

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 1st June 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	15/00197/OUT
Site Address	Land South Of High Street Milton Under Wychwood Oxfordshire
Date	20th May 2015
Officer	Abby Fettes
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426208 E 217877 N
Committee Date	1st June 2015

Application Details:

Erection of up to 70 dwellings, landscaping including change of use, formation of footpath and creation of ecological enhancement area, and ancillary infrastructure and enabling works (Outline)

Applicant Details:

Sharba Homes Ltd
C/o Agent

I CONSULTATIONS

- I.1 One Voice Consultations
- Transport
No objection subject to S106 and conditions
The application proposes an appropriate form of vehicular access and is considered acceptable subject to detail and technical approval via Section 278 agreement. The access will require extension of the speed limit with amendment of the relevant traffic order and relocation signage and provision and deletion of road-markings. Pedestrian access is proposed separately to the vehicular access at the North West corner of the site. This is acceptable subject to detail which should include appropriate links to existing pedestrian network via dropped crossings etc. Provision should be in accordance with guidance of Inclusive Mobility.
The drainage strategy must be approved prior to commencement of development. I note the submitted drainage strategy does not contain soil infiltration information. This must be included to enable an accurate calculation of the proposed drainage design.
I consider traffic generation is underestimated in the submitted transport statement, however when considering higher trip rates the conclusions remain correct in terms of impact upon capacity. Existing and potential levels of 'rat running' has been considered but is shown to be relatively small.
- Archaeology
No objection subject to conditions

Education

Approval subject to the conditions

No Section 106 currently expected to be required for expansion of permanent primary school capacity in the area. Wychwood CE Primary School is the catchment school for this development. No Section 106 currently expected to be required for necessary expansion of permanent secondary school capacity in the area. This site lies within Burford School's designated catchment area.

Property

No objection subject to S106

I.2 Wildlife Trust

No Comment Received.

I.3 Cotswolds
Conservation Board

The Cotswolds Conservation Board* object to this outline planning application for the following reasons:

1 The emerging Local Plan directs most development to the three main settlements and larger towns (not villages of this size).

2 The current Local Plan considers this to be a medium sized settlement (and under Policy H6) and is only suitable for infill, rounding off within the existing built up area and conversion.

Therefore both in terms of scale and nature of development on a greenfield site, this will not be in accordance with Adopted or Emerging policy.

The development of this site will have a negative impact on the character and special qualities of this nationally protected landscape through a clear urban extension out into an exposed open agricultural field outside the settlement boundary. The site is visible in the landscape from a variety of public viewpoints and rights of way whilst the existing settlement boundary in this location is relatively well landscaped creating a clear break between the urban area and open countryside. The development would therefore fail to meet the requirements of the CROW Act 2000 that seeks the conservation and enhancement of the AONB.

Paragraphs 115 and 116 of the NPPF are relevant in this case (and paragraph 14 Footnote 9 applies given the AONB restrictions). The presumption in favour of sustainable development does not apply, whilst the protection of the AONB is afforded great weight. I attach a very recent appeal decision from within the Cotswolds AONB at Broadway where the Inspector concluded that 70 homes in that case was major development based on local context and therefore Paragraph 116 of the NPPF applied. The concluding paragraph of the attached appeal decision states:

Overall, however, the proposed development would be contrary to the development plan; there would be harm to the landscape and scenic beauty of the AONB, to which the Framework advises that great weight should be given; and some less than substantial harm to

the setting of the Conservation Area. Taken together, this amounts to a considerable degree of harm and I conclude that it is not outweighed by the other material considerations advanced in support of the development. I do not consider that the identified harm can be overcome by the imposition of conditions and so I dismiss this appeal.

The Board therefore considers in relation to Paragraph 116 of the NPPF that there are no exceptional circumstances in this case to support this proposal; the conservation and enhancement of the AONB is in the public interest; there will be a significant impact on the landscape; housing need can be met in some other way and it would not have an overriding benefit on the local economy.

I.4	WODC Community Safety	No Comment Received.
I.5	WODC Env Health - Uplands	No Comment Received.
I.6	OCC Environmental Services	No Comment Received.
I.7	Environment Agency	<p>The proposed development is located in Flood Zone 1 (low probability) based on our Flood Zone map. Whilst development may be appropriate in Flood Zone 1, Paragraph 103 (footnote 20) of National Planning Policy Framework (NPPF) sets out a Flood Risk Assessment should be submitted for all developments over one hectare in size.</p> <p>We note that a FRA has been submitted in support of the proposed development.</p> <p>The West Thames Area is operating a risk based approach to planning consultations. As the site lies in Flood Zone 1 and is between 1 and 5 hectares we do not intend to make a bespoke response to the proposed development. The following standing advice is provided as a substantive response to you. If this advice is used to refuse a planning application, we would be prepared to support you at any subsequent appeal.</p> <p>In order for the development to be acceptable in flood risk terms we would advise the following:</p> <p>Surface Water Flooding</p> <p>Our flood risk standing advice (https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities) contains guidance on what FRAs need to include. Key points for developments in Flood Zone 1 (cell F5) are:</p> <p>Surface water runoff should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development runoff rates and volumes or where possible achieving betterment in the surface water runoff regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)</p>

An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall, as described in Paragraph 68, part 4, (Reference ID: 7-068-20140306) of the Planning Practice Guidance. Further guidance can be found on our website at the following

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296964/LIT_8496_5306da.pdf

The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

Attached Guidance & Pro-Forma

We attach some additional guidance which also contains a pro-forma which the developer should complete and return to you. The completed pro-forma will act as a summary of the surface water drainage scheme on the site and asks the developer to confirm that surface water flood risk will be adequately managed on site so as to not cause an increase in flood risk.

Final Comments

We trust the standing advice in this letter will assist you in reviewing the flood risk matters of the proposed development and in determining the planning application. We recommend that you liaise with your Land Drainage Engineer in consideration of the above.

I.8 WODC Head Of Housing

With regard to this outline application for residential development, I can confirm that there are currently 70+ households who would qualify for affordable housing in Milton Under Wychwood were it available today.

In line with the emerging Local Plan, WODC will be seeking an affordable housing provision of 50%. Of this, the mix and tenure will be as close to the following as possible;

65% smaller units, 35% larger family units

In the region of 2:1 ratio of affordable rented homes to shared ownership, or 70% rented to 30% shared ownership

In recognition of the ageing population we would also seek a percentage of homes to be accessible and adaptable housing (formerly Lifetime Homes). There is evidence to support provision of a small number of wheelchair compliant homes.

I would be in a position to support this application on the condition that the affordable provision was no less than the following;

25 rented and 10 shared ownership

The inclusion of 4 accessible and adaptable homes, and 2 wheelchair compliant homes within the 50% affordable provision.

I.9 WODC Planning Policy Manager

No Comment Received.

I.10 WODC - Sports

No Comment Received.

- I.11 WODC - Tourism No Comment Received.
- I.12 Natural England Cotswolds Area of Outstanding Natural Beauty (AONB)
 Having reviewed the application Natural England does not wish to comment on the specific landscape impacts of this development proposal.
- Protected Species
 We have not assessed this application and associated documents for impacts on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- Biodiversity enhancements.
 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.
- I.13 Adjacent Parish Council Shipton under Wychwood Parish Council
 Application for Outline Planning Permission for up to 70 Houses
 Comments on Application 15/00197/OUT
- Overview
 The Parish Council wishes to object to this application. The Parish Council does not usually comment on applications for development outside its boundaries but because of the implications of this proposal for the integrity of the local AONB status and in particular the adverse effect on infrastructure within its area, it is anxious that its views are fully taken into account. The Parish Council wishes to confirm that it has always favoured balanced development and managed growth in the housing stock to maintain a 'living' village and meet the needs of young people who wish to remain locally, elderly parishioners who wish to down size and incoming residents who wish to develop a new lifestyle here. There is thus a case for new development particularly to encourage younger families to counterbalance the increasingly aging demographic caused in part by the presence of three substantial care homes. But this is not it. Parish Council therefore believes that this is the wrong development in the wrong location. Its more detailed reasons are as follows
 The AONB and the Rural Environment.

The site lies with the wider AONB and in that sense Milton and Shipton have a shared interest in its protection and the sensitivity and appropriateness of any development. In this case the application extends the village into open countryside and impacts heavily on the visual amenity for many areas within the Evenlode Valley. The elevated position makes it highly visible a factor exacerbated by extensive light pollution at night. The development is highly intrusive and contrary to the extant policies BE2, NE3 and NE4 of the Cotswold AONB Management Plan. There are no exceptional circumstances to justify such a departure and the balance that needs to be struck in these cases weighs heavily in favour of rejecting this application.

The Shipton Infrastructure

The potential damage to the Local environment may be conveniently examined under the following headings:-

Roads and Traffic

The development would be linked to the main road network at the junction with the A361 via Shipton and Milton Roads. These are minor roads which are currently heavily trafficked. Normal planning standards would imply that 70 additional dwellings would generate an additional 500+ vehicle movements per day on a road that is already grossly congested. In particular the village is served by a modestly sized Coop which has no off road parking and receives daily deliveries from large vehicles. The school which is within the Shipton boundary generates daily peaks of traffic with no turnaround space. The current drop off arrangements and non school passing traffic already constitute a source of danger that is currently receiving police attention. Additional school attendance would add to the serious problem that currently exists.

Flooding

Contrary to SHARBA Homes statement regarding Flood Risk Assessment, both Milton and Shipton have in recent years been subject to substantial flooding. Certain flood protection works have been undertaken by the Environment Agency and others but these were not dimensioned with a development of this size in mind. Given the elevated location of the site and the potential for substantial runoff, the Parish Council believes that insufficient attention has been devoted to this enhanced flood risk to areas downstream from the watercourse south of the development which feeds into Littlestock Brook near the Milton/Shipton boundary.

Sewerage.

Both Milton and Shipton are served by a sewage farm on the boundary of the two parishes. It is also fed by a high pressure line from Ascott which has occasioned foul water and sewage contamination in locations such as the Prebendal in Shipton. By common consent the facility and its supporting pipework is antiquated and a further strain imposed by a further 70 dwellings may well tip it over into very major service problems on the brink of which it already teeters.

Broadband.

The site is served from the Shipton exchange and the current level of service to Milton is degraded by distance. There are no clear plans to uplift this service nor provide high speed broadband to the site. The Parish Council is concerned that attempts to squeeze more capacity out of the Shipton will degraded local service nor when the 830/831/832 numbering system will exhaust.

The Primary School

The local primary school is situated in Shipton and is currently near or at full capacity. To cater for the extra demand generated it would need to either expand its classroom capacity and teaching staff or deny access to pupils from other areas to make room within the existing capacity. While senior teaching staff believe that this is a viable way forward, with respect, the Parish Council is not convinced that this is either feasible or sensible. Pupil space planning is not an exact science and the denial of entry to pupils from other villages who may have a sibling connection is undesirable. Inevitably the standard of education will degrade while longer term adjustments are made. In addition to the capacity issue increased traffic and the consequent effect on child road safety remains a major concern.

The Surgery

The Wychwood surgery is located at the end of a narrow dead end rural road and has very limited off road parking. This Parish Council is concerned that a substantial development as proposed would inevitably add to the severe congestion that already exists. Further development in the Wychwoods cannot be considered in isolation without due regard to the increase in traffic volume and the resultant impact on the road access to facilities such as this. Off road parking must be a major consideration. As far as medical services are concerned rural practices have difficulty retaining and recruiting GPs and the extra workload is likely to result in a diminution of the service provided.

Conclusion

The Parish Council would wish the current application refused for the reasons stated above.

I.14 Parish Council

I write in relation to the above planning application about which the Parish Council objected to at their monthly Parish meeting on Wednesday 18th February.

There were an exceptionally high number of the village residents present at the meeting (approximately 150 compared to the usual 15) to express their feelings about the proposed development and to observe the outcome of the Councillors vote. After considering both the opposition and the support for the housing development the Council voted to object to the application for a number of reasons listed below which the Parish Council and residents in opposition sincerely hope the Planning Officers take into consideration when making their decision:

1) The negative ecological impact on AONB of concreting over existing farm land with little justification of exceptional circumstances

for such a large development on an AONB site

2) Elevated area of natural beauty of site in question will mean that the new development will be visible from almost every point in the village and further afield

3) Whilst the village has fantastic services for its current residents, the large number of houses proposed would cause these to be overstretched and reduce their success and quality of service, particularly, the doctors surgery and school

4) Worsening of already difficult parking, with potential for 100+ additional cars belonging to new residents, particularly along High Street, locally considered a single lane road

5) The unknown impact of the large Green Square housing development on Shipton Road on parking and traffic which is due to open in the Spring 2015 prevents a true evaluation of the extra impact of the Sharba development. NB. A recent planning application appeal was recently

dismissed due to concern over existing parking and traffic problems on the High Street (see Ref APP/D3125/A/14/2226134 and APP/D3125/A/14/2226270) which states reasons for dismissal of the application as, amongst other reasons:

On both occasions that I visited the site, I saw that cars parked along most of the length of the High Street, as well as around the corner on Shipton Road. In addition, when I visited the site as part of the hearing, I saw that the school bus could not park by the bus stop due to parked vehicles and the free flow of traffic was prevented while passengers dismounted. Therefore, whilst I note the lack of objection from the Highway Authority, I am not convinced that the shortage in parking provision for the Quart Pot would not result in highway safety problems resulting from on-street parking.

6) The precedent will be established for further development should principle of infill development be breached as would be case with site in question which is not infilling whatsoever

7) Clear opposition to development amongst villagers as demonstrated by more than 350 village residents who signed petition and results of PC online poll

The Parish Council ask that you carefully consider these objections together with the comments made online via the WODC Planning Portal, in the local press and via the village website online poll. However, should planning permission ultimately be granted for this Application the Parish

Council would like to be considered for Section 106 payments of £65,000 for new play equipment, £18,000 for an extension to the Village Hall and £23,000 to tarmac the Village Green drive way.

Please note that these are indicative amounts which can be accurately quantified should permission be granted.

I.15 Thames Water

No objection subject to conditions

I.16 WODC Drainage Engineers

I agree that the site is in Flood zone 1 as stated in the FRA. I would urge WODC NOT to adopt the proposed balancing pond,

although the decision on adopting the POS is for others to make.
The use of Porous paving is supported.
The BRE365 tests should be carried out asap, due to the time of year, to firmly establish the accurate infiltration rate. That will assist in defining the Soakaway design.
The Highway authority will require a wayleave to maintain the highway drainage.
Flood pathways should be clearly shown on any reserved matters application submitted (for events in excess of 1:100+30CC)
The proposals and options for the disposal of surface water are satisfactory in principle, although I will consider the detail at the next stage if the application is successful. Obviously, the relevant condition would need to be attached a consent granted for this application.
Can I be sent the EA pro forma for review and/or any comments received from the EA.

1.17 WODC Env Services - No Comment Received.
Waste Officer

2 REPRESENTATIONS

2.1 The application was advertised with several site notices but it would be almost impossible not to know about the application given the level of local publicity within the Wychwoods. Consequently over 400 representations have been received.

2.2 They are summarised as follows:

2.3 Policy

- The development would conflict with the NPPF, which gives AONBs the highest level of landscape protection (and where development is not allowed other than in exceptional circumstances), and with Local Plan Policies BE2, NE3 and NE4 to protect the local landscape.
- The site is outside the built-up area and so is contrary to Local Plan Policy H6.
- The emerging Local Plan identifies Milton as a 'village' because it lacks the services and facilities required to sustain major growth.

2.4 Scale and impact on infrastructure

- The development is too large for a relatively small village and would have an urbanising effect.
- No thought has been given to road, school, medical centre, Coop (and its parking) etc infrastructure.
- The village has few services with the public houses now closed, the post office running only part time, telephone service frequently interrupted and broadband speeds low.
- Classroom numbers at the village school already exceed government guidelines and any new classrooms would be at the expense of the sports field - a valuable facility.
- The local surgery is very busy and is unable to undertake minor procedures that are carried out in other surgeries.

- The social network infrastructure could not cope with a 10% increase in households in addition to the 44 new units this year.
- The influx of urban residents would be likely to increase crime because of the absence of recreational facilities for young people.

2.5 Traffic impact

- The development would be unsustainable: it would increase road traffic contrary to Government policy because there is insufficient local employment (and no proposals to increase it) and inadequate local train services (anyway involving a drive through the village to Charlbury, Kingham or Shipton, despite limited parking at the stations) and bus services, which reduced last year with services to Chipping Norton and Kingham Station and the direct service to Witney stopped. Travel to Oxford by bus involves several changes.
- The lanes connecting Milton to the A40 and A424 are inadequate (too narrow, congested, poorly surfaced, winding and with limited visibility) for so much additional traffic.
- The road through Upper Milton is unsafe, very liable to flooding and ice and has been the scene of accidents involving school buses because a bus and car cannot pass safely.
- The development would exacerbate existing traffic congestion and dangers on Milton High Street and other village roads.
- The increased traffic would be a hazard for walkers in Upper Milton where there are no footways and only steep verges.
- Increased traffic would be a hazard on the main route to and from the village school.
- Increased 'rat-running' in New Road/Upper End and in Jubilee Lane, The Sands and Frog Lane (where there are no footways in places) as motorists seek to avoid congestion in High Street to access the A361.
- The traffic assessment's prediction that only 22 cars would leave the development at peak times is nonsense.
- The traffic impact of the 44 permitted flats has yet to be established.
- Parking is already a problem in Meadow Lane, outside the Coop and in Shipton Road at school time and will be exacerbated when the 44 extra care homes are occupied: effectively creating sections of a single track road.
- It would not be safe for residents to walk from the site because there is no footway on that side of the road.
- The site is too far from the school for children to walk so parents would use their cars adding to existing traffic and parking congestion.
- A 7.7 ton vehicle restriction at Upper Milton would result in heavier construction traffic reaching the site past the primary school, an Extra Care Housing complex, a builder's yard, most village amenities (with associated parking), a dangerous three way road junction and High Street (with associated parking).
- The access road is lower than the site itself, so in icy conditions cars could slide into the road or the house opposite. The road is also narrow (4.9m), so site access for construction vehicles would be a danger for other road users. Adequate visibility cannot be secured without removing part of the boundary wall contrary to the developer's commitment to restore it.
- Any access should be located only 25 metres outside the village.
- The safety and security of residents, particularly the young and elderly, should be a paramount consideration.
- Traffic safety/calming measures would not address the traffic problems created and would only introduce more delay and visual pollution

- The traffic assessment wrongly states the width of the High Street

2.6 Landscape and character

- This would be urban sprawl.
- The development would be out of scale and character in a Conservation Area.
- The site is one of the highest and most prominent and the development (which could include three storey buildings) would be visible from substantial distances and would be harmful to the AONB: it would be particularly prominent on the approach to the village from the south west and would dominate views across the Evenlode valley.
- The site is far more visible than the site (SHLAA site 141) north of Milton Church where the Council has concluded that development would be unacceptable for because of its impact on the AONB.
- The significant increase in population and the high density development would dramatically change the character of the village.
- The old houses in Jubilee Lane are an historical boundary of the village and contribute to the AONB: they would be screened by the proposed housing.
- The site lies on the green fringe of Milton, with a quiet, rural feel, and fronts onto a narrow country road: rural qualities which contribute to the AONB and to landscape biodiversity which the NERC Act requires all public bodies to consider. The development would significantly contribute to the urbanisation of Milton.
- The whole of the natural stone retaining wall at the edge of the field and its ancient gateway should be restored to its former glory.

2.7 Biodiversity impact

- The ecological enhancement area would not make up for the loss of the well-established natural ecology/habitats, including stone walls and verges, and the wildlife that is enjoyed by users of the existing footpath

2.8 Drainage

- Flooding - the estate is on a slope towards Jubilee Lane.
- Rainwater would inevitably flow down inadequate drains in High Street into Littlestock Brook causing further flooding.
- No balancing pond would cope with storms like those in 2007 and would lead to flooding in villages downstream
- The existing sewerage system is at capacity and proposals for sewage disposal are unclear.

2.9 Living conditions

- Light pollution, loss of views and overlooking of properties and rear gardens in Jubilee Lane.
- An access track at the rear of properties where none exists would pose a security threat and cause a loss of privacy.
- Noise and disturbance from the intense use of the estate and from traffic on village roads
- The site access is directly opposite a historical cottage causing misery for its occupants in terms of privacy and headlights in particular.

2.10 Need and other options

- The housing needs in the SHMA and draft Local Plan are massively overstated and the development is not justified.
- The emerging Local Plan makes adequate provision for the housing needed without this development.
- Some housing could be accommodated in the village by infilling.
- All brownfield sites should be developed before any greenfield sites.
- The main need is affordable housing for young people who want to remain in the area, but this would be larger houses for commuters by car.
- Additional housing should be in garden villages (such as at Lower Rissington MoD land) not in village extensions.
- The affordable housing is unlikely to be really affordable by those wanting to buy a property.

2.11 Other issues

- The land prime agricultural land would be permanently lost for food production, requiring more to be imported: this is unsustainable, unjustifiable and unwise in an uncertain world.
- The application is in outline, so if the principle is accepted a precedent will have been set for more development on the land and on other land owned by the applicant or elsewhere around the village.
- The development would do little if anything for the local economy: builders and materials would come from outside the area.
- In accordance with the Localism Bill, the Council should respect and comply with the views of local people.
- It is noted that there would be no individual gardens and it is not acceptable for the open space to be maintained at the Parish Council's expense.
- 13 letters of support has been received in representation responding to the application and to the objections raised, on the following grounds:
- Opposition has been encouraged by the Milton-under-Wychwood Action Group, but the number of objections should be seen in the context of the number of households in the village and circulated leaflets that contained inaccuracies: e.g. the village school is not oversubscribed and the surgery can cope, currently drawing people from outside the village who could use their own local surgeries.
- Housing need: there is a need for more housing especially affordable housing: why should local people be deprived of the opportunity to live here?
- Policy: the development could be considered to be infilling between Milton and Upper Milton.
- Precedent: the development would not set a precedent: a further planning permission would be needed.
- AONB: houses do not need to be a blot on the landscape and would be small compared with all the open spaces in the area.
- Highest and most prominent site: it is one of the highest sites but not most visually prominent being screened from most of the village by existing housing; but would well-designed housing be harmful anyway?
- Traffic congestion: this is not as bad as when there were more services in High Street and parking around the Co-op cannot be any different as there is a limit to how many cars can park there. Not all 140 cars would be travelling at the same time and a huge proportion of

existing traffic originates from outside the village. The road through Upper Milton needs attention but it is not single track.

- Significant population increase changing the character of the village: this is already changing with an ageing population (more so with the new extra care housing) and more young families are needed: this would help to redress the balance.
- Unsustainable development: the bus service could be better but is better than it was up to some 15 years ago and how many workers would use it anyway. There is employment locally, the development will provide work in the short term and many commute to work wherever they live although this is reducing as more people work from home.

