) Landscaping is provided.
- 4) The existing garages do not contribute to the quality of the area.
- 5) There is no sense of overcrowding and the building sits comfortably with surrounding topography.

4. **PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H7 Service centres

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

5. **PLANNING ASSESSMENT**

5.1. The proposal is for a detached, two storey dwelling which would be constructed on part of the curtilage of No.1 Glovers Close. At present the area is occupied by a detached double garage with access from Princes Ride.

Background Information

- 5.2. There is no planning history relevant to this proposal.
- 5.3. The plans have been amended since originally submitted to reduce the massing of the building, increase the distance from the front elevation to the house opposite at 36 Crecy Walk, and remove the rear projecting balcony.
- 5.4. Taking into account planning policy, other material considerations, and the representations of interested parties, your officers are of the opinion that the key considerations of the application are:
 - Principle of the development
 - Design and siting
 - Residential amenity
 - Access

Principle

- 5.5. The site is located on a modern housing estate within the town of Woodstock. This is a location where new infill housing development is acceptable in principle with reference to Local Plan H7. The principle of developing within the existing settlement would also be consistent with NPPF.

Design and siting

- 5.6. The proposed building would sit in the centre of the plot, with a parking area to the front and a garden to the rear.
- 5.7. The existing housing in this location is very mixed in design, layout and use of materials. There is no defining characteristic that would need to be maintained in new development, and to that extent there is more scope for individual dwellings and innovative design.
- 5.8. The amended plans show a rectangular floor plan with a dual pitched roof. The height would be approximately 6.6m which is not excessive for a two storey building.
- 5.9. The design features large areas of glazing with few glazing divisions. The materials are likely to be a tiled or aluminium roof, with walls in render and brick. Whilst the appearance would be in contrast to many houses in this location, this would not be grounds to resist the proposal. Paragraph 60 of NPPF states that planning decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative.
- 5.10. The front elevation of the building features an overhang, such that the ground floor is set approximately 2.8m back from the first floor. This allows sufficient space for the parking of vehicles clear of the highway without compromising on first floor accommodation. The building would not be located closer to the road than many other houses on Princes Ride. When viewed from either direction on Princes Ride, the building would be seen against a backdrop of other houses. It would not infill an important gap in the frontage, or be harmful to the streetscene, given the variation in layout and orientation of nearby properties.
- 5.11. Although the building would be close to the footpath to the west, its relatively modest depth and the presence of a verge between the path and the edge of the site, mean that it would not be unacceptably overbearing to pedestrians. In any event, this would not be a key factor in determining the application.

Residential amenity

- 5.12. The building would be sited approximately 20m from the rear elevation of No. 2 The Ley. This west elevation of the proposal features one first floor window to a study. This relationship is acceptable.
- 5.13. The building would be sited approximately 14m from the rear elevation of No.1 Glovers Close. However, this east elevation only has a window to a stairs/landing which can be conditioned to be obscure glazed.
- 5.14. The first floor projecting element of the building would be located approximately 20m from No.36 Crecy Walk opposite to the south. This is considered acceptable.
- 5.15. An oblique relationship would exist between the proposal and the rear of No.3 Glovers Walk and No.4 The Ley. This would not give rise to unacceptable overlooking. The removal of the rear projecting balcony has improved the scheme by avoiding outside activity and sitting-out at the first floor level.
- 5.16. Concern has been expressed by neighbours that the internal space could be reorganised to provide 3 bedrooms and even rooms in the roofspace. It is acknowledged that the first floor study could be used as a bedroom but this would not make the scheme less appropriate. Given the amendments to the roof form, and the pitch of the roof, it would be difficult to achieve any useable space in the roof without enlargement. A condition can be imposed removing permitted development rights for extensions and alterations.

Access and parking

- 5.17. A means of access to the highway already exists, as the site is currently occupied by a double garage. The layout means that vehicles cannot currently enter and leave the site in forward gear. The proposal includes the same arrangement for access with two cars being able to be parked on the frontage. There would therefore be no material change to the impact on highway safety and no objection is raised by the Highways Officer.
- 5.18. Under current policy there would be no requirement for an affordable housing contribution on this site.

