

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 30th March 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

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Application Number	I4/01759/FUL
Site Address	High Fields Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LF
Date	17th March 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Milton Under Wychwood
Grid Reference	426502 E 218437 N
Committee Date	30th March 2015

Application Details:

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

Applicant Details:

Mr Bill Wyatt
c/o Agent

I CONSULTATIONS

- I.1 Parish Council No comments received
- I.2 WODC Env Services – Engineers The info we have does not flag up any issues in the area, no objections subject to soil testing and the imposition of conditions.
- I.3 OCC Highways No objections subject to conditions regarding access, parking and vision splays and the submission of a suitable construction traffic management plan.
- I.4 WODC Architect No Comment Received.
- I.5 Natural England No Objections
- I.6 Thames Water No objections for surface water drainage or water comments subject to informative.
- I.7 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.
- I.8 Parish Council No Comment Received.

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.

2.2 Since the submission of the revised plans there have been three neighbour objections, summarised below;

- * The privacy issues seem better although concerned about possible future provision of windows which may overlook.
- * The development would still be better at single storey
- * The rumble strip may be noisy
- * Orientation of Plot A1 is still intrusive on privacy
- * The overlooking from the properties will adversely affect privacy, single storey would not.
- * There should be a restriction that no dormers or additional windows should be allowed.
- * Removing the greenery from the front of the site will create a stark and harsh landscape.

2.3 One general comment has been submitted asking why Plot A1 could not be rotated as well in the interests of privacy.

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.

6.2 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.

6.3 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.

6.4 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 or visual impacts therefore there should be a clear presumption in favour of development.

6.5 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.

6.6 The layout and design of the dwellings has been influenced by the overall scale and character of the surrounding development.

6.7 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."

3.3 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.

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 Members will recall the application was presented at the February meeting where it was decided a site visit would be beneficial. Before the site visit was undertaken the applicant submitted amended plans which revised the layout of the site, introduced 4 detached dwellings instead of 2 x detached and 2x semi-detached dwellings, and a narrower access to the paddock land north of the site.
- 5.5 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.
- 5.6 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:
- The principle of the development
The Design and Layout
Impact on neighbouring amenities
Impact on Local highway Network
Impact on AONB
Flood risk

Principle

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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

- 5.13 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 detached properties which front Church Road, 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.
- 5.14 At that stage amended plans were received omitting the dormers, which resulted in 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.

- 5.15 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.
- 5.16 In respect of the proposed layout, the amended plans show plot 2 re orientated so that the side, blank gable end faces the road and Plot A1 has been set back slightly more so that it is in line with the front elevation of Windley, respecting the street pattern and building line. 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 and in compliance with policy BE2 of the WOLP 2011.

Impact on neighbouring amenities

- 5.17 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 dwellings extending to two storey and being closer to the frontage of the road.
- 5.18 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 26m to 24m 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 these distances proposed officers do not consider that harm would be caused from this proposal to the extent that would warrant refusal of the application.
- 5.19 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.
- 5.20 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.
- 5.21 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 vehicle 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.

- 5.22 Since the submission of the amendments further neighbour comments have been received concerned about the potential for further windows or dormers to be inserted on the dwellings. The General Permitted Development Order does not allow for dormers on the front elevation, facing a highway, and any side facing windows on first floor or above would need to be obscure glazed and non-opening in order to be considered 'Permitted Development'. Officers do not therefore consider it would be necessary to impose a specific condition removing any permitted development rights.

Impact on Local Highway network

- 5.23 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 buy 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.
- 5.24 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

- 5.25 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.
- 5.26 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.
- 5.27 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 then 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

- 5.28 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 have raised no objections to the scheme on surface water drainage issues subject to necessary conditions.

Conclusion

- 5.29 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.

- 5.30 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

- 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 constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011).

- 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	I4/02014/HHD
Site Address	Redrobe House 9 Church Street Chipping Norton Oxfordshire OX7 5NT
Date	17th March 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Chipping Norton
Grid Reference	431233 E 227283 N
Committee Date	30th March 2015

Application Details:

Construction of outdoor swimming pool and associated outbuilding

Applicant Details:

Mr & Mrs C Bell
Redrobe House, 9
Chipping Norton
Oxfordshire
OX7 5NT
United Kingdom

I CONSULTATIONS

I.1 Town Council

The Town Council strongly objects to this planning application due to it being completely out of character with the surrounding area. The proposed plan is very close to neighbouring properties boundaries. The level of the site is a lot higher than the surrounding properties which would cause disturbances to the neighbours in privacy and noise levels.