3 APPLICANT'S CASE

- Barton Willmore LLP has been instructed by Sharba Homes Ltd to prepare and submit an outline planning application for the construction of up to 70 residential dwellings on Land South of High Street, Milton-under-Wychwood. The application follows extensive pre-application discussions with West Oxfordshire District Council and Oxfordshire County Council in which a number of technical matters, including access and highways impact, have been agreed as acceptable.
- The emerging Local Plan (Part 1) specifically identifies a need for housing to come forward within the Cotswolds Area of Outstanding Natural Beauty. Indeed, the AONB 'washes over' a large proportion of the district and additional housing is required to enhance and sustain these communities. The Site is located within the Burford - Charlbury sub-area which is currently expected to deliver 650 dwellings over the emerging plan period. It is therefore considered inevitable for additional housing to come forward within the AONB as part of the emerging Local Plan; it is simply a case of the quantum and location.
- However, there are very limited opportunities within the Cotswolds AONB which are both available and suitable for residential development. Whilst the Burford - Charlbury sub area contains five settlements which are regarded by the Council as sustainable enough to accommodate more than just local housing need, there are limited opportunities for logical extensions in these settlements which would not lead to significant landscape, heritage or highways harm.
- A review of these settlements has been undertaken as part of this application, outlining Milton-under-Wychwood as the most sustainable location for development which has the greatest capacity for change. For example it is the only large settlement within the Burford - Charlbury sub-area which does not also contain a Conservation Area. Furthermore, when the neighbouring settlement of Shipton-under-Wychwood is taken into consideration, Milton-under-Wychwood is considered within the Council's emerging Local Plan's evidence base to be as sustainable as some Service Centres (regarded by the adopted Local Plan as the most sustainable location for development outside Witney, Carterton and Chipping Norton).
- The development will provide up to 35 market and 35 affordable dwellings which will contribute towards meeting the Council's housing requirement. Given that the Council's adopted Local Plan only accounts for development up to 2011 and there is currently a five year shortfall in housing supply, as required by the National Planning Policy Framework, there is a critical need for housing to come forward within the district in the short-term.
- In terms of the Site itself, a detailed Landscape and Visual Impact Assessment has been submitted alongside the application which identifies that the proposed development can be integrated within the context of the existing urban area and will not adversely affect the natural beauty of the landscape and countryside of the Cotswolds AONB. Furthermore, the application site and receiving environment have the capacity to

- accommodate the proposals. The proposals will not result in significant harm to the
- landscape character or visual environment and, as such, it is considered that the
- proposed development can be successfully integrated into this location.
- The proposed development is considered to comply with relevant national policy guidance in relation to major development within the AONB (paragraph 115 and 116 of the Framework) and therefore the presumption in favour of sustainable development should be engaged.
- The scheme is considered to represent a sustainable form of development which complies with the 'economic', 'social' and 'environmental' threads set out in paragraph 7 of the Framework.
- Given that the proposed development accords with each strand of sustainable development, it is considered that the proposals should be regarded as acceptable with or without a five year supply. The proposals will aid towards the Framework's objective to 'boost significantly' the supply of housing in a manner which meets the strategic aims of the adopted and emerging development plan
- It is therefore respectfully requested that outline planning permission is granted, subject to appropriate conditions and justified contributions.

The applicant has also provided comments on the Landscape Assessment commissioned by WODC:

- Firstly, it appears that Mr Sacha, whilst reviewing the LVIA, has not fully understood the analysis of the site and early site selection process that was undertaken within the previous Landscape and Visual Appraisal (LVA) which accompanied the application. The LVIA is not a 'late justification' as he suggests, indeed the LVIA builds on the findings of the initial LVA and does not purport to consider the key considerations behind the selection of the site, this is clearly set out within the introduction section of the submitted LVIA.
- In this respect Mr Sacha's review of the submitted LVIA and his interpretation of the purpose of the submitted assessment is perhaps misleading.
- Mr Sacha goes on to note that in this case he does not consider that major harm will be caused as a result of the development, echoing the findings of the submitted LVIA. However, he concludes that it is clear that that development proposals does not ensure that 'there will be no detrimental impact upon the landscape character or scenic beauty'.
- I submit that this conclusion is flawed, by virtue of Mr Sacha's misinterpretation of the wording of paragraph 115 of the NPPF, there is no requirement for development within an AONB to ensure that no detrimental impact is rendered upon the landscape character or scenic beauty, and there is no precedent set to support this.
- Given the above point, attention should instead be focused to Mr Sacha's statement that 'he does not consider that major harm will be caused as a result of the development, and the applicant's willingness to consider additional landscaping via condition if the authority agree with his comments on this.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H6 Medium-sized villages

H11 Affordable housing on allocated and previously unidentified sites

NE4 Cotswolds Area of Outstanding Natural Beauty
NE3 Local Landscape Character
NE6 Retention of Trees, Woodlands and Hedgerows
NE13 Biodiversity Conservation
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
OS5NEW Supporting infrastructure
H2NEW Delivery of new homes
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks outline consent for the erection of up to 70 dwellings, landscaping, formation of footpath and creation of ecological enhancement area and ancillary infrastructure and enabling works. Details of appearance, landscaping layout and scale are reserved, only the access is detailed. The site is currently 4.5 hectares of agricultural land to the west of the village and it is within the Cotswolds AONB. There are residential properties to the northwest and northeast of the site, agricultural land to the southeast and southwest. The application has been advertised as a departure from the adopted Local Plan.
- 5.2 Members visited Milton under Wychwood to view the site on 26th March 2015. It was viewed from the High Street, the garden of the property adjacent to the north east corner, Upper Milton and the road from Upper Milton back to the A361 where it meets Fiddlers Hill.
- 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:
- Principle
 - Landscape Impact
 - Highways
 - Residential Amenity
 - Other matters

Principle

- 5.4 The proposal seeks consent for the access and the principle of development.
- 5.5 Milton under Wychwood falls within the Burford - Charlbury sub-area as defined in the emerging Local Plan. The sub-area has an indicative housing requirement of 800 homes which is proposed to be met through a combination of homes already completed, existing commitments, SHLAA sites and windfall development. The windfall allowance is 400 homes and the proposed development would clearly make a significant contribution to this requirement.

- 5.6 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.7 Milton-under-Wychwood is categorised as a Group B settlement in the West Oxfordshire Local Plan 2011, in recognition of the services and facilities available within the village. No sites are allocated for development in the settlement and Policy H6 of the adopted Local Plan only permits new residential development where it would constitute infilling, rounding off within the existing built up area or the conversion of appropriate existing buildings. The scheme does not conform to that definition.
- 5.8 The Council's settlement sustainability report published in 2014 ranks the District's settlements based on the availability of services and facilities and access to larger settlements via sustainable modes of transport.
- 5.9 Milton-u-Wychwood is ranked as the 14th most sustainable settlement in the District in its own right, with neighbouring Shipton-under-Wychwood ranked slightly higher in 9th. Community services and facilities are easily accessible by sustainable means to residents in both Milton and Shipton. It is reasonable to assume therefore that residents will draw on services, facilities and employment opportunities in both settlements and as such, the suitability of Milton-under-Wychwood as a location for new residential development should be considered in light of this. Considering the settlements in this way elevates their ranking due to the availability of healthcare, education, employment, retail etc. without undue reliance on private transport to more distant higher order settlements.
- 5.10 The scale of growth proposed in the planning application is considered acceptable for a settlement of this size with the necessary services and facilities to support day to day activities. There are currently 777 dwellings in Milton-u-Wychwood with a population of approximately 1,648. A development of 70 dwellings would represent an expansion of approximately 10% in the overall number of dwellings which although towards the top end of what Officers consider could be satisfactorily assimilated is comparable in its general nature with the scale of developments approved at Aston, Bampton, Woodstock etc following the District's announcement that it could not at that time demonstrate a 5 year land supply. The District is currently claiming a 5 year land supply, but that is contested by Developers and does not of itself bring back full weight to adopted policies which are increasingly out of date having predated the NPPF and where they are becoming increasingly overtaken by the policies of the emerging plan.
- 5.11 The proposed development would deliver 50% affordable housing on site in compliance with Policy H11 of the adopted Local Plan and emerging policy H3. This element of the proposal has been welcomed by the Housing Enabling Officer. Additionally the development is of a general form that emerging policy OS2 and H2 would accept in principle as being appropriate for higher order settlements such as Milton.
- 5.12 Having regard to all of the above your officers consider that the general nature and scale of the development is acceptable in principle being in conformity with the aims of the NPPF to ensure sustainable development and where it is in conformity with the overall strategy of the emerging plan. The Council's claim of a 5 year land supply and developers counter claim of a lack of supply

do not in this regard affect the conclusion that in essence development of this general form and nature is what the NPPF and emerging policies require if the housing targets of the country and the emerging plan are to be delivered. Development is therefore considered acceptable in principle, subject to the detailed issues set out later in this report

Landscape Impact and the AONB

- 5.13 The site is located within the Cotswolds AONB so is sensitive in its very nature, situated as it is within an area designated for its high landscape quality. The site falls within the Upper Evenlode Valley landscape character area with a semi-enclosed clay wolds landscape character type.
- 5.14 The West Oxfordshire Landscape Character Assessment 1998 reiterates that the landscape in this location is one of outstanding quality and national significance. It is recognised that one of the principal factors potentially threatening landscape quality in this area is the suburbanisation of rural settlements and roads. Semi enclosed clay wolds (large scale) landscapes are visually sensitive and it is necessary to ensure that any development is closely integrated with existing buildings or within a strong landscape structure. Members will note that the AONB partnership has objected to the development.
- 5.15 The south-western edge of Milton under Wychwood presents a relatively hard urban edge with a weak landscape structure. There are also long distance open views to the south west of the site beyond Upper Milton.
- 5.16 The proposed development would represent an expansion of the built form and the landscape and visual impact of development requires careful consideration. It is apparent from the design and access statement that the proposed development will include an element of screening (hedgerow reinforcement and planting of hedgerow trees) to mitigate the impact of the development in views from the south. The key issue is whether this is sufficient to offset the urbanising effect of the development in this location.
- 5.17 Policies NE3 and NE4 of the adopted Local Plan aim to protect the landscape character of the District and the AONB. Development should not be permitted where it would harm the local landscape character of the District. The conservation and enhancement of the AONB should also be given great weight in determining applications. In particular, policy NE4 advises that:
- 5.18 Major development will not be permitted in the AONB unless;
- i) It is in the public interest in terms of any national considerations and the impact on the local economy; and
 - ii) The lack of alternative sites outside the AONB and the means of meeting the need in some other way justifies an exception being made.
- 5.19 This is similar to paragraph 116 of the NPPF which states that;

Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

'the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

- 5.20 The south-western edge of Milton under Wychwood currently presents a relatively hard urban edge with a weak landscape structure. There are also long distance open views to the south west of the site beyond Upper Milton. The proposed development would represent an expansion of the built form into the landscape and in light of the above policies the visual impact of development requires careful consideration. It is apparent from the design and access statement that the proposed development will include an element of screening (hedgerow reinforcement and planting of hedgerow trees) to mitigate the impact of the development in views from the south. The key issue is whether this is sufficient to offset the urbanising effect of the development in this location. The applicant has acknowledged that this proposal would constitute major development within the AONB and as such there is a presumption against permission being granted unless the criteria outlined above can be met.
- 5.21 In terms of the need for the development, as outlined previously the development of this site would make a significant contribution to the 400 dwelling windfall requirement for the Burford-Charlbury sub-area. Whilst the Council is currently able to claim a 5-year housing land supply, suitable and available sites should in general terms be given favourable consideration. In claiming a 5 year land supply the extent to which sites such as this will contribute to the 400 windfalls within the sub area cannot just be set aside ie if such sites do not come forward then developers will argue that the claimed 5 year supply will not be met as the windfall ratio is overly optimistic
- 5.22 In terms of the scope for developing elsewhere, whilst the Council's SHLAA has identified a number of opportunities within the Burford-Charlbury sub-area, these are relatively limited. Although Milton-under-Wychwood is regarded as one of the more sustainable rural settlements, it is heavily constrained by the Cotswolds AONB which washes over the whole of the village. There are no other parts of the village that lie outside of the AONB and as such, it could reasonably be argued that there are very few, more suitable, alternative sites outside the AONB to help meet the need.
- 5.23 The actual visual impact then needs to be carefully assessed and Members will have formed their own impressions following the site visit. To assist the consideration of this aspect the Council commissioned independent landscape advice in relation to the potential landscape and visual impact of the proposed development. This concluded that although major harm would not be caused to the landscape as a result of the proposed development, it is clear that the development proposal does not ensure that there will be no detrimental impact upon landscape character or scenic beauty. The report states 'It is perhaps fair to say that wherever you develop on the edge of an existing settlement that extends built development into open countryside that some measure of harm will be caused. In this case I do not consider that major harm will be caused, but if you refer back to paragraph 115 of the NPPF it is clear that this development proposal does not ensure that there 'will be no detrimental impact upon landscape character or scenic beauty.'
- 5.24 Taking all the above into account your officers consider the facts that the AONB washes over much of the northern section of the District, that the sub area is scheduled to accept 800 units and that the majority of these will occur in or adjoining settlements such as Milton means that

the principle is not unacceptable on landscape grounds. However, as submitted the localised harms are considered to justify withholding consent of this scale

Highways

- 5.25 The outline consent seeks approval of the access with all other matters reserved. The Highway Authority have been consulted and have raised no objection to the proposal subject to S106 and conditions being attached to any permission. They have assessed that the application proposes an appropriate form of vehicular access and it is considered acceptable subject to the detail being approved through a Section 278 agreement. The access will require extension of the speed limit and relocation signage and provision and deletion of road-markings.
- 5.26 It is noted that there is a lack of public transport in the village. Currently Bus service x10 operates six times per weekday between Milton under Wychwood and Burford, where connections are available into the hourly service 233 (Burford to Woodstock via Witney). There are also some other very infrequent village bus services and a peak bus link C1 to Charlbury station (two journeys in the morning peak). Therefore a contribution of £1000 per dwelling is sought to improve bus services on a pump priming basis. However, it is noted that this level of contribution may not be able to provide significant enhancements and therefore the County Council wishes to retain an option to use this funding for the provision of other sustainable transport services and/or infrastructure in Milton Under Wychwood area.
- 5.27 Pedestrian access is considered to be acceptable. The safety of the existing on street parking situation in the High Street has been raised as an issue in representations, however it is not considered that the proposed development would cause such an increase in traffic and/or rat running around the Sands that would justify a reason for refusal. The Highway Officer did consider traffic generation is underestimated in the submitted transport statement, however when considering higher trip rates they were of the opinion that the conclusions remain correct in terms of impact upon capacity.
- 5.28 It is therefore considered that the proposal accords with both local and national policy.

Residential Amenities

- 5.29 It is considered that there is sufficient space on site to avoid impinging on the amenities of any of the properties to the east in Jubilee Lane and most of the properties to the north and any amenity issues (overlooking etc) could be designed out at reserved matters stage. However, there is one property "The Cottage" which officers consider would be directly and detrimentally affected by the proposed new access into the site.
- 5.30 As the levels differ between the High Street and the site the access would slope down to meet the High Street and The Cottage would potentially have headlights shining through its windows as cars approached the High Street from the site. This is considered unduly un-neighbourly and would justify a refusal reason under policy BE2 of the Adopted Plan and OS 4 of the Emerging Plan.

Other matters

- 5.31 There are other matters that have been raised in representations:

Flooding and Drainage

- 5.32 The site is within Flood Zone 1 so is at low probability of flooding. Technical consultees (Thames Water, Environment Agency, WODC Drainage) have raised no issues that could not be overcome by conditions, to ensure that the current situation is maintained/improved. Officers consider that the proposal is in accordance with policy EH5 of the Emerging Local Plan.

Biodiversity

- 5.33 The existing field is considered to be of low ecological value but conditions could be added to ensure that biodiversity measures are undertaken at reserved matters stage. The applicants are proposing an ecology park off site which will add to bio diversity and represents a planning benefit of the scheme, along with the creation of the additional footpath link. Officers therefore consider that the proposal would accord with policies NE13 and NE15 of the Adopted Plan and Policy EN2 of the Emerging Plan.

School capacity

- 5.34 The County Council as Education Authority have commented that there is sufficient capacity within the Primary school to accommodate future pupils from this site provided no other large developments are approved in the village.

S106 contributions

- 5.35 Several contributions have been sought if permission is to be granted.
- 5.36 OCC have requested £10,028 to expansion of Special Educational Needs provision in the area, £1000 per dwelling is sought to improve bus services, and £41,062.22 towards libraries, waste management, Museum Resource Centre and Adult Day Care.
- 5.37 WODC Leisure Services have requested £76,160 off site contribution towards sport/recreation facilities within the catchment and £57,260 for the enhancement and maintenance of play/recreation areas within the catchment.
- 5.38 Thames Valley Police have requested £10,840 towards policing in the area, to cover staff, premises and equipment.
- 5.39 This would be an overall contribution of £265,350.22 which is considered proportionate to a scheme of this size and would benefit the community as a whole.

Conclusion

- 5.40 The proposal has aroused considerable local opposition but of itself this is not a reason to withhold planning consent. The settlement is considered relatively sustainable in its own right and more so in combination with Shipton and its facilities. The scale of development is at the upper end of the level of growth that could be easily assimilated but there is no evidence that it could not be and the scheme will provide community and other benefits in terms of ecology, affordable housing education etc contributions. The principle is therefore considered acceptable

- 5.41 Many objections regarding flooding/highways/education etc have been raised but key consultees are broadly happy that the impacts are not such as would justify refusal. There are not considered any technical reasons to withhold consent.
- 5.42 The site lies within the AONB where landscape impact is a key consideration. Development of this scale will have some impact but given the need to accommodate 400 units in this sub area it is inevitable that there will be an impact and no better alternative sites have been put forward where a similar development could take place in the sub area. The existing village edge does not integrate well with the countryside beyond and the application offers an opportunity to secure betterment. However that opportunity has not been taken such that the residual impacts are considered unduly harmful to the AONB to the extent that justifies refusal. Similarly the illustrative plans demonstrate in broad terms that the scheme need not cause undue harm to the amenity of neighbours. However, the access would cause undue disturbance to the occupiers of the cottages opposite to the extent that this is similarly considered unacceptable. Finally, in the absence of a signed I06 the key benefits of the scheme in terms of the contributions, affordable housing, eco park etc are not secured and so a refusal reason needs to be imposed to ensure that these matters are adequately addressed should the application go to appeal
- 5.43 The scheme as tabled is recommended for refusal.

6 REASONS FOR REFUSAL

Refuse for the following reasons:-

- 1 The proposal, by reason of its scale and position, would result in a detrimental impact on the landscape character and approach to the village which is part of the Cotswolds AONB where conservation of the landscape is to be given great weight. The proposals would cause harms at an immediate local level and from medium distances, contrary to the provisions of the NPPF, adopted policy NE 4 and emerging local plan policy EHI.
- 2 The proposal would result in an unacceptable loss of amenity to the occupiers of The Cottage by reason of disturbance from noise and light by users of the access road immediately opposite This is contrary to the relevant provisions of the NPPF policy BE2 and H2 of the adopted plan and policy OS4 and H2 of the emerging local plan.
- 3 In the absence of an agreed mitigation package it has not been demonstrated to the satisfaction of the LPA that the development will mitigate its impact and provide the requisite affordable housing and other community benefits contrary to the provisions of the NPPF, policy BE1 of the adopted local plan and OS5 of the emerging local plan.

Application Number	I5/00448/HHD
Site Address	37 High Street Finstock Chipping Norton Oxfordshire OX7 3DA
Date	20th May 2015
Officer	Gemma Smith
Officer Recommendations	Approve
Parish	Finstock Parish Council
Grid Reference	435913 E 216082 N
Committee Date	1st June 2015

Application Details:

Single storey infill side extension. Minor internal alterations and conversion of garage. Repositioning of existing front door.

Applicant Details:

Mr & Mrs Liam Braeger
37 High Street
Finstock
Oxfordshire
OX7 3DA
United Kingdom

I CONSULTATIONS

I.2 Parish Council No comments received

2 REPRESENTATIONS

- Three representations have been received by Mr and Mrs. Abigail of No. 35 High Street Finstock. The objections are summarised as follows:
- Inaccuracies within the design and access statement
- The application property is part of a mid-18th Century terrace;
- Inaccuracies with the ground levels and plan measurements;
- Concerns over the parking displacement and impact on the character of the Conservation Area;
- Inaccuracy that the proposed material on the application form does not mention a sedum roof as a roofing material;
- Concerns over water drainage issues from the proposed green roof;
- Concerns over the health of the green roof and future maintenance;
- Design of the addition and roof is not appropriate to the setting of the traditional cottage;
- Concerns over the loss of light particularly in the winter months to ground floor and garden space; and
- Concerns over the treatment of the door in the setting of the terrace.

- Following additional information provided from the agent by way of Sun Path Studies dated 16th April 2015 a further objection was received by Mr and Mrs. Abigail. The objection (received 28th April 2015) is summarised as follows:
- the analysis does little to address our concerns;
- much of it is irrelevant since the hours illustrated have no bearing on the substance of our objection;
- our original letter of opposition that the period which most worries us is the late afternoon in winter;
- We also point out in our first letter that the windows and doors at the rear of our cottage are set some eighteen inches lower than equivalents next door;
- the "neighbour's view" is shown from a raised position in the garden, rather than from within our house, and thus fails to deal with the issue of levels of light reaching the interior of the rooms;
- the drawings of the "neighbour's view" in this latest document are inaccurate and misleading;
- the drawing clearly depicts the development as a pyramid tapering to a point, which will obstruct less light when modelled than the more massive truncated pyramid of the submitted plans; and
- Suggest that this most recent submission provided by the applicants' agent does nothing to demonstrate that the proposed development is anything other than overbearing and un-neighbourly.
- Following amended plans received 29th April 2015, Mr. and Mrs Abigail of No. 35 High Street had the following comment:
- We should like to confirm that we have no objection to the plans as amended for a rear extension to 37, High Street, Finstock, with flat roof and unobtrusive horizontal rooflight window. Thank you for your help in securing a solution acceptable to all parties in this case.

3 APPLICANT'S CASE

- 3.1 A design and access statement and Sun Path Study Report have been submitted in support of the application.