Conclusion

- 5.19. The proposal represents infill within an existing settlement and is therefore acceptable in principle with reference to Local Plan Policy H7.
- 5.20. The design and siting are considered appropriate in this mixed, suburban area and the proposal complies with Local Plan Policies BE2 and H2.
- 5.21. The building would be sited a suitable distance from neighbouring dwellings and would not give rise to unacceptable overlooking or impact on general amenity. There would be no material loss of light to any neighbouring property given the distance between buildings. The proposal therefore complies with Local Plan Policies BE2 and H2.
- 5.22. The means of access and parking arrangements are acceptable in relation to Local Plan Policy BE3.

6. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. Before building work commences, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
4. The 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.
5. Notwithstanding details contained in the application, detailed specifications and drawings of all windows and external doors 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.
6. A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include details of all planting, hard surfacing and means of enclosure. The scheme shall be implemented as approved by the end of the planting season immediately following the completion of the development, or the development being brought into use, whichever is the sooner. The approved scheme shall be maintained thereafter. 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.
7. 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 extensions, alterations or outbuildings shall be erected or installed under Classes A, B, C, D and E other than those expressly authorised by this permission.
REASON: This is infill development on a modest plot. Given the size of the plot and relationship with neighbouring properties, it is important that further development is controlled in the interests of maintaining residential amenity. It is also important that the design and external appearance of this unconventional dwelling is maintained.

Application Number	I4/01434/HHD
Site Address	Idlecombe Burditch Bank Wootton Woodstock Oxfordshire OX20 1EH
Date	18th December 2014
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Wootton
Grid Reference	443944 E 220244 N
Committee Date	5th January 2015

Application Details:

Erection of two storey extension

Applicant Details:

Mrs Neghat Iakadwalla
Idlecombe
Burditch Bank
Wootton
Woodstock
Oxfordshire
OX20 1EH

I CONSULTATIONS

1.1. Parish Council

Wootton (Woodstock) Parish Council would like to register their unanimous objections to the above planning application. The scale of the proposed extension is far too large and completely out of character with the surrounding dwellings. At the meeting of the Parish Council tonight (10/11/14) there were several members of the public attending who wished to express their concern at the proposed plans. It would be appreciated if this could be looked at more closely.

1.2. OCC Highways

No objection.

2. REPRESENTATIONS

2.1. Four letters of representation have been received and are summarised as follows:

Mr Day - Lamorna, Burditch Bank

- Changes the frontage of a pair of semi-detached bungalows and street scene;

- The plan shows the extension far bigger than any other and destroys character of the area;
- Having french doors on the bedroom window, take away the original design of the bungalow;
- No other bungalow has two stories to the front;
- No other extension has such a dominating extension to the front;
- Front of the bungalows never sees the sun;
- It will set a precedent for Burditch Bank and the rest of the village.

Ms Stradling - Mount Nyssa, Burditch Bank

- Design, height, scale, location;
- It will affect the character of the area;
- Harms simple linear form of integral designed pair comprising Lamorna and Idlecombe;
- Affects established character and local distinctiveness of the designed built form of Burditch Bank properties.
- Contrary to WODC Design Guide, Appendix 4 in not respecting the form, siting and scale of surroundings.
- Harms amenity and the domestic enjoyment of private space of the occupants of Mount Nyssa by means of height, scale, form and location of the extension.
- The blank side elevation would dominate the front garden and driveway and block currently enjoyed views over Burditch Bank to the open countryside and beyond.
- The full height glazed screen to the proposed sitting room and bedroom would overlook the access drive and front garden to Mount Nyssa and is contrary to WODC Local Plan and Design Guide, Appendix 4, which states that the new development should be designed to ensure views into and out of the Conservation are not harmed.
- The proposed extension neither preserves nor enhances the character or appearance of the Wootton Conservation Area, by means of design and harmful impact on neighbouring properties, the streetscape and the views in, out and around the Conservation Area.
- The proposed extension breaks the retained design of the original properties.