2 REPRESENTATIONS

2.1 Four letters of representation have been received and summarised below:

Mr Tysoe - 45 Distons Lane

- Noise pollution;
- Too large;
- Too close to existing boundaries;
- Out of keeping to the area;
- Proximity to Mr Tysoe office (10 metres);
- Their garden is 2 - 2.5 metres lower than Redrobe House's garden;
- Potential wall collapse into our garden;
- Noise of the machinery (pump equipment etc);
- Plumbing of the outbuilding;
- Gym building not in keeping with the surrounding area;

Mr Richardson - The Old Tannery, 41 Distons Lane

- Too close to boundaries
- pump house and intrusive noise for neighbours.

Ms Leonard - 11 Church Street

- The building size and use not appropriate for the area;
- The view of the building and noise impacts for Mr and Mrs Tysoe;
- view of building and noise.

Mr Sinclair - 5 Whitehouse Lane

- Noise from pump room;
- Noise as opposed to visual impact is of concern.

Concerns were also raised in regards to the placement of the site notice and neighbour notification. An additional site notice was placed in a more public viewing point after this was drawn to our attention and the immediate neighbours who we hadn't received any objections from were sent a notification letter of the application and given the opportunity to comment if they wished.

3 APPLICANT'S CASE

- 3.1 I would be grateful if it can be noted that the plant room will be highly insulated and any potential flue will have sound baffles. Therefore any noise break out will be absolutely minimal.
- 3.2 The proposed outdoor swimming pool will be set at ground level. There is a slight cross fall to the ground and therefore the pool has been set at the lowest point.
- 3.3 The small gym building will also provide a small changing area, WC and plant room. The building has been designed and located so as to respect the surrounding boundaries. The building is of similar height to the eastern boundary and has a flat roof.
- 3.4 Trees and hedges have been shown on the drawings and are to be retained.

4 PLANNING POLICIES

BE2 General Development Standards
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

Background Information

- 5.1 The application seeks planning permission for the construction of outdoor swimming pool and associated outbuilding situated within the Chipping Norton Conservation Area and the 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:

Neighbouring amenity
The Conservation Area
The Cotswold AONB

Principle

- 5.3 The application proposes development ancillary to a residential property which is within a residential area.

Siting, Design and Form

- 5.4 The proposed development would not be visible from public viewpoints and there would be no impact on the street scene in this location. The simple, modern, flat roofed design of the proposed building would be unobtrusive and there would be no detrimental effects on the character of the Conservation Area or the Cotswold AONB. The surrounding area, although in the centre of Chipping Norton, is in a residential area and the garden is large enough to accommodate a swimming pool and gym with a reasonable amount of amenity space preserved. The proposed building would not be located in close proximity to any neighbouring buildings.

Residential Amenities

- 5.5 The level of the garden is somewhat higher than properties to the south and concern has been raised about noise, disturbance and privacy. However the applicant is proposing to increase the height of the boundary treatment to the southern boundary to a height of 1.9m and therefore the potential impact on neighbours would be diminished.
- 5.6 Some noise from the use of the pool could arise, but there is no reason to believe that this would be significantly different from normal residential use of the garden space. In any event, use of the pool would be in the summer months when outdoor noise is generally greater as a result of many people using their outside space and operating lawn mowers and other garden machinery. The pump would be contained within the proposed building which is not close to any neighbouring building, and separated from neighbouring gardens by stone walls. It is unlikely that operation of plant within the building would give rise to unacceptable impacts on neighbouring amenity.
- 5.7 The proposed gym is single storey and the majority of the proposed building would be screened by the existing boundary treatments. It is considered no adverse effects would be caused to neighbouring amenity through the loss of light. Concerns have also been raised by 45 Distons Lane whose property abuts the end of the garden where the swimming pool will be located. The applicant has amended the scheme to increase the boundary treatment to 1.9 metres to reduce any potential privacy issues.
- 5.8 The proposed swimming pool is located at a distance from the boundary wall to not cause harm to the existing boundary wall. Officers have consulted the WODC drainage engineers on the scheme and a condition regarding drainage is recommended.

- 5.9 Concerns were also raised in regards to the placement of the site notice and neighbour notification. An additional site notice was placed in a more public viewing point after this was drawn to our attention and the immediate neighbours were sent a notification letter of the application if they had not already objected and given the opportunity to comment if they wished.

Conclusion

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

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 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.
- 4 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and the supporting Technical Guidance).