Design and Access Statement

- The designs strategy for the single storey side addition is complimentary yet subservient to the existing dwellinghouse, whilst mitigating visual impact on the street scene.
- Our approach follows the approved precedent of similar schemes realised at a number of properties within the village – as well as planning policy and conservation guidelines.
- The proposals strive to mitigate any unnecessary alterations to the appearance of the property.
- It is concluded that there will be no detrimental impact on the development to the neighbouring properties.
- It is our assessment that there will be minimal changes to the penetration of daylight to any surrounding habitable rooms or garden to neighbouring properties.
- The applicants will retain the house as an owner occupied single family dwelling and the proposals are therefore significant as a 'lifetime home'.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site relates to a vernacular two-storey middle terraced property in the Finstock Conservation Area. The dwelling is constructed out of coursed limestone under stone slates with timber casement windows.
- 5.2 The application seeks planning permission for the infill of an existing access to the front elevation and rear linking extension to the existing detached garage. The application also proposes the addition of a porch to the front elevation and the conversion of the existing garage to habitable accommodation.
- 5.3 This application has been brought before the Committee as the applicant is related to a member of the Council.
- 5.4 Additional information was provided as part of sun path studies to address the concerns from the neighbouring property in relation to loss of light and overshadowing as a result of the proposal. Fenestration alterations to the front elevation were also amended to reflect concerns from the Conservation Officer, however it was later considered that the original proposed window was preferable in context.
- 5.5 Following concerns with the impact on the amenity of the neighbouring property, the roof of the addition to the rear was reduced to a flat roof.
- 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:

Siting design and form;
Impact upon the character and appearance of the Conservation Area
Impact upon residential amenity; and
Parking and highways.

Siting, Design and Form

- 5.7 It is considered that the additions would be modest and respect the character of the local area. Officers have assessed the siting of the rear element and the distance between the proposal and neighbouring property to the East at No.35. The impact of this is discussed below in the impact on residential amenities section.

- 5.8 The proposal is considered to be appropriate in scale to that of the existing building. The infill extension of the old coach style access, would not in your Officer's opinion result in a detrimental impact on the character of the existing vernacular dwelling. Furthermore, the additions would be constructed out of coursed limestone to match the existing and would comprise of timber casement windows to match existing.

Impact on the character of the Conservation Area

- 5.9 The infill to the traditional existing access and porch addition would be visible from the public realm and wider Conservation Area. The materials are in-keeping and reflect the character of the local vernacular. The porch addition is considered to be an appropriate addition. It is considered by your Officers that the proposal would not result in a detrimental impact upon the character and setting of the street scene or wider conservation area. Given the above it is considered that the proposal would accord with Policy BE5 of the West Oxfordshire Local Plan, 2011.

Impact on Residential Amenity

- 5.10 Officers have assessed the impact of the rear addition on the neighbouring residential amenity of the neighbouring property to the East at No. 35 following an objection to the proposal that was received. Concerns had been raised as regards loss of light to amenity space as a result of the polyhedral green roof of the rear addition. In response to the concerns over the loss of light, a Sun Path Studies Report was submitted that identified that there would be no additional loss of light to the ground floor living space of the neighbouring property. However your Officers were concerned with the success of the green roof in the form proposed and it was decided that a flat roof would be more appropriate.
- 5.11 Given the difference in levels between the properties, it was considered that the flat roof now proposed would reduce the potential impact on general amenity.
- 5.12 It is considered that the amended scheme would not have detrimental impact on the neighbouring property as a result of overbearing impact or loss of light. The height of the flat roof rear link extension would measure 2.7m to parapet height on the application side. It is considered that the proposed linking rear extension would sit innocuously behind an intervening boundary wall and trellising. It is also noted that there is a change in levels between the application site and the neighbouring property, therefore a condition to ascertain ground levels has been imposed.
- 5.13 The proposed insertion of a first floor window on the East elevation of the existing dwelling would serve a bathroom. Your Officers therefore consider it reasonable to impose a condition to ensure that the window is obscurely glazed.
- 5.14 In light of the amendments, the objection from the neighbour at No.35 has been withdrawn. Given the amended scheme, your Officers consider that the proposal would accord with Policy H2 of the West Oxfordshire Local Plan, 2011.

Parking and Highway Implications

- 5.15 Officers note that there is provision for a maximum of three off-street car parking spaces to the front of the property. The property would remain as a four bed dwelling as a result of this

proposal. It is therefore considered that the loss of the garage would not result in a significant effect on the safety of the local highway. The proposal therefore accords to the objectives of Policy BE3 of the West Oxfordshire Local Plan, 2011.

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. Permission is therefore recommended.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The materials to be used for the external walls shall be of the same colour, type and texture as those used in the existing building.
REASON: To safeguard the character and appearance of the area.
- 4 The roof of the single storey extension 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.
- 5 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.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all new doors, windows and 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 Before first occupation of the development hereby permitted the first floor window on the East elevation shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

NOTE TO APPLICANT

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

Application Number	I5/00561/OUT
Site Address	Street Farm 22 Nethercote Road Tackley Kidlington Oxfordshire OX5 3AW
Date	20th May 2015
Officer	Catherine Tetlow
Officer Recommendations	Approved subject to Legal Agreement
Parish	Tackley Parish Council
Grid Reference	448184 E 220761 N
Committee Date	1st June 2015

Application Details:

Residential development, creation of a new vehicular access, landscaping and associated works.

Applicant Details:

C/O Agent

I CONSULTATIONS

- | | | |
|-----|--------------------|--|
| I.1 | Historic England | No comments to make. |
| I.2 | Environment Agency | No objection subject to condition. |
| I.3 | Thames Water | <p>Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.</p> <p>Water Comments</p> <p>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.</p> <p>Supplementary Comments</p> |

The receiving sewer does not have sufficient spare capacity to accommodate the calculated net foul flow increase from the proposed development. Thames Water request that an impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 0845 850 2777) with regard to arranging an impact study.

- | | | |
|------|---|--|
| I.4 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| I.5 | One Voice Consultations | Transport - no objection subject to conditions.
Archaeology - no objection subject to conditions
Education - no objection subject to contributions to contributions towards primary school, secondary school and special needs.
Property - no objection subject to contributions to libraries, waste management, museums and adult day care. |
| I.6 | WODC Architect | No objection |
| I.7 | WODC Community Safety | No Comment Received. |
| I.8 | WODC Env Services - Engineers | No Comment Received. |
| I.9 | WODC Env Health - Uplands | No comments to make |
| I.10 | WODC Drainage Engineers | No objection subject to condition |
| I.11 | Ecologist | Insufficient information has been submitted in order to properly assess the impact of this application, and the proposed loss of biodiversity habitats has not been sufficiently compensated within the design of the layout of this application. Further information is required. |
| I.12 | WODC Head Of Housing | I note that the applicant does not make it clear what percentage of the overall development will be provided as affordable housing. Therefore to be policy compliant I am making the assumption that no less than 50% of the completed dwellings shall be affordable. The Council's Housing Register shows that in the region of 50 households would be eligible to be housed in Tackley were the development available today. Of these the majority require smaller one or two bedroom homes and the remainder larger family housing. There is also a requirement for retirement or wheelchair accessible |

housing.

In their Planning Statement the applicant sets out a proposed mix for the whole scheme, however the affordable element is not obvious. Therefore based upon the latest housing need data I set out below the Council's preferred scheme mix and tenure for affordable housing on this development. If this scheme mix can be agreed ahead of Reserved Matters, then I will be able to support this application on this ground.

Preferred scheme mix;

Shared Ownership = 2 x 2 Bed House

Rent = 4 x 1 Bed Flats, 4 x 2 Bed House and 3 x 3 Bed House.

I.13	WODC Legal & Estates	No Comment Received.
I.14	WODC Planning Policy Manager	No Comment Received.
I.15	WODC Rural Development	No Comment Received.
I.16	WODC - Sports	No objection subject to contributions to sport and recreation facilities.
I.17	WODC - Tourism	No Comment Received.
I.18	WODC Env Services - Waste Officer	No Comment Received.
I.19	WODC - Arts	No Comment Received.
I.20	WODC Env Services - Landscape	No Comment Received.
I.21	Parish Council	The density should be reduced to 15 units. Impact on congestion, parking and highway safety. A Grampian condition regarding sewerage needs to be enforced before further development is commenced. Consideration should be given to the Balliol Farm proposals and the impact of both developments. Conditions should be imposed to ensure: restriction of the number of houses; that the development respects its location in the Conservation Area and is integrated into environs; that the development is open to the village in visual and access terms; offers environmental benefits to the community; and the development should establish an appropriate mix of housing.

2 REPRESENTATIONS

2.1 Objections have been received from 73 local residents referring to the following matters:

- (i) Loss of green space in the middle of the village.

- (ii) Loss of open space will impact on the character of the area.
- (iii) Impact on view and light.
- (iv) Loss of privacy.
- (v) Light pollution.
- (vi) Noise and disturbance.
- (vii) Loss of parking and demand for parking in the area.
- (viii) Increased traffic and impact on highway safety.
- (ix) Open structure of the village will be lost and may allow further infill in the future.
- (x) Impact on character of the Conservation Area.
- (xi) Impact on wildlife.
- (xii) Loss of trees.
- (xiii) Impact on drainage and sewerage capacity. Upgrade of the drainage system is needed.
- (xiv) The development will not address the needs of local people.
- (xv) Lower density would be more appropriate.
- (xvi) Alternative pedestrian and vehicular accesses could be provided to Medcroft Road and Nethercote Road, and Nethercote Road should be widened.
- (xvii) The application should be considered with the potential development at Balliol Farm.
- (xviii) The development will be isolated from the rest of the community and will not be permeable to movements through it.
- (xix) Impact on the setting of Listed Buildings.
- (xx) Archaeology needs to be considered.
- (xxi) Affordable housing needs to be provided to meet local needs.
- (xxii) Impact on local services and facilities.
- (xxiii) No evidence that this amount of housing is needed in the village.
- (xxiv) Public exhibition did not represent adequate consultation.
- (xxv) It is not clear how the footpath in front of the dwellings fronting St John's Road will be accommodated with the retained on-street parking.

3 APPLICANT'S CASE

- 3.1 The principle of the proposed development was considered acceptable by Council Officers at the pre-application stage. The required further studies have been undertaken to inform the current scheme which has a reduced density of 26 dwellings.
- 3.2 In the absence of adopted local plan policies which demonstrate a clear understanding of housing needs in the District, we consider that the proposed development is acceptable in principle. The site has been identified in the latest SHLAA as a suitable housing site.
- 3.3 The proposed density and landscape strategy has been informed by consultation with the local community and an Arboricultural Survey and Assessment and a Heritage, Landscape and Visual Impact Assessment. In particular, the applicant team has taken on board comments during the public consultation process relating to density, drainage and highways. This has led to a reduced density of 26 dwellings. It is accepted that this is higher than the indicative figure referred to in the SHLAA, but it is based on a more detailed site specific analysis which justifies the higher number of residential units.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements
 BE5 Conservation Areas
 BE8 Development affecting the Setting of a Listed Building
 BE11 Historic Parks and Gardens
 BE12 Archaeological Monuments
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE13 Biodiversity Conservation
 H2 General residential development standards
 H11 Affordable housing on allocated and previously unidentified sites
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS5NEW Supporting infrastructure
 H1NEW Amount and distribution of housing
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 T1NEW Sustainable transport
 T4NEW Parking provision
 EH2NEW Biodiversity
 EH5NEW Flood risk
 EH7NEW Historic Environment
 EW2NEW Eynsham-Woodstock sub-area
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 The proposal is an outline application for the erection of up to 26 dwellings with only access to be considered at this stage. A range of supporting information and an indicative layout have been provided. It is envisaged that the development would be a mix of 1.5 storey and 2 storey houses. The vehicular access would be from St Johns Road.

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

5.3 The site is centrally located in the village and close to local amenities such as the primary school, shop, village hall, and railway station.

5.4 As Tackley benefits from a range of facilities, it is recognised as an appropriate place for some new development under both adopted Policy H5 and emerging Policy OS2. Policy H5 allows for development representing infilling, but the proposed development would not conform with a strict interpretation of this policy because the site is not a "small gap". However, the emerging revised plan Policy H1 refers to the sub-area of Eynsham-Woodstock contributing 1,600 dwellings to the housing supply over the plan period to 2031. Although the precise locations for new housing within the sub-area have not been defined, the SHLAA provides an indication of where some of this housing is likely to be developed. The site is identified in the SHLAA as site number 243 and assessed to be suitable for housing with a predicted 15 dwellings that could be provided in the 0-5 year time frame.

- 5.5 Although the site is acknowledged to be greenfield, relatively few previously developed sites come forward in the district and it is necessary to consider greenfield sites in sustainable locations. The site is within the Tackley Conservation Area, but is not considered by your Officers to be an important area of open space that would need to be retained for conservation reasons. For example, it does not provide the setting for any nearby Listed Buildings and is not a distinctive gap in an historic street frontage. It does not provide public open space or any formal recreation use.
- 5.6 Given its location within the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and acceptable in principle.

Siting, Design and Form

- 5.7 An indicative layout has been provided, and this indicates that a scheme of 26 dwellings can be accommodated.
- 5.8 The layout shows an intention to provide houses fronting St John's Road which will be important in creating an active frontage and visually assimilating the development into the street scene of the locality. The northern corner of the site would be relatively open with a car parking area screened by landscaping. A footpath/cycle way is to be provided in this corner, linking to the existing vehicular access to existing houses to the north of the site. The openness of this corner is visually beneficial as this would be visible across the neighbouring field when viewed from the junction of Medcroft Road and Nethercote Road. The proposed houses on the north west and south west sides of the development would be less visually prominent from local roads.
- 5.9 It is indicated that the houses would be a mix of 1.5 storey and 2 storey which would be in keeping with existing development in the village. The design is likely to be inspired by vernacular forms, but no elevations are available as part of the application.
- 5.10 Objectors and the Parish Council have expressed a preference for lower density development, but the Council's Conservation Officer considers the density to be acceptable. The 26 houses are more than the 15 units predicted in the SHLAA, but this was not based on a full assessment of the site's potential and was very much an estimate. The layout shows a good balance between built form, garden areas, landscaping, access roads and parking. No plots are cramped and the scheme would not represent over-development of the site.
- 5.11 Although the submitted plans suggest the sort of scheme that would be achievable on the site, layout is a reserved matter. Therefore, this outline application is concerned with establishing the key parameters of development and not details at this stage..

Heritage

- 5.12 Tackley is a combination of two original settlements: one around the ancient Manor of Tackley with Saxon origins (to the immediate west and south of the Green) and Nethercote to the north east, later and lower down the slope beside the river, canal and railway. There has been ribbon development between the two centres, and later, a large area of housing to the east of the application site on land owned by St John's College.

- 5.13 There are two sites of great historic interest, both developed by John Harborne (a merchant from Middle Temple, London) who bought the Manor (Hill Court now known as Tackley Park) and Base Court (now known as Court Farm) in 1612. He built a new Manor House east of the Green (now demolished but the gatehouse, dovecote and granary remain all listed) and then started to build a large water garden which remains to the east of Court Farm. This is both a Scheduled Ancient Monument and a Registered Park/Garden. It lies immediately to the south of the school site.
- 5.14 The site lies within the Tackley Conservation Area, and a number of houses in the village are Listed. In this context the Council needs to have full regard to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, specifically sections 66(1) and 72. As regards Listed Buildings, S66(1) states that the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". S72 requires in relation to Conservation Areas that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 5.15 There are some listed buildings fronting Medcroft Road to the north and others at Nethercote Road to the east. However these are approximately 60m and 80m away from the site with intervening land between. They would not share boundaries with the development and it is considered that their setting would not be materially affected.
- 5.16 The site has modern development on two sides and is set well back from the historic street frontages in the village. Although the site is clearly a substantial area of open space in the middle of the village, it is considered that it does not make such an important contribution to the character and appearance of the Conservation Area as to warrant refusal. Officers are satisfied that a suitably designed scheme would preserve the character of the area, given the nature and appearance of existing neighbouring development.
- 5.17 The setting of the Historic Park and Garden/Scheduled Ancient Monument at the water gardens would not be materially affected given the separation provided by the modern school buildings and modern housing.
- 5.18 The County Archaeological Officer recognises that a field evaluation of the application area has revealed the presence of a well preserved Romano-British settlement. Further excavation and recording will be required and this can be achieved by conditions regarding provision of a written scheme of investigation, evaluation and reporting.

Highways

- 5.19 The vehicular access is to be from St John's Road. At present the frontage of the site onto St John's Road features a lay-by with informal, unmarked parking provided. Introducing the access and kerbing would reduce the availability of on-street parking here. The Highways Officer suggests that 3 of these parking spaces would be lost, but the proposal envisages parking to be provided within the site that would result in no overall reduction in public parking. However, there are concerns about the level of parking across the scheme and the Highways Officer advises that the 1.8 spaces per dwelling referred to in the transport assessment is short of the desirable 2 spaces per dwelling, plus visitor spaces. Since the layout is indicative at this stage, it would be possible to increase the amount of parking at the reserved matters stage. Subject to a

suitable layout being provided the scheme would be capable of compliance with Local Plan Policy BE3 and emerging Local Plan Policy T4. The access onto St John's Road is acceptable.

- 5.20 The volume of traffic generated by the development is not likely to have a significant impact on the surrounding road network, given that 9 to 10 movements in the peak direction in peak hour are predicted. Additional volumes of traffic are unlikely to have any appreciable impact on the number and severity of collisions on the local road network.
- 5.21 The availability of a bus service and railway station is of benefit in providing sustainable transport choices to residents in the village. A contribution of £1,000.00 per dwelling would be required to improve the S4 Banbury-Oxford bus service which is within 200m of the site. This is understood to currently operate at 1 bus per hour on weekdays.
- 5.22 Two pedestrian/cycle paths would be provided. One would link to the existing footpath between St John's Road and the village hall/shop. The other would be at the northern corner of the site and link to Nethercote Road. On this basis, it is considered that the proposal provides appropriate accessibility to nearby roads and local facilities.

Trees, Landscaping and Ecology

- 5.23 The site currently has significant numbers of trees to its edges, particularly on the south west and south east sides. However, due to a lack of appropriate management over the years (i.e. selective thinning and/or removal of individual trees to benefit others) a large number of trees at the site are either in poor condition or have poor form due to being shaded and/or suppressed by adjacent more dominant trees. As originally proposed, a significant number of trees would have been removed from the site. The Tree Officer considered that this was excessive and consequently, revised plans have been submitted showing fewer trees for removal.
- 5.24 It is proposed that most existing trees would be removed along the St John's Road frontage, with groups of trees retained at either end. The tree cover at the south west side of the site, where the boundary runs along the existing footpath between St John's Road and the village hall, would be largely retained. The north west boundary has limited existing planting, but it is proposed to introduce additional tree planting and hedgerow where the site interfaces with open space and allotments to the north. New landscaping would be introduced at the north east edge of the development where the driveway to existing properties is to be retained.
- 5.25 Although the revised plans showing greater retention of trees is welcomed, the Tree Officer has concerns about the consequent proximity of trees to some of the dwellings, and the prospect that this may affect amenity and create future pressure for pruning or felling. These concerns would need to be reflected at the reserved matters stage when layout will be fully considered.
- 5.26 A full landscaping scheme would be required at the reserved matters stage and the combination of retained trees, new planting and boundary treatments is envisaged to provide appropriate screening and features that will assimilate the development into the local character of the village.
- 5.27 The submitted ecological report found that the site is not subject to any statutory or non-statutory nature conservation designations. No evidence of protected species was recorded at the site, although it was noted that the trees and plantation woodland provide nesting habitat for birds. The Council's Biodiversity Officer requested further information regarding potential impact on bats and reptiles. In response, the applicant's ecologist acknowledges that the site

offers some potential for foraging/commuting habitat for bats, but no potential bat roosts. The small extent of habitat present is unlikely to support a significant population of reptiles. Effective management of retained areas of landscaping around the margins of the site could address the habitat needs of any reptiles present or bats that use the site.

- 5.28 The Council's Biodiversity Officer would prefer to see the existing trees retained on the south east boundary, but this would not be possible because of the planning requirement to achieve a street frontage here. The balance between loss of habitat and potential for mitigation and enhancements is the key matter to be resolved. Having taken account of all the ecological information available, it is considered that a suitably worded condition can address enhancements and management of retained and landscaped areas. New planting, including hedgerows, will provide additional habitat.

Drainage

- 5.29 The site is in Flood Zone 1 and therefore at low risk of flooding. It would not therefore be reasonable to resist the development on flood risk grounds. No objection is raised by the Environment Agency.
- 5.30 A large number of objections have referred to the inadequate capacity of the foul sewage network in this location and instances of surface water ingress into the foul system causing overflow of drains. It is understood that in high rainfall some localised flooding does occur. Thames Water has acknowledged that the existing waste water infrastructure is inadequate to accommodate the needs of the proposed development. Consequently, they request a condition requiring a drainage strategy, detailing on and/or off-site drainage works to be submitted to and agreed in writing by the Local Planning Authority. No discharge of foul or surface water from the site would be accepted into the public system until the drainage works referred to in the strategy had been completed.
- 5.31 The Council's Drainage Engineer advises that a scheme to attenuate run-off from the fields in Rousham Road has been designed by WODC and should be implemented by August 2015. A condition is further recommended to require a full surface water drainage scheme to be submitted and approved by the Local Planning Authority.

Residential Amenity

- 5.32 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any neighbouring dwellings. The distance between the front elevation of existing properties on St John's Road and the proposed position of dwellings on the application site would be approximately 26m at the nearest point, which is No.9 St John's Road. Although the layout may be subject to change at the reserved matters stage, there is no reason to believe that an appropriate privacy distance could not be achieved on this frontage. There would be no other direct overlooking between dwellings, based on the submitted layout, on any other part of the site.
- 5.33 The distance between the development and nearby buildings is such that there would be no loss of light.

- 5.34 Although there may be some relatively short term disturbance during construction, it is considered that general amenity would not be materially affected by the development. Loss of view is not a material planning consideration.
- 5.35 It is acknowledged that street lighting and light emanating from the dwellings would increase sources of light pollution in this location. However, the village has existing street lighting and is not a dark location. There would be no grounds to resist the proposal on this matter.

Affordable housing

- 5.36 The Council's Housing Enabling Officer has advised that 50% of the proposed dwellings should be affordable. Of these, the mix should be: 2 x 2 bed house for shared ownership; and 4 x 1 bed flats, 4 x 2 bed house and 3 x 3 bed house for rent. It is considered that this would make a policy compliant contribution to affordable housing needs in this area.

Other Matters

- 5.37 It has been suggested by objectors and the Parish Council that the proposal should be considered in the context of an anticipated application for housing at Balliol Farm elsewhere in the village. Whilst this may allow for impacts on infrastructure and local amenity to be considered in the round, it would not be reasonable to seek to introduce any delay in the processing of the Street Farm application, which needs to be considered on its merits. An application for Balliol Farm had not been submitted at the time of writing.
- 5.38 There is anecdotal suggestion from objectors that local services and facilities will be put under strain as a result of this proposal. Oxfordshire County Council has been consulted, and as regards those services that may be directly affected, financial contributions are required in the following sums:
£75,051.00 to expand Tackley CE Primary School; £84,454.00 towards expansion at the Marlborough CE Secondary School; £3,838.00 towards expansion of Special Educational Needs; and a total of £15,420.96 to cover libraries, waste management, museum resource centre and adult day care.
- 5.39 The Council's Leisure and Communities section has advised that a sum of £28,288.00 would be required towards sport and recreation facilities, as well as £21,268.00 towards the enhancement of play/recreation in the catchment.