Mrs Pomfret - High Bank, Burditch Bank

- The extension would be out of character;
- No one has built an extension to the front;
- Over shadow neighbours and myself;
- Interrupted light from our westerly view.

Mr and Mrs Hallam - Dornford Ridge, Burditch Bank

- Extension is dimensionally incorrect, does not preserve or enhance the character of the area.
- Destroys facade of pair of semi-detached bungalows and destroys the street scene.
- The projection extends beyond the building line of all the existing bungalows.
- No other bungalow has two stories on their frontage. The proposed design is out of character.

3. APPLICANT'S CASE

Although located within the village's Conservation Area, the immediate surrounding context is a row of 1960s bungalows. The appearance of the proposal seeks to work with this distinct aesthetic in a complimentary manner. The use of timber cladding helps to tie the extension to the original building. The eaves and ridge heights match the existing, helping the proposal blend in by mirroring the form of the vast majority of bungalows to the left and right.

4. PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

BE3 Provision for Movement and Parking

H2 General residential development standards

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

5. PLANNING ASSESSMENT

Background Information

- 5.1. The site is located within the village of Wootton, in an elevated residential area of 1960s bungalows arranged along a no through road known as Burditch Bank situated within the Wootton Conservation Area.
- 5.2. The application seeks planning permission for a 2 storey gabled extension to the front elevation of the bungalow to form additional living accommodation. The application was deferred at the last Uplands Area Sub Committee for a site visit.
- 5.3. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
 - Residential Amenity;
 - Design and Siting;
 - The Conservation Area;

Principle

- 5.4. The proposal is essentially to provide additional living space for the applicant and to modernise the existing building. In principle officers are not objecting to the extension proposed to the site.

Siting, Design and Form

- 5.5. Burditch Bank currently consists of a range of 1960s Bungalows which characteristically have a projecting forward gable to the front of the bungalows. Some of the bungalows have also converted the roof to living accommodation. Currently, five of the seven properties in this development have front-projecting gables. However, Idlecombe and the connecting bungalow Lamorna do not have a projecting gable. The proposed extension is designed to resemble the similar forms found along Burditch Bank and it is therefore considered that the proposed extension will be in keeping with the surrounding street scene and no detriment to the existing form and design.

- 5.6. The proposed front extension will project 3 metres forward and the eaves and ridgeline will match the existing building echoing that of adjoining properties. Although the new extension would be visible in longer and glimpsed views, the visual impact, such as it is, would largely and meaningfully be restricted to the immediate setting and would not cause a detrimental effect to the Conservation Area. It is accepted that the design is contemporary but paragraph 60 of the NPPF is clear that planning decisions should not attempt to impose architectural styles or particular tastes, and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development styles or forms.
- 5.7. The proposed materials are to match the existing. The existing bungalow already demonstrates a contrast of walling materials of brick and timber cladding, which the proposed extension has been designed to complement. A condition is proposed to be attached if the application is approved for a sample of the timber cladding to be provided to the Local Authority to make sure the finish of the proposed cladding will not cause a negative impact or harm to the surrounding street scene or Conservation Area.

Highway

- 5.8. The proposal will not have a detrimental impact on the adjacent road network.

Residential Amenities

- 5.9. Officers have fully noted the concerns raised by the nearest residential properties Mount Nyssa and Lamorna, and it is accepted that in terms of residential amenity they are the properties most likely to be affected by this proposal. However, Officers do not consider that neighbouring amenities will be adversely affected in terms of material loss of light or loss of privacy, given the extent of the projection of the extension and position of windows.
- 5.10. Idlecombe is already set in front of Mount Nyssa with windows located to the front elevation as existing and it is therefore considered that the concerns raised in regards to the loss of light and loss of privacy to Mount Nyssa are not justifiable due to the distance the proposed extension would be from the property (10 metres) and the existing fenestration. An acceptable outlook would be maintained in that the proposed extension would not be considered overbearing, and loss of view is not a material planning consideration.
- 5.11. Officers have also taken into consideration all the other representations received in regards to the application.