- 3.2 The current occupants have no use for the building for BI purposes and are therefore seeking planning permission for its use for ancillary residential purposes. They do however recognise that at some point in the future, if they move from the site, the employment use may be attractive to a different occupier and therefore rather than seeking a change of use to ancillary residential use alone, they have suggested permission could be granted for a flexible use of the building. This would not therefore result in the loss of the employment generating use, just the addition of an alternative use.
- 3.3 As it stands there is no requirement for the BI space to be occupied. The proposed change of use would not therefore result in any loss of otherwise active floorspace. The choice is really between the building sitting empty without a use (which is undesirable as it is a heritage asset and as such the priority should be to seek a viable use for it rather than see it lie dormant without heating or investment) or it seeing active use for ancillary residential purposes and the ability to be used for employment purposes if that is the desire of a future owner of the building.
- 3.4 In the meantime and during the current ownership of the applicants the change of use would ensure the building finds active use, is maintained and heated and therefore protected for the enjoyment of future generations.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

E6 Change of Use of Existing Employment Sites

H2 General residential development standards

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

5 RELEVANT SITE HISTORY

11/0153/P/FP: Retention of (the former station building), demolition of extension to Youngs Garage and other outbuildings. Demolition of car showroom and rear additions of 6, 8 and 10 Oxford Street. Removal of dwelling known as 6 Hensington Road. Alterations to existing access from Oxford Street and pedestrian/cycle links only to Hensington Road and New Road through and across the site. Alterations to Punchbowl Cottage. Erection of 31 new dwellings, the conversion and the change of use of two existing offices (4 and 8 Oxford Street) to dwellings, the conversion of upper floors of 10 Oxford Street to provide one additional apartment. Use of the former station as workshops (to be used in association with the nearby homes) and associated car parking and landscaping.

10/0740/P/DCA: Demolition of Youngs Garage and related buildings at 4 Oxford Street, Woodstock. Conservation Area Consent was refused for the following reason:-

The former station building makes a positive contribution to the character and appearance of the Woodstock Conservation Area. In the absence of an acceptable scheme for the comprehensive redevelopment of the site, the proposal is considered to be contrary to Policies BE5 and BE6 of the adopted West Oxfordshire Local Plan 2011 and guidance contained within PPG15 'Planning and the Historic Environment'.

10/0739/P/LB: Alterations to 6, 8 and 10 Oxford Street, Woodstock at 4 Oxford Street, Woodstock. Listed Building Consent was refused for the following reason:-

In the absence of an acceptable scheme for the comprehensive redevelopment of this site, it has not been demonstrated that the proposal will not have a detrimental impact upon the special architectural or historical interest of the building. As such, the proposal is considered to be contrary to Policy BE7 of the adopted West Oxfordshire Local Plan 2011 and guidance contained within PPG15 'Planning and the Historic Environment'.

10/0738/P/FP: Erection of 33 dwellings, shop and offices with associated parking, roads & landscaping together with rear extensions to 6, 8 & 10 Oxford Street including change of use of upper floors of No 10 to offices at 4 Oxford Street, Woodstock. Planning permission refused for the following reasons: -

1 The proposal involves the loss of an existing employment site and it has not been demonstrated that the site is not capable of being used or redeveloped for employment purposes or that substantial planning benefits would be achieved by allowing alternative forms of development. As such, it is considered that the proposal is contrary to Policy E6 of the adopted West Oxfordshire Local Plan 2011.

2 Due to the siting, scale and form of the proposed development, the proposal will have a detrimental impact upon the character of the streetscene, the appearance of the wider Conservation Area and the setting of adjacent Listed Buildings. As such the proposal is considered to be contrary to Policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011 and guidance contained within PPG15 'Planning and the Historic Environment'.

3 The former station building makes a positive contribution to the character and appearance of the Woodstock Conservation Area. In the absence of an acceptable scheme for the comprehensive redevelopment of the site, the proposal is considered to be contrary to Policies BE5 and BE6 of the adopted West Oxfordshire Local Plan 2011 and guidance contained within PPG15 'Planning and the Historic Environment'.

6 PLANNING ASSESSMENT

6.1 This planning application seeks retrospective planning permission for the change of use of a workshop to the rear of an existing property from B1 use to B1 use and for ancillary residential use associated with the main dwelling at 6 Ashford Close.

Background Information

6.2 The property in question is situated amongst a modern housing development approved under permission 11/0153/P/FP. The workshop is part of a former station building to the rear of No.6. The workshop is accessed through the private garden of the main dwelling. The site is not Listed, however it is considered a non-designated heritage asset. The site is located within the Woodstock Conservation Area. The proposal does not seek external alterations to the building in question.