Conclusion

- 5.40 The application is seeking outline planning permission with only means of access to be considered at this stage, although some matters of detail, such as the intention regarding the retention of trees on the site, have been submitted as part of the proposal.
- 5.42 The principle of development in this location is acceptable with regard to emerging Local Plan Policies OS2 and H2, and the sustainable development objectives of the NPPF.
- 5.43 The means of vehicular access to St John's Road, and the pedestrian/cycle routes to provide links to Medcroft Road and Nethercote Road are not objected to by the Highways Officer. It is considered that there would be no significant impact on highway safety and details of the provision of parking within the site can be resolved at the reserved matters stage. Accordingly

the proposal is considered to comply with adopted Local Plan Policy BE3 and emerging Local Plan Policy T1.

- 5.44 The constraint as regards drainage capacity is acknowledged and the condition requested by Thames Water in relation to the submission and approval of a drainage strategy is attached to this report.
- 5.45 There would be no unacceptable impact on residential amenity.
- 5.46 The indicative layout, and plans for the retention of trees and new landscaping, indicate that a scheme for 26 dwellings can be accommodated on the site without significant detriment to the character and appearance of the area, or material harm to the significance and setting of heritage assets. A condition is included to require details of siting, scale and external appearance at the reserved matters stage.
- 5.47 Impacts of the development as regards social infrastructure will be addressed through a legal agreement.
- 5.48 Insofar as relevant to this outline application, the proposal complies with adopted Local Plan (2011) Policies BE2, BE3, BE4, BE5, BE8, BE11, BE12, BE13, NE6, NE13, H2, and H11. The proposal is also consistent with emerging Local Plan (2031) Policies OS1, OS2, OS5, H1, H2, H3, T1, T3, T4, EH2, EH5, EH7, and EW2.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the appearance, landscaping, layout and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 4 The reserved matters application shall be limited to a maximum of 26 dwellings.
REASON: For the avoidance of doubt as to what is permitted.

- 5 Prior to commencement of the development, details of the junction between the proposed road and the highway shall be submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
REASON: In the interests of road safety.
- 6 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been constructed, surfaced and drained in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 7 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 8 Development shall not begin until details of the proposed footpath link with the existing footpath along the south west boundary of the site, and the pedestrian/cycle link with Nethercote Road have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until those links have been constructed in accordance with the approved details.
REASON: To ensure safe and adequate pedestrian and cycle access.
- 9 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)
- 10 Following the approval of the Written Scheme of Investigation referred to in Condition 9, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).
- 11 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the safety of occupiers of the proposed dwellings.
- 12 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and

approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

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

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

- 14 Development shall not commence until a drainage strategy detailing any on and/or off-site drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

REASON: The development may lead to sewage flooding. To ensure that sufficient capacity is made available to cope with the new development. In order to avoid adverse environmental impact upon the community.

- 15 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

REASON: In the interest of improving connectivity in rural areas.

- 16 Notwithstanding the submitted 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 any above ground development commences. The scheme shall include measures for the protection of all retained trees and hedgerow during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure and screening must also be included, as well as hard surfaces to be used throughout the development. The entire scheme so approved shall be completed by the end of the planting season immediately following completion of the development and thereafter 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.

- 17 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 18 Prior to commencement of the development, including site clearance, a ten year Landscape and Ecological Management plan based on the mitigation and recommendations in the Ecological Assessment (Aspect Ecology dated February 2015), Aspect Ecology letter dated 12th May 2015, and as illustrated on plan 3782/ ECO4, shall be submitted to and approved in writing by the Local Planning Authority. The management plan so approved shall be fully implemented by the end of the planting season immediately following completion of the development and maintained thereafter in accordance with the approved details.
REASON: To ensure that birds, bats, reptiles and their habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, in line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies NE13 and NE15, and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

NOTES TO APPLICANT:-

- 1 A S278 agreement will be required for the access and associated works. Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email Road.Agreements@oxfordshire.gov.uk.
- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
Flood and Water Management Act 2010 (Part 1, Clause 27 (1))
Code for sustainable homes - A step-change in sustainable home building practice
The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after June 2014. As per the Flood and Water Management Act 2010 (Part 1, Clause 9 (1))
- 3 Where communal drainage schemes are proposed approval of the scheme may be required from Oxfordshire County Council sometime after March 2015 and the scheme will need to be adopted under the Flood and Water Management Act.
- 4 The Environment Agency advises the following:

Surface water run-off should not increase flood risk to the development or third parties. This should be done by using Sustainable Drainage Systems (SuDS) to attenuate to at least pre-development run-off rates and volumes or where possible achieving betterment in the surface water run-off regime. (The applicant should contact Local Authority Drainage Departments where relevant for information on surface water flooding.)

An allowance for climate change needs to be incorporated, which means adding an extra amount to peak rainfall, as described in Paragraph 68, part 4, (Reference ID: 7-068-20140306) of the Planning Practice Guidance. Further guidance can be found on our website at the following https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296964/LIT_8496_5306da.pdf

The residual risk of flooding needs to be addressed should any drainage features fail or if they are subjected to an extreme flood event. Overland flow routes should not put people and property at unacceptable risk. This could include measures to manage residual risk such as raising ground or floor levels where appropriate.

- 5 The receiving sewer does not have sufficient spare capacity to accommodate the calculated net foul flow increase from the proposed development. Thames Water request an impact study be undertaken to ascertain with a greater degree of certainty whether the proposed development will lead to overloading of existing infrastructure, and if required, recommend network upgrades. Please liaise with Thames Water Development Control Department on 0845 850 2777 with regard to arranging an impact study.

Application Number	I5/00564/FUL
Site Address	Land South Of Forest Road Charlbury Oxfordshire
Date	20th May 2015
Officer	Abby Fettes
Officer Recommendations	Pending Decision
Parish	Charlbury Parish Council
Grid Reference	435053 E 219434 N
Committee Date	1st June 2015

Application Details:

Proposed residential development comprising 29 dwellings, including 9 affordable units, 20 custom build/self-build (10 of which will be discount market value) homes for sale, and 12 bed unit (C2) assisted living accommodation for residents suffering from young on set dementia.

Applicant Details:

Mr Ian Cox
Frankswell House
Fishers Hill
Charlbury
Oxon
OX7 3RX
United Kingdom

I CONSULTATIONS

I.1 One Voice
Consultations

Highways -
Objection

Officers recommend the application for planning permission is refused for the following reasons:-

1. The submitted transport assessment does not appraise appropriately the traffic impact of the development and therefore does not demonstrate that traffic arising from the site can be accommodated safely and efficiently on the transport network, contrary to Policy SD1 of Oxfordshire Local Transport Plan 3 and the National Planning Policy Framework.

2. The proposals fail to demonstrate safe and suitable access for all people (NPPF Para 32).

The objection is on the basis that insufficient information has been provided. It may be possible to remove the objection if satisfactory amendments are subsequently submitted.

Archaeology
Objection

An Anglo Saxon burial has been located just to the west with a possible child burial nearby.
Artifacts from the Neolithic, Bronze Age and Romano British periods have been found nearby.
Lidar survey suggests that there are some earthworks, including ridge and furrow on the site.
In line with Para 128 of the NPPF and Local Plan Policy BE13 we would recommend that a predetermination archaeological field evaluation is undertaken.

Education

Approval subject to the conditions

Key issues:

£128,329 Section 106 required for necessary expansion of permanent primary school capacity in the area. Charlbury Primary School is the catchment school for this development.

No Section 106 currently anticipated necessary for expansion of permanent secondary school capacity in the area. This site lies within the current Chipping Norton School designated catchment area.

£6,768 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Property

No objection subject to conditions

Extra Care Housing

No objection

The County Council are prepared to support the proposed new service with both capital and revenue funding resources.

I.2 Parish Council

Town Council comments:

We believe this should be considered alongside Little Lees, particularly with reference to affordable housing provision and need is this best site for commendable scheme_

Visual impact from Park Street between Cornbury Park and Grammar School Hill, however the impact could be reduced by landscaping there is a local need for a scheme of this type particularly the self build and affordable

There are issues related to traffic and pedestrians which will require careful consideration and resolution

There is a sense of detachment from the town

Some layout redesign would improve the proposed linear alignment of the properties facing forest Hill to avoid the suggestion of a street frontage

Archaeology needs investigation

Is there adequate infrastructure - water, sewage, school places_

Can all comments be carefully considered ?

A site visit is a must

S106 - we request that a contribution be made available towards the cost of community facilities and infrastructure. Can the TC be involved in the negotiations please_

1.3	WODC - Arts	No Comment Received.
1.4	Wildlife Trust	No Comment Received.
1.5	Ecologist	<p>In summary further survey information is required to see if the mitigation and recommendations are adequate to compensate for the impact to the identified priority habitats such as wet marshy area and the ancient semi natural woodland which connects to the Wychwood SSSI. As well as a review of the layout to see if the woodland could be sufficiently buffered from the development and the proposed wildlife corridors incorporated within the layout.</p> <p>At the moment additional information is required if this could not be supplied it would have to be refused due to insufficient information in order to determine this application.</p>
1.6	WODC Architect	No Comment Received.
1.7	WODC Drainage Engineers	No Comment Received.
1.8	Environment Agency	We have no objection to the planning application a submitted.
1.9	WODC Env Services - Engineers	No Comment Received.
1.10	WODC Env Consultation Sites	<p>Given that the site is adjacent to land that has previously been used as a gas works and a pharmaceutical factory and the proposed use of agricultural land for residential development please consider adding the following condition to any grant of permission.</p> <p>1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.</p> <p>Reason: To prevent pollution of the environment in the interests of the amenity.</p>
1.11	WODC Env Health - Uplands	No Comment Received.

I.12	WODC Head Of Housing	No Comment Received.
I.13	WODC Env Services - Landscape	No Comment Received.
I.14	WODC Landscape And Forestry Officer	No Comment Received.
I.15	WODC Legal & Estates	No Comment Received.
I.16	Natural England	<p>Landscape - Objection/further information required.</p> <p>Statutory Nature Conservation Sites - No objection - no conditions requested</p> <p>Sustainable Urban Drainage Systems (SUDs) and Water Management - Condition Requested</p> <p>Protected Species - We have not assessed this application and associated documents for impacts on protected species.</p> <p>Biodiversity enhancements - Condition Requested</p> <p>Ancient Woodland - addition to the S41 NERC Act paragraph</p>
I.17	WODC Planning Policy Manager	No Comment Received.
I.18	WODC - Tourism	No Comment Received.
I.19	TV Police - Crime Prevention Design Advisor	No Comment Received.
I.20	Thames Water	<p>Waste Comments</p> <p>The application does not affect Thames Water and as such we have no comments to make.</p> <p>Water Comments</p> <p>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.</p> <p>Supplementary Comments</p> <p>Waste: Foul flows will discharge to a private treatment plant on site. Therefore we have no comments to make as our assets are not affected by this development site.</p> <p>Adjacent (North to East) to the proposed development sits Charlbury STW. This is a Thames Water Asset. The company will</p>

seek assurances that it will not be affected by the proposed development. On the map, a blue outlined box shows the assets and the proposed development area is identified by a red outlined box.

- I.21 WODC Env Services - Waste Officer No Comment Received.
- I.22 WODC - Sports No Comment Received.
- I.23 Cotswolds Conservation Board
The Board raises an objection to this proposal for the following reasons. The site is outside the settlement boundary for Charlbury and separated from the edge of the settlement by the railway line and the flood zone associated with the Evenlode valley. The Board agrees with the decision from the West Oxfordshire SHLAA 2014 that led to the site not being taken forward for consideration as it was excluded from the process for being too remote from settlement. The Board notes that a case is being made for affordable homes and a dementia unit. However, a significant element of the development will be 20 homes for sale to the open market. The Board also did not agree in the planning balance, that the local need outweighed the detrimental impact the development would bring on the character and scenic quality of the AONB landscape in this location. Development of this greenfield site, outside and away from the settlement boundary, would have a negative impact on the special character and qualities of the AONB and lead to a precedent for future development of this nature. There may be opportunities to make provision for this need either locally elsewhere in a more sensitive location within Charlbury or indeed through sites that have been identified as suitable through the SHLAA process. The Council is recommended to consider this application under Paragraph 115 of the NPPF that affords the AONB great weight. In addition the Conservation Board also considers Paragraph 116 of the NPPF to be relevant in this case (see NPPG) in that in this local context the development will be major development. The attached letter from Brandon Lewis (MP) is of additional assistance in guiding the Local Authority in respect of decisions in AONBs and the consideration of landscape character.
- I.24 CPRE
CPRE believes that in general the planned growth in the District is excessive and unsustainable. The SHMA figures are based on flawed and exaggerated data and yet this document (written by property consultants) is cranking up the pressure to increase the housing target yet further. If we are not careful, the rural character of our District will be lost irrevocably, when growth should be focused instead in other areas of the UK to encourage regeneration where it's needed. This particular application is in addition to sites identified in the Draft Local Plan, so would be in excess of existing targets which are already high and proven to be mostly for in-migration. The CPRE does support the provision of care facilities,

but favours Brownfield sites over Greenfield and this site is on Greenfield land on the edge of the village settlement, separated by the railway lines and some business units. Greenfield land is a valuable resource for farming and to retain the pleasant environment and intrinsic value attached to living in the UK. In other parts of the UK there are many Brownfield sites that could be developed for betterment. The proximity of woodland would suggest the presence of wildlife, which would be affected by construction. The area around the station flooded significantly in 2007, so building here will increase the risk of future flooding. Mitigation in the way of attenuation ponds does not work in ground that would be saturated in the event of high rain- it only works upstream of the site. Finally, the site is in an AONB and within the Evenlode Valley, which should not be spoiled.

2 REPRESENTATIONS

2.1 Approximately 180 letters have been received objection to the scheme and their objections are summarised as follows:

2.2 Impact on character of area and AONB:

- Does not accord to continue to protect the AONB land
- West entry into Charlbury is unique, the proposal will adversely affect the character and natural beauty that this area is characterised by.
- Concerns over the impact on greenfield sites in Evenlode Valley
- Concerns over the beauty of the area that the proposal would ruin from views all over Charlbury and from wider areas.
- The proposal would result in a visual scar by day and night on the beauty of the English landscape for no gain to the local community of Charlbury.
- The proposed development of housing is totally out of character for this side of Charlbury and will affect the peace and quiet of this area, impacting on light pollution and creating busier roads, as well ruining the natural border of the town marked by the river.
- This development would ruin the westward view and would be a precedent for the spread of commuter-favoured housing near the station.
- It is an unnecessary development and will ruin the beauty of the hill and landscape.

2.3 Siting

- This development would urbanise a hugely valued landscape.
- All this will do is reinforce Rushy Bank as a satellite settlement and isolated disparate community.

- Location of development would be more suitable in another location within Charlbury near other recent developments.
- New settlement planted in the countryside
- Siting and location is inappropriate
- Isolated site would make it difficult for residents to access local amenities such as shops and the wider community
- The isolated site will make it difficult for residents to access local amenities such as shops and the wider community.
- The satellite estate to be built completely outside the town is as large in total area as the land between Market Street, Church St and Dyers Hill.
- The development then proposed (which was only half the size of the current scheme) constituted encroachment of development into the open countryside and was poorly related to Charlbury.
- This proposal would effectively create a new hamlet geographically separated from the community of Charlbury, and that also is something which is not helpful for community cohesion.
- Allowing development of green sites like this slowly and inexorably erodes the quality of life in rural communities.
- Ribbon development along the road would significantly degrade this.
- Charlbury has remained nucleated on the east side of the Evenlode. The development would be on the west side and discontinuous with the town.
- The site is prone to flooding and it is a poor choice of location for a dementia care home given its proximity to a river, railway and road which gets busy at rush hour when commuters speed to get trains.
- Consider that those who can influence this decision do seek an alternative site that would enable those living there to not only have access to services necessary for their everyday living but also be a much safer place for them to live.
- In terms of general planning policy this site must be a rural exception site: it has been rejected in WODCs housing allocations and lying several hundred metres from the settlement on the other side of a river and floodplain, cannot possibly meet criteria for infill and rounding off.
- To position the development in this location creates a satellite community , not connected to the town.

2.4 Design

- The proposed housing is of contemporary, faddish design, which will not stand the test of time. The proposed buildings have no sympathy for the area, its traditions or its character.
- The scale, design and style proposed here possesses no quality with potential to enhance the sense of place.
- Charlbury's traditional housing especially on the Forest Road side of the town is primarily warm, traditional Cotswold stone.
- The design of many of the houses is odd and ungainly and clearly out of character with an ancient Cotswold market town.
- The level of additional street furniture would be detritus of suburbia;
- The scale of the development is disproportionate to the size of the town.

2.5 Traffic

- Concerns over further increase in traffic through Dyers Hill
- Concerns that the car dependency of the development would exacerbate the highways issues in the existing area.
- The service road is to be built to standards adopted in Holland, having a pedestrian zone and a carriageway width of only 4.75m.
- The new proposed mini-roundabout, additional street lighting and widened footpaths would severely detract from the beauty of this area and increase light pollution
- The transport assessment fails to consider the bottleneck at the top of Dyers Hill which has a very narrow two-way road (Thames Street). Lorries frequently mount the pavements to get round and often knock the black bollards.
- Car dependency as the steep hill (Dyers) will not attract bicyclists unless they are particularly young and fit.
- The submitted Transport assessment relies heavily on encouraging cycling to reduce car use, but as a reasonably fit leisure cyclist living at the bottom of Dyers Hill I can assure you that the climb up the hill by bike is quite a deterrent to making it first choice, particularly if you need to carry shopping or school children.
- There will be extra parking and traffic burden on the already congested streets of Charlbury as many people would opt to drive to the town's shops.
- Walking to join the footpath to Shorthampton is a hazardous route, this development would add to that danger.

- There would be much added traffic, and also light pollution with the new housing, streets and road junction.
- Concerns that the lack of an actual traffic survey in order to establish traffic controls, pedestrian safety measures, and the level of associated street furniture.

2.6 Affordable Housing

- The proportion of affordable housing is below the required policy, and as such does not justify a rural exemption within an AONB
- When the size of houses is taken into account, the great bulk of the site is not affordable homes.
- A self-build should be built in the owners own time, but understand that the owner will have to meet specific deadlines.
- Concerns over the retention of affordable housing sited next to a mainline to London.
- As a result the proportion of Affordable Housing (9 out of 41 units including the Young Dementia home) is far too low to comply with policy on or justify the use of any rural exception site, let alone one within an AONB.
- The inclusion of 'affordable housing' is a token gesture only and better use of other sites could be made for this purpose.

2.8 Environment

- Concerns over the archaeology at the proposal site as there is evidence of an Anglo-Saxon settlement nearby.
- Rushy Bank is of considerable archaeological interest since it contains the only unploughed remnant of the Walcot deserted medieval village and is adjacent to fields in which significant Roman and Saxon finds have been made.
- Concerns over the habitat that the existing site provides to wildlife and that they will be lost.
- There are disadvantages of this, namely their long-term maintenance and the potential as a breeding ground for vermin, especially rats, mosquitoes and flies.
- Concerns over the sewage in an area prone to flooding.
- Concerns over the weight of the Biodiversity Report. At least 17 of the 59 priority bird species listed on the UKBAP (7th January 2015) can currently be seen on this site and have been observed on regular visits to the area over a 25 year time span.

- Loss of biodiversity the ecology report does not mention the presence of a number of specimens at the site such as toothwort.

2.9 Young Dementia Provision

- No evidence the facility is required in Charlbury.
- The local doctors surgery may not have the capacity to deal with the additional families and also the additional needs of so many young dementia patients.
- I'm sympathetic to the Young Dementia Facility but I don't think this is the right place for it, cut off
- from the Town as it would be.
- There are no facilities in Charlbury town for young people with this complaint, and it stands to
- reason that they will not necessarily want to be kept on the site for days at a time
- The charity behind the YDUK part of the proposals is very worthy but that does not negate the fact
- that the development is in the wrong place.
- The site of this development does not appear to meet the need to place young dementia sufferers at all.

2.10 Other

- Concerns of an undesirable precedent that may result at the site.
- Speculative private housing development relies on the low valuation of the land.
- Consider the affordability and green credentials as a 'green wash'.
- Concerns over the additional pressures on local services e.g. schools, doctors etc.
- Concerns over the pressures on local services
- We need a proper assessment through the Neighbourhood Plan. It should not be through piecemeal developments like this well beyond the town.
- There are a number of tenants renting houses or land from the Cornbury Estate who do not feel they can object for fear of refusal when they come to renew their tenancy agreements.
- There is no guarantee locals will be hired and the number of jobs created (up to 12) is an insignificant 0.4% of the local population.

- If Charlbury is to grow then this needs to be done using a neighbourhood plan with all the wider consultation and process that this entails rather than piecemeal development driven by speculative property developers.
- The council have received 72 letters of support and they are summarised as follows:
- The emphasis on sustainable, low energy and green-roofed building is also very welcome, giving people the opportunity to see what options are possible and hopefully offering a much stronger example to other local developers and house-owners.
- I am also in favour of the dementia provision which is also in very short supply locally.
- There is a real need for both affordable and self-build discounted housing in Charlbury, demonstrated by the residents Beacon Project group that have been looking for a self-build site for years, and it strikes me that Charlbury is a suitable and friendly place for the Dementia home
- The site offers an opportunity to develop a range of affordable / subsidised homes in Charlbury that will assist in maintaining the diversity of the town, and particularly for those who are otherwise priced out of the local market by high prices and lack of appropriate supply.
- Footfall in the town may increase to the benefit of local businesses as a result of this development, along with visitors and staff at the dementia facility using services and retail premises.
- Think the location is unobtrusive and discreet, nestled between the Burford road, the already developed business park and the sewage works. I also believe that the accessible accommodation for young dementia sufferers would offer an excellent resource, not just for its residents but for the jobs, trade and visitors it could draw to the town.
- I run, cycle and walk extensively in and around Charlbury, and cannot see that the site is particularly visible from any of the vantage points that I visit.
- I believe that due consideration has been given to the area of natural beauty it falls in and will place minimal burden on existing services, particularly if the developers could invest in the school facilities as part of the arrangement.
- There is a need for housing for local people and this provides an opportunity for local families to stay in Charlbury instead of being forced to move away due to the lack of affordable properties in the area.
- Affordable housing is essential in an area with some of the worst affordability in the country, if the town's young people wish to remain in their home town - our own son falls into this group.
- The whole project has been designed by a local architect and has drawn on members of the local community to be part of this visionary scheme.

