

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 2nd February 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](http://www.westoxon.gov.uk/meetings)

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Application Number	14/1178/P/FP
Site Address	Enstone Airfield Enstone
Date	21st January 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Enstone
Grid Reference	438861 E 226331 N
Committee Date	2nd February 2015

### Application Details:

Expansion of clay pigeon shooting activity onto adjoining land (including the site of motorcross) and erection of attenuation bunds and associated works, extension to existing cabin.

### Applicant Details:

Markham Farms  
C/O Agent

## I CONSULTATIONS

- I.1 Enstone Parish Council
- Following a public meeting on Thursday 28th August Enstone Parish Council asks that the following points be taken into consideration before a decision is made:-
1. That the Planning Committee arranges a site visit to see the difference between 21 g and 28 g velocity shots.
  2. That it be ensured that the bunding is of a sufficient height to limit noise activity
  3. That the stands are limited to the existing number
  4. That low velocity cartridges only are used
- The above reasons are important for the quality of life of those people who are currently severely affected by the noise levels.
- In respect of an invitation by The Shooting Club to attend a noise demonstration in respect of different Cartridge sizes the Parish Council has commented as follows:
- The shooting club literally sent this email to us at 4.45 pm on Friday evening expecting PCs to be able to attend at 10.00 am this morning - I'm afraid that no-one was able to attend but we would appreciate it if you could record on your files the unacceptable late notification of this invitation to attend.
- I.2 Adj Council Great Tew
- No reply to date
- I.3 WODC Env Services - Car Parking
- No response
- I.4 WODC Legal & Estates
- No Comment Received.

I.5 WODC Legal & Estates	No Comment Received.
I.6 WODC Community Safety	No reply to date
I.7 OCC Environment & Economy	Transport Development Control- No Objection Archaeology - No Objection
I.8 WODC Env Services - Waste Officer	No Comment Received.
I.9 WODC - Sports	No Comment Received.
I.10 WODC - Tourism	No Comment Received.
I.11 TV Police - Crime Prevention Design Advisor	No Comment Received.
I.12 WODC Env Services - Engineers	An FRA needs to be submitted, due to the site area including the proposed bunding.  If planning permission is granted a surface water drainage scheme should be the subject of a condition.
I.13 WODC Env Services - Landscape	No Comment Received.
I.14 WODC Env Health - Lowlands	No Comment Received.
I.15 WODC Env Health - Uplands	In respect of the original submission their advice was as follows: No objections subject to the following conditions:  1. 'The Noise limit for the proposed development shall not exceed an off-site mean Shooting Noise Level (mean SNL) of 55 dB.' -  The SNL shall be calculated from measurement of the shooting noise as follows: The SNL shall be obtained by measuring and identifying the highest 25 shots, each as an LAF(MAX) in any continuous 30 minute period, then taking a logarithmic average of these 25 shots. The measurements shall be taken at a free field location within a residential curtilage, or at a proxy location taken to represent levels within a residential curtilage. For the purpose of demonstrating compliance with the condition, any such proxy location shall be agreed in writing with local planning authority.  In all other respects the measurement of the off-site Clay Target Shooting Noise Level (SNL) shall comply with the provisions of the Chartered Institute of Environmental Health (CIEH) 'Guidance on the Control of Noise - Clay Target Shooting' (Jan 2003)'

2. 'The proposed activity shall not be commenced until a Scheme of works including layout, orientation and bunding, to protect noise sensitive premises has been submitted to and approved in writing by the Local Planning Authority.

The Scheme of works shall include the use of effective noise barrier structures (bunds).The scheme shall include individual acoustic barriers arranged around two or more sides of a given shooting stand to form an enclosure. The total number of shooting stands shall not exceed ten. The method and design of stand screens to be approved by the Local Planning authority'

Any future changes proposed at the site which affect the layout, extent and size of bunding or stand orientation; then details (including an acoustic report to show the impact of any such modifications) would need to be submitted and agreed in writing prior to changes being implemented'

3. 'The rate of fire shall not exceed 200 shots in any 30 minute period'

4. 'No shooting on the site at all on Sundays, Mondays or Bank Holidays'

5. 'Operating hours for shooting to be strictly restricted to 9 am and 5 pm except on Thursdays, where the use may operate between 9 am and 7 pm'

6. ' No shooting should take place in the direction of any public right of way (or any building with public access) that is within 275 metres of the shooting position'

7. 'All footpaths, bridleways and all other areas or buildings where the public may have access within 1 km radius of the shoot are recommended to have prominent signs displayed by the organisers indicating the existence of the shoot'.

8. 'In all other aspects the shooting activity must comply with the Chartered Institute of Environmental Health's Clay Target Shooting "Guide on the Control of Noise" (Jan 2003)' at all times. Following the ongoing discussions they now recommend that the noise impact is dealt with by way of an overarching 55dBA SNL condition and not by conditions relating to rates of fire, cartridge size etc.

I.16 WODC Head Of Housing	No Comment Received.
I.17 WODC Planning Policy Manager	No Comment Received.
I.18 WODC - Arts	No Comment Received.
I.19 Environment Agency	No formal response to date in respect of the FRA that has been submitted.

## 2 REPRESENTATIONS

### 2.1 Representations have been received from the following:

Paul Snell of Home Farm, Little Tew, Clive Hill, Robert Johnston of Tracey Barn writing on behalf of the membership of ENCON, Robert Johnston writing on behalf of himself, Michael Ergatoudis ( developer of Soho House ), The Honourable Mrs Richard Stanley, Carol Geare of The Thatched Cottage, Gagingwell, Mrs P Foxall of The Thatch, Church Enstone, GM and FC Hill, Pendles, Ledwell, Malcolm Axtell of Worton House, Over Worton, Julia Boardman of Charlotte Cottage, Radford, Jeremy Lloyd of Westwood, Heythrop and Patrick Stewart of The Lodge, Little Tew.

Their comments are reported in a précised form as follows;

- I look forward to the tranquillity of West Oxfordshire, which is the reason I chose this place as my home. On most days this tranquillity is disrupted by the shooting clamour from the school, which often goes on all day. At times it feels as if I live in a war zone. Even retreating to indoors with windows and doors closed does not shut out the noise.
- I am not suggesting the school should be closed but that the owners should be compelled to work with the local community by taking proper action to reduce the noise pollution of their activities; adhering to their original agreement as to what hours and days the school could be active; building baffles of sound proofing materials; limiting the cartridges to 21 grams. I understand that the School is seeking planning permission to move to an adjacent site and expand their hours of operation. The latter I would absolutely oppose and, when the planning permission is being considered by WODC, the above points I have made must certainly be on the agenda.
- West Oxon must please act responsibly in the interests of the wider community and ensure that the Application includes tight requirements for noise abatement, numbers on site and times of operation and should only be granted on the basis that it supersedes and cancels the current permission and conditional upon an immediate cessation of motocross on the existing circuit.
- We are seriously affected by the current continual 'bang bang bang' from the existing Enstone shooting range which happens six days a week.
- In its present form the District Council should be shutting down the shooting range not considering applications for an extension.
- We had no problem when the range operated within the previously agreed levels and consent, it is only since the present owners, started to use larger cartridges and operate on unapproved days that we have suffered so much. From our perspective the Council has done nothing to protect us. We do not even get any information about how the Council is trying to solve the problem.
- These activities are detrimental to health. It is not just the volume, which can vary according to wind direction etc., it is the constant and repetitive nature of the noise which is so damaging.
- The Council should stop existing activities now
- We live some distance away so there must be many others who suffer even more than we do which makes your list of affected neighbours seem a little inadequate.

- This Shooting Range is currently ruining people's lives and I do not feel any extension to activities should be allowed without an absolute limit on cartridge weights so that they cannot exceed 21g. In addition full sound proofing measures must be enforced.
- People were told at a public meeting that tests conducted involving some of the Shooting Range's own employees proved beyond reasonable doubt that heavier cartridges equals more noise.
- I am writing to express my concerns about the about planning application by the Oxfordshire Shooting School/Markham estates.
- I fully support the points made by Robert Johnston in his recent email to you.
- All along we have said we are not opposed to the shooting school as such and the previous owners of the school caused no problem at all because we could not hear them.
- Over three years ago Francis Lovell took over the school and since then we have been bombarded five days a week ( one totally illegally) with 9am to 5pm non-stop blasting of rifle shots so intrusive they can be heard within my house. I cannot enjoy my property at all. It is not only the high piercing sound of shots (even the birds are silenced) but the incessant 'bang bang bang bang' day after day after day that has made my life intolerable.
- We need assurance from WODC that adequate restrictions to eliminate the noise created are put in place as conditions of granting the application. No higher than 21 gram cartridges should be used (sometimes they are firing 34 grams).
- The stands must be moved from their present positions; the site maps show the worst (noisiest) ones pointing directly to the east affecting Gagingwell and Radford (the prevailing wind is west and so we get the worst of the noise constantly)
- The proposed bunding around the new site area must be of sufficient height to obliterate the noise. Also more and much higher bunding needs to be installed around the current site which is causing all the problems and has been for the past three years.
- Three years is a long time in anyone's life to be constantly assaulted by intrusive noise. In spite of our pleas WODC have done nothing to try and ameliorate this. There is now an opportunity to resolve the issue with the new planning application and I hope you will take into account our very real concerns.
- I would like to complain about the amount of noise from the shooting school. I do hope that the school will not be extended. It is not social for the neighbouring villages or wildlife. I don't understand why it can't be moved to an area which is more built up and more used to louder noise levels.
- Whatever the outcome of the PP I would ask that the following restrictions should be imposed -
  - 1) Special low audible cartridges to be used at all times
  - 2) A limit of the number of guns to be shooting at any one time - no more than 5 and to be accompanied by an instructor at all times
  - 3) A limit on the times shooting take place - no evenings during the summer months
  - 4) A limit to the number of days and to exclude weekends.
- I have no objection in principle to clay pigeon shooting or instruction taking place on the airfield, or other activities which don't ruin my enjoyment of our tranquil surroundings. I agree with ENCON's view that the record of the current operators of the shooting school is poor, and

that their application will lead to an extension of bothersome activity. Not only do the regulations need to be tightened, they also need to be enforced.

- I hope you will turn down this application for expansion of the school. The noise is a misery to us in Radford.
- Policy BE19 of West Oxfordshire Local Plan states that permission will not be granted for development which would create unacceptable noise disturbance to housing...unless there is an overriding need for the proposal which cannot be met elsewhere. There is another shooting school at Great Tew 2 miles away which surely is a good enough reason not to expand this school and I believe Great Tew does not receive complaints.
- The application worries me on another front. Why is there no bunding on the east side where we in the E and SE so desperately need it as shown by the noise testing which showed it was noisier to the SE?
- Would there be any assurance that the Motocross doesn't move to another part of the Airfield?
- Please do everything in your powers to reduce the sound of noise from the shooting ground.
- Fundamental to the Application is the assumption that because the School has been in existence for a considerable period of time, anything that happens on the Ground is lawful, immune from enforcement action (Cl.2 of Application), and not a 'nuisance'. We do not accept this proposition. If the nature of the shooting practice changes significantly and upsets the local amenities of Residents, as the current shooting practice does - not to mention the future practice as applied for - then it may well constitute 'nuisance'. We are gravely concerned by Cl.84 of the Application, which states that WODC has already confirmed that the School does not constitute a 'nuisance', which we would wish you to confirm IS NOT the case.
- Throughout the Application the argument is made that what is being asked for will improve the existing way of life of local Residents. There will be no shooting after 5pm, other than on a Thursday, and there will be no shooting on a Sunday for instance. Currently, notwithstanding that the School has shot illegally for 3 years. There is no shooting on a Sunday and nor is there any shooting after 5pm on any day. The Application is not improving the situation at all, it seeks more hours. More sinisterly still, the Application implies expressly that, if WODC doesn't allow the Application then the School will shoot on Sundays (Cl.67/72 and 73). That is not the voice of caring. That is a threat.
- The Application refers to the WOLP plan (Cl.53), which states that there should not be unacceptable noise disturbance "unless there is an overriding need"...for such. There is no overriding need for an extended School with extended shooting. The School has recently opened a second Shooting Ground, so why can't it take the noise there?
- Cl.89 of the Application recognises that Planning Conditions can be imposed. We need to be assured that WODC recognises how blighted the life of so many local villages has become, and will work to ensure that our entitlement to a peaceful rural life will be protected.
- I appreciate the Council have difficulty with this application because of its historic permission and the wording of the same. The use of the site has increased massively; previously it was used for primarily teaching purposes 1-1 tuition, with once a month an open shoot mostly on a Sunday. Now we have a situation where anyone can turn up and shoots. It's open to the general public this has resulted in up to 9 people shooting at once with the resultant increased disturbance.



- For teaching purposes a lesser gram cartridge is generally used .Whilst OSS have said they supply a 21g cartridge for the site, this represents a small percentage of the cartridge shot they allow people to bring and use their own. I can assure you that lighter weight cartridges result in much less noise.
- No noise testing has been carried out at either of my properties. There is a vast difference depending on wind direction. On some days when the wind is coming from the N/NNE you can't hear the shooting but obviously others downwind of this can. The modelling I have seen can scientifically reduce noise but can't mirror our climatic conditions so if the proposed bund's go in it will be an unknown.
- I regard the amount of noise as an environmental health issue. It has certainly stressed us and caused us to go out for the day rather than sit in our garden.
- If for legal reasons the Council can't refuse the application please can you implement the necessary protection for the local community and I would ask that this application as it stands isn't passed until further testing has been carried out to show the full extent of the problem.

I write on behalf of the Membership of ENCON in response to your circulated letter of 18th August 2014, concerning Planning Application 14/1178/P/FP, and I wish to record our formal objection to the Plan as proposed.