Conclusion

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

6. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. The 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.
4. The parts of the external walls of the extension to be constructed with timber boarding; a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.

Application Number	I4/01443/FUL
Site Address	Tyne Lodge 2 Brook Lane Stonesfield Witney Oxfordshire OX29 8PR
Date	18th December 2014
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Stonesfield
Grid Reference	439784 E 216830 N
Committee Date	5th January 2015

Application Details:

Erection of a detached chalet bungalow

Applicant Details:

Mr Derek Hobbs
Tyne Lodge
Brook Lane
Stonesfield
Oxfordshire
OX29 8PR
United Kingdom

I. CONSULTATIONS

I.1. Parish Council

The application represents: a) neither infilling nor rounding off within the existing built up area, as confirmed by both the District Council and Planning Inspectorate, and is contrary to saved Policy H6 of the West Oxfordshire Local Plan; b) a detrimental impact the Cotswolds AONB, contrary to NPPF, draft West Oxfordshire Local Plan 2012, and saved Policy H2.

The Council has achieved a 5 year housing land supply and therefore the provisions of paragraph 49 do not apply. The 2009 decision should stand.

I.2. OCC Highways

No objection

2. REPRESENTATIONS

2.1. Objections have been received from the following properties -

Wellspring, Brook Lane, Stonesfield,
Penpeden, Church Lane, Stonesfield
2 Iris Lane, Churchfields
Oaktree Cottage, Little Chalfont, Bucks
Sothams Farmhouse, Stonesfield
5 Brook Lane, Stonesfield
7 Brook Lane, Stonesfield

Larkspur House, Stonesfield
103 Pensclose, Witney

5 other objections have been received which did not provide addresses.

The objections refer to the following matters: the site not qualifying as rounding off or infill; planning permission has previously been refused; inaccurate site plan; the proposed house would be taller than existing bungalows in Brook Lane; ecological impact assessment inaccurate; the proposal does not represent sustainable development; the access is for agricultural vehicles and comes off a narrow road; impact on neighbouring properties; precedent for future development; the site is within the AONB; pressure on infrastructure in the village; the area is a breeding ground for Roman Snails; impact on residential amenity; access problems; affinity with open countryside; contrary to Local Plan policy; features of the site are not shown on the block plan; no proposed landscaping details have been provided; existing Leylandii oppressive; out of keeping with neighbouring development; the proposal does not represent sustainable development; the benefits of the proposal do not outweigh the significant adverse impacts; this is not a suitable location for development.

2.2. 8 expressions of support have been received from the following properties:

Wynard, Church Street, Stonesfield
Brooklands, Brook Lane, Stonesfield
The Studio, Church Street, Stonesfield
63 Longore, Stonesfield
6 Brook Lane, Stonesfield
3 Combe Road, Stonesfield
10 Busby Close, Stonesfield
Danum House, Church Street, Stonesfield

These refer to the following: the development would be in keeping with the area; it would be hidden by other properties; there would be no noticeable impact on traffic and the access is suitable; there would be no material harm to living conditions; there would be a neutral effect on the Conservation Area; there would be no visual or major impact on the landscape; the intention for the applicant's son to live in the property would allow young people to stay in the village; this type of small scale development is good for the village and would cause no harm.

2.3. A petition of 44 names (all addresses in Stonesfield) has been received in support of the application. This states that the undersigned support for the following reasons: vehicular access to the site is good, the track is wide and has plenty of space for vehicles to pass safely, the number of cars caused by an additional dwelling would be insignificant and have no adverse effect on the area; the scale and design of the proposed build is appropriate for the location and would not look out of place; the plot is not within the Conservation Area; the plot is well screened with buildings on all four sides; one additional dwelling in this location would not have a detrimental effect on the countryside or the living conditions of nearby residents; this would be a self-build project for a young man born and brought up in Stonesfield and would enable him to stay close to his family home.