6.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key consideration of the application are:
Principle and Residential Amenity.

Principle

- 6.4 The former station block that the application refers to, is sectioned into three and situated to the rear of the three properties. Under the original granting planning consent (planning reference 11/0153/P/FP) the following condition applies:
- Condition 17: The workshops as detailed on plan 2385.12 Rev A shall be used for B1 purposes and for no other purpose (including any other purpose in Class B of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON: The site is only suitable for the use specified due to the close proximity of neighbouring properties (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan, 2011).
- 6.5 The occupiers currently use the workshop as a hobby room, for painting and reading and as a garden room. As such the occupiers are in breach of condition 17.
- 6.6 Policy E6 of the West Oxfordshire Local Plan, 2011 states the change of use of existing premises and sites with an established employment use to non-employment uses will not be allowed unless
- a) It can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - b) the site or premises is considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - c) Substantial planning benefits would be achieved by allowing alternative forms of development.
- 6.7 Given that the access to the workshop is through the private garden of No. 6 Ashford Close, officers are of the opinion that to regularise the retrospective change of use, would be logical. Officers therefore consider that the retention of the B1 use and change of use to include ancillary uses in association with the main property would be in accordance to Part (b) of Policy E6 of the West Oxfordshire Local Plan, 2011.
- 6.8 The former station building, whilst not formally Listed by English Heritage or Locally Listed has been identified as an important heritage asset within the Conservation Area. This was identified by the Inspectorate during the appeal for a similar scheme at the site - Appeal Reference APP/D3125/A/09/2104658 against a scheme that proposed the demolition of the building (planning reference 08/1059/FP). The granting consent (11/0153/P/FP) for the redevelopment addressed these concerns and proposed for the retention of the building and external enhancement. Whilst this application does not propose any external changes to the workshop, the future of its maintenance is of key consideration.
- 6.9 Policy BE5 of the West Oxfordshire Local Plan states that special architectural or appearance of the Conservation Areas should be preserved and enhanced. Furthermore Paragraph 131 of the National Planning Policy Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them into viable uses consistent with their conservation should be taken into consideration in the determination of applications involving such heritage assets.

- 6.10 Your officers consider that given the BI use at the workshop has ceased, its relationship with the dwelling, and the desirability of on-going use, the proposal to allow ancillary use in connection with the dwelling is acceptable.

Residential Amenity

- 6.11 It is considered by your officers that there would be no impact by the change of use of the building to the detriment of the immediate neighbouring properties.

Conclusion

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

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 workshop as detailed on Plan O.333.PL 224 shall be used for the purposes of BI Use and ancillary uses to the main dwelling at 6 Ashford Close (C3), and for no other purpose (including any other purpose in Class B; of the Schedule to The Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
REASON: The site is only suitable for the uses specified because of the special circumstances of the site.

Application Number	15/00210/HHD
Site Address	6 Chapel Row Chadlington Chipping Norton Oxfordshire OX7 3NA
Date	17th March 2015
Officer	Cheryl Morley
Officer Recommendations	Approve
Parish	Chadlington
Grid Reference	433086 E 221920 N
Committee Date	30th March 2015

Application Details:

Erection of single storey and two storey rear extension and detached double garage with store.

Applicant Details:

Mr and Mrs V Pashley
6 Chapel Row
Chadlington
Chipping Norton
Oxfordshire
OX7 3NA

I CONSULTATIONS

I.1 Parish Council

It would damage the intrinsic value of the row of cottages and their gardens.

- Over-development;
- Invasive to neighbours;
- Garage would change this area completely and set precedent and may then become a house.
- Scale of the extension seems rather large, given there are no other two storey extensions in that row.
- Contrary to policy to BE2 and BE4.
- No clarity about the nature of the workshop and issues relating to increased traffic and possible noise to neighbours.

2 REPRESENTATIONS

2.1 Five letters of representation has been received to date and summarised below.

Mr Bailey - The Manor, Chadlington

- Objection to the use of the access down Watery lane to the double garage and workshop as further development will be detrimental to the lane.