- The Shooting School has operated in breach of planning conditions for 3 years, causing intrusive nuisance to the residents of many local villages, as witnessed by the complaints expressed from Great and Little Tew, Gagingwell, Radford, Church Enstone and more. To seek to expand the size of the shooting ground therefore and lengthen the hours of operation only increases the likelihood of noise disturbance to local residents, which is wholly unacceptable and we urge WODC to protect our right to live in a peaceful environment and only agree to consider this application, subject to the imposition of strict conditions.
- It has always been ENCON's position that we will support the existence of a Shooting School, subject to the noise being controlled in such manner as not to disturb our right to a peaceful environment. We request therefore that permission should only be considered if the following safeguards are in place. Without such safeguards, our objection will stand.
  - 1) The School must at all times allow shooting with cartridges of 21 grams or less weight only.
  - 2) The proposed bunding must be sufficient to restrict noise intrusion to levels acceptable to all local Residents. In order to ensure this, we would request that any granted application be conditioned with acoustic testing to be carried out on completion of the development. The methodology testing is to be agreed. If the levels are deemed unacceptable, then further noise reduction measures must be carried out.
  - 3) Hours and days of shooting cannot change from or exceed those that have been illegally operated for the last 3 years. There can therefore be no shooting on a Sunday or Monday, a Bank Holiday, including Christmas Eve, or after 5pm on any day.
  - 4) All other conditions of Planning Permission 04/2237/P/FP must be strictly applied, namely that persons using the ground for shooting lessons or tuition shall be limited to a maximum of 2 persons per instructor per hour and there shall be no more than 2 instructors providing tuition at any one time. No more than 15 people shall participate in group, open or practice shoots, and the ground shall not be used for shooting as part of organised 'activity' days, or sessions involving other recreational activities at Enstone Airfield.
- We further request that the Application should only be granted on the basis that it supersedes and cancels the current permission and conditional upon an immediate cessation of motocross

on the existing circuit. Work to convert the ground into the new shooting school should commence with immediate effect, with a requirement that the new school be operative within 24 months.

- We recognise that the application represents a real opportunity to secure a reasonable balance between the legitimate commercial interests of the shooting school - which is able to operate lawfully under the existing consent should it choose to do so, including weekend use - and the significant concerns of the neighbouring property owners who have found that their right to the undisturbed enjoyment of their home and garden has diminished considerably following the intensification of use of the shooting school over the past 24-36 months.

Our preference would be to see the following conditions imposed and regularly monitored;

- No shooting with any cartridges larger in size than 21g shot.
- The bunding must be significant and well placed and must take into account the results of the recent noise testing programme, which included testing noise levels at the Tracey Farm site. The shooting school is located within very close proximity of the Staff House at Soho Farmhouse where employees working night shifts will need to sleep during the daytime. The proposed expansion of the shooting school site will bring the activity in even closer proximity to the Staff House and therefore appropriate bunding to redirect the sound waves away from this building, which is almost certainly the closest residence, will be very important indeed. A programme of testing following completion of the bunding should be required to ensure the efficacy of the implementation with the requirement for further regularisation works to take place within a short timeframe if necessary.
- The permission should place reasonable restrictions upon the intensity of use of the site. This should achieve a reasonable balance between the commercial interests of the applicant whom we must remember has an extant consent, and the local community that is severely affected by the inevitable noise generated by the activity.
- A limit be placed on the hours of operation. This must specifically exclude any late opening hours, especially the Thursday late opening proposed.

The latter suggested condition is extremely important to the commercial success of Soho Farmhouse at Tracey Farm as Thursday will be when the Function Barn will operate and events such as weddings will take place that would be most affected should evening shooting be permitted. If WODC is minded to allow late opening one night a week, then this should be a Monday or Tuesday where it will have the least impact on the commercial operation of the new development.

- What we need is for the Council to enforce the existing conditions.
- I could support the application if it limited all cartridges to an absolute weight of 21g. It has been proven in tests involving Shooting School employees that more weight equals more noise. The sound proofing need to work in practice not in theory on a computer model.
- There should be no shooting at weekends or evenings after 5pm.

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

3.1 In a summarised form the applicant's case is as follows:

- Clay pigeon shooting is not a new discipline but has been undertaken since the banning of live pigeon shoots in 1921. Generally the busiest time of the year is September to December to coincide with the game shooting season. It is less busy at the end of the game shooting season at the end of January i.e. from February to May.

- Francis Lovel and Co. runs a successful gun shop in Witney which was established in 2004. In 2011 they considered that the site would be ideal to operate a gun testing and sporting shoot operation. They have branded the site the 'Oxfordshire Shooting School' but also cater for experienced shooters wishing to practice or compete in addition to people under tuition.
- They wish to extend the use over a wider area. The use would involve the shooting over ten stands 5 days per week, being Tuesday, Wednesday, Thursday, Friday and Saturday and would take place between 9am and 5pm except on Thursday when they want to operate between 9am and 7pm. The use would not take place on Sundays, Mondays, Bank Holidays, Easter/Good Friday, Christmas Eve, Christmas Day, Boxing Day and New Year's Day.
- Whilst the operation will take place over a larger geographic area this will not lead to a more intensive use of the site. The existing site has nine stands but could have more and ten are proposed. The greater geographic area is required due to the land take of the bunds which will not be useable for shooting due to their steepness. The proposed target market is higher value customers who will wish to try out guns and receive tuition rather than a high intensity competition focussed groups with a high throughput of customers.
- We understand that complaints have been made about the use of both the shooting school and the motocross but by and large the shooting is within the scope of what was permitted and the motocross is lawful.
- Although the shooting use would by then already have been lawful, in 2004 an application for permission for a change of use was made (it is unclear why given the apparent lawfulness of the use) and WODC granted planning permission under 04/2237 on 21 March 2005.
- This is the permission under which the site broadly operates, although the applicant wishes to make it clear that the shooting is lawful by virtue of the passage of time.
- There has never been an application for planning permission for the motocross activity. Under planning law if an activity has taken place continuously and without material interruption for a period exceeding ten years then that use is immune from enforcement action and lawful.
- The motocross established itself as the sole use of the land east of the shooting ground in the early 2000's which is now the lawful use of the land. The motocross use is not governed by conditions.
- This application has been the subject of pre-application work involving Officers of the Council and an acoustic consultant acting on behalf of the Council, members of ENCON including an acoustic consultant acting for ENCON and the applicant, operators of the shooting school, their planning consultant and acoustic consultant.

### **Appropriateness of the use in a rural area.**

- 3.2 Clay pigeon shooting has economic benefits through increased local employment and tourism. It is not possible to operate such a use in an urban area, due to the requirement for large areas of land, noise impact and the need for safety.
- 3.3 New recreational and tourist facilities are in accordance with TLC I. Provided that the development complies with the Council's policies concerning amenity and visual impact the proposal should be considered acceptable.

### **Noise Impact on users of the surrounding countryside**

- 3.4 The lawful use of the site allows shooting on two days from Monday to Friday and on Saturdays and Sundays, Thurs, 4 days per week is allowed.

- 3.5 In an effort to be a good neighbour the operator does not operate on Sundays.
- 3.6 It does however, propose to operate Tuesday to Friday (4 week days) which exceeds what is currently permitted.
- 3.7 Whilst the use operates in a sparsely populated rural area, given that shooting is potentially disturbing it is our firm view that operating on weekdays would be preferable to more residents than on a Sunday,
- 3.8 This proposal would give up Sunday shooting and the motocross use.
- 3.9 The objective of planning is to control land use in the public interest and we consider that 2 extra days in the week shooting is more than offset by the gain to residents of no Sunday shooting. This is a fair assessment that cannot be 'interpreted' or assisted by noise data.
- 3.10 This application has been put forward as a solution to existing problems, and it must be judged against what could otherwise be carried out under the 'fall-back' position.
- 3.11 Weekend demand far exceeds weekday demand and the operator already charges a premium rate for Saturday shooting. Were it to operate on a Sunday it would be likely to be the busiest day even at a premium rate. The applicant would almost certainly have to commence Sunday operations if restricted to shooting only two days per week. The operator does not currently operate Sundays to minimize potential disturbance.
- 3.12 Within its existing site there is no opportunity for attenuation bunds. For these to come forward the site will have to expand geographically to allow space for the construction of bunds which due to their necessary height have a certain footprint.
- 3.13 Motocross has now become established and mainly operates on a Sunday- the day when we feel most people would like the area to be quiet.
- 3.14 This proposal will bring the motocross to an end.
- 3.15 Additionally the applicant is prepared to change the hours of use which are currently approved as from 8.00am to 8.00pm during BST and 8am to 4.30pm at other times
- 3.16 There is no need to distinguish between summer and winter time because for safety reasons the site cannot operate in the dark. It is not floodlit.
- 3.17 All things being equal, the reduced number of hours and the relinquishment of Sunday and late evening shooting should render the use more and not less neighbourly.
- 3.18 The application is accompanied by a noise report which sets out a methodology which follows national guidance on such issues. The creation of a noise model has allowed the potential beneficial impact of noise attenuation bunds around the proposed expanded shooting school to be assessed. Although the report is written in technical language it is clear that with a suitable layout for stands and bunds that there is no justifiable reason to refuse planning permission on noise grounds because the level of noise audible at the agreed noise sensitive premises would not exceed well established levels. There is within this scope for sensitivity in that should the noise be greater than that envisaged it would still not be at a level that would cause reasonable annoyance.
- 3.19 The site layout shown has been proposed to minimise disturbance by two main methods. The direction of shooting has been carefully selected to minimise the effects of noise being carried downwind and by the construction of carefully planned noise attenuation earth bunds.
- 3.20 The proposals to attenuate noise would ensure that there is no conflict with policies in the West Oxfordshire Local Plan, such as policy BE19 'noise'.

## **Noise Considerations**

- 3.21 We consider that being located here the use fundamentally minimises its potential impact and complies with BE19b) that no significant noise disturbance would be created.
- 3.22 Weight also has to be given to the cessation of potential for shooting on Sunday and harmful Sunday (and other day) motocross. This cannot readily be identified in an acoustic report but is one of the qualities of environment considerations that must form a part of the determination of this application. This benefit cannot realistically be usefully quantified or qualified solely by reference to noise analysis, as people's enjoyment of Sundays as a special day does not easily factor into noise analysis based on pure calculations. There is more background noise and other activity taking place on weekdays, in comparison to Sundays, when we think that more people are likely to be at home.
- 3.23 We strongly believe that this proposal would lead to a better local environment for residents than presently exists or would exist if the shooting school operated within its planning permission and the motocross operated to its now lawful maximum.
- 3.24 In essence the shooting operation will be carried out as it is now but on a purposely planned and laid out site that has the direction of shooting controlled and with the benefit of attenuation.
- 3.25 Planning conditions can be imposed to control the operation.

## **Visual Impact**

- 3.26 The proposed acoustic earth bunds have been contoured and constructed so as not to appear as visually jarring features within the landscape. There are pockets of woodland around the site which will help mitigate the bunding.
- 3.27 Landscape planting is also proposed.
- 3.28 Car parking and the extension to the existing cabin will be screened by the bunds.

## **Applicants Conclusion**

- 3.29 In conclusion it is considered that the proposal is policy compliant particularly in respect of BE2, TLC1, NE1, NE3, BE18, BE19, BE3 and T1. The noise impact of the use has been proved through modelling not to cause undue disturbance to residential properties in the surrounding countryside and we consider that the proposal would improve on the existing conditions experienced by residents with regard to shooting and motocross. Loss of the motocross is a major consideration in the determination of the application.

## **4 PLANNING POLICIES**

BE19 Noise  
BE2 General Development Standards  
TLC1 New Tourism, Leisure and Community Facilities  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background Information**

#### **Planning History**

- 5.1 Conditional Planning Permission was granted under ref 04/2237/P/FP for a change of use of an area of land at Enstone Airfield to clay pigeon shooting. The following conditions in respect of hours and days of operation were attached to the permission:

'The use hereby permitted shall not take place at times other than between 8.00am and 8.00pm during British Summer Time and 8.00am and 4.30pm during the remaining parts of the year'.

'The use shall not take place on more than two days from Monday to Friday inclusive during any week, nor on any Bank Holiday, Good Friday or Christmas Day.'

5.2 The reason for imposing both conditions was as follows:

'The proximity of the dwellings justifies a limitation restricting the activity generated from the site to normal working hours in the interests of the reasonable residential amenities of nearby residents'.

5.3 In May 2013 an application for a Certificate of Lawful Use was made to the Council to confirm what days of the week clay pigeon shooting can lawfully take place from the land. In September 2013 a Lawful Development Certificate was issued which confirmed the following:

'Use as a clay pigeon shooting ground on no more than two days from Monday to Friday (inclusive) and Saturday and Sundays excluding such days which are Bank Holidays, Good Fridays or Christmas Day (as provided for in condition 4 of Planning Permission 04/2237/P/FP, and in accordance with conditions 1 to 3 and 4 to 10 (inclusive) of Planning Permission 04/2237/P/FP.

#### **Complaint History post-grant of planning permission 04/2237/P/FP**

5.4 In April 2011 a complaint was received alleging non-compliance with planning conditions attached to 04/2237/P/FP.

5.5 Following investigation by the Councils Planning Investigator the operator advised that he wanted to vary the days and hours of the Shooting Schools operation from those approved under 04/2237. He was advised that planning permission would be required to vary the conditions. At that time the Councils EHO was asked to give a view on the planning merits of the proposed variance with conditions. This involved some on site noise monitoring at and in the vicinity of the complainants property which confirmed at that time that the noise levels that had been evidenced did not constitute a statutory noise nuisance and further, a technical view, that subject to a suitable noise level condition, that it was likely that support could be given to a variance with the planning conditions proposed, at Officer level. A planning application was subsequently submitted under ref 12/0340 to vary the conditions as follows:

'Non-compliance with conditions 3 & 4 of planning permission 04/2237/P/FP to vary the days and hours of operation. The use shall only take place between the hours of 9am and 5pm Tuesday to Saturday inclusive, except on Thursdays when the use may operate between the hours of 9am and 7pm. The use shall not take place on Sundays, Mondays nor on any Bank Holiday, Good Friday or Christmas Day'.

5.6 This application (12/0340), submitted in an attempt to address any breach of planning control remains undetermined at the time of writing.

#### **Factors contributing to non- determination to date of planning application 12/0340**

5.7 During the processing of the application the operator raised a question about the planning condition attached to 04/2237 which related to the days of operation of the use. In order to obtain certainty about how the use could be lawfully operated from the land in this respect, a Certificate of Lawful Use was submitted under ref 13/0687. The CLEUD application was approved confirming that the operator can lawfully operate from the land for two days in the week (Monday to Friday) and on both Saturday and Sundays, excluding Bank Holidays, Good Friday and Christmas Day subject to conditions 1, 2,3,5,6,7,8,9 and 10 of 04/2237. This is the present 'fallback' position which is a material consideration in respect of both application

14/1178 and the expediency test with regards to the taking of any enforcement action related to the present breach of planning control.