3. APPLICANT'S CASE

- 3.1. The application was accompanied by a Planning Statement. The conclusions of this document refer to the following:
- 1) Lack of 5 year housing land supply and the need to grant permission for sustainable development.
 - 2) The proposal should not be considered against Policy H6.
 - 3) In the light of guidance in NPPF, and the relative sustainability of Stonesfield, the principle of development should now be considered acceptable.
 - 4) The physical and visual harm of the proposal would be minimal.

4. PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H6 Medium-sized villages
NE4 Cotswolds Area of Outstanding Natural Beauty
NE13 Biodiversity Conservation
The National Planning Policy framework (NPPF) is also a material planning consideration.

5. PLANNING ASSESSMENT

- 5.1. The proposal relates to a parcel of land on the edge of the village of Stonesfield. It is located to the rear properties known as Stoney View and Well Furlong and to the south side of a property known as Holmlea. All the neighbouring properties are modern.

Background Information

- 5.2. Planning permission for the erection of a dwelling on this site was refused on 29th July 2009. The reasons for refusal related to non-compliance with Local Plan Policy H6 as regards infilling and rounding off, extension of built form into open countryside within the AONB, and undesirable precedent for other such dwellings to the rear of Brook Lane to the detriment of the AONB.
- 5.3. This decision was appealed and the appeal was dismissed on 16th December 2009.
- 5.4. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of the development
 - Design, siting and location
 - Residential amenity
 - Access
 - Ecology

Principle

- 5.5. Local Plan Policy H6 seeks to restrict new development in Stonesfield to infilling or rounding off. It is acknowledged that the proposal would not fulfil either of these criteria, as set out in the wording of the policy. However, the Local Plan is out of date and subject to a saving direction. It is therefore necessary to assess to what extent Local Policy is consistent with the NPPF. The Council is currently claiming a 5 year housing land supply but given the status of the Local Plan, it cannot currently be demonstrated. In this context it is necessary to have regard to the provisions of NPPF.
- 5.6. Stonesfield has a range of services including a post office, shop and primary school, it therefore represents a reasonably sustainable location for some development. Paragraph 55 of the NPPF allows for housing in rural areas to be located where it will enhance or maintain the vitality and viability of rural communities. The Draft Local Plan 2012 deals with village development under Core Policy 2. This would allow for development within, or on the edge of, settlements that respects the village character and local distinctiveness and would help to maintain the vitality of these communities. It also envisages that development should be a logical complement to the existing scale and pattern of development and the character of the area. The application site is well related to the village, being immediately adjacent to its edge where modern development already exists. It would not be an isolated form of development.
- 5.7. It is acknowledged that a similar proposal for a dwelling on this site was dismissed at appeal in 2009 (09/0702/P/FP) because the Inspector considered that it would be contrary to Local Plan Policy H6. However, for the reasons expressed above, the policy position has now changed and the direction of travel is towards a more flexible approach to development adjoining the larger settlements in the district. It is therefore necessary to reconsider the proposal on its merits.

Design, siting and location

- 5.8. The rear boundaries of properties in this location do not form a regular and readily identifiable interface with the agricultural land beyond. The properties to the north of the plot are set much further back than those to the west, and therefore the site sits within a corner formed by existing curtilage of neighbours. In addition, the garden of Tyne Lodge extends further back than other properties in Brook Lane which effectively forms a third domestic boundary to the site. At the end of Brook Lane, Evenlode Edge has a garden which extends even further east, reinforcing the sense of there being no established hard edge to this part of Stonesfield. The boundaries of the site are marked by leylandii hedges.
- 5.9. The plot does not appear to be used for any agricultural purpose, and is much too small to be economic as agricultural land in its own right. It is acknowledged that the enclosure of the land with leylandii, and the mowing of the grass, combine to remove its agricultural character, and a different approach to its management might result in a better physical and visual relationship with adjoining agricultural land. The appeal Inspector considered that the plot had a clear affinity with open countryside. However, the position of the site and its relationship with the existing dwellings and their gardens significantly reduces its contribution to the agricultural character of the wider landscape in the opinion of Officers. Given the characteristics of this small parcel, the site does not contribute significantly to the agricultural character in this location.