Mrs Magee - Glebe Cottage, East End, Chadlington

- Increase traffic;
- Possible noise and disturbance from workshop;
- Amendments to frontage are inappropriate for the general look of the row of cottages;
- Extension would spoil character of long gardens;

Mr and Mrs Wigley, Holybourne House

- Impact on the character of area, design, massing and materials;
- Impact on trees and biodiversity;
- Assessment of non-designated heritage asset;
- AONB;
- Other matters; Use of access, loss of residential amenity and site red line;

Mrs Colchester - 7-8 Cob Cottage Chapel Row, Chadlington

- Impact on large trees the other side of the boundary hedge and proximity of the proposed garage to the Cedrus;
- Loss of chimney to a window;
- Proposed materials;
- Increased overlooking into the garden of 7-8, Chapel Row;
- Loss of light;

Mrs Dewar -The Grey House, East End, Chadlington

- Scale and appearance;
- Traffic down Watery Lane;
- Impact rural, central part of the village.

3 APPLICANT'S CASE

- 3.1 With regard to the existing house, this has been in the family for many years and is to be extended and refurbished and to include the creation of better facilities and amenities.
- 3.2 The proposed extension is relatively modest and set in from side boundaries so as not to impact on adjacent properties yet complement the existing dwelling.
- 3.3 The property has an extensive garden with existing rear access and a small garage which is unfit for modern purposes. It is proposed to remove this and construct a good sized double garage and workshop/store set in from the rear and side boundaries with additional parking and turning head to allow exit in forward gear. This has been set 1.5 metres from the side boundary to number 7 to avoid affecting the boundary hedgerow.
- 3.4 The garage has been set so as to have no impact on adjacent buildings or private areas so as to be intrusive yet retain association with the existing main house. Materials hence have been selected to reflect the main house extension form.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
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 proposal is for the erection of a single storey and two storey rear extensions and detached double garage with store situated within the Cotswold AONB.

Background Information

- 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;
- The Cotswold AONB.

Principle, Siting, Design and Form

- 5.3 The form, design and massing of the proposed development is considered to be acceptable.

Highways

- 5.4 Concerns have been raised in regards to the proposed garage and the impact of the proposed garage would have on Watery Lane. However, the applicant already has right of access to their rear garden and the existing garage and therefore it is considered no further adverse effects would be caused to Watery Lane.
- 5.5 The applicant has also amended the location of the garage to be a further 2 metres away from the side boundary to reduce the impact on the trees located at the neighbouring property No. 7.

Residential Amenities

- 5.5 Concerns have been raised by the Parish Council in regards to the proposed development damaging the intrinsic value of the row of cottages and their gardens through the following:
- Over-development;
 - Invasive to neighbours;
 - Garage would change this area completely and set precedent and may then become a house.
 - Scale of the extension seems rather large, given there are no other two storey extensions in that row.
 - Contrary to policy to BE2 and BE4.
 - No clarity about the nature of the workshop and issues relating to increased traffic and possible noise to neighbours.
- 5.6 It is stated that there are no other two storey extensions along this row of cottages. However, there are an extensive range of single storey extensions located along the row of cottages. Therefore, the character and appearance of the rear of the row is not uniform and extensions are acceptable in principle.

- 5.7 The location of the two storey extension is central to the plot with significant separation to the plot boundaries at either side. The projection would be 3.4m. The single storey element has a slightly greater projection at 4m. The west boundary is marked by a substantial blockwork wall which would screen much of the extension from the neighbour on this side, at a distance of approximately 2.5m. To the east the main rear elevation is set further back and the closest part of this property would be approximately 3.5m from the extension. As the rear elevation of the row faces south, there would be no material loss of light to either neighbour. No first floor side windows are proposed and there would be no loss of privacy.
- 5.8 It also is suggested that the proposed garage would change this area and set a precedent for other development. However, at the end of Watery Lane there is a substantial garage block which is very close to the proposed double garage. The workshop is detailed as a workshop store and therefore it is considered that the garage would not be used for anything other than the ancillary uses of a normal residential dwelling. It is suggested that a condition is attached if approved to restrict the use of the garage to only uses ancillary to the existing dwelling. The garage building is single storey with a height of 4.8m. It provides two garage bays with a small storage area. It is proportionate in scale to the dwelling and would not be harmful to the character and appearance of the area.
- 5.9 Policy BE4 deals with open spaces within the adjoining settlements. As the proposed site is an enclosed private garden, it is considered that this policy would not be applicable to the proposal.

Conclusion

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

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 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.
- 4 The garage and workshop hereby approved shall be used for the parking of vehicles and workshop activities ancillary to the residential occupation of the dwelling and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

- 5 The external walls of the development; proposed to be rendered 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.

- 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 under Schedule 2, Part 1, Classes A to E of the Order shall be carried out other than that expressly authorised by this permission.
REASON: The proposal represents significant alteration, extension and increase in scale of the dwelling. Further alterations and development could be harmful to the character of the building, the character of the Cotswolds AONB, and could represent overdevelopment.