- 5.8 An acoustic report was prepared and submitted in August 2012 by the applicant's acoustic engineer. The methodology of the initial report was questioned by the acoustic engineer appointed by the WODC Planning Service to advise on the planning application. Further discussions in respect of acoustic methodology took place in May 2013 and culminated in a meeting at 'The Shooting Ground' on the 23 October 2013 of acoustic engineers representing the LPA (Clive Bentley), the operator (Francis Lovell and Co Ltd) and the complainant (ENCON). Following this meeting the basis of an agreed acoustic methodology was confirmed between all parties (LPA, Applicant and Complainant) and subsequent testing took place.
- 5.9 Following the testing the results were modelled and mitigation methods prescribed in the interests of residential amenity and submitted as part of this planning application (14/1178) to expand the clay pigeon shooting activity onto adjoining land, part of which is presently used for motocross. The application includes the erection of noise attenuation bunds.

### **Motocross**

- 5.10 The motocross use on the land has historically been the subject of a number of complaints to the LPA.
- 5.11 However, the use can take place from the land for up to 14 days in any calendar year without requiring planning permission. The applicants are further claiming that the use of the land presently used for motocross is lawful. No application for a Certificate of Lawful use has however been made to date to seek to substantiate/ evidence this claim.

### **Application Details**

- 5.12 This application seeks planning permission for the shooting ground (which according to the application has been in use since 1983 as a shooting school) to expand in terms of its geographic area. The proposal includes extension of the shooting ground on to the adjacent site presently used for motocross. If planning permission for the extension is granted then the motocross use will be extinguished. The present site has 9 shooting stands in total and the proposed extended site area will have 10 stands in total. The application also proposes landscaping which will include acoustic bunds around the shooting stands and beyond the site to the south. An extension to the existing cabin on the land is also proposed.
- 5.13 The use would involve the shooting over ten stands on 5 days per week, being Tuesday, Wednesday, Thursday, Friday and Saturday.
- 5.14 The use is only to take place between 9am and 5pm. The application as submitted sought an exception on Thursdays when the use would have operated between 9am and 7pm but following a recent meeting that request has now been withdrawn
- 5.15 The use will not take place on Sundays, Mondays, Bank Holidays, Easter/Good Friday, Christmas Eve, Boxing Day and New Year's Day.
- 5.16 The application is accompanied by an acoustic report, the methodology of which has been discussed prior to submission of the application by three acoustic consultants acting on behalf of the Council, the applicant and a local interest group respectively. Further verbal advice has been sought from consultants as the application has progressed

## **6 PLANNING ASSESSMENT**

- 6.1 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**

- 6.2 The principle of the use of an area of land on the former airfield site has been established through the granting of planning permission 04/2237. This proposal is for an extension of the approved geographic area serving the use with a variation to the days and hours of use as approved and the addition of one shooting stand. In light of the above the principle of the development is considered acceptable in land use planning terms.

### **Noise and Impact on Residential Amenity**

- 6.3 Members will note from the planning history section of this report that the existing operation of the site has been the subject of noise complaints. This application has been submitted in response to those complaints and the fact that the site is presently being operated at variance with the conditions attached to 04/2237/P/FP.
- 6.4 Prior to submission of this application, in an attempt to ensure that the issue of noise was robustly scrutinised in respect of the application proposals, an acoustic methodology was agreed involving three acoustic experts acting on behalf of the Council, the applicant and a local interest group. The acoustic report submitted with the application has applied the agreed methodology and contains mitigation proposals to seek to address any adverse noise impacts that will arise from the proposed geographic extension of the shooting ground. Part of the mitigation includes the construction of significant amounts of acoustic bunding around both the shooting stands and beyond. In addition to the acoustic bunding, this application proposes extension of the use on to land which is presently used for motocross. If approved the motocross use will cease. The larger site area allows for the orientation of the stands to be varied to allow for multiple shooting orientations such that wind direction and consequent noise impact can potentially be better managed than at present
- 6.5 Given that the existing shooting school operates at present without any acoustic bunding and that the motocross operates without any planning controls. Officers are of the opinion that this proposal to extend the geographic area of the shooting school brings with it potential benefits in terms of addressing noise complaints received from residential occupiers living in the vicinity of the site.
- 6.6 In addition to the above, in considering this application which also proposes changes in the days and hours of operation of the shooting schools activities, regard needs to be taken of the 'fallback' position which is as follows:
- 6.7 The shooting school can operate under the terms of the present permission on two days in the week and on Saturday and Sunday. The hours of operation are 8.00am to 8pm during British Summertime and 8.00am to 4.30pm during the remaining parts of the year.
- 6.8 In contrast to the above 'fallback' position this application proposes shooting on five days a week, excluding Sundays and Mondays. The hours of operation are proposed as 9am to 5pm
- 6.9 The application proposals would secure no shooting on a Sunday from the site, the cessation of motocross on the adjoining land at any time, a later start time from 8.00am to 9am and a lesser number of hours shooting in the day during British Summertime.
- 6.10 In your officers opinion, notwithstanding that the proposed number of days shooting is to be increased from 4 to 5, the fact that Sunday shooting and motocross activity will cease and most



of the shooting activity will take place on working weekdays between the hours of 9am and 5pm, the application proposals are considered an improvement in comparison to the legal 'fallback' position.

- 6.11 The application has been the subject of consultation with both your Environmental Health Officer and the acoustic consultant acting for the Council who was involved in agreeing the acoustic methodology that forms part of the acoustic report submitted with the application. Following extensive consultation no objection has been raised subject to the imposition of conditions. These conditions include a noise limit not to exceed an off-site mean in excess of 55dB, limits on hours and days of operation and details of the acoustic bunding. Conditions regarding rate of fire and cartridge size have also been discussed but have now been discounted in favour of setting a clear overall limit above which the noise would be deemed unacceptable
- 6.12 A number of the representation received in respect of the application have made reference to the cartridge size used and requested a condition be attached to any grant of planning permission limiting the weight to 21g. In order to consider this issue a demonstration of different size cartridges was undertaken and your Environmental Health Officers recorded noise levels in order to assess whether or not there was any discernable difference between weights. The evidential finding was that the differences were not 'material'. In addition to these findings the acoustic consultant acting for the Council has advised that the overall noise limitation condition will cover any issues arising from the use of different weights of cartridge and rates of fire. Additionally the overall noise limit is clearer and simpler to enforce. It will be for the shooting school to manage their operations in terms of number of guns, rate of fire, cartridge size, wind direction etc. such as to ensure that the 55dBa limit is not exceeded. Their noise consultant and your own EHO and consultant are all satisfied that this is possible with the exception of the new staff accommodation associated with the SOHO house development. However the existing shooting operations (along with the airfield and motor sports activities) were all in place when they decided to locate the staff accommodation in such close proximity to the site. The noise levels associated with the proposed shooting ground will exceed the 55dBa limit at that particular site but will be substantially less than the noise levels that would be created from the existing lawful shooting activities and will in addition not have the motor cross which is immediately adjacent to the staff house. As such there is still considered to be a substantial planning benefit to that accommodation

### **Impact on Visual Character and Appearance of the Area**

- 6.13 The principal visual change associated with the development is the construction of noise attenuation banks both around the shooting stands and to the south of the site. These banks will be steep sided in order to either absorb the noise they are attenuating or push it upwards. Whilst these bunds (varying in height with a maximum height of 10m) will be visible within the context of the former airfield, from wider vantage points they will not appear unduly prominent. The bunds will in time appear as grass covered banks against a backdrop of pockets of existing woodland located in the vicinity of the site. The applicant is also prepared to provide additional landscaping to help further soften the impact of the bunding. In light of these factors your Officers are of the opinion that whilst not natural land forms, the acoustic bunds which will perform an important function in attenuating noise from the shooting schools operation are acceptable in landscape impact terms.

## **Drainage**

- 6.14 The application has been submitted with a 'Flood Risk Assessment' which is required because of the extent of the acoustic bunding proposed which will be constructed from imported inert material. The FRA concludes that the proposed development would be operated with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the NPPF. The Environment Agency has not yet formally commented on the report. A verbal update will be given at the meeting. The Council's Engineer has raised no objection subject to the submission of an FRA and a surface Water Drainage condition.

## **Recent update meeting**

- 6.15 In light of the contentious and protracted nature of the use of the site and the applications associated with it the Chief Executive recently chaired a meeting of all the main parties to seek to bring the respective positions closer together and to ensure that all parties were aware of the opportunities offered by the application to bring greater commercial certainty at the same time as improving the position for neighbours- at all times bearing in mind the lawful fall back position. As a result of that meeting the agent has now tabled a Unilateral Undertaking that would ensure that if planning permission were granted and not challenged that all motocross activities would cease on the entirety of his land holding at the airfield. The operator also agreed to forgo the evening operations that he had originally intended between 5 and 7 pm on a Thursday. In return the neighbours largely accepted that imposition of detailed conditions as to exactly how the site was managed in terms of rates of fire, shot size , number of participants etc. was almost impossible to enforce and could be considered unreasonable in terms of the fall back position and the right of the operator to run his business. Critical to the impact of the development it was not so much related to the exact means of operation but the actual outcomes in terms of the noise and if this were limited to the noise levels that national guidance promotes as being acceptable for uses of this nature (55 decibels) that was what was important rather than the exact mechanism whereby it was achieved. Setting a clear and unambiguous externally verifiable noise level would give all parties certainty.

## **Conclusion**

- 6.16 In conclusion, your Officers are of the opinion that by reason of the noise mitigation measures proposed as part of this scheme both in terms of the construction of acoustic bunds and the imposition of planning conditions which accord with circular advice, and the permanent loss of the motocross use on the whole of the applicants land holding at the airport, that this proposal is a significant planning gain in terms of improving the noise environment for residential properties in the vicinity of the site. In this regard your Officers consider that the present 'fallback' position of the shooting schools existing operation is a material consideration which carries great weight as does the uncontrolled use of the motocross site which will be extinguished as part of this proposal. As such a conditional approval is recommended

## **Enforcement Position**

- 6.17 Currently the site is being operated in breach of a number of the conditions of the planning permission 04/2237 and has been for some time and therefore it is necessary to consider the expediency of taking enforcement action in respect of the current breach.
- 6.18 If this application to extend the area of the shooting ground with associated mitigation bunding is approved and implemented expeditiously then it is not currently considered expedient to pursue formal enforcement action at this stage. However, if this application is not approved or if approved, not implemented expeditiously, then the existing breach would need to be reassessed particularly as, if left unrestricted, the use could evolve into a much more onerous potentially harmful use over time. An update in respect of the present breach of planning control will be

reported to a future Sub Committee following Members consideration of this application. Members will note that a reduced time for implementing the permission is suggested to try to bring the improvements forward as soon as possible

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of 18 months 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 Noise from shooting at the Oxford Shooting School, Enstone Airfield shall not exceed an off-site mean Shooting Noise Level (mean SNL) of 55 dB within the curtilage of any existing residential property. The SNL shall be calculated from measurement of the shooting noise as follows: The SNL shall be obtained by measuring and identifying the highest 25 shots, each as an LAF(MAX) in any continuous 30 minute period, then taking a logarithmic average of these 25 shots. The measurements shall be taken at a free field location within an existing residential curtilage, or at a proxy location taken to represent levels within an existing residential curtilage. For the purpose of demonstrating compliance with the condition, any such proxy location shall be agreed in writing with local planning authority. In all other respects the measurement of the off-site Clay Target Shooting Noise Level (SNL) shall comply with the provisions of the Chartered Institute of Environmental Health (CIEH) 'Guidance on the Control of Noise - Clay Target Shooting' (Jan 2003)  
REASON: In the interests of residential amenity  
  
NB For the avoidance of doubt this condition does not apply to the units of staff accommodation associated with SOHO House currently under construction to the East of the site. The noise limits will apply at the point shooting commences from the extended area
- 3 No shooting shall take place on the site at all on Sundays, Mondays , Christmas Day, Boxing Day, New Year's Day nor any other Public or Bank Holidays.  
REASON: In the interests of residential amenity
- 4 Operating hours for shooting shall be strictly restricted to 9 am to 5 pm on the permitted days only.  
REASON: In the interests of residential amenity
- 5 No external lighting shall be installed unless it has been first submitted to and approved in writing by the LPA prior to first installation.  
REASON: In the interests of visual amenity.
- 6 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.
- 7 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.

- 8 Works to construct the bunds shall take place in the following order- A, B, C, D. Works on the succeeding phase shall not commence until the preceding phase of bund construction is complete. The use of area A for shooting shall not take place until such time as the surrounding bunds shown to be built around area A (marked in green on plan phasing 01) are completed in accordance with the approved drawings. The use of area C for shooting shall not take place until such time as the surrounding bunds shown to be built around area C (marked in blue on plan phasing 01) are completed in accordance with the approved drawings. Bund 10 (outlined in red) shall be provided within 12 months of the completion of the bunds around area C and. if bund 10 is not completed within 12 months of the completion of the bunds around area C then area C shall be discontinued from use for shooting until such time as Bund 10 has been completed. No shooting shall take place outside the areas marked A B and C on the plans  
REASON: To ensure that the noise mitigation bunds are provided to mitigate the impact of the use of the site for shooting
- 9 The total number of shooting stands shall not exceed ten.  
REASON: For the avoidance of doubt and to limit noise impact
- 10 The proposed activity shall not be commenced on the extended area until a Scheme of works including layout, orientation and bunding, to protect noise sensitive premises has been submitted to and approved in writing by the Local Planning Authority. The Scheme of works shall include the use of effective noise barrier structures (bunds). The scheme shall include individual acoustic barriers arranged around two or more sides of a given shooting stand to form an enclosure. The method and design of stand screens shall be approved by the Local Planning Authority prior to their construction and the stands shall be retained as approved unless otherwise agreed in writing by the LPA. No changes proposed at the site which affect the layout, extent and size of bunding or stand orientation shall be undertaken without the prior written consent of the LPA and if in the construction of the bunds it is necessary to import materials to the site the importation shall be undertaken in accordance with a routing plan and traffic management scheme that has first been agreed in writing with the LPA  
REASON: To ensure effective noise mitigation and to minimise the impact of traffic on the local road network

**INFORMATIVE:-**

You are advised that the importation of waste to create the bunds may require separate consents from the Environment Agency or County Council.