- I believe the development will have low visual impact as it is adjacent the train station and an existing employment area.
- The development would also have economic benefits to Charlbury through the creation of new jobs and is an opportunity to improve highway safety on the approach and into Charlbury.
- The site is of course close to public transport, minimising the need for cars for those who might need to commute.
- As for the location of the proposed development, this is a marginal site obscured from the town's view by the station and a very utilitarian industrial estate. I have looked from Thames Street and it will be almost impossible to see the site from there or at a lower level.
- Rushy Bank is the only location that is viable, available and affordable for them locally.
- The proposal has low carbon aspects and high specification environmental design attributes.
- Plans for improved road safety will improve pedestrian access to the town centre from the development but also for those using the industrial and childcare buildings on the south side of Forest Road.
- It will enhance and soften the visual impact of the existing light industrial units, day nursery building and station/car parking.
- The Rushy Bank Development would provide young families such as ours to actually be in with a chance of partially or fully owning a house of our own where we can raise our children in the town where we have both lived since birth.
- Not only would the location be sustainable and close to the railway station, the new road layout would improve highway safety by slowing down the traffic as it approaches station bridge and the new residents would help to sustain local amenities and facilities in the town.
- The development's visual impact is minimised by extending the built area comprising the station, the water treatment plant and the small semi-industrial facility that already dominate its western approaches.
- This development helps bridge the gap between people that qualify for current part buy part rent schemes and those fortunate enough to be able to afford Charlbury houses on the open market whilst also including these people.
- The Development is small and well thought out by local people for local people.
- A lot has been done to lessen the impact on the surroundings, putting green roofs on some buildings and landscaping, so only a few houses in Charlbury will be able to see it.
- This development seems to meet the real need for modern, community based facilities to support younger people with dementia and their families.

- We are very pleased that the proposals include a small roundabout on the fast and busy road to Burford, which would improve road safety in this location.
- I understand that approval will in no way set a precedent and applications for any future developments will be looked at entirely separately.
- The house designs and their arrangement relative to the local topography and the tree lines minimise the visual impact from the road and the rest of the town; it will be invisible to the vast majority of Charlbury dwellers, and not obtrusive in those few cases where the site can be seen from the windows of other houses.

3 APPLICANT'S CASE

The applicants case is available to view online.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE13 Archaeological Assessments
 H11 Affordable housing on allocated and previously unidentified sites
 H2 General residential development standards
 H7 Service centres
 NE4 Cotswolds Area of Outstanding Natural Beauty
 NE12 Renewable Energy
 NE13 Biodiversity Conservation
 NE15 Protected Species
 T2 Pedestrian and Cycle Facilities
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 OS5NEW Supporting infrastructure
 EH1NEW Landscape character
 EH2NEW Biodiversity
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to an open countryside location adjoining the enclave of development to the rear of the railway station when leaving Charlbury. A large copse/woodland provides the backdrop to the site which lies entirely within the AONB. Officers will make reference to the key submitted plans as part of their presentation to committee.
- 5.2 The application seeks consent for a 12 bed Young Dementia Unit which would be the first of its kind in the country, affordable housing, self build housing and some market housing with associated parking and landscaping.

- 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:

Principle
Siting, design and form
Highways
Residential amenities
S106 contributions
Other matters

Principle

- 5.4 The principle of development is a key consideration. On the one hand it could be argued that this development occupies an open countryside location beyond the limits of the village and where it will be visible in the AONB. These factors would generally be indicative of a recommendation for refusal. On the other hand the vast majority of the uses in terms of the Young Dementia complex, the self build units and the affordable housing are, in general terms, uses that the LPA would normally wish to support and encourage and indeed may be acceptable on "off plan" locations. The fact that many of the houses feature energy saving measures is another benefit as is the sustainable location in close proximity to the railway station where commuting could be minimised. There is an existing footpath along the road that runs towards central Charlbury and in terms of distance, the location is actually closer to the village facilities than many existing built up parts of the village are, it is merely that the floodplain/river corridor has historically prevented attached development on this side of the settlement. Instead it has leapfrogged the river valley in favour of the outlier that currently exists and would be consolidated were this application approved.
- 5.5 Taking all the above into the round, and without prejudice to the recommendation or determination of the final iteration of the scheme, your officers consider that on balance there is a reasonable prospect of securing a development that could be recommended for approval and as such would recommend deferral in order for the matters outlined below to be addressed. If however Members consider that the scheme is unacceptable in principle then it would save considerable abortive effort and money if that position were made clear at this stage.

Siting, Design and Form

- 5.6 Due to the different components of the development the scheme as submitted has a somewhat eclectic design style that does not hang together as a streetscene. The Young Dementia element is a very modern building that your officers are broadly happy will sit comfortably on the hillside and read in the context of the development associated with the railway station. Some of the other elements - such as the affordable housing, eco housing and private housing are currently designed and sited such that officers have considerable concerns about the impact on the wider AONB and the impact on key vistas and views. However amended sketch plans have been tabled that would reduce the site area and provide a much more cohesive design approach incorporating substantial blocks of additional landscaping such that these concerns appear likely to be addressed in a manner that will be acceptable. There is still work to do to enable the parking etc to sit within the new general framework of development but Officers are satisfied

that it should be possible to design a scheme that incorporates the key elements in a manner that is visually acceptable.

Highway

- 5.7 It will be noted that highways are currently objecting. Officers have concern at the visual impact of the proposed roundabout access on the rural character and approach to the settlement. Again however this is a matter of detail that could be improved but before further work is undertaken it would be useful to ascertain if that work has the prospect of delivering a successful outcome

Residential Amenities

- 5.8 There are no third party properties that are directly affected and as such this is not a key issue. Officers are satisfied that residential amenities of future occupiers can be accommodated through the design process.

Section 106

- 5.9 Were an acceptable scheme to be negotiated then the heads of terms of a legal agreement to secure the benefits and components of the scheme that are necessary to justify an approval where one might not normally be forthcoming will be essential and further work is required in this regard. The Town Council have requested that they be involved in these negotiations as they seek contributions towards community projects.

Ecology/Archaeology/other matters

- 5.10 Members will note the reservations of the County Archaeologist and our own ecologist. Discussions have been on-going with the Archaeologist seeking to remove development from that part of the site where the archaeology lies and further survey work would be needed to address the ecology issues. There will be other points raised in terms of sewage/drainage etc that will also need to be clarified but as yet those matters are still under discussion/negotiation

Conclusion

- 5.11 The application is being brought before Members at a much earlier stage than would normally be the case and where the application is not ready for determination. There are on-going negotiations looking to clarify/amend/improve various aspects of the scheme in response to technical and other responses received. However the funding arrangements for various aspects of the scheme are time limited and the costs of producing amended plans etc impact on overall viability. Before undertaking what could be expensive, time consuming and wholly abortive work and to give some comfort to the funding bodies the applicants are seeking a degree of comfort that continuing the negotiations is a worthwhile exercise. Thus, if Members are wholly unconvinced by the merits of the proposals it would be useful to all parties if that viewpoint were expressed now. Officers do not however take that viewpoint and consider that the principle can potentially be supported but that considerable on-going negotiation is needed to get the scheme in to an acceptable state. The recommendation is therefore that the application be deferred to enable that process to continue. If Members agree to deferral that would of course not preclude a refusal as and when the application is in a position to be finally determined but would give a degree of comfort in the interim that engaging in the on-going

negotiations and further survey and design work was not inevitably a wholly abortive process. Deferral is recommended.

6 RECOMMENDATION

The application is on the agenda for information only at this stage.

Application Number	I5/00606/FUL
Site Address	The Heyes Churchill Road Kingham Chipping Norton Oxfordshire OX7 6TA
Date	20th May 2015
Officer	Abby Fettes
Officer Recommendations	Approved subject to Legal Agreement
Parish	Kingham Parish Council
Grid Reference	426628 E 224328 N
Committee Date	1st June 2015

Application Details:

Proposed change of use of land to touring caravan park to accommodate up to 12 pitches and associated washroom and reception block.

Applicant Details:

Mr Lee Foster
The Heyes, Churchill Road
Kingham
Chipping Norton
Oxfordshire
OX7 6TA
United Kingdom

I CONSULTATIONS

- I.1 Parish Council
- Kingham Parish Council would like to object to the above mentioned proposal for the following reasons.
- a) The Conditions of the previous approval. (Application number 10/0791/P/FP, Application date - 28.05.2010, received date 03.06.2010) With points 3-6 being most relevant to this application. These being, '3. - There shall be no more than one residential caravan or residential trailer sited on the site at any one time. Reason: In the interests of Visual Amenity. 4. - The site shall be occupied by Mr and Mrs Foster and their dependents and for only as long as they meet the definition of gypsies and travellers as defined in paragraph 15 of ODPM circular 01/2006 and by no other person. Reason: the development is justified to meet the needs of gypsies and travellers within the district. 5.- No more than one commercial vehicle shall be kept on the land for use by the occupier of the caravan hereby permitted and they shall not exceed 3.5 tonnes in weight. Reason: In the interests of visual amenity. 6.- No commercial activities shall take place on the land, including the storage of materials. Reason: in the interests of visual amenity.' The site is located within the Cotswold AONB with the visual amenity being considered one of the major

reasons for objection. The previous application had the above conditions applied to its approval - the importance of preserving the visual amenity of the area remains unchanged.

b) Kingham Parish Council has supplied a Landscape Appraisal (see attached), with the summary being 'This is a commercial development for the erection of a permanent structure to house reception and shower rooms, and the provision of up to twelve caravan pitches on land between the Conservation Area villages of Kingham and Churchill, within the Cotswolds Area of Outstanding Natural Beauty. The Site is visible from a number of locations within the landscape, and there are a number of identified receptors of high sensitivity. The Site has no connection to either of the two villages, and yet is in such a location that it would impact upon the setting of both.

It is the finding of this appraisal that the proposal is not appropriate in this location, because it would erode the character of this valued landscape. Furthermore, there is a strong concern that it would set a precedent for this type of development within the valley between Kingham and Churchill.' Again, it has been outlined that the visual amenity of the area would be greatly disturbed by the change of use of land. This land still remains within the Cotswold AONB, this point remains unchanged and therefore the rulings and conditions of the previous approval should remain unchanged.

c) The size of the washroom facilities is questionable. From the plans given it is more than double the standard size for this type of structure. This structure is bigger than the previously approved mobile home size of the 2010 grant given. The approval of this sized structure would set a precedent for future development, with potential creep. The Visual Amenity of the Cotswold AONB will be effected.

d) Flooding - this land is known to be subject to flooding. This would have a detrimental effect on the capacity of the proposed number of caravans, which in turn, would decrease the income. The number of caravans that could possibly be accommodated at this time would only be 4-5 pitches. Has a business plan been submitted with this application? Is the plan/business even feasible from a business point of view?

e) The area is currently over-served by adequate touring caravan sites. These being, Burford 119 pitches, Moreton in Marsh 183 pitches, Bourton on the Water 121 pitches, Merryweather - Chipping Norton 70 pitches, Chipping Norton near Churchill 105 pitches. Giving a Total of 598 pitches. With so many sites in close vicinity, a new development with a maximum capacity of 4-5 small pitches (due to the site size /flood zone constraints) is neither a material nor a strategic development, although, it will have a detrimental effect on the visual amenity.

f) Traffic - the increase in larger sized vehicles along an already narrow road and through Kingham Village itself, which already has a traffic issue with the main street being impassable at certain times. The road in which the application site is located is the main access point from Chipping Norton to Kingham Primary School. At peak

school drop off and pick up times this road has parked cars down one side, which would prove to be also impassable for larger sized vehicles. Simply - there is insufficient infrastructure for this type of traffic in the immediate area.

A Landscape Assessment has also been submitted by the Parish Council, the executive summary is as follows:

This is a commercial development for the erection of a permanent structure to house reception and shower rooms, and the provision of up to twelve caravan pitches on land between the Conservation Area villages of

Kingham and Churchill, within the Cotswolds Area of Outstanding Natural Beauty. The Site is visible from a number of locations within the landscape, and there are a number of identified receptors of high sensitivity.

The Site has no connection to either of the two villages, and yet is in such a location that it would impact upon the setting of both.

It is the finding of this appraisal that the proposal is not appropriate in this location, because it would erode the character of this valued landscape. Furthermore, there is a strong concern that it would set a precedent

for this type of development within the valley between Kingham and Churchill.

I.2 OCC Highways

Access visibility complies with local and national standards.

The access geometry may require a towing vehicle/caravan to move to the 'wrong side' of the road in order to entering/leaving the site. However given the vehicular flows and speeds along the Kingham Churchill road this infrequent movement should not cause such harm as to warrant the refusal of a pp.

The local road network is suitable to carry the additional movements without causing issues in terms of highway safety and convenience.

The site is situated in an unsustainable location poorly served by public transport and where the private car will be mostly used as the means of travel to/from the site. However, given the proposed use I would not wish to object on these grounds.

No objection subject to conditions

I.3 WODC - Tourism

We mainly promote the Kingham area as a walking and cycling area, accessible by public transport and with a good network of footpaths and bridleways through AONB landscape, so that the overriding priority from a tourism perspective would be that the views/landscape are not adversely affected

There is a shortage of cheaper accommodation in the area most is at the higher end of the price range (hotels or upmarket pubs)

I.4 WODC Env Health - Uplands

No Comment Received.

I.5 WODC Drainage

No Comment Received.

Engineers

- I.6 Adjacent Parish Council The site of the above application is outside the Parish of Churchill & Sarsden. However, it lies close to its boundary with Kingham Parish and is in a prominent position within the gentle valley formed by the Evenlode tributary which separates the two communities, and from which its attractive countryside is widely visible.

The Parish Council has therefore given very careful consideration to the application and the personal circumstances of the applicant but wishes to strongly object to the proposal on the following grounds.

1. The siting of a permanent commercial building and up to 12 touring caravans for a large part of the year in such a visually prominent location would be wholly prejudicial to the preservation of the landscape and scenic beauty of this part of the Cotswold Area of Outstanding Natural Beauty. This is an area the District Council has rightly sought to protect and has rejected proposals which by comparison with the present application would have been hardly noticeable.

2. The application is not accompanied by any examination of existing provision in the area or any argument that some unmet demand would be met. There are some 300 pitches in and around Chipping Norton with other major sites at Moreton in Marsh and Bourton on the Water. There is no case to add more in such an unsuitable location as is now proposed.

3. Any approval would wholly contravene the conditions attached to the permission granted in 2010 which enabled the applicant to remain on the site and which restricted the use to no more than one residential caravan at any one time. The Parish Council does not dispute the right to make a further application but points out that the planning policy circumstances that led to the site restrictions remain exactly the same.

4. The site is subject to severe flooding and would be quite unsuitable for the use proposed.

5. No business plan or even general financial predictions is included in the application which simply makes vague assertions about the applicant's needs.

The only discernible argument advanced in support of the application relates purely to the claimed personal circumstances of the applicant. The Parish Council are very strongly of the view that such circumstances need to be overwhelmingly convincing if they are to override sensible, established planning policy, which is an approach that is widely held to in the administration of Planning at all levels. No such case has been demonstrated by the applicant sufficient to offset

serious harm to the AONB, the absence of any perceived need that the site would meet, its propensity to flood, and its questionable viability.

- 1.7 Cotswolds Conservation Board
- This is an exposed site within the open countryside of this nationally protected AONB, with public views into the site from the wide open pastoral landscape. The addition of up to 12 touring caravans (for 7 months of the year) and the permanent addition of the washroom/reception block, will result in a negative and urbanising influence through the addition of new development in this exposed location. The development will therefore have a permanent negative impact on the character and special qualities of the AONB the harm from which cannot be mitigated against. There is a legal duty under Section 85 of the CRoW Act 2000 for the Council to ensure the conservation and enhancement of the AONB. Accordingly the NPPF at Paragraph 115 confirms AONBs as having the highest status of protection and that great weight should be given to conserving landscape and scenic beauty.

2 REPRESENTATIONS

- 2.1 67 objections and an independent planning assessment have been received from residents of Kingham as well as Churchill, Oddington, Daylesford, Morton in Marsh and Welshpool, and are summarised as follows:

2.2 Landscape and AONB

- This is a significant development that will significantly affect an AONB, in direct contradiction of stated policy and the approved Local Plan
- The Plan makes it clear that the beauty of the landscape will be weighed heavily in any development that would impact the AONB. This proposal would bring 12 white highly reflective caravans to a site with no other buildings nearby that would be highly visible across the valley and in no way could be "easily assimilated" into the landscape.
- It is in a valley and the caravans would be visible from many points in the surrounding area, spoiling the beauty of the landscape
- Views in AONB will be ruined by a caravan park
- Any development should be within or adjoining the existing developed areas of the village, not on a greenfield site in open countryside
- The site is on agricultural land separating the two villages of Kingham and Churchill. The creation of a commercial site here would erode this separation.
- If this plan is to be allowed, an area of outstanding natural beauty will, Im certain, be transformed into an area of outstanding unnatural ugliness.
- No landscape proposals have been submitted
- Loss of tranquillity and Dark Skies as a result of lighting, noise and traffic impact

2.3 Flooding and Drainage

- The site is in a flood plain

- The facilities and caravans would create significant traffic flows, substantial drainage requirements
- Presence of toilet block will require large lorries to empty waste and waste generation in a site with no connections to mains or any prospect of such a connection.
- Proposal presents a substantial risk of human and other waste entering the brook
- This threatens flooding and pollution close to a significant tributary of the Thames.
- It is noted that septic tanks and/or cesspits are proposed for waste disposal. They would presumably have to be substantial to accommodate the development proposed, and presumably there would be a risk of contamination from them if the likely flooding happens

2.4 Ecology

- The valley is a haven for wildlife
- Kingham is a designated area of natural ecology. The introduction of caravans will significantly alter the natural balance for the worst
- The proposed location is on an already busy road close to a primary school which already suffers from the amount of traffic and congestion.
- Too close to the village school. I believe this will create a danger to children
- A caravan site with the ensuing traffic and strangers in the vicinity would not be a welcome to this school area.

2.5 Traffic

- During term time the road is single file traffic and it will be even more chaotic with slow moving mobile homes and horse drawn caravans
- The site is situated with limited visibility- adjacent to a bend on a national speed limit section of an unlit B road. Caravans turning out or into this site would potentially increase the risk of accidents. Dependent on the season, the hedges can further hinder visibility. The road is also narrow with regards to a caravan and car length for turning and would cause traffic to slow or stop
- The general age demographic for caravanners tends to be older hence their travel may be during term time.
- However, caravans being towed by cars with wide wing mirrors, plus increased trade and service vehicles will make jogging and dog walking on the road dangerous
- The increased use of a substandard access is likely to result in highway safety concerns.

2.6 Viability and need

- Many people come to Kingham and Churchill attracted by the peaceful country environment, hotels and five excellent restaurants. Visitors would not appreciate a caravan site as a feature of this ambience
- In this area the typical price per night of a caravan plot is between £13 and £19 per night. Assuming 60% occupancy, an average price of £15 for 20 weeks per year the revenue generated would be £15,000. Subtract from this the cost of the large permanent fixtures, other capital investment, maintaining the site, administering bookings, marketing, insurances, business rates and utilities and the financial viability becomes highly marginal. At this size, the site would not be financially sustainable.
- This is not a viable business

- There are 598 caravan pitches in the area and 16 Certified Sites which usually have vacancies.
- Approximately 500 caravan/camping sites are within a 10 mile radius of the proposed site
- The scale of the development and, in particular, the outsize facilities block already erected and the hastily installed access road (again without permission) suggest this application is the first stage of several, adding to the impact of the development or even making the temporary sites effectively permanent.
- The planned facilities block appears far too big for site
- The plans submitted shows a toilet block twice the size of the Chipping Norton site which has 105 caravan pitches.
- There is and will be no control by council officers of any of the activities on site
- I feel the plans are of unacceptably high density and a overdevelopment of the site
- Approximately two acres of agricultural land down to the river, a Thames Tributary, will be used for outdoor recreational activities by typically 36 parents and children, together with their pets (caravanners are often dog owners) generating noise until late in the summer evenings.

2.7 Previous application and future users

- The application is not compatible with the permission granted in 2010 (reference 10/0791/P/FP). The essence of this earlier decision was to maintain a gypsy lifestyle; a lifestyle that will be abandoned by the establishment of a business on this site.
- If it is intended for the traveling community then the tourism benefits referred to are irrelevant
- The personal needs of the applicant are irrelevant to the planning considerations which must underpin a consideration of this application as a planning application
- The users of this site have a history of flaunting planning and usage regulations
- There is no detail in the submission about occupancy control. I am concerned that should planning permission be granted it will result in the gradual expansion of the site, and it will be difficult to enforce occupancy conditions.
- The site is wholly unsuited to a tourist operation and it is a distinct possibility that it is actually intended to become a traveller site furthering the "gypsy lifestyle" of the original usage granted retrospectively.
- There are unauthorised uses at the site: a timber yard and caravans and other vehicles to the rear of the property. There is also a caravan and a van freight
- compartment inside the roadside hedge of the field adjacent to the property on the Churchill side.
- The applicant was allowed to occupy the present site under application 10/0791/P/FP in 2010. This included several conditions of which the relevant ones are:
- 3. "There shall be no more than one residential caravan or residential trailer on the site at any one time"
- 4. "The site shall be occupied by Mr and Mrs Foster and their dependents and for only as long as they meet the requirements of gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006 and by no other person."
- 6. "No commercial activities shall take place on the land, including the storage of materials."
- No one can think that a travellers caravan site would improve the approach to an iconic Cotswold village
- I have witnessed the Beeches Site that grew from a small site to a large traveller site which appears to have little or no planning controls. Over the past 2 years several additional

mobile homes have moved in without yellow notices being displayed. I understand that there is no more room on Beeches and Kingham Site could be expanded in the same way as the Beeches Site.

- On the basis that the Application is considered by the Committee as a site for travellers, I object as follows:
- There will be no control over the number of travellers using the Site and the local authority will be powerless in monitoring and controlling the use
- Travellers will stay for long periods (rather than a short stay by touring caravans) setting down "roots" which will have a bigger impact on noise/light pollution.
- Travellers are likely to stay during the winter months, (outside the period identified in the Application) and the local authority will again be powerless to control and evict.

2.8 General

- Absolutely no benefit whatsoever to Kingham village
- Additional caravans and associated infrastructure will further spoil the outlook for both these villages, which will gain little from the development and be much inconvenienced by it.
- this site would make it an eyesore ruining the views of those around and considerably affecting the current values of their homes
- Of course it is important to recognise the needs of all members of society, including those requiring caravans, yet I can't help but reiterate how this abomination should not take place in Kingham due to the high value of our ecosystem and our heritage.
- It may even deter visitors who already visit the village thus be detrimental to the well established businesses in the village.
- This proposal is for one persons gain and is totally detrimental to the overall appearance of this special village.
- Kingham village was awarded England's favourite village by the readers of Country Life magazine. An accolade Kingham is worthy of. Kingham is a quintessential English village surrounded by glorious unspoilt country side. A 12 pitch caravan park is not at all in keeping with the village
- It is our duty and obligation to protect and conserve the wonder that is Kingham village.