- 5.10. The proposed dwelling would align with the 3 other dwellings to the north and would not sit beyond a notional rear building line created by these properties. The scale of the proposal is modest, with 2 bed accommodation provided in a 1.5 storey building. The design responds well to the local vernacular and the simple form is acceptable in design terms. The materials are intended to be roughcast render and artificial stone slates. There are many examples of rendered buildings in this part of Stonesfield.
- 5.11. The edge of the Stonesfield Conservation Area runs along the west of houses in Brook Lane and to the north west of Penpedan, Ridgeways and Holmlea. The proposal would not therefore adjoin the Conservation Area and would be separated from it by modern housing.
- 5.12. The siting, scale and design of the building are considered acceptable in this location. There would be no material harm to the AONB and Conservation Area.

Residential Amenity

- 5.13. The building would not be sited in close proximity to neighbouring dwellings and there would be no unacceptable impact on privacy. The only first floor windows facing towards the rear of properties in Brook Lane are two velux rooflights to a bathroom and stairwell. These would be at a distance of approximately 30m. The proposed first floor side window would not face any main side windows at Holmlea to the north. Given the distances between buildings there would be no loss of light or unacceptable impact on general amenity.

Access

- 5.14. The means of access already exists and there would be no impact on the local highway network. Adequate space is available for off-street parking. No objection is raised by the Highways Officer.

Ecology

- 5.15. An ecological assessment of the site was carried out on 08/10/14. This describes the site as comprising semi-improved grassland, gravel and leylandii boundaries. The site is not located within an area designated for nature conservation and the Stonesfield SSSI is located 180m south west of the site and separated from it by housing and gardens. No species identified as being of principal importance for nature conservation, or that are rare or scarce at the county level were identified. It is concluded that the site is of low ecological interest and there are no ecological constraints on development. A condition is recommended to ensure the leylandii are removed outside the bird nesting season.

- 5.16. Enhancements for wildlife are recommended such as the provision of bat and bird boxes.

Conclusion

- 5.17. In the light of the above, it is considered that the proposal complies with Local Plan Policies BE2, BE3, H2, and NE13.

- 5.18. As regards the more contentious aspects that arise from the previous appeal, it is also necessary to assess to what extent the proposal complies with the NPPF, given that the Local Plan is out of date and under review. Paragraph 55, which allows for new housing in rural areas, sets a different policy context to that contained in Local Plan Policy H6. For the reasons set out, it is considered that no significant and demonstrable harm would arise from the proposal for a new dwelling in this location. At paragraph 115 local planning authorities are directed that great weight should be given to conserving landscape and scenic beauty in AONBs. Having fully considered the location and characteristics of the site, it is concluded that there would be no material harm to the AONB. In any event, Local Plan Policy NE4 does not preclude development in AONB, and accepts that development necessary to facilitate the economic and social well-being of the Cotswolds, including the provision of adequate housing, will be supported.
- 5.19. Accordingly, the proposal is recommended for approval.

6. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
3. Before building work commences, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
4. The external walls of the development shall be rendered, in accordance with a specification 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.
5. 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.
6. Any removal of the Leyland cypress hedge shall take place between the months of September and January. Bat and bird boxes shall be installed in accordance with details, including timing, that have been submitted to and approved in writing by the Local Planning Authority before development commences. Such details as approved shall be fully implemented before the development is brought into use and retained thereafter.
REASON: To safeguard and enhance biodiversity.

7. 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 extensions or outbuildings shall be erected other than those expressly authorised by this permission.
REASON: The site is located on the edge of the village within the Cotswolds Area of Outstanding Natural Beauty. It is important that further development at the site is controlled in the interests of maintaining the character of the area.
8. A scheme for the landscaping of the site, including any retention of 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 fully implemented by the end of the planting season immediately following the completion of the development, or the development being brought into use, whichever is the sooner. The approved scheme shall thereafter be maintained. 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.