Application Number	I4/01497/FUL
Site Address	I Glovers Close Woodstock Oxfordshire OX20 1NS
Date	21st January 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Woodstock
Grid Reference	445194 E 216609 N
Committee Date	2nd February 2015

**Application Details:**

Removal of garage and erection of new two storey dwelling

**Applicant Details:**

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

**1 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

#### Update

**4 further objections were reported verbally at the meeting on 5th January from 3 Glovers Close, 5 Glovers Close, 6 Glovers Close, and 2 The Ley. These referred to matters dealt with in the report.**

**Woodstock Town Council maintains its objection.**

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.

#### Update

**An additional expression of support from 8 Crecy Walk was reported at the meeting on 5th January. Since then 7 further expressions of support have been received from 53 Plane Tree Way, 17 Hensington Close, The Stables, 10 Market Street, 3 Briar Thicket, 10 Crecy Walk, and 4 Glovers Close.**

### 3 APPLICANT'S CASE

3.1 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	I4/01526/FUL
Site Address	Former Village Hall Grove Road Bladon Oxfordshire
Date	21st January 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Bladon
Grid Reference	445206 E 215316 N
Committee Date	2nd February 2015

**Application Details:**

Erection of two dwellings with associated parking and new access.

**Applicant Details:**

Vanbrugh Unit Trust  
C/O Estates Office  
Blenheim Palace  
Woodstock  
Oxon  
OX20 1PP

**1 CONSULTATIONS**

1.1 Parish Council No comments received

1.2 OCC Highways No objection

1.3 Thames Water No objection

WODC Architect No objection

**2 REPRESENTATIONS**

2.1 None received.

**3 APPLICANT'S CASE**

3.1 The site has been vacant for approximately 10 years. The housing development proposed would sit easily with the existing linear development as a natural piece of infilling. The development would be appropriate for the site and its context and would be a stylish architectural complement to the area without detracting from its character. The applicant has been working with the site owner and Bladon Parish Council to secure the provision of a community facility to meet the needs of the village.

## **4 PLANNING POLICIES**

H11 Affordable housing on allocated and previously unidentified sites  
TLC12 Protection of Existing Community Services and Facilities  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H5 Villages  
BE5 Conservation Areas  
NE5 Oxford Green Belt  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 The site is currently vacant, having previously been occupied by a village hall. It lies to the east of Grove Road within the village of Bladon. There are residential properties to both sides and opposite.
- 5.2 Planning permission was granted in November 2007 for the erection of a tennis court with perimeter fencing and seating (07/1603/P/FP).
- 5.3 Planning permission was granted in May 2005 for the demolition of existing and erection of replacement village hall (05/0588/P/OP)
- 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**

- 5.5 The proposal would represent infilling on a brownfield site within the village and is therefore acceptable in principle with reference to Policy H5.
- 5.6 The proposal would also comply with Policy NE5 paragraph (d), as it is considered limited infilling within the built up area of Bladon. There is therefore no conflict with Green Belt policy.

### **Siting, Design and Form**

- 5.7 The application is for a pair of semi-detached dwellings fronting Grove Road. The properties to the north sit further forward to the road than those to the south and there is no notional building line in this location. The front elevation of the dwellings would sit behind the properties to the north, but forward of those to the south, thereby introducing a transition in the frontage. In any event, the building would be 14m from the road and would not be prominent, particularly given that the site is at a somewhat lower level than the road.
- 5.8 The building would be approximately 3m taller than the bungalows either side, but there are significant gaps to both sides of the building which would reduce the perceived difference in scale. The vernacular design would be a good match for the 1.5 storey properties on the opposite side of Grove Road. It is considered that notwithstanding the site's relationship with the bungalows, the 1.5 storey vernacular design is more characteristic of the area and is appropriate.
- 5.9 No objection is raised by the Conservation Officer.

## **Highways**

- 5.10 The proposed use would generate fewer vehicle movements than the existing community use and there would be no increase in traffic in this location. Parking for two cars for each unit is provided and there would be space on the frontage to turn. This arrangement is satisfactory in highway safety terms and no objection is raised by the Highways Officer.

## **Residential Amenities**

- 5.11 The proposed windows on the development would not create an unacceptable relationship as regards privacy in relation to any neighbouring dwelling, given the layout and position of windows.
- 5.12 There is considerable separation between the development and No.86 Grove Road and there would be no loss of light. The development is closer to No.84 Grove Road but lies to the north and therefore there would be no material loss of light here either.
- 5.13 Sufficient outside space is provided for the properties.

## **Impact on the provision of community facilities**

- 5.14 It is acknowledged that the proposal would result in the loss of a community facility, albeit that the village hall has been removed and not replaced with another development.
- 5.15 In this location the Council would normally expect one of the two dwellings proposed to be affordable. However, the applicant intends to enter into an agreement with the Bladon Village Hall Committee to purchase the application site and provide funds for the creation of a recreation ground elsewhere in the village, so that community provision is not lost. To this end, planning permission has been granted for an equipped and landscaped recreation ground at School Lane (14/01463/FUL). In terms of viability, it is considered that it would be unduly onerous to require both an affordable housing unit and the community facility. Considering the matter in the round, it is judged that the benefit to the community can be delivered by the recreation ground rather than in the form of an affordable dwelling. Therefore on this occasion, the provisions of Local Plan Policy H11 are to be set aside.
- 5.16 The mechanism by which the village hall is to be purchased by the applicant, and funds made available for the recreation ground is complex, and to the best of Officers' knowledge not yet fully resolved. Ideally, a legal agreement would be in place before permission is granted. However, increasingly, conditions are being used to require certain actions that might previously have required the completion of a legal agreement. The advantage of a condition in this case is that it would avoid delay and significant up front legal costs to both the applicant and the Village Hall Committee.
- 5.17 It is recommended that a condition is imposed to require details of the mechanism by which the community facilities will be provided, prior to the commencement of the development. Please see the suggested list of conditions below.

## **Conclusion**

- 5.18 The proposal is considered to be appropriate infill on a brownfield site within the village of Bladon and complies with Local Plan Policies BE2, BE3, BE5, H2, H5, NE5 and TLC12. The proposal is also compliant with the relevant provisions of the NPPF.

## **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 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 shall be constructed of natural 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.
- 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 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, rooflights, chimneys, and door canopies 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.
- 7 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.
- 8 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the approved plans before the development is brought into use.  
REASON: To ensure a safe and adequate access.
- 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.

10 The scheme of hard and soft landscaping of the site as shown on the approved plans shall be fully implemented by the end of the planting season immediately following completion of the development. 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.

11 Prior to commencement of the development hereby permitted, a scheme shall be submitted to and approved in writing by the local planning authority which sets out the means by which alternative community facilities, to compensate for the loss of the former Village Hall site, shall be delivered. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling on the former Village Hall site that is the subject of this permission.

REASON: To ensure that appropriate community provision is made to off-set the loss of the village hall site.

Application Number	I4/01443/FUL
Site Address	Tyne Lodge 2 Brook Lane Stonesfield Witney OX29 8PR
Date	21st January 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Stonesfield
Grid Reference	439784 E 216830 N
Committee Date	2nd February 2015

**Application Details:**

Erection of a detached chalet bungalow

**Applicant Details:**

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

**I CONSULTATIONS**

1.1 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.

1.2 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.

- 2.2 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.

### **Update**

- 2.3 Members were updated verbally at the meeting on 5th January in relation to 2 e-mails from Mr Elkins, 7 Brook Lane and a note from Mr Gordon and Ms Butterwick, both at 5 Brook Lane.
- 2.4 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
- 2.5 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.
- 2.6 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.

Application Number	I4/01589/HHD
Site Address	Albright House Church Street Charlbury Chipping Norton Oxfordshire OX7 3PR
Date	21st January 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Charlbury
Grid Reference	435672 E 219454 N
Committee Date	2nd February 2015

### Application Details:

Erection of link extension between Albright House and The Malthouse to form single dwelling.

### Applicant Details:

Mr & Mrs Andrew Caminow and Danuta Gray  
Albright House,  
Church Street  
Charlbury  
Chipping Norton  
Oxfordshire  
OX7 3PR  
United Kingdom

## I CONSULTATIONS

- I.1 WODC Architect                      No objection.
- I.2 OCC Highways                      The proposed access from Market St is substandard in terms of visibility. However, the proposal represents an improvement to the existing situation and given the traffic flows and speeds should not represent a significant hazard that would warrant the refusal of a pp. No objection subject to :
- G36 parking and turning as plan
  - G11 access specification
  - G47 SUDS surface water drainage
- I.3 Parish Council                      The link as proposed precludes any extra parking being accessed from Church Street. This could be rethought.
- The internal double doors proposed are unlikely to be energy efficient.
- We object to any access being taken from Market Street as part of the stone wall will be lost and possibly the Yew tree in the heart of the Conservation Area.

We object to this application and ask that it goes to committee and that a site visit is arranged to view the issues.

There is considerable discussion of this application on the Charlbury website and ask officers to view this.

The applicant's agent states that neighbours have been consulted and near neighbours have written to the town council to say that this is not in fact the case.

A planning notice ought to have been printed in Market street as well as Church Street since neighbour notification appears to be abandoned. i.e. all likely affected parties are made aware.

The Town Council has received 16 letters of objection (copies of those not sent direct attached).

#### Conservation Area Advisory Committee

Planning reference: 14/1589/HDD

The committee felt strongly that the existing courtyard design of Albright House should be maintained as it was a vital part of the History and Character of the Town.

Traditionally courtyards were served by gated access under two storey buildings fronting the streets, several of which still exist. Albright House is in a prominent position in the town centre and the loss of this courtyard access seems un-necessary and would detract from the Conservation Area. In addition the Committee was very unhappy to see yet another access constructed in Market Street.

Planning reference: 14/1590/LBC

Concern was expressed regarding retention of any historic features in the Malthouse and existing features on the front elevation to Church Street - comments on the Link as above

1.4 Parish Council

No Comment Received.

## **2 REPRESENTATIONS**

2.1 The below summarised representations were received prior to the applicant omitting the access completely from the application:

Application reference: 14/01589/HHD

- losing a number of parking spaces due to the access;
- Businesses will lose parking for customers;
- Parking on Market Street is already a major problem;
- There are currently no more than 18 parking spaces on the entire length of Market Street;
- Losing 3 parking spaces to benefit one dwelling which already has its own private vehicular access on Church Street would be to the severe detriment of neighbours as well as the commercial life of the town.

- surrounding areas would receive those displaced from Market Street.
- Private development's plans to be revised so that it does not cause any reduction of the public parking capacity on Market Street or in the surrounding area.
- The Yew Tree in the corner of that plot is a listed tree.
- I have no objection to the plans as such only to the proposed exit in Market St as I also need to park in the evening in market St as a householder and that gets harder every day to be able to park close to my property.
- As a business owner I am very concerned as to the loss of parking for shoppers and resulting in loss of trade to an already struggling business.
- This property already has vehicular access onto Church Street.
- In the past few years we have suffered from houses in Church Street having very lengthy renovations. This building work has all been made possible by the access off Market Street into The Alley for the lorries to get to the sites. To allow this to happen we lost a parking space for the convenience of the luxury house owners. Now yet another Church Street house, which anyway has its own vehicular access to its own property, wishes to remove spaces in our road.
- nice wall being removed and the lovely Yew tree pruned (not always a successful action) which helps keep a rural touch to this small country town.
- I am in no way objecting to the development and upgrade of Albright house but hope that the change to highways will be rejected for the simple reason that one residential property will be causing irreparable damage to a number of the town's businesses.
- The application would therefore result in the permanent loss of 9.2m metres of publicly-accessible parking on Market Street - in practice two to three cars in an already over-crowded street which has recently lost another space to expand the turning circle into The Alley.
- Fine old stone wall which is a valuable feature of the townscape in this conservation area at the centre of the old town.
- The elderly and disabled find it hard to park near shops and their homes, while residents for want of any available space end up getting parking tickets on the yellow lines they are compelled to use day and night.
- The destruction of a 6m high mature willow tree will divest Charlbury of a third of the remaining trees visible from the town centre's streets, and will be a huge loss for the wildlife and environment of the town centre.
- The three principal areas of concern raised to the NAG are parking problems, speeding and antisocial behaviour. Market Street, contrary to the Highways Department's understanding, suffers from all three. The limited parking is a daily problem for both residents and those visiting the library, chemist, post office, shops and businesses. Pressure on parking has led to antisocial behaviour, but also more worryingly to repeated criminal damage to cars.

Listed Building planning reference: 14/01590/LBC

- This listed building is one of the most prominent and historically significant in Charlbury. It was lived in by two families of great importance in the history of Charlbury, the Spendloves from 1710 and subsequently the Quaker Albrights.
- The two attractive 19th century windows on the front elevation (bay and four-paned sash) which are mentioned in the list description should be repaired rather than replaced, with secondary glazing providing insulation if required.
- The proposed glass extension would compromise the archway to the yard, a key feature of the building, blocking it and damaging the special interest and character of the building. It would also require the removal of a good sash window on the rear elevation.

-The proposed new entry from Market Street would spoil the existing wall and garden, attractive features in the streetscape, and could pose a traffic hazard in a narrow and much-used street.

Comments received after the access was amended to remove 2 public parking spaces rather than 3 (The applicant has now removed the access element completely):

- The current proposals would still result in the permanent loss of a parking place in Market Street in order to allow a single household which already has multiple off-road parking spaces to create an alternative access route to them. The fundamental issue has not been addressed at all, and in my view the many very cogent objections still stand. There are clearly two perfectly viable solutions for the applicants: to retain their existing access to their parking spaces from Church Street, or to negotiate some form of access via the lane leading to Chelwood.

- Privatising public parking spaces for personal gain is detrimental to the vibrancy of the community and for this reason the amended application should be rejected.