2.9 Two letters of support have also been received from residents of Kingham on the following grounds:

- As the manager of a nearby pub I fully support this planned site. I think it would be great for the local economy. The more tourists the merrier.
- I am dismayed, & frankly appalled that among the objections (many of which smack of hypocrisy when one considers that several of those objectors have breached planning consents on their own properties), there is a direct reference to horse-drawn vehicles. That kind of discrimination is no better than the "no blacks or Irish" of the 1950's & 60's, which has long been outlawed.
- I am, to date, the only Kingham resident to visit the site, & discuss it with the applicant. From the site, the only building in Kingham visible is the roof of the primary school, & only two properties in Churchill are visible (one named "Blottings" by the owner as it is SO visible from Kingham). There are enough conditions in place to ensure that the site remains as proposed. The owners are a local young family - a rare thing in a village that is being priced out of reach & in danger of being turned into a sanitized weekend/retirement complex.

- The increase in traffic is minimal when compared to the local out-of-town shopping centre & the restaurant in the same ownership that fouls up Church St on a daily basis.
- They could well help the village & tourist economy.
- I support the application wholeheartedly, & suggest that some who have objected take a long, hard look in the mirror.

2.10 A petition with 48 signatures has been received objecting to the proposal on the following grounds:

- Adverse impact on the setting of the village and on the landscape in an AONB
- The narrow lanes and village roads could not cope with influx of towing vehicles and caravans especially during peak months
- No proven need for this facility
- Loss of amenity to local residents due to extra noise, traffic and light pollution

3 APPLICANT'S CASE

3.1 The planning statement submitted with the application is concluded as follows:

- The current proposals seek permission for the creation of a touring caravan park on land on the Churchill Road, Kingham. It is proposed that the site is in use between April to October each year, meaning that the site will be open to visitors for 7 months of the year.
- The key Local Plan policy relevant to the consideration of the proposals is Policy TLC4 which relates specifically to proposals for touring holiday caravan and camping sites. It has been demonstrated above that the proposals accord with the requirements of this policy and therefore should be permitted.
- Furthermore the proposal complies with the key threads running through the National Planning Policy Framework and Planning Practice Guidance. Both these documents seek to support proposals which will provide sustainable development which will support a prosperous rural economy. The provision of a touring caravan park on the application site will not only support the existing facilities and services in Kingham itself but will also support the wider economy by enabling visitors to the area to stay longer and spend more.
- Whilst the scheme accords with both national and local planning policy relating specifically to tourist accommodation, it is also important to consider the personal circumstances of the applicant. Guidance found within Planning Policy for Traveller Sites confirms that Local Authorities should ensure that their policies and decisions reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location) can contribute towards sustainability.
- Based on the above it is clear that 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 existing national planning policy. The provision of a touring caravan park in Kingham deliver economic benefits to the local and wider economy and will not result in any environmental harm to the surrounding area.

3.2 A further statement has been received following consideration of the representations:

- We note from the Council website that a large number of objections have been received for the application, mainly from local residents within the village. Reading through these objections it appears that a number of the areas of concern are not based on what is

actually being proposed, rather a number of assumptions on what 'may' happen in the future. As such my client has asked me to clarify a number of points prior to your full consideration of the application.

3.3 Description of Development

- The application forms and supporting documentation make it clear that the application seeks planning permission for “the proposed change of use of land to a touring caravan park to accommodate up to 12 pitches alongside an associated washroom and reception block”. At no point in the documentation does it refer to a proposed use as a “traveller site”. However, the majority of the objections make reference to the fact that they believe in time this site will be used as such, reference is even made within one of the objection letters to “horse drawn caravans” resulting from the proposals.
- It is clear that these assumptions are based on the fact that the applicant is a Romany Gypsy. Should the applicant be from another ethnic background it would appear fair to assume that the majority of the concerns surrounding the issue of a potential alternative traveller site use would not be raised. As such it is clearly unfair that objections are being made to the application partly based on upon the ethnic background of the applicant.
- To clarify the information contained within the application documents the proposal seeks permission for:
 - Change of use of land to a touring caravan site, which will accommodate no more than 12 touring caravans at any one time,
 - All of the pitches will be temporary and only used by touring caravans,
 - The site will only be open between April – October each year, approximately 58% of the year. Leaving the site unoccupied for a minimum of 5 months each year.
 - The applicant is happy for any permission to be a ‘personal’ consent – tying the use to his family, ensuring the site cannot be sold on or used by any other individual.

3.4 Landscape Impact

- Concerns have also been raised with regard to the potential landscape impact of the proposed use on the surrounding area, especially the AONB.
- As confirmed above the site is proposed to accommodate temporary touring caravans for no more than 7 months of the year. No permanent caravans will remain on the site. As such, and with the benefit of mature landscaping around the existing site boundaries, it is considered that no permanent or significant visual harm will arise as a result of the proposals.
- A Landscape & Visual Impact Assessment has been submitted by Lockhart Garratt on behalf of Kingham Parish Council. Within this report it is claimed that a “number of receptors of high sensitivity” have been identified. It is impossible to assess the impact of the proposed development on these “high sensitivity receptors” as no photographic evidence has been provided to show the sites visibility from these points. Furthermore, no diagrams have been provided to show exactly where the receptors are located. Reference is only made to:
 - “Residents of properties off The Green; Residents of Greenacres, Churchill Road; residents of Churchill Crossing, Churchill Road, and a collection of Grade II Listed Buildings”
- Appendix 3 within this document also includes a number of “elevated views of Landscape character”, again these images are exceptionally misleading as they are taken from an elevation position and not demonstrating the actual ‘view from the ground’ which is what needs to be assessed.

- We would welcome the opportunity for Officers, and Members of the Uplands Area Planning Committee, to view the site from the identified “High sensitivity receptors” to assess for themselves the potential for any harm to be caused as a result of the proposals.

3.5 Planning History for the Site – 10/0791/P/FP

- Again numerous references have been made within the objection letters received to the previous planning history on the site, and the conditions attached to the consent granted under reference 10/0791/P/FP. Specific reference is made to Conditions 3, 5 and 6 on this permission. Whilst sites should be dealt with on their own individual merits at the time of submission I will briefly address the concerns raised within regard to this issue.
- Condition 3 limited the development to no more than one residential caravan or residential trailer at any one time. To confirm no additional residential caravans or trailers are proposed as part of this application – the proposed use is for touring caravans. Therefore the condition will still be complied with if permission is granted.
- Condition 5 restricted development so that no more than one commercial vehicle could be kept on the land for the use by the occupier of the caravan. Again the need to store commercial vehicles on the site will not be influenced by the current development proposals. The site will be used by domestic vehicles touring caravans on and off the site. The applicant can therefore still comply with the requirements of this condition.
- Condition 6 – ensured that no commercial activities should take place on the land, including the storage of materials. No commercial activity will take place on the land directly associated with the existing residential unit on site. The application seeks permission for a small scale family run business on an area of land to the south of the site. Due to the applicants personal circumstances they have confirmed that they would be happy to enter into a ‘personal/named consent’ to ensure that no unrestricted commercial use results from the proposals.
- As such, the intentions behind the conditions when placed on the permission in 2010, can still be achieved and complied with.

3.6 Scale

- Questions have also been raised with regard to the scale of the proposals, especially with regard to the proposed washroom/reception block.
- The scale and design of the proposed block has been influenced by comments received from Officers at the pre-application stage. The structure proposes a small reception area for visitors to the site, in addition to male, female and disabled washing facilities. The provision of a single toilet and shower for each gender is not considered excessive in this instance.

3.7 Unauthorised Development

- Reference has also made to existing unauthorised development adjoining the site, under the false assumption that this land is also under the applicant’s control and sets some kind of precedent as to what may occur on the application site. To be clear, this land, and the uses which are taking place on it are completely separate to my clients and he has no involvement in what takes place on the adjoining site.
- I would also stress that the applicant has followed all the correct procedures in advance of submitting the planning application, by carrying our pre-application discussions with the Local Authority, the Councils Tourism Manager and County Highways.

- We would be grateful if you could take the above into account when preparing your report for committee. My client has also confirmed that he would be happy for a Members site visit to take place in advance of a decision being made should this assist in the consideration of the application.

4 PLANNING POLICIES

BE2 General Development Standards
 TLC4 Touring Holiday Caravan and Camping Sites
 NE4 Cotswolds Area of Outstanding Natural Beauty
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 EH1NEW Landscape character
 E4NEW Sustainable tourism
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal seeks planning consent for a touring caravan site of up to 12 pitches with an amenity block. The site is to the east of Kingham and it is beyond the village Conservation Area but within the Cotswolds AONB. The Churchill Parish boundary is 90m to the east of the site. The application site is 0.22 hectares in area (2,175 sq metres). It is to be located to the rear (south) of a permanent residential caravan permitted in 2010.
- 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 of development
 Landscape impact
 Highways
 Local Amenities

Principle

- 5.3 The application seeks consent for a modest seasonal (April-October) touring caravan site for up to 12 pitches behind an existing residential unit. For the avoidance of doubt, this is not an application for a travellers/gypsy site or other permanent accommodation. If it were for a travellers site it would be considered under completely different policies. The principle of development is assessed against National and Local Policies.
- 5.4 Touring caravan sites are assessed under policy TLC4 in the Adopted Plan and officers consider that this proposal meets the criteria in that there are no overriding environmental or amenity objections. These matters are explored in more detail below. It is important to note that touring caravan sites of up to 5 vans do not normally require the benefit of planning permission. It is considered that a site for 12 caravans is appropriate in this location given the seasonal nature of the proposal.

- 5.5 The site is beyond the flood plain, the lines for which were recast after the 2007 floods. Therefore it is considered that a Flood Risk Assessment was not required in accordance with the Environment Agency's standing advice, and the touring caravan site is acceptable in this location outside of the flood zone.
- 5.6 The application for the change of use of land to site a caravan for one family home was subject to a number of conditions that have been quoted in representations. The conditions were imposed so that the Local Planning Authority remained in control of the site. Conditions would also be applied to this site in order to maintain planning control, and the applicant has agreed to enter into a legal agreement to ensure that the site is only used from April to October.
- 5.7 Although they have been raised in the planning statement and consequently in the representations, personal circumstances rarely override planning policy or material considerations when considering planning applications.

Landscape impact

- 5.8 The site is currently a pasture field with few features that sits within a valley in the AONB. The West Oxfordshire Landscape Assessment identifies this area as the Upper Evenlode Valley Character Area, which is divided into nine Landscape Types. This site itself lies within the Valley Floor Farmland, which is defined as intimate, semi-enclosed and pastoral character with moderate to low intervisibility, with some open views into the valley from above and some filtered longer views along the valley floor.
- 5.9 Officers contend that the moderate to low intervisibility is particularly relevant here as the hedgerows will screen views of the site. Furthermore, there is a high native hedgerow that runs along the northern and eastern boundaries of the site that will be in leaf for the period that the site is proposed to be operational (April-October) that will help to screen the site from footpaths and views back from Churchill. A landscaping condition to ensure a high level of appropriate landscaping is introduced and maintained can be attached to the recommendation.
- 5.10 Members will note that the Cotswolds Conservation Board have objected to the scheme, however officers do not agree with the argument that the washroom and caravan pitches will have an urbanising impact on the character of the AONB. The washblock has been sited so as to be in the least intrusive area of the site and touring caravan sites, by their very nature are found in countryside locations. It is not considered that a seasonal touring caravan site constitutes major development in the AONB. Visitors will help to support the economy of the AONB by visiting local pubs and shops.
- 5.11 The proposal includes a permanent building sited immediately to the rear of the property The Heyes which would provide a small reception area, and male and female washrooms comprising one shower, one toilet and two basins, and a disabled access toilet and shower and a small plant room. Comments have been made that it is out of proportion with the proposed use but it is not considered to be excessive for a touring caravan site of this size. The building itself is of a functional design (agricultural in character, being constructed in timber and resembling a stable block) and it is not considered that it would be unduly prominent in the landscape located behind The Heyes and adjacent to the established hedgerow. Paragraph 8.31 of the Adopted Local Plan states that when new buildings are required for associated facilities they must be designed to a high standard and be sensitively located. It is considered that this building is sited

immediately behind The Heyes so will not be visible from the road, or in wider landscape views. The permanent fixtures on the site will be limited to the washblock, other than this the access track will be the only visible form of development. In your officer's opinion the proposed site will be seen in the context of the existing site and, as no further built form is proposed in this area, officers do not consider that the proposal would be so harmful to the character of the wider landscape to justify the refusal of planning permission, particularly given the limited wider visibility and with the imposition of conditions for additional landscaping and for the control of external lighting at the site.

- 5.12 The site to the south of this site is not within the same ownership and the activities there have been subject to investigation by the enforcement team.

Highways

- 5.13 The proposed caravan site will be accessed from Churchill Road which is an unclassified rural road. Highway concerns have been raised in representations about the additional traffic, the proximity to the school and lack of footpaths along the road.
- 5.14 The Highway Authority has assessed the proposal and have raised no objections to the use subject to the implementation of conditions. They accept that the proposed use will result in an increase of activity at the access however given the rural nature of the road it is not considered to be so detrimental as to justify the refusal of this application on highway grounds. And local residents have highlighted that many people already use the road to walk between villages and to connect to other footpaths in the vicinity. The likely number of traffic movements from this site is not considered to be detrimental to the rural character of the road or to the safety of pedestrians.
- 5.15 The proposal is considered to accord with policies T3 of the Adopted Plan and T3 of the Emerging Local Plan.

Local Amenities

- 5.16 It is considered that a visitor facility such as the one proposed can assist the rural economy, in accordance with Paragraph 28 of the NPPF which advocates supporting the rural economy by supporting sustainable rural tourism developments. There are many local amenities/businesses within Kingham that potential visitors could utilise - and those businesses would also benefit from additional customers. Within Kingham itself there are two pubs and a restaurant and a village shop, with another pub in neighbouring Churchill. One of the restaurant owners has commented that this development would be welcomed in terms of additional visitors to their business.
- 5.17 In terms of neighbour amenity, there is only one residential property within 50m it is not considered that the proposal will unduly harmfully affect their private amenity.
- 5.18 Therefore Officers consider that the proposal is in accordance with policies BE2 of the Adopted Local Plan and E4 and E5 of the Emerging Local Plan.

Conclusion

- 5.19 The proposal has proved contentious but that of itself is not a reason to refuse planning permission. What consent is being sought for and what many respondents fear is being proposed or will occur in the future also seems to have added to the confusion. Matters unrelated to the merits of this application are not material to the determination of this application which must be decided on its own merits.
- 5.20 The proposal is for a seasonal touring caravan site. It is located in an area where the tourists are likely to want to stay and where they will contribute to the viability of local facilities and community assets. The site lies within the AONB and so the impact on the landscape needs to be given particular weight. Officers are satisfied that with a legal agreement to ensure seasonal use only when the landscaping is of most benefit in ameliorating impact that the scale and design of the site is such that the AONB will be preserved. There are no technical flooding or highway grounds that would justify refusal. As such the scheme is considered to accord with relevant policies and is recommended for conditional approval subject to the applicant first entering into a legal agreement to ensure seasonal use only.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 That a maximum of 12 touring caravans shall be on site at any one time.
REASON: To preserve the character of the wider area.
- 4 No touring caravan shall be pitched on site for a period in excess of 4 weeks.
REASON: The accommodation is provided on a site where residential development would not normally be permitted.
- 5 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include 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.
- 6 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.

- 7 No caravan pitch shall be occupied until the vehicular access, turning areas and parking areas that serve the site have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 8 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.
- 9 The existing hedge along the eastern boundary of the site shall be maintained at between 3.5 and 5m high.
REASON: In the interest of visual amenity in the AONB.

Application Number	I5/00836/FUL
Site Address	Land North Of Chaucers House 28 Park Street Woodstock Oxfordshire
Date	20th May 2015
Officer	Abby Fettes
Officer Recommendations	Pending Decision
Parish	Woodstock Parish Council
Grid Reference	444271 E 216816 N
Committee Date	1st June 2015

Application Details:

Erection of detached dwelling, new access and parking to include new parking to serve 5 Chancers Lane.

Applicant Details:

Ms Sally Ann Lasson
C/O Agent

I CONSULTATIONS

- I.1 Parish Council Woodstock Town Council objects to this planning application on the grounds of WODC policies B2, B3, B5, H2 (d), H2 (e) and H2 (f) of the Local Plan.
- I.2 OCC Highways I note the objections however I cannot demonstrate severe harm in terms of highway safety and convenience that would warrant the refusal of a pp.
Vehicles associated with the proposal, if permitted, should not create harm to pedestrians or other vehicles on the adjacent road network.
- No objection subject to
- G11 access specification
 - G36 parking as plan
- I.3 Thames Water Waste Comments
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.

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.

1.4 WODC Architect

The application proposes a new detached dwelling in part of the garden of Chaucer's House (C17 and later LB). Perhaps the first thing to say is that the plot is almost certainly large enough to accommodate a new detached dwelling of this type.

In response to the obvious sensitivities of the site, the applicants have gone for a low, modern pavilion-type structure, of c.3.5m height. The flipside of this is a rather sprawling plan; however, given the plot size, I don't believe this is a problem. The design, if well-built and well detailed, could be successful. The form, foot-print and elevations are all fairly simple and well resolved, and the materials look reasonable (stone, timber, aluminium, sedum roof etc.)

In terms of possible impacts, the proposal is set well away from the Listed Building, on falling ground, and is physically low in any event. The location, height and roof treatment would seem to mitigate any potential harm to the Conservation Area or World Heritage Site. I think it would be difficult to argue undue harm in heritage terms.

2 REPRESENTATIONS

2.1 A total of 8 letters of objection have been received from neighbours and members of the public including 1 Chaucer's Lane, 3 Chaucers Lane, 4 Harrisons Lane, 11 Park Street, 16 Park Street, 91 Manor Road, 112 Manor Road and Charlotte Cottage in Radford.

2.2 Character of the area

- The removal of the arches and walls of Chaucers Lane fronting Nos 3 and 5 will completely alter its character. It will be replaced by an open driveway and hardstanding for two cars. Any vehicles manoeuvring at the junction of Chaucers Lane/Harrisons Lane with the high wall opposite and the steps of Hoggrove Hill adjacent will be causing dangerous problems.
- There are different levels between the existing access path to No 3 Chaucers Lane and the proposed access road, which do not seem to have been taken into account in the planning application.

- All the background trees are to be removed and the side of No 3 exposed.
- Chaucers House is a Grade II listed building and my understanding is that development is not permitted within the curtilage of a listed building (which has been held in some circumstances to include gardens). Thus the proposed development may be challengeable on that basis.
- One wonders whether the Council is aware of an historic air raid shelter in the existing garden of No 5 Chaucers Lane which would be affected by the proposed development.
- This application does nothing to enhance Chaucers House, Chaucers Lane or Woodstock.
- This application has no merit except to bolster the value of Chaucers House which is soon to be sold.
- As for the proposed house is it for moles? There is no view only old walls, new walls and trees.

2.3 Residential amenity

- No 3 Chaucers Lane will lose its security and privacy. Its current lockable access to the old pedestrian access to Chaucers House will go.
- The wall to its garden is not high, enabling anyone to see into the garden from the new driveway.
- The proposed development if carried out in its present form would deprive the owner of No 3 Chaucers Lane of easy access to her own home as the current path (which is to be demolished under the plan) is the only way in as the cottage has a solid wall facing onto Chaucers Lane.
- There are possible alternative plans which would require no alteration to the proposed dwelling and access to it which would however not deprive the owner of No 3 of easy access and so affect her safety, security and privacy. It seems reasonable that such alternative plans should be considered and consulted on.
- Amazed at the total lack of consideration of the likely effect of the proposed development on No 3 Chaucers Lane, and in particular on its owner and the stress that all this has caused
- There was no mention of No 3 Chaucers Lane in the planning application which seems extraordinary as the proposed development if carried out would affect that property considerably in terms of access, safety, security, privacy and disturbance quite apart from the effect on the value of the property.
- As this is to be built on quite a steep slope will the foundations be strong enough not to affect the property below (the Fish House) where the lie of the land does fall steeply, on the amount of light it will receive.

2.4 Highways

- Multiple car movements along a narrow driveway will destroy the peace and security of No3 Chaucers Lane.
- In particular the proposed development would have a significant effect on the use of the right of way to No 3 Chaucers Lane which would (due to the suggested demolition of the existing path) effectively be on the new access road to the proposed new residence, yet this was not disclosed in the application. Such access road furthermore would go straight past the walls of the cottage and be directly adjacent to its basement windows.

- It seems likely that the proposed development would affect traffic in Chaucers Lane and Harrison Lane and that in particular vehicles from No 5 Chaucers Lane would potentially have to reverse on to the roadway, a source of some danger.
- There are practical issues for the owner of No 3 Chaucers Lane if the proposed development were carried out in terms of delivery of post and the position of rubbish bins and boxes and placing them for emptying etc.

2.5 Utilities

- At the top of the steps of Hoggrove Hill there is a lamppost and apparently underground cables that do not seem to have been taken into account in the planning application and would be affected by the proposed development.
- No consideration appears to have been given to the effect of the proposed development on the manholes in the existing access path to No 3 Chaucers Lane.

2.6 Publicity

- There has been a major lack of proper consultation or notification including of the preapplication, to the person most affected by the proposed development, ie the owner of No 3 Chaucers Lane.
- I walked past the notice a couple of times and didn't bother to read it thinking it would be the usual , tree, windows, porch, maybe single storey extension. I have to say when I stopped earlier today and read the notice I was slightly stunned to see, access, dwelling, 2 parking bays.
- There was limited signage and publicity about the planning application, at the time of writing the only sign appearing is that on the lamppost at the top of Hoggrove Hill steps and some distance from Chaucers House itself.
- I note that the WODC no longer needs to notify immediate neighbours but surely the yellow sign that says there is an application should be clearly visible at the entrance of the property concerned, Chaucers House, and not tucked down a side lane where no one can see it outside No. 5 Chaucers Lane.
- The occupant of No 3 Chaucers Lane was not informed of this application or consulted in any way and only accidentally heard about it.