- I am extremely disappointed to see the revised plan. The applicant appears to have noted the dismay expressed by Charlbury residents at the loss of parking on Market Street and has made a token gesture by reducing the width of the proposed new gateway by a couple of metres. This will not do.

- This amended application is still unacceptable, it still takes away valuable and necessary street parking, it still takes away the character of this listed building.

- There is already tremendous pressure on the few public spaces available in Market Street and the removal of any more will have a detrimental impact on people wishing to access local businesses and the Corner House community building.

- It still removes valuable parking spaces from the heart of Charlbury. This can only be detrimental to businesses, domestic neighbours and the Corner House.

- The plans to open up a driveway onto Market St do not envisage lowering the 2m high walls on either side of the gates. This would result in insufficient visibility for both drivers and pedestrians and renders the proposal ill-conceived and dangerous given the heavy use of this part of Market St by the elderly and schoolchildren on their way to and from school.

-This house is an important part of the history of the town and the appearance from the street should not be altered. The courtyard should be kept as it is in order to retain access for parking from Church Street. The two houses already appear to be linked via the first floor. This is the common sense solution rather than disrupting car parking on Market Street where spaces are needed for people visiting the pharmacy and the residents who have no other space for their cars.

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

3.1 I am writing on behalf of Mr and Mrs Caminow regarding the above application, which I understand is going before the Planning Committee in February because of the number of objections, and I would be grateful if you could attach these comments to your report.

#### Parking

3.2 The objections are primarily to the Full Application, and mostly relate to the original plans which showed a parking area accessed from Market Street. The owners had taken the view that by creating an on-site parking area they would be removing their vehicles from the already congested on-street parking around this area and so improving the situation, a view which was endorsed by their early enquiries to the Highways Dept. and again in the Highways comments of 21/11/14 on the application, and in principle accepted in early Planning enquiries.



- 3.3 However there is a significant parking issue in Charlbury, exacerbated by station users parking in the centre, and this is a particularly sensitive spot being in the heart of the town, adjacent to local businesses. These deserve the strong local support which has been shown in the number of objections to the prospect of losing any parking on Market Street. Some of these were quite forceful in nature, and make the valid point that in this central location, the owners should accept that other properties of this scale suffice with fewer vehicles and on-street parking.
- 3.4 Objection dated 23/11/14 "The current plan shows provision for off street parking for two cars on the site of the property. Surely this plus on street parking in Church Street (where there is less demand for commercial parking) is a sufficient expectation for a small town such as Charlbury.
- 3.5 Objection dated 23/11/14 "Part of the trade-off for being fortunate enough to live in central, historic Charlbury is that you have to cut your cloth to suit the circumstances: we downsized from two 4m cars to one 3.5m car shortly after moving.
- 3.6 It was also pointed out that the previous occupants had coped with the status quo (the archway and courtyard has never been used historically for parking as it is very narrow and inconvenient).
- 3.7 Objection dated 21/11/14 "One space is already dedicated to Albright House on Church Street. I have lived on Church Street all my life and the car spaces for the Albright house residence has never been a problem. The previous owners had four children and at any one time 3 or 4 cars in their ownership.
- 3.8 The new owners have been saddened by the vehemence of the objections and do not wish to start their new life here in the face of such strong opposition, and accordingly have requested an amendment to the application to omit the parking and Market Street access. The Church Street archway, although narrow, allows for a small car to be parked within it, and although the previous owners did not use this for vehicles, the proposal is to keep this looking exactly as it does at present and park a Mini under the archway, with a second car parked in the road space in front of it. This provides two dedicated spaces which has been pointed out is considerably more than most town centre properties can hope for.
- 3.9 The essential point for the Caminows is that they can live in the combined building with the corner link extension between the two. Their oldest son is dependent on them and may always be living at home, and this property offers them the possibility of allowing him some independence for the rest of his life while still being in the family home. This only works if there is a physical connection between the two sections. With this in mind they will be content with the two spaces, and will consider reducing their car ownership, as the link is the main priority. Historically of course the two buildings were linked and the removal of this connection has left an eyesore which this scheme will improve.
- 3.10 There were 33 objections specifically to the parking, a further 17 of whom objected a second time to a revised proposal which reduced the parking lost, and some of whom mentioned the trees and wall which would have been affected.

#### Other Objections

- 3.11 Other than these, very few comments related to the remainder of the proposals. One comment of 22/12 noted that 'this house is an important part of the history of the town and the appearance from the street should not be altered', one of 24/12 suggests the proposals "take away the character of this Listed building", and another on the same date states "they also appear grandiose" (though this may refer to the owners) and another notes that there are too many copper roofs in Charlbury, though has not perhaps realized that there are no vantage

points at all from which this one can be seen, and that the contemporary appearance of this element is in line with the philosophy of ensuring that modern work to Listed Buildings does not try to be a pastiche of the original but is visibly different.

- 3.12 The Town Council and the Conservation Area Committee commented, and there is one private comment on the Listed Building Application from the secretary of the Conservation Committee.

#### Town Council

- 3.13 The Town Council's concerns should largely be allayed by the removal of the Market Street parking from the Application: the 16 letters of objection they received were the same as the ones sent to the Planning Dept. and all relate to this issue, as does all the Charlbury website discussion. The other point they raise is that the glazed double doors may not be energy efficient; these are proposed as 6:16:6 Low-e Argon filled double-glazing and will of course be subject to Building Regulation approval.

#### Conservation Area Committee

- 3.14 The Conservation Area Committee and the related objection are concerned that the external elevation from Church Street and the archway are preserved as existing. The only visible difference proposed to this elevation will be the moving of a cast iron downpipe position and sensitive lime re-pointing and renewal of rotten timberwork exactly to existing profiles. The archway will stay exactly as it is, except for the re-painting of the existing timber garage doors in a colour to approval. The property will still have both archway feature and a courtyard, but one that the owners can enjoy and sit out in.
- 3.15 The first floor windows are original 18th C and will be carefully overhauled; the ground floor ones are poor-quality 19th C replacements, one completely rotted through, and with secondary glazing which pushes the original 18th C internal shutters out of alignment. These will be replaced with quality painted hardwood copies using Conservation Slimlite glazing to allow the original shutters to be retained.
- 3.16 The other concerns related to ensuring that the WODC Conservation architect had opportunity to inspect and ensure that no fabric of historic value was being removed. This happened at an early pre-Planning stage when Jon Chatwin and the Planning Case Officer Cheryl Morley visited the property and advised on which elements were to be retained. This was partly because the building is so substantial that it would be hard to give enough 'as existing' information to appreciate its quality, and also because the new owners appreciate that they are becoming custodians for an important part of Charlbury's history and are anxious to ensure that they treat it respectfully.
- 3.17 In short, the external appearance from all aspects outside the site is unchanged, and the internal alterations to historic fabric have all been seen and approved by the Conservation Officer. I hope this helps to put some of the comments received about the Application into context and that now that the amendment has been submitted to remove the Market Street parking the application will meet with approval.

## **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

NE4 Cotswolds Area of Outstanding Natural Beauty

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

## **5 PLANNING ASSESSMENT**

- 5.1 The site is located within the centre of Charlbury. Albright House is on Church Street and the Malthouse on Market Street, situated within the Charlbury Conservation Area and the Cotswold AONB. The combined property consists of two self-contained houses with separate utilities and council tax. Albright House is a Grade II listed building and the Malthouse is curtilage listed.

### **Background Information**

- 5.2 The application seeks planning permission and listed building consent for the erection of a link extension between Albright House and The Malthouse to form a single dwelling with internal and external alterations to Albright House and the Malthouse. This report should therefore be read in conjunction with 14/01590/LBC since the issues raised are interlinked.
- 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;
  - The Listed Building;

### **Principle**

- 5.4 The proposal is essentially to provide a combined living space with the corner link extension connecting the two houses to accommodate the growing needs of the family. Historically the two buildings were linked and the removal of this connection has left an eyesore which the scheme will improve.

### **Siting, Design and Form**

- 5.5 The only aspect of the proposed alterations that will be visible to the surrounding street scene is the proposed works to the Church Street elevation. This involves keeping and renovating the coach doors, repointing with lime mortar and carrying out works to the gutters and lead work but otherwise preserving as far as possible the fabric of the listed building. All listed building alterations have all been checked and deemed acceptable by our Conservation Officer.
- 5.6 The main part of the alterations proposed is a new link extension which will connect Albright House to the Malthouse. The proposed extension would not be visible from the street scene and is considered not to cause harm to the fabric of the Listed Buildings or setting.

### **Highway**

- 5.7 The originally proposed new access from Market Street has been omitted from the application due to the large proportion of objections received in relation to this particular element of the proposal. The applicant therefore plans to park one car within a designated area through the green coach doors and another car in front of the coach doors and therefore eliminating the removal of any public parking spaces.
- 5.8 The revised proposal will not now have an impact on the Yew tree which could have potentially been affected by the changes to the access arrangements.

## Residential Amenities

- 5.9 The proposed extension is of a modern design, but is not visible from the street scene. It is single storey and will not cause any adverse effects to neighbouring amenity through the loss of light or loss of privacy. The proposed development is also considered not to be overbearing.

## Conclusion

- 5.10 In light of these observations and the confirmed agreement from our Conservation Officer that the proposed extension and alterations to the listed building are all acceptable, and having considered the relevant planning policies and all other material considerations, your Officers consider that the proposed development is acceptable on its planning merits and would comply with Local Plan Policies BE2, BE3, BE5, BE7, BE8, H2, and NE4, as well as the NPPF.

## 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 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 and character of the building.
- 4 Prior to commencement of the development samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To safeguard the character and appearance of the area.
- 5 All external rainwater goods shall be in cast metal gutters and down pipes painted black or other colour approved by the Local Planning Authority.  
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all new and replacement windows, external doors, full height glazing, rooflights, dormers, and curved roof (including verge and eaves) 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.

Application Number	I4/01590/LBC
Site Address	Albright House Church Street Charlbury Chipping Norton Oxfordshire OX7 3PR
Date	21st January 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Charlbury
Grid Reference	435672 E 219454 N
Committee Date	2nd February 2015

**Application Details:**

Internal and external alterations to include erection of link extension between Albright House and The Malthouse to form single dwelling

**Applicant Details:**

Mr & Mrs Andrew Caminow and Danuta Gray  
Albright House,  
Church Street  
Charlbury  
Chipping Norton  
Oxfordshire  
OX7 3PR

**I CONSULTATIONS**

- I.1 English Heritage Do not wish to comment.
- I.2 WODC Architect No objection.
- I.3 Parish Council  
The link as proposed precludes any extra parking being accessed from Church Street. This could be rethought.  
The internal double doors proposed are unlikely to be energy efficient.  
We object to any access being taken from Market Street as part of the stone wall will be lost and possibly the Yew tree in the heart of the Conservation Area.  
We object to this application and ask that it goes to committee and that a site visit is arranged to view the issues.  
There is considerable discussion of this application on the Charlbury website and ask officers to view this.  
The applicant's agent states that neighbours have been consulted and near neighbours have written to the town council to say that this is not in fact the case.

A planning notice ought to have been printed in Market street as well as Church Street since neighbour notification appears to be abandoned. i.e. all likely affected parties are made aware.

The Town Council has received 16 letters of objection (copies of those not sent direct attached).

Conservation Area Advisory Committee

Planning reference: 14/1589/HDD

The committee felt strongly that the existing courtyard design of Albright House should be maintained as it was a vital part of the History and Character of the Town.

Traditionally courtyards were served by gated access under two storey buildings fronting the streets, several of which still exist. Albright House is in a prominent position in the town centre and the loss of this courtyard access seems un-necessary and would detract from the Conservation Area. In addition the Committee was very unhappy to see yet another access constructed in Market Street.

Planning reference: 14/1590/LBC

Concern was expressed regarding retention of any historic features in the Malthouse and existing features on the front elevation to Church Street - comments on the Link as above

## **2 REPRESENTATIONS**

2.1 The below summarised representations were received prior to the applicant omitting the access completely from the application:

Application reference: 14/01589/HHD

- losing a number of parking spaces due to the access;
- Businesses will lose parking for customers;
- Parking on Market Street is already a major problem;
- There are currently no more than 18 parking spaces on the entire length of Market Street;
- Losing 3 parking spaces to benefit one dwelling which already has its own private vehicular access on Church Street would be to the severe detriment of neighbours as well as the commercial life of the town.
- surrounding areas would receive those displaced from Market Street.
- Private development's plans to be revised so that it does not cause any reduction of the public parking capacity on Market Street or in the surrounding area.
- The Yew Tree in the corner of that plot is a listed tree.
- I have no objection to the plans as such only to the proposed exit in Market St as I also need to park in the evening in market St as a householder and that gets harder every day to be able to park close to my property.
- As a business owner I am very concerned as to the loss of parking for shoppers and resulting in loss of trade to an already struggling business.
- This property already has vehicular access onto Church Street.

- In the past few years we have suffered from houses in Church Street having very lengthy renovations. This building work has all been made possible by the access off Market Street into The Alley for the lorries to get to the sites. To allow this to happen we lost a parking space for the convenience of the luxury house owners. Now yet another Church Street house, which anyway has its own vehicular access to its own property, wishes to remove spaces in our road.
- nice wall being removed and the lovely Yew tree pruned (not always a successful action) which helps keep a rural touch to this small country town.
- I am in no way objecting to the development and upgrade of Albright house but hope that the change to highways will be rejected for the simple reason that one residential property will be causing irreparable damage to a number of the town's businesses.
- The application would therefore result in the permanent loss of 9.2m metres of publicly-accessible parking on Market Street - in practice two to three cars in an already over-crowded street which has recently lost another space to expand the turning circle into The Alley.
- Fine old stone wall which is a valuable feature of the townscape in this conservation area at the centre of the old town.
- The elderly and disabled find it hard to park near shops and their homes, while residents for want of any available space end up getting parking tickets on the yellow lines they are compelled to use day and night.
- The destruction of a 6m high mature willow tree will divest Charlbury of a third of the remaining trees visible from the town centre's streets, and will be a huge loss for the wildlife and environment of the town centre.
- The three principal areas of concern raised to the NAG are parking problems, speeding and antisocial behaviour. Market Street, contrary to the Highways Department's understanding, suffers from all three. The limited parking is a daily problem for both residents and those visiting the library, chemist, post office, shops and businesses. Pressure on parking has led to antisocial behaviour, but also more worryingly to repeated criminal damage to cars.

Listed Building planning reference: 14/01590/LBC

- This listed building is one of the most prominent and historically significant in Charlbury. It was lived in by two families of great importance in the history of Charlbury, the Spendloves from 1710 and subsequently the Quaker Albrights.
- The two attractive 19th century windows on the front elevation (bay and four-paned sash) which are mentioned in the list description should be repaired rather than replaced, with secondary glazing providing insulation if required.
- The proposed glass extension would compromise the archway to the yard, a key feature of the building, blocking it and damaging the special interest and character of the building. It would also require the removal of a good sash window on the rear elevation.
- The proposed new entry from Market Street would spoil the existing wall and garden, attractive features in the streetscape, and could pose a traffic hazard in a narrow and much-used street.

Comments received after the access was amended to remove 2 public parking spaces rather than 3 (The applicant has now removed the access element completely):

- The current proposals would still result in the permanent loss of a parking place in Market Street in order to allow a single household which already has multiple off-road parking spaces to create an alternative access route to them. The fundamental issue has not been addressed at all, and in my view the many very cogent objections still stand. There are clearly two perfectly

viable solutions for the applicants: to retain their existing access to their parking spaces from Church Street, or to negotiate some form of access via the lane leading to Chelwood.

- Privatising public parking spaces for personal gain is detrimental to the vibrancy of the community and for this reason the amended application should be rejected.
- I am extremely disappointed to see the revised plan. The applicant appears to have noted the dismay expressed by Charlbury residents at the loss of parking on Market Street and has made a token gesture by reducing the width of the proposed new gateway by a couple of metres. This will not do.
- This amended application is still unacceptable, it still takes away valuable and necessary street parking, it still takes away the character of this listed building.
- There is already tremendous pressure on the few public spaces available in Market Street and the removal of any more will have a detrimental impact on people wishing to access local businesses and the Corner House community building.
- It still removes valuable parking spaces from the heart of Charlbury. This can only be detrimental to businesses, domestic neighbours and the Corner House.
- The plans to open up a driveway onto Market St do not envisage lowering the 2m high walls on either side of the gates. This would result in insufficient visibility for both drivers and pedestrians and renders the proposal ill-conceived and dangerous given the heavy use of this part of Market St by the elderly and schoolchildren on their way to and from school.
- This house is an important part of the history of the town and the appearance from the street should not be altered. The courtyard should be kept as it is in order to retain access for parking from Church Street. The two houses already appear to be linked via the first floor. This is the common sense solution rather than disrupting car parking on Market Street where spaces are needed for people visiting the pharmacy and the residents who have no other space for their cars.

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

- 3.1 I am writing on behalf of Mr and Mrs Caminow regarding the above application, which I understand is going before the Planning Committee in February because of the number of objections, and I would be grateful if you could attach these comments to your report.

#### **Parking**

- 3.2 The objections are primarily to the Full Application, and mostly relate to the original plans which showed a parking area accessed from Market Street. The owners had taken the view that by creating an on-site parking area they would be removing their vehicles from the already congested on-street parking around this area and so improving the situation, a view which was endorsed by their early enquiries to the Highways Dept. and again in the Highways comments of 21/11/14 on the application, and in principle accepted in early Planning enquiries.
- 3.3 However there is a significant parking issue in Charlbury, exacerbated by station users parking in the centre, and this is a particularly sensitive spot being in the heart of the town, adjacent to local businesses. These deserve the strong local support which has been shown in the number of objections to the prospect of losing any parking on Market Street. Some of these were quite forceful in nature, and make the valid point that in this central location, the owners should accept that other properties of this scale suffice with fewer vehicles and on-street parking.
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#### **4 PLANNING POLICIES**

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE8 Development affecting the Setting of a Listed Building

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The site is located within the centre of Charlbury. Albright House is on Church Street and the Malthouse on Market Street, situated within the Charlbury Conservation Area and the Cotswold AONB. The combined property consists of two self-contained houses with separate utilities and council tax. Albright House is a Grade II listed building and the Malthouse is curtilage listed.

#### **Background Information**

- 5.2 The application seeks planning permission and listed building consent for the erection of a link extension between Albright House and The Malthouse to form a single dwelling with internal and external alterations to Albright House and the Malthouse. This report should therefore be read in conjunction with 14/01589/HHD since the issues raised are interlinked.

- 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 listed building application are:

- Impact on the Listed Building;

#### **Impact on the listed building**

- 5.4 The proposed alterations to the main house are minor in scope and character; generally being either repair or beneficial adjustments. These very limited interventions are restricted to minor door openings and work to modern partitions. The fabric, character and appearance of the main street elevation, impressive entrance hall and staircase and other key rooms are all maintained. The existing coach house is retained and used as a garage, but the access from this to the rear yard is blocked by the proposed link. It should be noted that there is no evidence that the yard has ever been used for parking.
- 5.5 The alterations to the Malthouse are more extensive, however, this building is not itself listed and had already been subject to considerable alteration and extension since it was originally built. The works proposed are entirely appropriate and enhance its appearance and the functioning of the group as a whole.
- 5.6 The modern link element replaces a much smaller, but two storey link that used to run from the main house to its outbuilding. This part of the existing building is now partially demolished, in a very poor condition and significantly detracts from the setting of the listed building and the character and appearance of its rear courtyard. The form and design of the proposed single storey link are well considered and entirely appropriate; the use of full height glazing and a curved natural metal roof will work well to differentiate the new element from the historic fabric. This is a well-established conservation principle and there are many successful examples (including in Charlbury). However, it should be noted that because of its location, this element of the proposal is entirely hidden, not only from the public realm, but also from either neighbouring buildings.
- 5.7 The design and listed building aspects of this application have all been subject to prior discussion and have been carefully considered and detailed. Linking of the two buildings enables the whole group to function well as a large house and it enables the addition of a large living room and modern kitchen without requiring any substantial alterations within the listed building itself. The works of alteration and enhancement to the (curtilage listed) Malthouse are well designed and beneficial; they will enhance the setting of Albright House. The proposed parking access from Market Street had been carefully considered and, in my opinion, would only have a minimal impact on the character of the conservation area by the creation of a small new opening in the existing wall. However, now that this part of the proposal has been withdrawn, it is quite clear that this revised application either entirely preserves the character of this part of the conservation area or, to the limited extent any of this work does have an impact, it is a positive enhancement. This is because the careful repair of the main elevation of Albright House (including the re-use of the existing stable as limited parking) entirely maintain and enhance the contribution that this fine house makes to Church Street and the heart of the conservation area.

#### **Conclusion**

- 5.8 In light of these observations and the confirmed agreement from our Conservation Officer that the proposed extension and alterations to the listed building are all acceptable, and having considered the relevant planning policies and all other material considerations, your Officers consider that the proposed development is acceptable on its planning merits and would comply with Local Plan Policies BE7 and BE8, as well as the NPPF.

## **6 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 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 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.
- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.
- 5 All external rainwater goods shall be in cast metal gutters and down pipes painted black or other colour approved by the Local Planning Authority.  
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all new and replacement windows, external doors, full height glazing, rooflights, dormers, and curved roof (including verge and eaves) 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.
- 7 Prior to commencement of the development samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To safeguard the character and appearance of the area.

Application Number	I4/01627/FUL
Site Address	Wood Hay 10 Green Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JY
Date	21st January 2015
Officer	Gemma Smith
Officer Recommendations	Approve
Parish	Milton Under Wychwood
Grid Reference	426890 E 218338 N
Committee Date	2nd February 2015

**Application Details:**

Erection of new single storey dwelling in rear garden and erection of replacement garage to serve existing house.

**Applicant Details:**

Hallmark Homes Limited  
Tithe House  
Freshfields Lane  
Chieveley  
Newbury  
RG20 8TB

**I CONSULTATIONS**

**1.1 OCC Highways**

Given the characteristics of the carriageway, vehicular traffic and speeds are likely to be low.

The proposal is unlikely to result in any significant intensification of transport activity at the property. No change is proposed to the existing access arrangements. The proposal is unlikely to have a significant adverse impact on the highway network.

It is my opinion that the vehicle movements associated with the proposal does not present 'severe harm' as required in the recent Government guidelines in the Nation Planning Policy Framework to warrant a recommendation for refusal on highways grounds.

After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to appropriate condition(s) being applied to any permission which may be granted on the basis of highway safety.

**1.2 Parish Council**

Object on the grounds that the proposal represents backland infill.

**2 REPRESENTATIONS**

2.1 One letter of representation has been received from Mrs Roberts of 6 Shipton Road. The representation is summarised as follows:

- The character of the properties front facing would be lost with the proposal within a garden setting.
- Appropriate development solution would be an extension to existing property.
- Concerns of impact to our property boundary particularly the view out into our garden and enjoyment of our garden.

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

- 3.1 The scheme has been amended to reflect the Officer's concerns and the proposal represents an appropriate form of development in this location.

### **4 PLANNING POLICIES**

NE4 Cotswolds Area of Outstanding Natural Beauty

BE2 General Development Standards

BE3 Provision for Movement and Parking

H6 Medium-sized villages

H2 General residential development standards

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

### **5 PLANNING ASSESSMENT**

- 5.1 This application is seeking planning permission for the erection of a single-storey detached new dwelling and replacement garage.
- 5.2 The matter is before the Uplands Area Sub-Committee as an objection has been received from the Parish Council.

#### **Background Information**

- 5.3 This application seeks planning permission for the erection of a single-storey new dwelling to the rear of an existing dwelling and replacement garage. The site relates to an existing residential property with the proposal to the rear of the plot. Access from Green Lane would remain and shared with the new property and existing.
- 5.4 The application site is located outside of the Conservation Area but located within the Cotswolds Area of Outstanding Natural Beauty.

#### **Planning History**

- 5.5 There is no relevant site history.
- 5.6 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 development;  
 Design and the impact on the character of the area;  
 Neighbourliness; and  
 Highways and parking implications.

#### **Principle**

- 5.7 The principle of the erection of a new dwelling within Milton-under-Wychwood would be considered under Policy H6 of the West Oxfordshire Local Plan. Officers consider that the proposed new dwelling would complement the development to the rear of properties along Green Lane comprising infill. As such the proposal is considered to be policy compliant with the strategic elements of Policy H6.

### **Siting, Design and Form**

- 5.8 The single storey detached dwelling would be located to the rear of the plot of 'Woodhay' situated along Green Lane.
- 5.9 An objection has been raised with regards to the original siting of the new dwelling which was considered to not comprise infilling. As such officers sought to re-site the original position of the proposal. The revised scheme shows the new dwelling would sit along the rear boundary of the plot with a garden to the front. In your Officers' opinion the siting of the proposal is considered to complement existing development within the vicinity; namely 'Frog Cottage' to the West.
- 5.10 The proposal would be single-storey and of a simple design and form. In your Officers' opinion the proposed materials of Cotswold stone under blue slates with painted timber fenestration, are considered to be appropriate to the character of the area, and would not result in a detrimental impact to the character of the Cotswolds AONB.
- 5.11 The replacement detached garage is considered to be constructed in acceptable materials; roughcast render, painted timber doors under artificial slate and would be in-keeping to the character of the area and existing dwelling. Officers consider that the replacement garage would therefore remain innocuous within the character of the street scene.
- 5.12 In your Officers' opinion the proposal would be in-keeping with the character of the area, and it is considered that the development complies with policies BE2, H2 and NE4 of the West Oxfordshire Local Plan 2011 and the National Planning Policy Framework.

### **Impact on Neighbouring Amenity**

- 5.13 The property is designed to be single-storey and low-key in form to protect the privacy of adjacent neighbouring properties. It is considered that the single storey design would not result in overshadowing or detrimental impact to the nearest affected neighbouring property at 'Frog Lane' situated approximately 25m in distance to the proposal site.
- 5.14 Concerns have been raised by the occupier of No.6 Shipton Road which lies to the south of the proposal. This is in relation to views out of the garden and enjoyment of the garden. Officers consider that loss of view is not a material planning consideration and the enjoyment of the garden would not be unduly affected by the single storey development proposed.
- 5.15 In your Officers' opinion the proposed new dwelling would accord to Policy BE2 and H2 of the West Oxfordshire Local Plan, 2011.

### **Highways and Parking**

- 5.16 The Local Highways Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme subject to appropriate conditions. Therefore officers do not consider that the proposed new dwelling will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.
- 5.17 Two parking spaces have been provided which is in accordance with parking standards for a two bed dwelling. The proposal is therefore considered to accord with Policy BE3 of the West Oxfordshire Local Plan, 2011.

### **Conclusion**

- 5.18 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 external walls of the shall be constructed with natural stone and render, samples 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.
- 4 The roof shall be covered with blue slate; a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all windows and 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 Prior to occupation of the dwelling vision splays measuring 2m by 2m shall be provided to each side of the access. This vision splays shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.6 metres as measured from carriageway level.  
REASON: In the interest of highway safety.
- 7 Prior to the first occupation of the development hereby approved a turning area and car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed in strict accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The turning area and car parking spaces shall be retained unobstructed except for the parking and manoeuvring of motor vehicles at all times.  
REASON: In the interests of highway safety and to ensure the provision of off-street car parking.
- 8 The surfacing to the parking area shall be in a permeable material.  
REASON: To avoid surface water run-off and reduce the risk of flooding.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Classes A to E of Schedule 2, Part 1 shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed because this proposal represents infill development within the Cotswolds Area of Outstanding Natural Beauty. It is important that further development is controlled in the interests of maintaining appropriate amenity and the character of the area.