2.7 One letter of comment has been received from the Fish House, summarised as follows:

- My concern, in respect to planning is very simple, privacy. The building is located very close to the boundary wall and although from the drawings it seems that a view over will not be possible, the wall drops in height by approximately 1.5m in the centre for a length of 5m. This is currently obscured by planting although the continued presence of such is not guaranteed. Were this to be removed then it would be possible to look directly into my conservatory below. This structure is two storey and serves the landing at first floor, onto which are accessed bedrooms and the family bathroom. At night, with lights on and as there are no blinds (difficult for 80m² of glass) it would be possible to see every movement occupants visiting the bathroom from the bedrooms.
- The solution would be to build up this dip in the stone wall using suitable matching stone. Can I please suggest that this be undertaken prior to construction commencing and if necessary be made a condition of the consent.

2.8 Since the last meeting further comment has been received from Mr Benson as follows:

- I would like to ask why there is no yellow notice publicising this application at the front of Chaucer's House? Since the application is for a development in Chaucer's House's garden surely such a notice should be posted on the house's front in Park Street and not just at the top of Hoggrove Hill steps where relatively few people can see it? Therefore, please could a yellow notice be affixed to the front of Chaucer's House, and could the decision on the application be delayed beyond June 1 to allow people (who haven't seen the notice at the top of the steps) time to read it and comment on the application should they wish to do so.

3 APPLICANT'S CASE

3.1 A Heritage and Planning Statement, Design and Access Statement and a Tree Survey have been submitted in support of the application.

3.2 Heritage Statement

- This Statement demonstrates that a full and proper analysis of the historic context of the application site and the surrounding area has been paid and has permitted for the particular design approach followed in the appearance of the finished submission.
- The site stands in a secondary area of development, where the siting, form and appearance of buildings evident in the area are varied in comparison to the main street front properties along Park Street. It allows for a different and in this case contemporary design approach to stand proper scrutiny.
- The low slung appearance of this new building and the lower relative position of the application site, combine to avoid any harm to the setting of the listed Chaucers House and have no impact on the adjacent World Heritage site.
- The proposal delivers a new family home into the existing part of Woodstock and is not in any way unneighbourly in doing so.
- Car parking is provided to standard on site and replaced too in relation to 5 Chaucers Lane, in a fashion that is deemed safe all round in highway terms.
- Overall, the proposal represents a form of development that is entirely appropriate for this part of the Woodstock Conservation Area, does not detract in any way from its character and appearance and causes no harm to any identified heritage assets.
- In the circumstances of the case, it is very much hoped that this application can be approved as submitted.

3.3 Design and Access Statement

- The proposals are designed to be respectful of the existing aesthetic, the surrounding landscape and the conservation area, as well as retaining and enhancing the character of the walled garden.
- The contemporary modernist approach to the design does not seek to compete with the existing local vernacular nor does it try to be a pastiche. The design approach allows the low simple building to sit comfortably alongside the traditional buildings in the conservation area and adds to the eclecticism that defines the make-up of this part of Woodstock.
- The dwelling is single storey, and set on the lowest part of the site and therefore its impact on the site and the surrounding properties is minimal, and there can be no loss of light to any neighbours.

- Being single storey there is no overlooking potential from the dwelling and due to the orientation and distances from the adjacent buildings there is little possibility of overlooking into the site.
- The proposal is supported by Policy H7 and the NPPF.
- There is no impact on the World Heritage Site (Blenheim Palace) as the building is set below the level of the wall separating the two sites and cannot be viewed. The dwelling is also not set against that boundary.
- Parking will be introduced without dominating or altering the natural flow of the site. Existing parking is re-provided and 2No. new spaces created for this dwelling. There will not be any detrimental effect on the local 'on street' parking demand as a result.
- Existing trees and landscaping features have been retained where possible and the building designed around and to avoid damaging the main Category B tree on the site.
- All measures will be taken to ensure that any protected species and the general ecology of the area remains unaffected by the development by the use of mitigation strategies. The building has been sited on the existing lawned area of the site and as such is minimising any potential harm.
- Due to the reasons set out in this document, the Planning statement and the tree report, we respectfully ask West Oxfordshire Council for support for the approval of this application.

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

BE11 Historic Parks and Gardens

H2 General residential development standards

H7 Service centres

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH7NEW Historic Environment

EW1NEW Blenheim World Heritage Site

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning consent for a new single storey dwelling in the garden associated with Chaucers House. It is within the Conservation Area and adjacent to a Grade II Listed building (Chaucers House). It also backs on to Blenheim World Heritage Site but is not visible from the Palace, being tucked behind the Chaucers House and the Triumphal Arch. The application was deferred at April 27th committee for a site visit.
- 5.2 The ground falls from south to north across the site and there are several trees on site.
- 5.3 The site notice was posted adjacent to the site on the corner of Chaucers Lane and Harrisons Lane and at the top of the steps from The Causeway. It has been commented on by objectors

that the site notice was not prominent, however officers consider that as representations have been received from 9 households in total, including all the immediate neighbours it is felt that the publicity was sufficient.

- 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 principle of a new dwelling in this location is considered to accord with local plan policy and the provisions of the NPPF. Woodstock is a sustainable settlement, and Policy H7 of the West Oxfordshire Local Plan supports the provision of new dwellings where they form a logical complement to the existing pattern of development. The proposal is considered to be a logical compliment to the settlement as beyond the town's medieval core and back off the main street fronts, lesser plots and reduced properties have grown organically on secondary streets and locations, behind the principal buildings. The application site is considered to fall within this secondary zone.

Siting, Design and Form

- 5.6 The proposed dwelling is of a low key modern design in a low, modern pavilion-type structure, of c.3.5m height. It is proposed to be single storey with a flat sedum roof, constructed in stone and timber with aluminium windows which are considered to appropriate materials for this sensitive location. The plan form is quite large; however, given the plot size, it is considered to be acceptable.
- 5.7 The siting is away from the boundaries with neighbouring properties and makes use of the natural changes in levels. The tree survey has identified that one Category B tree will have to be removed to enable the development, and a few Category C trees will be removed, but the majority of trees will be retained to provide screening for the proposal. Therefore the proposal is unlikely to be visible from the public realm. The proposal is therefore considered to accord with BE2 and H2 of the Adopted plan and OS4 and OS2 of the emerging plan.

Highway

- 5.8 The proposed dwelling will be accessed from Chaucers Lane. The original pre application submission sought to provide a car free development which officers resisted. The planning application makes provision for two spaces for the proposed dwelling and two spaces for no. 5 Chaucers Lane. This provision is considered adequate.
- 5.9 The Highway Authority have been consulted but have yet to respond. However Officers are fairly confident that there will be no highway issues raised as they were consulted at pre application stage.

Residential Amenities

- 5.10 It is not considered that the proposed dwelling will be unduly harmful to the amenities of adjacent properties. The proposed dwelling is some distance from all the adjacent properties and by reason of its single storey form will not be considered overbearing. The property most

affected is 3 Chaucers Lane and whilst it is accepted that there will be more traffic movements past the property, it is not considered so detrimental as to justify the refusal of planning permission.

- 5.11 The property to the rear of the site (Fish House) has raised concern that the new dwelling may impact on their amenity through overlooking. Officers consider that there is over 20m between the rear of Fish House and the rear of the proposed dwelling, and that the majority of windows on this elevation are to secondary rooms. Also the planting is shown to be retained on this boundary. A condition can be included to ensure this planting remains.
- 5.12 The proposal is some distance from Chaucers House and it is not considered to impact on the fabric or structure of the building, and its overall setting.
- 5.13 Concerns have been raised about the loss of views from Chaucers House, and the implications on house prices but views and property valuation are not matters for the planning committee to take into account when determining applications.

Conclusion

- 5.15 The proposal is considered to accord with local plan and NPPF policies and is recommended for provisional approval.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 above ground 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 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 any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all eaves; soffit; rainwater goods; sedum roof; fenestration 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 that architectural feature is commissioned/erected on site. 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 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.

- 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 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 Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. 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.

- 9 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 10 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.

REASON: To safeguard and enhance biodiversity.

- 11 The existing hedge along the northern boundary of the land shall be retained at a height of not less than 1.8 metres and that any plants which die shall be replaced in the next planting season with others of a similar species and shall be retained. The hedge shall be protected whilst development operations are in progress, in accordance with a scheme to be first agreed in writing with the Local Planning Authority and to be implemented before development commences.

REASON: To safeguard a feature that contributes to the character and landscape of the area.

- 12 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VIII Safeguarding drains
 - VIII Safeguarding neighbouring walls
- REASON: To safeguard the character and appearance of the area, living conditions and road safety.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings, other than those expressly authorised by this permission, shall be erected.
- REASON: Control is needed to protect the character of the area

Application Number	15/00784/S73
Site Address	3 Manor Farm Barns Upper End Fulbrook Burford Oxfordshire OX18 4BX
Date	20th May 2015
Officer	Gemma Smith
Officer Recommendations	Approve
Parish	Fulbrook Parish Council
Grid Reference	425891 E 213372 N
Committee Date	1st June 2015

Application Details:

Removal of condition 4 of Planning Permission 13/1770/P/FP to allow the holiday let to be used as a separate dwelling.

Applicant Details:

Mrs Susie Laverack
3 Manor Farm Barns
Upper End
3 Manor Farm Barns
Fulbrook
Oxon
OX18 4BX
United Kingdom

I CONSULTATIONS

- 1.1 Parish Council
- Fulbrook Parish Council considers this to be seeking planning permission for a new dwelling by stealth and permission should be refused.
- We would remind the planning authority that the objections we made on the original application for holiday lets are even more relevant in this application:
1. The traffic volume in Upper End will increase.
 2. The road is in a dreadful state and this will not help.
- We note that there is no garden for children (where will they play) and no parking for extra cars.

2 REPRESENTATIONS

No comments were received in relation to the site notice erected at the site or through wider publicity.

3 APPLICANTS CASE

Permission has been granted for the residential conversion of the Cow Shed at this site (14/1115/P/FP) which is not subject to an occupancy condition. It is therefore appropriate for the holiday occupancy restriction to be removed in this case.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
H5 Villages
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
OS2NEW Locating development in the right places
T4NEW Parking provision
EH7NEW Historic Environment
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background

- 5.1 Conversion of part of existing outbuilding to form holiday cottage. Manor Farm Barns. (Planning Reference 13/1770/P/FP & 13/1771/P/LB) Granted subject to conditions 5th February 2014.
- 5.2 Conversion of agricultural outbuilding to household garaging/storage and replace roof over entire length of building. 3 Manor Farm Barns. (Planning Reference 04/1278/P/FP) Granted subject to conditions 17th August 2004.
- 5.3 Insertion of flue. Listed building consent. 3 Manor Farm Barns. (Planning Reference W96/1125) Granted 4th September 1996.
- 5.4 Conversion of loft alterations and erection of side extension to dwelling and re-location of LPG tank. 3 Manor Farms (Planning Reference W94/1696) Granted 8th March 1995.
- 5.5 The application site in question relates to 3 Manor Farm Barn, a Grade II Listed building. The building is considered to be curtilage Listed (although is not particularly vernacular in form). The site is on the very northern edge of the built up area of Fulbrook, with open countryside to the north. The site is located outside of the Conservation Area but within the Cotswolds Area of Outstanding Natural Beauty.
- 5.6 This application seeks planning permission to remove condition 4 of planning reference 13/1770/P/FP to allow the holiday let to be used for unfettered residential purposes. There are no external alterations as part of this proposal.

- 5.7 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;
Impact upon the character and appearance of a Listed Building;
Highways and Parking Implications.

Principle

- 5.8 Condition 4 states:

"The occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.

REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation. (Policy H4 of the adopted West Oxfordshire Local Plan 2011)".

- 5.9 The change of use of the holiday let to unfettered residential use would be assessed under Policy H5 of the West Oxfordshire Local Plan, 2011 (Villages). Policy H5 states that the new dwellings within villages will be only permitted in the following circumstances:

"New dwellings will be permitted in villages in Group A in the following circumstances:

- a) Infilling; and
- b) The conversion of appropriate existing buildings."

- 5.10 Whilst the outbuilding has permission to be used as a holiday let, it is necessary to consider whether unfettered residential use would be appropriate in this location.

- 5.11 Planning permission has recently been granted for the rebuilding of a redundant cow shed, which is part of the group of outbuildings at the application site, to provide a dwelling (14/1115/P/FP). Given this context, and that the proposal would accord with the policy objectives of H5, the principle of the proposal is considered acceptable.

- 5.12 Parking and patio areas are to be provided to the front and the proposal would be acceptable in amenity terms.

Impact on the Listed Building

- 5.13 The external appearance and change to unfettered residential occupancy is not considered to have a detrimental impact on the surroundings or the setting of the adjacent Listed Building. The application does not propose any external alterations to the existing building.

Highways

- 5.14 The application site has a maximum number of four off street car parking spaces to serve the holiday unit. It is therefore considered that the change from a holiday let to a residential dwelling would accord to the parking provision guidelines as outlined in Policy BE3 of the West Oxfordshire Local Plan, 2011.

- 5.15 Officers acknowledge the objections received from the Parish Council in relation to concerns with regards to the increase of traffic to the site as a result of this conversion. It is noted that the comment received from Highways Officers in relation to the recently approved two-bedroom residential property at the Cow Shed were as follows:

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

- 5.16 Given this was for a newly created residential property, it is considered that the conversion would not have a significantly detrimental impact on the local road network as a result of this proposal.

Conclusion

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

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with plan Nos.13071.4, 13071.5, 13071.6 and unnumbered site plan.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Unless otherwise submitted to and approved in writing by the Local Planning Authority, all new external joinery and timber boarding shall be painted or stained in a colour to match the existing joinery and shall thereafter be retained in that colour.
REASON: To ensure that the building details are in keeping with the local vernacular style.

Application Number	I5/00914/FUL
Site Address	Unit 4 Spendlove Centre Enstone Road Charlbury Chipping Norton Oxfordshire OX7 3PQ
Date	20th May 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	435745 E 219638 N
Committee Date	1st June 2015

Application Details:

Proposed community centre comprising of sports hall, library, cafe, relocation of sports and social club and associated landscaping. Existing sports and social club to be demolished.

Applicant Details:

Ms Marjorie Glasgow (Thomas Gifford Trust)

Care Of:

Bobwell Farm

Charlbury

Oxfordshire

OX7 3LR

United Kingdom

I CONSULTATIONS

- | | | |
|-----|---|---|
| I.1 | One Voice Consultations | No objection in relation to highways and arachaology. No comments to make on ecology. |
| I.2 | Environment Agency | No comments to make. |
| I.3 | Natural England | No objection. |
| I.4 | Thames Water | No objection. |
| I.5 | TV Police - Crime Prevention Design Advisor | No Comment Received. |
| I.6 | WODC Env Health - Uplands | No Comment Received. |
| I.7 | WODC Community Safety | No Comment Received. |

I.8	WODC Architect	The general approach to the form and massing is fine and the materials and other elements will be appropriate - provided that they are well detailed and constructed. As it happens, I do not agree with the CAAC (that the level of stone should be raised); I think the proportions are fine as it is. There is only one small point: that is that on the rear elevation, using metal panels down to ground level is a bit vulnerable. However, I do agree with them that the trellis should be planted - and, particularly, that what this site really needs is one overall landscape and parking strategy. But, again, I don't think there is much we can do about that at this late stage. With only that small proviso, it is clear that this building will enhance the character of this central part of the CA. There is no significant impact on any listed buildings.
I.9	Ecologist	No objection.
I.10	WODC Drainage Engineers	No objection
I.11	Parish Council	Support the scheme but query whether the car parking is sufficient.
I.12	WODC Env Services - Landscape	No Comment Received.
I.13	WODC - Arts	No objection
I.14	WODC - Sports	No Comment Received.
I.15	WODC Planning Policy Manager	No Comment Received.
I.16	WODC Head Of Housing	No comments
I.17	Historic England	No comments to make.

2 REPRESENTATIONS

- 2.1 One objection has been received referring to: inadequate parking; the elderly who can't walk may be prevented from using vital local services; the football club will be homeless for more than two years which is unacceptable and will be penalised for involvement in the project.
- 2.2 Nine expressions of support have been received referring to the following:
- a) The facility is badly needed in the town and will be well supported by various groups and organisations, and individuals.
 - b) Most visitors will walk to the site and lots of activities will be outside normal working hours so parking shouldn't be a problem. The Corner House and Memorial Hall hold lots of events with no parking provided.
 - c) The development will be a visual improvement to the area.

- d) The new library will be a bright and cheerful place, accessible to all.
- e) The project is the result of intense community involvement, consultation and fund-raising.

3 APPLICANT'S CASE

- 3.1 The proposal is for a new community centre which will provide a community forum, including 4 court sports hall, library and café. It will link to the existing sports pavilion on the Nine Acres Site.
- 3.2 The plot has remained undeveloped since the Spendlove School was demolished to make way for the surgery, offices and retail unit. The Sports and Social Club continue to occupy the remaining school building.
- 3.3 The new building will be linked to the existing sports pavilion, providing enhanced facilities.
- 3.4 The proposal is the result of resident involvement over the last 25 years.
- 3.5 The car park survey carried out concluded that at no time was the car park fully utilised, the majority of users were from Charlbury, most stayed less than 1 hour and evening use was minimal.
- 3.6 The building will complete the Spendlove Centre "square". The design concept has been to provide a strong overall form with traditional proportions and a palette of both traditional and modern materials that will stand the test of time. The design will dramatically improve the aesthetic of the site and enhances the local setting. The building is designed to be as sustainable as possible.
- 3.7 There would be no adverse impact on ecology or on trees worthy of retention.
- 3.8 The library and café will be open throughout the day.
- 3.9 The site is accessible by cycling, walking and public transport.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE6 Demolition in Conservation Areas
NE13 Biodiversity Conservation
NE4 Cotswolds Area of Outstanding Natural Beauty
T7 Travel Plans
EH7NEW Historic Environment
BC1NEW Burford-Charlbury aub-area
TLC1 New Tourism, Leisure and Community Facilities
NE6 Retention of Trees, Woodlands and Hedgerows
OS2NEW Locating development in the right places
E5NEW Local services and community facilities
T1NEW Sustainable transport
T4NEW Parking provision

EH2NEW Biodiversity

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

5 PLANNING ASSESSMENT

5.1 The proposal is for a building totalling 1060 sq m in floor area to provide a community facility incorporating the following elements:

- 1) A 4 court sports hall which would be a flexible space providing sports such as tennis, badminton, basketball, netball, football and cricket.
- 2) A library.
- 3) A café/breakout area.
- 4) Changing facilities, including a link to the existing sports pavilion.
- 5) Courtyard space and landscaping.

5.2 The site lies within the central area of the town of Charlbury, within the Charlbury Conservation Area and AONB.

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:

Principle

5.4 The land is a brownfield site, part of which was occupied by a school, demolished some time ago, and part of which is occupied by a sports and social club. The site relates well to the town and the building would form a group with existing development.

5.5 It is considered that the development here would be acceptable in principle.

Siting, Design and Form

5.6 The building would be sited to align with the north east boundary, with the entrance area and parking provided in front of the south west elevation.

5.7 The building would be viewed in the context of other neighbouring buildings of significant scale and it would not be out of keeping in this context. The school that formerly occupied the site was 3 storeys in height. The more open aspect to the building when viewed across the playing field to the north would be reduced in perceived scale by a drop in land levels. It would also be seen against the backdrop of town. When approached from the footpath along the north east boundary, it would clearly appear as a large structure, but it is considered that it would not be unduly overbearing.

5.8 The dwellings in this locality are not sited in close proximity to the building and there would not be loss of light. The activity associated with the playing field, existing sports facilities, and commercial buildings at the Spendlove Centre will create a certain degree of disturbance to residents, but it is considered that this existing level of activity will not be materially altered by having community activities within a purpose built facility.

- 5.9 The design is functional in appearance, reflecting the end use. However, variation in the use of materials, such as stone, timber boarding and aluminium cladding, adds interest. The different roof levels for the main hall, library, sports and social club and existing pavilion, break up the massing of the building.
- 5.10 The Conservation Officer considers that the building will enhance the character of this central part of the Conservation Area. There would be no significant impact on any listed buildings in the vicinity. There is, however, a slight caveat as regards appropriate landscaping. In this regard, notwithstanding the submitted details, it will be necessary to agree the finer points of the hard and soft landscaping by way of a condition.
- 5.11 Overall, the siting, scale and design are considered appropriate in this location.

Highways

- 5.12 The access to the Spendlove Centre would remain unaltered and no changes are necessary to facilitate the development.
- 5.13 The existing car parking arrangements would be altered slightly with 7 spaces re-positioned. However, the overall provision of spaces would not change. The development would provide 13 new spaces.
- 5.14 Given its location in the village there are a number of travel choices, particularly walking and cycling.
- 5.15 The car parking survey shows that 62% of visitors to the existing facilities were from Charlbury and 54 of the respondents to the survey could have walked to the site. The Highways Officer's own observations indicate that although busy during the daytime, there is generally space available. It was noted that in the early evening there were in excess of 25 car parking spaces available, not counting disabled spaces, the office/vets parking and the surgery parking. This is a time when it is anticipated that usage of the development will be higher.
- 5.16 Given the car park facilities and function of the proposal, in that it will provide walk-in facilities, and the established use of the site overall, it is considered that the development is not traffic intensive.
- 5.17 The character and location of the proposed development is in accordance with local and national policy and as a result is considered sustainable in transport terms. There would be no material highway safety implications.
- 5.18 It is noted that the public footpath running along the north east boundary would need to be subject to a minor diversion to allow the development to proceed. This would, however, require a separate process under Section 257 of the Town and Country Planning Act 1990. This is not material to the outcome of the application.

Trees and Ecology

- 5.19 There are a number of self-seeded unremarkable trees to the north east boundary that would need to be removed as part of the development. Their loss would be off-set by new landscaping.

The only tree worthy of retention is a sycamore at the western corner of the site. This is to be protected during construction.

- 5.20 The Council's Biodiversity Officer raises no objection subject to clearance of the site outside the bird breeding season.

Conclusion

- 5.21 The proposal will provide much needed community facilities in a sustainable location, accessible by a range of modes of transport. The siting, scale and design are appropriate in this location, and there would be no harm to the character of the Conservation Area or AONB. There would be no loss of existing parking and the additional parking is considered satisfactory to serve the development. There would be no material impact on residential amenity. Accordingly, the proposal is considered to comply with adopted Local Plan Policies BE2, BE3, BE5, BE6, NE4, NE6, NE13, and TLCl. It would also comply with emerging review Local Plan Policies OS2, E5, T1, T4, EH2, and EH7.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roofs 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 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, external doors, eaves and verge 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.
- 5 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, external structures, such as pergolas and trellis, and surfacing materials shall also be provided. The entire landscaping scheme shall have been completed 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. 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.