Application Number	I4/01759/FUL
Site Address	High Fields Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LF
Date	21st January 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve subject to completion of a unilateral undertaking to provide a contribution to affordable housing
Parish	Milton Under Wychwood
Grid Reference	426502 E 218437 N
Committee Date	2nd February 2015

### **Application Details:**

Demolition of existing bungalow and erection of 4 (no.) three bedroom dwellings with associated access and landscaping works

### **Applicant Details:**

Mr Bill Wyatt  
c/o Agent  
United Kingdom

## **I CONSULTATIONS**

- |                          |  |
|--------------------------|--|
| I.1 Parish Council       | No comments received   |
| I.2 OCC Highways         | No objections subject to conditions regarding access, parking and vision splays and the submission of a suitable construction traffic management plan.   |
| I.3 WODC Architect       | No Comment Received.   |
| I.4 Natural England      | No Objections  |
| I.5 Thames Water         | No objections for surface water drainage or water comments subject to informative.   |
| I.6 WODC Head Of Housing | I note that the applicant has not made an offer of financial contribution in lieu of on-site provision of affordable housing. In this instance where the net gain is 3 completed dwellings, I believe it is reasonable not to expect a financial contribution. However were the applicant to review this position and make an offer subject to viability, then I would be able to utilise this contribution to provide new affordable homes in the Uplands area of the District. |

## **2 REPRESENTATIONS**

2.1 Seven neighbour objections have been received as a result of advertising this application. Those objections are summarised below;

- The Design and scale is out of keeping with the neighbouring properties
- The proposed dwellings are two storey; the original is single storey
- The proposed properties will be set further forward than the existing dwelling
- Three of the properties will directly overlook the rear of the properties on Brookfield Close
- The site is within the AONB and will affect views
- The access will create considerable disturbance through vehicle movements
- The additional properties may lead to on street parking, and increase risk on highway safety
- The additional dwelling and concreted areas would exacerbate the risk of flooding
- Roof heights of the proposed dwellings will have significant impact on our property and affect views
- The access is clearly there only as a precursor to further development of the paddock land behind the properties
- Roof lines are too high and would have serious visual impact on Church Road
- The proposal would have serious impact on views from the footpath which runs from Green Lane
- Oppose the over scale roads
- The land is in the floodplain and will cause flood risk.
- Church Road does not have a pavement to the front of the site and pedestrians have a restricted view.

## **3 APPLICANT'S CASE**

3.1 The applicant has submitted in support of this application a Planning Statement and a Design and Access Statement which sets out the site and surrounding area, circumstances of the case and design approach to the development as proposed. Both of these documents can be viewed in full with the application details however the summaries are provided here;

3.2 The Planning Statement outlines the application and the policies which are deemed to be applicable and summarises with a conclusion;

"The current proposals seek permission for the erection of four family dwellings within the village of Milton-under-Wychwood.

3.3 There is relevant planning history on the site for two permissions to demolish the existing dwelling on site and replace it with originally one, then subsequently two dwellings. In their consideration of the most recent application, Officers concluded that the site constituted a suitable plot for additional residential development that would result in a logical compliment to the existing pattern of development.

- 3.4 As is evident from the Council's own Housing Land Position Statement that the Council are currently unable to demonstrate an up-to-date 5 year housing land supply, meaning that there is a growing need to find suitable sites to accommodate much needed housing developments. What's more, due to the lack of a 5 year housing land supply, paragraph 49 of the NPPF is applicable which means that the Councils own housing policies should be considered out of date.
- 3.5 Paragraph 14 of the NPPF makes it clear that where policies are out of date, planning permission should be granted unless there would be any adverse impacts of development that would significantly and demonstrably outweigh the benefits (my emphasis). In this instance there will be no significant environmental nor visual impacts therefore there should be a clear presumption in favour of development.
- 3.6 In terms of the relevant planning policy framework the scheme accords with the general guidance found within the NPPF, in that it proposes a sustainable redevelopment of an existing site within the settlement boundary. Housing development on this site will help maintain the services and facilities within Milton under Wychwood, in addition to contributing towards the Councils five year housing land supply.
- 3.7 The layout and design of the dwellings has been influenced by the overall scale and character of the surrounding development.
- 3.8 As discussed above the planning application which is the subject of this statement is considered to accord with the relevant policy framework in the West Oxfordshire Local Plan 2011 and the Design Guide and the existing and emerging national planning policy. The provision of 4 additional dwellings within a settlement such as Milton-under-Wychwood will create a sustainable form of development which can help support the local services and facilities."
- 3.9 The design and Access Statement outlines the design approach to the scheme and concludes with;
- "Our view is that this is a development proposal that will be viable and meet our client's requirements and at the same time satisfy planning and design requirements for this location.
- 3.10 We believe that the scheme meets all of the requirements identified in 5.2.0 DESIGN STRATEGY, takes due current of context and setting, responds to local character and will make a positive contribution to the site, without undue or detrimental impact on neighbours or the surrounding area."

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application is seeking planning permission for the demolition of an existing bungalow on site with the replacement and erection of four dwellings with associated works including provision of a new access and landscaping works.

- 5.2 The matter is before the Uplands Area Sub Committee at the request of the local ward Member, Cllr Haine.

### **Background Information**

- 5.3 The application site is situated in the village of Milton under Wychwood, near the centre of the village, to the north east of the cricket pitch and pavilion. The site currently comprises of a detached bungalow within a generous plot, with access from the south (shared with Cottage Farm) to a storage area to the rear of the property and beyond that, a paddock.
- 5.4 There are two extant planning permissions on this site of which are relevant;
- 11/1009/P/FP planning permission granted for the erection of a replacement dwelling on site.
  - 11/1405/P/FPP Planning permission granted for the demolition of the existing dwelling and replacement of two detached dwellings.
- 5.5 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:
- The principle of the development
  - The Design and Layout
  - Impact on neighbouring amenities
  - Impact on Local highway Network
  - Impact on AONB
  - Flood risk

### **Principle**

- 5.6 As can be seen from the planning history the principle of replacement and additional dwellings has already been established on this site which is considered to comprise of previously developed land.
- 5.7 Officers note that this proposal differs in both scale and the number of dwellings proposed from those previous schemes, however the layout as proposed is considered to form a logical compliment to the existing built up form in the area and can therefore be considered as 'rounding off' in terms of policy H6 of the West Oxfordshire Local Plan 2011.
- 5.8 Members will of course be aware that the housing policies in the WOLP are now considered to be out of date and subject to a saving direction. It will therefore be necessary to consider the consistency of the proposal with the NPPF.
- 5.9 The proposal was not originally accompanied by the provision of any on-site affordable housing and/or any off-site contribution. However Officers have negotiated with the applicant who has agreed to provide, by way of a Unilateral Undertaking, a contribution of £2,500 per dwelling, a total of £10,000 to be allocated to off-site affordable housing schemes within the Uplands geographic area. The proposal will therefore provide 3 additional family homes in this popular and reasonably sustainable village, as well as a financial contribution to affordable housing schemes elsewhere in the District. This is seen as a clear benefit of the proposal.
- 5.10 Part of the wider site had been identified in the Council's SHLAA and was deemed 'unfavourable' at that initial appraisal due to the likely impact development here would have on the AONB. This matter will be discussed further below, but this application seeks to develop the front part of the site only and will not encroach as far back in to the previously identified SHLAA site. A means of access through the application site to the other land would be maintained as part of the proposal.

- 5.11 Officers consider that the proposal, to develop the land to provide three additional dwellings in a logical compliment to the existing built up area in the centre of the village, on previously developed land is therefore considered acceptable.

### **Design and Layout**

- 5.12 The scale of the proposals is one of the main points of concerns raised in third party comments. The applicants are aware of these concerns and as a result have attempted to provide a scheme which is sympathetic to the surrounding development and site context. This has been done with particular regard to keeping the overall height of the pair of semi-detached properties as low as possible. However the Council's Architect was of the opinion that the proposed half dormers were not characteristic of the locality and were oddly proportioned. The dormers were also proposed to be finished with a render on the face which would lead to an awkward transition between the reconstituted stone of the flanking elevation and the render of the dormer.
- 5.13 As a result amended plans have been received which results in the overall ridge height of plot A2 and A3 being raised by 0.2m and plot A1 by 0.6m but with a much more visually appropriate relationship between the first floor windows now sitting just under the eaves line. This has resulted in much more traditional and simpler elevation and made the visual emphasis less vertical and more horizontal and removed the potentially uncomfortable junction between the natural stone and render.
- 5.14 Taking the street scene view, whilst the proposed units are taller than the bungalow adjacent, they do respect the relative spacing and gaps along this side of the road. For comparison in heights the outline of Cottage Farm can be seen in the street view and is only 1m lower than Plot A4 as proposed. The properties on the opposite side of the road are two storey and as such introducing two storey properties on this side of the road is not considered to adversely affect the character of the area which is broadly residential with varying house types.
- 5.15 In respect of the proposed layout, Officers consider the proposal makes appropriate and efficient use of the site providing modest density due to the dwelling sizes proposed which will each have a good level of amenity space and off street parking. In terms of the design and layout therefore, officers consider the proposal is acceptable in compliance with policy BE2 of the WOLP 2011.

### **Impact on neighbouring amenities**

- 5.16 It is clear from the comments received from third parties that there is a concern the proposal would lead to increased overlooking into the rear gardens of the properties opposite in Brookfield Close by the proposed dwelling extend to two storey and being closer to the frontage of the road.
- 5.17 Officers have visited the properties in question and viewed the proximities and rooms likely to be affected, which were mainly kitchen and dining rooms. The distance between the rear elevation of the properties here and the front elevation of the proposed dwellings varies from 27.5m to 23.5m at the closest. When considering 'acceptable' interface distances between main elevations, 21m is an established distance which is considered acceptable in planning terms not to result in any unacceptable level of overlooking. The distances here far exceed that amount, therefore given this distances proposed officers do not consider that harm would be caused from this proposal to the extent that would warrant refusal of the application.
- 5.18 It is noted that the outlook from these properties, and that at Cottage Farm, will be affected to some extent as a result of this proposal. Protection of private views is not, however, a material planning consideration. The character of the area is broadly low density residential; this scheme replicates that and is not considered to adversely affect outlook to any harmful extent.

- 5.19 Plot A2 that runs along the shared boundary with the neighbouring property 'Windley' does not propose any first floor windows on the side elevation. It is not considered that any harmful overlooking would occur as a result of this proposal given the distances and orientation of the properties and the windows proposed.
- 5.20 In addition to the above, concerns have also been raised regarding the disturbance that may be caused as a result of additional vehicles/households being within the vicinity using the access and their headlights reflection. The properties opposite the proposed access benefit from an approx. 1.8m high boundary wall to the rear. Given the level access of vehicles leaving the site it is not considered that any glare from headlights would be any more harmful than in any typical residential situation, as most of the light would be absorbed by the wall.

### **Impact on Local Highway network**

- 5.21 The local highway Authority has commented on the application and assessed the proposal. They consider the access road is suitable for the 4 dwellings proposed and therefore have no objections subject to suitable details being submitted by condition with regard the specification of the access, visibility splays and a Construction Traffic Management Plan to ensure highway safety is maintained through the construction phase.
- 5.22 As such the proposal is considered to comply with policy BE3 of the WOLP 2011 and is not considered to give rise to any unacceptable highway safety impacts.

### **Impact on AONB**

- 5.23 The whole of the village of Milton under Wychwood is situated within the AONB. Policy NE4 of the WOLP relates specifically to proposals within the AONB and states that great weight must be given to the conservation and enhancement of the AONB when determining proposals.
- 5.24 The layout of the proposal is considered to respect settlement pattern and not encroach on to wider countryside. The site will not have any adverse impact on any long range views into the site as the built form is well contained.
- 5.25 The site has been used in an ad hoc way for some 10 plus years for storage of construction materials etc. with trucks and storage containers on site. Officers would suggest the sympathetic development of this site would have a more beneficial impact on the character and appearance of the area than the currently more unsightly use. To this extent the proposal would be considered to conserve and enhance the AONB and is therefore compliant with policy NE4 of the WOLP and paragraph 115 of the NPPF.

### **Flood Risk**

- 5.26 The application site is not within flood risk zone 2 or 3 therefore it is not considered to have any significant risk of flooding. The site is in an elevated area with a 1 in 100 chance of sea or river flooding as indicated on the Environment Agency's flood risk map. Thames water has raised no objections to the scheme on surface water drainage issues subject to necessary conditions.

### **Conclusion**

- 5.27 The proposal forms a logical compliment to the existing pattern of development in this location and does not extend beyond built up limits of the village into the wider AONB in any detrimental way. The proposed dwellings are of an appropriate design and scale that respects the built form of this residential area in a relatively low density. The proposal will not give rise to any adverse impact on highway safety and nor will it result in any demonstrable harm to the amenities of neighbouring properties, taking into account the context of the site.

- 5.28 The proposal would result in a net gain of 3 dwellings in a fairly sustainable rural village, with financial off site contributions for affordable housing. Overall the proposal is considered to represent sustainable development consistent with the NPPF. Taking into account all of the above matters it is recommended that the application be delegated to officers, subject to the agreement of a Unilateral Undertaking and the conditions suggested below.

## **6 CONDITIONS**

Approve subject to the completion of a unilateral undertaking to provide a contribution to affordable housing and 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 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 roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 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.
- 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 Notwithstanding details contained in the application, detailed specifications and drawings of all joinery details including rooflights at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 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.  
REASON: To ensure a safe and adequate access.
- 8 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

- 9 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.
- 10 The turning area and car parking areas shall be retained unobstructed except for the parking and manoeuvring of motor vehicles at all times.  
Reason: In the interest of highway safety and to ensure provision of off-street parking
- 11 The proposed vision splay shall be formed, laid out and constructed in accordance with detailed plans, which shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of the development and the land within the splay shall not be raised or allowed to grow above a maximum height of 0.6 metres above the carriageway.  
Reason: In the interest of highway safety
- 12 Prior to the first occupation of the development vision splays measuring 2.4 metres x 43 metres shall be provided to each of the sides of the access.  
Reason: In the interest of highway safety
- 13 A Construction Traffic Management Plan (CTMP) will be required to be submitted for approval and the approved CTMP shall be implemented prior to any works being carried out on site.  
Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times
- 14 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 a schedule of planting and boundary treatments 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.
- 15 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.  
Where communal drainage schemes are proposed approval of the scheme will be required from Oxfordshire County Council and the scheme will need to be adopted under the Flood and Water Management Act.  
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).



- 16 Development to be carried out in accordance with the details and recommendations made in the submitted Ecology report by 'Windrush Ecology' dated November 2014 and details of the provision of bat and bird boxes to be submitted and approved by the Local Planning Authority, prior to the commencement of the development.  
REASON: To safeguard and enhance biodiversity.

Application Number	14/01939/FUL
Site Address	Land At Myrtle Farm Main Road Long Hanborough Oxfordshire
Date	21st January 2015
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Hanborough
Grid Reference	441716 E 214209 N
Committee Date	2nd February 2015

**Application Details:**

Removal of existing redundant farm buildings and the erection of 9 dwellings and ancillary development.

**Applicant Details:**

Rivar Limited  
C/O Agent  
United Kingdom

**I CONSULTATIONS**

I.1 Parish Council

While Hanborough Parish Council is in favour of relatively small-scale developments on brown field sites, it has concerns about this development's reliance on vehicles exiting and entering from the busy A4095 near a junction and a congested mini roundabout. The Parish Council also has concerns about traffic crossing the pavement at a point where pedestrians and cyclists might not expect it. The PC would have no objection, if an alternative exit could be found for all 9 houses rather than just 2 of them.

I.2 WODC Architect

The removal of the large agricultural shed is to be welcomed, but I note that they are also proposing to remove a traditional and locally-listed barn, which is regrettable. However, this barn has some unfortunate modern alterations, and it seems clear that due to the layout of the main road, it would be difficult to carry out a viable development without removing it. That aside, the layout all looks fairly straightforward, and it appears reasonably consistent in terms of density with the existing development to the west and north. I would feel happier if all of the proposed dwellings were of one-and-a-half storey form, and a bit less assertive on this exposed edge of the settlement, but the designs use safe vernacular forms, they are quite well proportioned, and there is a reasonable amount of variety. So, on balance, this is an acceptable proposition, from our point of view.

I.3 Mr Neil Rowntree

No Comment Received.

I.4 Environment Agency

We have no objection to the application as submitted, subject to the inclusion of a condition, detailed under the heading below, to any subsequent planning permission granted.

Without the inclusion of this condition we consider the development to pose an unacceptable risk to the Environment.

I.5 Thames Water

Waste Comments

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary.

Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

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

Water Comments

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

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

1.6 WODC Env Health - Uplands No Comment Received.

1.7 WODC Env Consultation Sites No Comment Received.

## **2 REPRESENTATIONS**

2.1 The following representations have been made:

- Cannot see any information as to where contractors and deliveries would access site during construction.
- Corn Hide would not be suitable and assurances needed that it will not be used as a car park for contractor vehicles.
- Will a footpath be maintained from Corn Hide to Main road during construction of the development?
- The councils Draft Local Plan has declared Hanborough to be a "rural service centre", however it has already been extensively commented on that Hanborough's services, particularly the school and the surgery are already at breaking point and could not possibly cope with even half this amount of development in the village.
- Before all suitable sites are swamped with houses, is there not a need to earmark locations for a new surgery and, potentially, a new school? Options could be (for example):-
  - The Myrtle Farm site as a location for a new surgery;
  - The Church Road site as a location for a new school and existing school site used to locate a new surgery;
  - New school and surgery co-located on Church Road site;
  - New school and surgery co-located on southern or northern Witney Road sites.
- Failure to address this need will completely undermine the concept of Hanborough being a rural service centre as residents old and new will be faced with accessing health and education services elsewhere. It will also make a nonsense of any claims the developers may make about reducing car journeys - no amount of enhancement of the bus services will cater for getting to and from doctors' appointments and getting children to and from school at locations outside Long Hanborough.
- The area is already under threat from over development. There is no extra capacity for more dwellings within the confines of the village.
- Traffic management is already unable to cope with the current state and the potential for up to 18 more cars will exacerbate the situation.
- The council may be unable to block major planning applications with any success but ought to clamp down on the multitude of smaller developments which collectively have a large impact on this village.

## **3 APPLICANT'S CASE**

3.1 The application is accompanied by supporting documents including a Design and Access Statement and Bat Survey and they are available to view online, however the planning statement is summarised below:

## Planning Statement

- 3.2 The application has been subject to extensive pre application discussions with both planning and conservation officers.
- 3.3 The application site falls within the built up area of Long Hanborough and therefore makes efficient use of land in a sustainable location in compliance with local and national policy.
- 3.4 The NPPF requires new development to preserve and enhance an areas character. the farmyard is not considered to make a positive contribution to the Millwood End Conservation Area given that the buildings are redundant and are constructed out of unsympathetic materials. The proposal provides an opportunity to improve the street scene and enhance the character and appearance of the Conservation Area.
- 3.5 The development would not give rise to any harmful impact upon residential amenities. furthermore the character and appearance and setting of the adjacent Listed Buildings are preserved.

## 4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

H7 Service centres

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The site is a farmyard and former farm shop within the built up confines of Long Hanborough. The site is within the Millwood End Conservation Area, the Parish Church is to the east, there are residential properties to the west and open agricultural land to the north.
- 5.2 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
  - Siting design and form and impact on heritage assets
  - Highway safety
  - Residential amenities

### Principle

- 5.3 The site is within the built up area of the village, within the Conservation Area but not the Cotswold AONB. It is a brownfield site currently occupied by substantial agricultural barns and a former farm shop that are well related to the existing village. The relevant local plan policy is therefore H7(b) which allows for rounding off in Services Centres and officers consider that proposal does constitute rounding off on a previously developed site and that therefore proposal is in accordance with local policy. The proposal is also considered to accord with the provisions of the NPPF as officers consider that redevelopment of a brownfield site in a service

centre is sustainable development in accordance with paragraph 14, and that development that addresses the core planning principles as set out at paragraph 17 of the NPPF.

- 5.4 As the proposal is for less than ten units and constitutes minor rather than major development, contributions and affordable housing have not been sought in accordance with the recently updated guidance in the NPPG in regards to Planning Obligations. The guidance states that contributions should not be sought from developments of 10 units or less, and which have a maximum combined gross floorspace of no more than 1,000sqm. The total number of proposed units is nine and the combined floorspace is 975.76sqm.
- 5.5 With regard to the school and surgery capacity a development of this scale (nine 2 and 3 bed units) is considered to be able to assimilate into a settlement of this size without having an unacceptable impact on the capacity of facilities within the village.

### **Siting, Design and Form and impact on Heritage Assets**

- 5.6 The proposed scheme is for nine dwellings, a range of two and three bed units. They are laid out in pairs and terraces and are 1.5 and 2 storey in height and of a traditional vernacular design with chimneys. Two properties front Main Road, six properties face into the adjacent church yard and one faces into Corn Hide.
- 5.7 The materials proposed are reconstituted Cotswold stone, plain buff concrete roof tiles with red clay feature tiles, flush timber casements with oak lintels or stone soldier courses and black metal rainwater goods, all of which are in accordance with advice set out in the West Oxfordshire Design Guide for Long Hanborough.
- 5.8 The proposals are considered to respect the adjacent Grade II listed tithe barn that was recently granted consent for conversion to residential use (14/01937/FUL and 14/01938/LBC). They are also considered to respect the adjacent Church and are an improvement on the character of the churchyard, and they are considered to preserve and enhance the character of the Conservation Area.
- 5.9 The proposal is therefore considered to accord with policies BE2, BE5, BE8 and H2 of the Local Plan.

### **Highway**

- 5.10 The development will have two points of access. Two units will be accessed from Cornhide at the rear of the site, and the other seven units will be accessed from Main Road through the access previously utilised by the Farm Shop. Each property has two parking spaces in accordance with the recommended parking standards.
- 5.11 The Parish have expressed some concern that any of the units are being accessed from Main Road, however the Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme. They consider that the previous farm/farm shop use had the potential to generate a much higher level of trips. 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.
- 5.12 The proposal is therefore considered to accord with policy BE3 of the Local Plan.

### **Residential Amenities**

- 5.13 The proposal is not considered to detrimentally impact on the residential amenities of adjacent residential properties. They have been designed to avoid overlooking of private amenity spaces and are of sufficient distance to avoid overshadowing or being perceived as overbearing. There

is over 20 metres to the closest property in Myrtle Close and 15m front to front between plot 9 and 24 Corn Hide.

- 5.14 Each unit has sufficient parking and a private garden and they are considered to be sufficient for the amenities of future occupiers.
- 5.15 The proposal is therefore considered to accord with policies BE2 and H2 of the Local Plan.

### **Conclusion**

- 5.16 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits and recommend 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 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 shall be constructed of artificial stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before development commences and thereafter retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
- 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Classes A to E of Part 1, Schedule 2 of Article 3 and Class A of Part 2, Schedule 2 of Article 3 shall take place.  
REASON: Control is needed to preserve the character and appearance of the conservation area and the adjacent listed building.
- 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.
- 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 the dwellings hereby permitted are occupied.  
REASON: To ensure a safe and adequate access.

- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance).
- 10 If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.  
REASON: To ensure that any unexpected contamination encountered during the developments is suitable assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water.
- 11 The proposal shall be carried out in accordance with the mitigation measures set out at Sections 4 and 5 the BSG Ecology Bat Survey Report dated September 2014, to the extent that the recommendations relate to the application site.  
REASON: To ensure the safety of protected species and to safeguard and enhance biodiversity.
- 12 Notwithstanding the approved plans, 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 show the location, size and condition of all existing trees and hedgerows on and adjoining the site and identify those to be retained together with measures for their protection during construction work. It must show details of all planting areas, including species numbers and sizes. The proposed means of enclosure and screening shall be provided together with details of all mounding, walls, fences and hard surfacing materials to be used throughout the development. The approved scheme shall be fully implemented by the end of the planting season immediately following the completion of the development. Any landscaping, means of enclosure and hard surfacing associated with each approved dwelling shall be laid out and constructed before that dwelling is occupied. The approved scheme shall be retained thereafter unless otherwise agreed in writing with the Local Planning Authority. 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.

Application Number	I4/02158/HHD
Site Address	Nutberry House Mawles Lane Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6DA
Date	21st January 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Shipton Under Wychwood
Grid Reference	427928 E 217619 N
Committee Date	2nd February 2015

### Application Details:

Installation of woodburner flue through living room roof, installation of satellite dish on gable (part retrospective)

### Applicant Details:

Mr K Dyer  
Dove Barn  
Mawles Lane  
Shipton Under Wychwood  
Oxfordshire  
OX7 6DA

## I CONSULTATIONS

I.1 Parish Council No objection.

## 2 REPRESENTATIONS

2.1 Two letters of representation have been received from Mr Willson of Court Farm, Mawles Lane and Mr Gittings of The Gatehouse, High Street and they are summarised below:

- The TV mast is higher than any other vicinity and the stovepipe is out of keeping with the character of the building.
- The insertion of the chimney flue without planning consent is particularly unfortunate. It emerges from a single storey roof and so the smoke emissions and smell will be at the same height as bedroom windows of neighbours in the vicinity and will intrude into our gardens.
- This flue, together with the TV mast and satellite dish, will be every bit as damaging to our amenity and the character of the Conservation Area as the rooflights would have been.

## 3 APPLICANT'S CASE

3.1 The stove pipe is of a design and form that one would reasonably expect to see on a converted agricultural building. The introduction of a stove pipe to allow the provision of a woodburning stove and enable the heating of the building in a more sustainable manner is far more appropriate to the former agricultural character and appearance of the building, that the provision of a chimney.



- 3.2 Due to the siting and form of the stove pipe it will not be unduly prominent within the streetscene and will at the very least preserve the character and appearance of the Conservation Area.
- 3.3 The concerns that have been raised regarding the impact of the stove pipe on the amenity of neighbouring residents in terms of fumes are matters that are covered under Building Control. I can confirm that the dwelling has been signed off by Building Control.
- 3.4 The siting of the proposed satellite dish on the gable of the building has been carefully considered to ensure that it will not be unduly prominent within the street scene or from neighbouring residential properties. Again, there are numerous examples across West Oxfordshire where planning permission has been granted for the provision of satellite dishes to former agricultural buildings.
- 3.5 For the avoidance of doubt the TV aerial is considered to be de minimis and is not the subject of planning control. Having regard to the above, it is suggested that the proposed development accords with policy BE2 and BE5 of the adopted Local Plan 2011.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 BE5 Conservation Areas  
 H2 General residential development standards  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

- 5.1 The proposal is for the installation of a black woodburner flue protruding 60cm above the ridge through the living room rear roofslope (retrospective) and the installation of a satellite dish on the east facing gable situated within the Shipton Under Wychwood Conservation Area and Cotswold AONB.
- 5.2 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**

- 5.3 The principle of the addition of chimneys and flues is generally acceptable in policy terms. However, concerns have been raised in regards to the positioning of the chimney flue as it protrudes from a single storey roof and there are worries that smoke emissions and the smell will be at the same height as nearby bedroom windows causing unpleasantness for neighbours.
- 5.4 Officers have consulted building control and they have confirmed that the flue is at a distance that would be acceptable to be approved by building regulations, they require the flue to be located at least 2300mm from the nearest neighbouring property wall to avoid adverse impacts that are created by a wood smoke. The proposed flue is 3100mm away from the nearest neighbouring property 12m from the boundary with Court Farm (and well over 25m from windows at Court Farm) and therefore the flue is considered to be acceptable in amenity terms.

By their very nature, it is likely that the woodburner will be used at times when neighbours would not be enjoying their gardens, i.e. winter months.

- 5.5 There was a previous application for rooflights at this property that was refused on the grounds that they would result in visual cluttering of the roofslope, particularly from the neighbouring garden which bounds the western part of the barn. Officers do not consider that a single flue results in the same visual clutter. It has been positioned away from the garden of Court Farm at the eastern end of the barn to protect their amenity. It is also highlighted that the flue would fail to respect the appearance of the host converted barn however chimneys can be found on existing barns and therefore it is considered on balance to be acceptable.
- 5.6 Concerns have also been raised in regards to the TV aerial, however this application is only seeking consent for the wood burner flue and a satellite dish not the existing aerial and therefore the objections raised in regards to the TV aerial are not applicable.
- 5.7 The satellite dish would not be visible from the street scene (Mawles Lane is over 30m to the south) and what is visible of the flue is considered not to result in a detrimental impact to the Conservation Area or to the wider Cotswold AONB.

### **Conclusion**

- 5.8 In light of these observations, having considered the relevant planning policies and all other material considerations, whilst officers do not condone retrospective applications, your officers consider that the proposed development is acceptable on its planning merits and recommend granting retrospective permission.

## **6 CONDITIONS**

- 1 The satellite dish hereby permitted installed 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 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.