- 6 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 7 Prior to commencement of the development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit in accordance with BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the development being brought into use.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 8 Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall have been first submitted to and approved in writing by the Local Planning Authority. Thereafter the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: In the interests of sustainability, and to ensure a satisfactory form of development.
- 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 Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved travel plan shall be implemented and operated in accordance with the approved details.
REASON: In the interests of sustainability.
- 11 All scrub clearance works shall be carried out outside of the main bird breeding season April to August unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that birds and their habitats are protected under the Conservation of Habitats and Species Regulations 2010 and The Wildlife and Countryside Act 1981 as amended,

in line with the NPPF (in particular chapter 11) and West Oxfordshire District local Plan Policy NE13.

NOTE TO APPLICANT :-

- I The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with:
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

Application Number	I5/01334/FUL
Site Address	Priory Barn Oxford Road Southcombe Chipping Norton Oxfordshire OX7 5QH
Date	20th May 2015
Officer	Gemma Smith
Officer Recommendations	Pending Decision
Parish	Chipping Norton Parish Council
Grid Reference	433414 E 227951 N
Committee Date	1st June 2015

Application Details:

Erection of agricultural building for hay and food storage. Extension to existing barn for storage, office space and hatchery.

Applicant Details:

Mr Justin Whitton
19A Hailey Avenue
Chipping Norton
Oxfordshire
OX7 5JG

1 CONSULTATIONS

1.1 Parish Council No objection.

2 REPRESENTATIONS

2.1 Five letters of objection have been received from: Mr N Clayton of Cold Norton Priory, Priory Road, Heythrop, Mr Homer of Priory Cottages, Ms Lawless of Priory Cottages, Ms Kemp of Priory Barn and Mr. Wiggins of Priory Barn. These representations are briefly summarised as follows:

- Applicant's holding has been gradually parcelled off and sold, leading to a diverse mixture of animal shelters and barns, altering the local environment.
- Danger that this development may lead to piecemeal erosion of agricultural use.
- The proposal has sought to make the barn fit in with the local environment and be sited to cause the minimum impact on the neighbouring properties.
- Objection is based on the evolution from grazing to agricultural production and the commercial exploitation of the property.
- Previous grounds for refusal of 09/0320/P/FP still apply – the new barn and extension do not appear to be commensurate with the site.
- Cluttering impact on the rural unspoilt character roof the Enstone Uplands landscape.
- A holding of 11 acres is not sufficient to be a standalone commercial agricultural enterprise.

- Concerns over the level of vehicles and hard-standing.
- The site is located within the Glyme and Dorn Valleys Conservation Area.
- The extension to the existing barn and the addition of a new building seems excessive for a relatively small site even including the proposed additional land.
- The hedging on the north side of the site is not evergreen and would not provide screening to Priory Cottages.
- Not in-keeping with the character of the area.
- Concerns that the land is being used as storage for a construction company.
- Plans are inadequate more information required with regards to ventilation and internal partitioning.
- Concerns over the legitimacy of the functional need for another building or extension at the site.
- Concerns over the claims that the present stocking levels could consume the quantities of animal feed needed to obtain bulk purchase discount, 1 ton minimum, before it's nutritional values had lapsed.
- We feel that the proposed development will have a negative and harmful impact on the generally unspoilt character of this rural landscape.
- Further intensification of the agricultural enterprise on this sloping site, especially the outdoor pigs and the water run off associated with them leaching into the water course and having a detrimental effect on the neighbouring property of Priory Farm.
- Concerns over the detrimental effect on the nearby county wild life site.

3 APPLICANT'S CASE

A Design and Access Statement has been submitted in support of the application.

- The proposed planning application has been subject to pre-planning advice.
- Currently there is a barn on site with two stable son one end. There are two large pigs pens and a large chicken run and hen house.
- There are 4 horses on site, 2 sows both of which are pregnant, and 11 ewes and a ram.
- There has been a small scale agricultural use on site for a number of years and the site is now in a position where it can consistently supply local businesses with produce.
- The current barn is up to full capacity and more space is needed due to financial and welfare issues.
- Not having the building will be detrimental to my business and welfare of my animals.
- There has been a significant loss to poultry due to rodents and a more substantial hatchery is needed.
- The new barn would be used for storage of hay, straw, pig, sheep and chicken food.
- The extension would house tools and equipment, a small farm office and a hatchery.
- The new barn would have a green agricultural roof and be constructed out of a rural brindle brick.
- The extension would be constructed to match the existing barn.
- The brick barn will be clad in vertical timber that will age to a silver grey on the North side.

4 PLANNING POLICIES

BE2 General Development Standards

E3 Individual Premises

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

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

5 PLANNING HISTORY

5.1 12/1877/P/AGD Erection of an agricultural building. Withdrawn 18th January 2013.

5.2 12/0442/P/FP Erection of agricultural building for a hatchery, food storage and preparation room. Refused 1st May 2012 for the following reasons:

1. By reason of its proposed use, the proposed development does not constitute farm diversification. As such, the proposal constitutes unsustainable development in an open countryside location contrary to Policy E3 of the West Oxfordshire Local Plan 2011 and section 3 of the National Planning Policy Framework.
2. The proposed development will have a harmful cluttering impact on the rural, pastoral and generally unspoilt character of the minor valleys of the Enstone Uplands landscape contrary to Policies NE1 and NE3 of the West Oxfordshire Local Plan 2011 and Section 11 of the National Planning Policy Framework.

Appeal Dismissed.

5.3 09/1314/P/FP Erection of stable/storage building approved subject to conditions 7th December 2009.

Condition 4: The stable/storage building hereby approved shall not be used for the purposes of a livery or riding school or any other commercial purposes.

5.4 09/0320/P/FP: Erection of barn. Refused dated 8th May 2009.

6 PLANNING ASSESSMENT

6.1 The application seeks planning permission for the erection of an agricultural building and extension to an existing barn. The application site is located in the open countryside approximately 350 metres from the A3400 to the west of the application site and approximately 244 metres from Priory Lane to the north of the application site.

Background Information

6.2 The application site is a parcel of land approximately 1.82 hectares in area. An existing barn is situated on the site on the north boundary of the parcel of land approved under planning reference 09/1314/P/FP.

6.3 The proposed barn would measure 11m in length, 5m in width and approx. 4.5m to roof ridge height. The barn would be constructed out of brindle brick under green box profile tin and would be clad in vertical timber on the North elevation. In addition it is proposed to extend the existing barn on the site by 6m in length on the East elevation of the existing barn.

6.4 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:

The principle of the development;
Siting, Design and Form
Landscape impact;
Additional considerations.

- 6.5 Planning permission was refused in 2012 and an appeal dismissed for the erection of a new barn at the site under planning reference 12/0442/P/FP. The application was appealed and subsequently dismissed. The barn in question measured 45m in length and 9m in width. The Inspector concluded that the proposal would not maintain or enhance the local character and beauty of the countryside. Thus would be contrary to Policy NE1 and NE3 of the WOLP, 2011.
- 6.6 Furthermore the appeal concluded that the proposal would result in cluttering of buildings within the natural landscape.
- 6.7 The proposed barn would be timber cladded to the north elevation reducing its wider impact from third property views from the north of the site. Furthermore the scale of the barn has been reduced in height to approx. 4.5m to roof ridge height. It is considered that the proposed building would be easily assimilated into the landscape as a low-key agricultural barn typical within the open countryside setting.
- 6.8 It is considered the extension to the existing barn would be acceptable in relation to the design and form of the existing building.
- 6.9 The design, form and material of the proposed new barn is considered to be appropriate to its rural setting. Given the reduction in the scale of the building and change in materials, the proposed agricultural barn is considered to be more commensurate in scale to the context of the site. It is considered that the proposed barn would not have an adverse impact upon the natural beauty or visual quality of the Limestone Wolds.
- 6.10 The site already features a large agricultural building. As the land around the application site has been subdivided into smallholdings there is pressure for built form on each plot. As such, in order to protect this particular landscape, the position and type of buildings on each of the smallholdings needs to be carefully considered.
- 6.11 The applicant states that there has been a small-scale agricultural use on the site for number of years and the site is now a position to supply local business. As a result of this and in support of this application the applicant seeks to acquire 6 acres of land to the south of the existing site. The new barn would be required for the storage of hay, straw and animal feed. The extension of the existing barn would be used to house tools and equipment a small farm office and a hatchery at the site.
- 6.12 At the time of preparing this agenda, the tabled information needed to persuade officers for an identified need for a required new building on the agricultural land in question, remains. The applicant has been asked to provide future details by way of farm accounts and a business plan and an update will be given at the Uplands Area Sub-Committee meeting.

Conclusion

6.13 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is likely to be unacceptable on its planning merits due to the insufficient information regarding the business enterprise at the application site.

6 RECOMMENDATION

Defer

Application Number	15/01095/FUL
Site Address	Boulters Barn Farm Churchill Road Chipping Norton Oxfordshire OX7 5UT
Date	20th May 2015
Officer	Gemma Smith
Officer Recommendations	Approve
Parish	Churchill Parish Council
Grid Reference	429159 E 225419 N
Committee Date	1st June 2015

Application Details:

Erection of grain/machinery store.

Applicant Details:

Mr Mark Parker
Beaconsfield Farm
Great Tew
Oxfordshire
OX7 4JR

1 CONSULTATIONS

- 1.1 Parish Council No Comment Received.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
No objection subject to
- G11 access specification
- 1.3 WODC Landscape And Forestry Officer No Comment Received.

2 REPRESENTATIONS

- 2.1 Two representations have been received from Mr. Sweeting of Conduit Farm, Churchill. The objection is summarised as follows:
- Concerns over manoeuvring of vehicles from main road into Besbury Lane.
 - Concerns over taking good agricultural land out of production;
 - Suggest to re-site the proposed grain store to the existing farm rather than isolated away from the farm;
 - Increasing wear and tear of Besbury Lane maintained by Mr. Sweeting;
- 2.2 An additional comment was submitted dated 6th May 2015:

- The ownership of Besbury Lane, a right of way, is uncertain and Mr. Sweeting's solicitors are undertaking a lengthy process of ascertaining ownership.

3 APPLICANT'S CASE

- 3.1 Grain will be hauled to and from the store by tractor and trailer and if a lorry is required, it will have no more problem manoeuvring on to Besbury lane, than the lorries from the grain stores on the opposite side of the road.
- 3.2 The store would remove land from production wherever it is sited , and this corner is the least productive as it is in the shade of the small wood at the end of the field.
- 3.3 I am willing to contribute to the upkeep of Besbury Lane.
- 3.4 The existing farm buildings have very poor access onto the Churchill to Chipping Norton road with limited visibility making turning onto the road in a slow moving tractor, a considerable hazard.
- 3.5 The proposal is needed as we produce 500T of grain from the holding and we have no storage. We have been carting it back to Great Tew but this is extremely time consuming at a time of year when we are flat out and so is not practical in the long term.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 NE3 Local Landscape Character
 NE4 Cotswolds Area of Outstanding Natural Beauty
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE13 Biodiversity Conservation
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application is brought to Committee at the request of Cllr Owen.
- 5.2 This application seeks planning permission for the erection of a grain and machinery store to hold produce from the 170 acre farm. The application site is adjacent to a cluster of agricultural buildings along Besbury Lane off of the main B4450 road to Chipping Norton.
- 5.3 The application is a resubmission of a similar refused scheme, planning reference I5/00088/FUL, elsewhere on the holding. Your officers were concerned with the prominence of the siting of the grain store within the AONB. This application has re-sited the grain store and is now located in a field south west of Boulters Barn Farm approx. 0.4km in distance from the main farm.

- 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:

Design, siting and form

Impact on nearby residential properties;
The impact on the setting of the AONB; and
Highways Implications

Design, siting and form

- 5.5 The proposed barn would be 18m in width, 32m in length and would measure approx. 9m to roof ridge height. The proposed agricultural barn is to be constructed of profiled steel wall cladding under profiled steel roof panels. The proposed building is agricultural in appearance.

Impact on residential properties

- 5.6 The proposed barn would sit in an isolated open countryside location with the nearest neighbours sitting more than 500 metres away. Given this officers do not consider that the proposal would have an unacceptable impact on the residential amenity of those properties.

Impact on the setting of the AONB

- 5.7 The proposed agricultural building would be largely screened from the South West by an existing block of woodland at the corner of the A4450 and Besbury Lane. Views along the main road from the north would be across a wide grass verge and mature hedgerow. The building is of a conventional, modern agricultural appearance and would relate well to other modern agricultural buildings located to the south. Given this officers do not consider that the building would have an unacceptable impact on the character of the AONB.

Highways Implications

- 5.8 The Local Highways Liaison Officer has been consulted on the proposal and concludes that there would be no detrimental impact on the safety of the highway as a result of this proposal. There is also sufficient space for farm vehicles to enter and turn from the main B4450 as demonstrated by the use of the adjacent farm buildings along Besbury Lane.

Other

- 5.9 Concerns have been raised that the new barn would remove arable land out of production. The applicant has responded to the objection that the area in the field is the less productive situated in the shade. Furthermore the applicant illustrates that there is an operational need for the barn as the farm produces 500 tonnes of grain from the holding and the current arrangement in transporting the grain to Great Tew is time consuming and unsustainable.
- 5.10 Concerns have also been received in relation to the wear and tear of the lane from the additional use of the tractors. Officers consider this to be a civil matter and not a material planning consideration.

Conclusion

- 5.11 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits. The proposal would accord to Policies BE2, BE3, NE3, NE4 and NE13 of the West Oxfordshire Local Plan, 2011. Permission is therefore recommended.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The submitted plan titled "Proposed Plans and Elevation" does not indicate the correct scale on a particular paper size. For the purposes of this permission it is therefore assumed that the figured dimensions shown are accurate at a scale of 1:100 on A1 paper size. Likewise, the site layout plan would be 1:500 at A1 paper size. If this is not the case, prior to the commencement of the development, an amended plan shall be submitted to show floor plan, elevations and site layout at an accurate scale, consistent with a building of internal dimensions 32m x 18m floorspace.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground 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 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.

Application Number	15/01198/FUL
Site Address	Land East Of Tyne Lodge Brook Lane Stonesfield Oxfordshire
Date	20th May 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439421 E 216881 N
Committee Date	1st June 2015

Application Details:

Erection of a detached chalet bungalow

Applicant Details:

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

1 CONSULTATIONS

- 1.1 Parish Council No Comment Received.
- 1.2 Ecologist No Comment Received.
- 1.3 OCC Highways No Comment Received.

2 REPRESENTATIONS

- 2.1 Objections have been received from 5 Brook Lane, 7 Brook Lane and Wellspring referring to the following:
 - (i) Erosion of countryside in the AONB.
 - (ii) The siting of this proposal is more significant than the adjacent permitted site.
 - (iii) Potential precedent for a row of new bungalows to the rear of Brook Lane which will encroach into the AONB to a significant extent.
 - (iv) If approved, too little weight will have been given to environmental protection.
 - (v) The Ecological Statement is inaccurate as it fails to refer to Roman Snails, Adders and Slowworms, which are protected species and are often found in the areas close to the SSSI.

- (vi) The site is not maintained or used as a paddock it is part of an agricultural field within which rows of Leylandii trees and laurel trees have been planted by the applicant which are detrimental and intimidating to the neighbours.
- (vii) The existing track does lead to the Stables. However these "Stables" are not used for stabling horses but which is wrongly used for residential occupation. This is confirmed by the TV aerial, Log Burning Stove and glass in the windows etc. It is also constructed from unapproved materials contrary to the planning permission.
- (viii) The presumption of sustainability is at the heart of the NPPF. However this proposed development seems far removed from "Pursuing sustainable development seeking positive improvements in the quality of the built and natural environments as well as in people's quality of life" as stated in the Government's Planning Practice Guidance.
- (ix) Paragraph 14 of NPPF is specifically related to "presumption in favour of sustainable development". This proposed development does not meet the criteria of sustainable development so is inappropriate to be used.
- (x) The application is in direct contravention of Council Policies: - EHI, H2, H6, BE2, BE3, NE3 and NE4 which are nationwide policies to protect residents and the landscape.
- (xi) This proposed development is out of character with the existing bungalows. The house is 180 degrees opposite to the other bungalows with a totally separate poor quality track leading right round Holmlea and will undoubtedly result in further development created by precedence.
- (xii) The House has been designed as a house not a chalet bungalow with ridgeline nearly 2 metres above the general roofline of the bungalows in Brook Lane.
- (xiii) The location of the proposed house is sited partly within the applicants residential garden and only approx. 2 metres from the rear garden of Well Spring which will create serious overlooking of their house and garden.
- (xiv) The site is part of an agricultural field. Which also contains the applicant's illegal commercial logging business being carried out without planning permission.
- (xv) Whilst the effect of cars to one small house might have little effect on the neighbours adjoining the access track I believe that at present there are up to 20 commercial vehicles daily using this track presumably unlawfully. Further additional cars for this proposed development will cause further nuisance and distress to the adjoining neighbours.
- (xvi) The pre-application advice given was biased in favour of the development.
- (xvii) The Council has a 5 year supply of land for housing and Policy H6 should apply.
- (xviii) The proposal does not represent infilling or rounding-off.

2.2 A general observation has been received from The Studio, Church Lane in relation to use of the land for grazing and vehicle movements.

2.3 4 letters of support have been received from properties in Stonesfield referring to the following:

- (i) The proposed building aligns with other existing properties and it would cause no material harm to the AONB.
- (ii) The site is not in the Conservation Area.
- (iii) The proposed building is small and would easily blend with the area and landscape.
- (iv) The access is adequate and one additional property would have little impact on the volume of traffic.
- (v) The NPPF must be taken into account and the emerging Local Plan is more permissive of development on the built-up edge of settlements, making the proposal acceptable.

- (vi) The design of the building is in keeping with the surrounding area and the size is appropriate for the plot.
- (vii) The traditional materials would make this an attractive dwelling.
- (viii) The building line runs into the garden of 3 Brook Lane so no more bungalows can be built.

3 APPLICANT'S CASE

- 3.1 While the Council claims that it can currently demonstrate a five year supply of deliverable housing sites, it also acknowledges that the adopted Local Plan is out-of-date and that, as a result, the NPPF's 'presumption in favour of sustainable development' applies.
- 3.2 In light of the guidance in the NPPF, and the fact that Stonesfield is a relatively sustainable location given the range of facilities and services provided for, it is submitted that the principle of development at this site is acceptable.
- 3.3 It is also clear that the Council's direction of travel on meeting housing requirements is towards a more flexible approach to development adjoining the larger settlements in the district with draft policy H2 of the emerging Local Plan permitting development within, or on the edge of, settlements.
- 3.4 The physical and visual harm of the proposal would be minimal, particularly as the site would be well screened by native species hedgerows. The new chalet bungalow would only be partially visible from the Conservation Area and would have a neutral effect on this designated area. Given the modest scale and sensitive design of the proposal, it is also considered that the special character and landscape beauty of the Cotswolds AONB would not be harmed.
- 3.5 It is therefore considered that full planning permission should be granted for the proposed development.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 H2 General residential development standards
 H5 Villages
 NE4 Cotswolds Area of Outstanding Natural Beauty
 NE13 Biodiversity Conservation
 NE15 Protected Species
 BE5 Conservation Areas
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 H2NEW Delivery of new homes
 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 of the property known as Tyne Lodge, which is in the same ownership, and forms part of its curtilage. All the neighbouring properties are modern.

Background Information

- 5.2 Planning permission for the erection of a dwelling on the adjoining parcel of land to the north was approved by Committee in February 2015 (14/01443/FUL).
- 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:

Principle of the development
Design, siting and location
Residential amenity
Access
Ecology

Principle

- 5.4 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, and also consider the emerging revised local plan.
- 5.5 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 emerging Local Plan 2031 deals with village development under Policies OS1, OS2 and H2. In this context the site would represent undeveloped land adjoining the built up area in a settlement where development is deemed to be acceptable in principle.
- 5.6 The recent application for a dwelling on the adjoining site proved contentious. However, in granting this permission, it has been accepted that development on the edge of the settlement in this location is not inappropriate. It is therefore necessary to consider the current proposal on its merits.

Design, siting and location

- 5.7 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. The application site is a corner formed by existing housing and the site with planning permission. 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 a leylandii hedge to the north and post and rail fencing.
- 5.8 The land is maintained as garden rather than having any agricultural use and in common with other parcels to the rear of Brook Lane does not display a typical agricultural character. It is

considered that the site does not contribute significantly to the wider landscape character in this location.

- 5.9 The proposed dwelling would align with the 3 other existing dwellings to the north, as well as the recently permitted dwelling, 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 natural Cotswold stone walls with artificial stone slates to the roof.
- 5.10 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.
- 5.11 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

- 5.12 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 which can be conditioned to be obscure glazed. In any event these are relatively high level and unlikely to present a privacy issue. The proposed first floor window to the north side would be a non-principal window and look towards the adjoining site rather than towards existing neighbouring dwellings. The main aspect of the dwelling would be to the east where it would not overlook any other buildings. Given the distances between buildings there would be no loss of light or unacceptable impact on general amenity.

Access

- 5.13 The means of access already exists via land in the same ownership and there would be no material impact on the local highway network. Adequate space is available for off-street parking. The comments of the Highways Officer will be reported at the meeting.

Ecology

- 5.14 An ecological assessment of the site has been submitted. The site is not located within an area designated for nature conservation, and is not within an area where development of a single dwelling is considered by Natural England to have potential to impact on the Stonesfield SSSI.
- 5.15 The site is currently of low ecological interest and there are considered to be no significant ecological constraints to the development of the site. The Block Plan for the proposed new dwelling indicates that the immature trees bordering the improved grassland will be removed, although they will be replaced with native species hedgerows planted around all boundaries of the site.
- 5.16 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 that any site clearance takes place outside the bird nesting season.

- 5.17 Enhancements for wildlife are recommended such as the provision of bat and bird boxes.
- 5.18 The comments of the Biodiversity Officer will be reported at the meeting.

Other Matters

- 5.19 An objector has referred to the use of neighbouring land and a building, and suggests a breach of planning control. These are not matters that have any bearing on the consideration of the application.

Conclusion

- 5.20 In the light of the above, it is considered that the proposal complies with Local Plan Policies BE2, BE3, H2, and NE13.
- 5.21 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 adopted 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 of the NPPF 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. Emerging Local Plan Policies OS1, OS2 and H2 would not preclude the development. Accordingly, the proposal is recommended for approval.

6 CONDITIONS

Grant subject to the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 above ground 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 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 any external walls are commenced and thereafter be 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 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 include the removal of the existing leylandii hedge to the north boundary, and include all proposed new boundary treatments, which shall include native species hedge planting to the south and east boundaries. All boundary treatments so approved shall be maintained at a height not exceeding 2m. The approved 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.
- 7 Any removal of the Leyland cypress hedge and other vegetation clearance 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.
- 8 Before first occupation of the building hereby permitted the rooflights in the north west facing roof slope shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, extensions or outbuildings shall be installed or constructed other than those expressly authorised by this permission.
REASON: Control is needed to maintain the character of the building, the location, and to protect the privacy of neighbouring property.