

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 1 JUNE 2015

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

15/00561/OUT Street Farm, Tackley	
Date	18.02.2015
Officer	Catherine Tetlow
Recommendation	Approved subject to Legal Agreement
Parish	Tackley

Application details

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

Applicant

Nathaniel Lichfield & Partners

Additional Representations

- 1) OCC have advised that on reviewing the requirements for primary education, a primary school financial contribution is no longer required.
- 2) June Collier, Chair of Tackley Parish Council has forwarded additional comments. These reiterate concerns about drainage, traffic, and parking. They disagree with the applicant's case that the density has been informed by consultation with the local community. Options for the location of new development in the village need to be considered.

Report of Additional Representations

15/00564/FUL Land South Of Forest Road	
Date	18.02.2015
Officer	Abby Fettes
Recommendation	Defer
Parish	Charlbury

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

Mr Ian Cox

Additional Representations

Applicants case

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

The application seeks planning permission for a sustainable community led residential development comprising 29 dwellings, comprising affordable rent, shared ownership, intermediate, custom build self-build and full market custom build housing, together with the erection of 12 self-contained units and ancillary facilities to provide assisted living accommodation for residents suffering from young on set dementia at land to the south of Forest Road, Charlbury on behalf of the Rushy Bank Partnership. The proposed development is a pioneering project in terms of establishing a model to deliver care for individuals suffering from young on set dementia that can be replicated nationally.

Policy H7 of the adopted Local Plan 2011 identifies the criteria whereby residential development within rural services centres will be considered. However, para 49 of the NPPF identifies 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 housing land supply of deliverable housing sites.

Given that West Oxfordshire District Council is unable to demonstrate a five-year housing land supply of deliverable sites, policy H7 is not considered up-to-date. As such, having regard to para 14 and where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole.

The adopted Local Plan 2011 is currently under review. Within the emerging Local Plan 2029, Charlbury is identified as falling within the Burford and Charlbury Sub-Area.

The Burford and Charlbury Sub-Area is the largest of the sub-areas and in addition to the two rural service centres of Burford and Charlbury, the sub-area includes the villages of Stonesfield, Shipton under Wychwood and Milton under Wychwood.

The focussed housing consultation that was undertaken during August and September identified that the Council's assessment of the overall requirement for new dwellings in the Burford and Charlbury Sub-Area is 650. The proposed development will assist in the delivery of identified housing need within this sub area. Furthermore, the proposed development accords with the Council's emerging strategy by locating development in this sustainable rural service centre.

The application site falls within the Cotswolds Area of Outstanding Natural Beauty. A Landscape Appraisal has been submitted in support of the application. Due to the scale of the development, the proposed development is not considered to comprise major development for the purposes of para 116 of the NPPF. Furthermore, the Cotswolds AONB Management Board have identified in the latest addition of the 'Cotswold Lion' that their preferred option for development comprises development of approximately 30 dwellings and consisting of a bespoke design solution. The Landscape Assessment have been used to inform the design solution and will ensure that the proposed development at the very least will conserve this part of the Cotswolds AONB in accordance with para 115 of the NPPF and policy NE4 of the adopted Local Plan 2011.

A Heritage Assessment has been submitted in support of the application which concludes that the proposals will not cause harm to the setting of the Charlbury Conservation Area.

A Transport Assessment has been submitted in support of the application which concludes that the site is considered to be acceptable in transport and highways terms.

An Ecological Assessment has been submitted in support of the application which has informed the design solution and includes a number of ecological enhancements.

Rushy Bank is a unique development that will not set a precedent for development elsewhere. It meets local housing need and market demand. It provides other benefits to Charlbury that other potential schemes cannot. In summary the benefits of the development of Rushy Bank are;

- Sustainable location close to railway station and no further away from Town Centre than the extent of Ticknell Piece. The Green and Woodstock Road houses.
- Very low visual impact as a result of extensive landscaping, setting and location behind the employment area.
- Up to 12 jobs associated with Young Dementia UK Homes.
- Additional residents will help to sustain local amenities and facilities.
- Improvements to highway safety that will slow traffic as it approaches the town along Forest Road.

The scheme could make a significant financial contribution towards education, library services together with other public services, and potentially deliver funds towards the Community Centre or other priorities identified by the Town Council through the Community Infrastructure Levy.

The proposed development encapsulates the 3 roles of sustainable development identified within para 8 of the NPPF and delivers the following objective for Charlbury:

Supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

In accordance with para 14 of the NPPF, it has been demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of granting planning permission, when assessed against the policies in the framework as a whole. As such, it is respectfully requested that planning permission is granted.

Additional Representations

A letter has been sent to some Uplands sub-committee members from Friends of the Evenlode Valley:

I apologise for contacting you direct but we are concerned about a development proposal at the entrance to Charlbury and wish to bring these points to your attention. Attached is an email sent to the Planning Officers on behalf of the Friends of the Evenlode Valley, in relation to App 15/00564/FUL Land South of Forest Road Charlbury, which is coming before the Uplands Area planning Sub-Committee on Monday with a recommendation for deferral.

The developer will claim that deferral in this instance will be interpreted as 'approval in principle', with just the details to be resolved between the Developer and the Planning Officers. It would be difficult for the Uplands Area Planning Sub-committee to refuse this application when it comes to determination if it is widely supported now.

We do not object to additional housing in and around Charlbury, our concern is for this particular site.

There are currently two other applications for housing development here, on Ditchely Road and at the back of Little Lees. These sites are also in the country-side and in the AONB but they are not on the doorstep of Charlbury.

The Forest Road site is not only a 1/4 mile outside the settlement, it is directly next to one of the major roads into Charlbury and will have an irreversible impact on the setting of the town.

The proposals for the Young Dementia Unit and for the housing are commendable in their own right but they do not have to be situated in such a prominent position.

The Friends of the Evenlode Valley do not believe that the recent changes in Planning legislation were intended to be interpreted as a *carte blanche* for development irrespective of 'the intrinsic character and beauty of the countryside' as referred to in the attached letter written by Brandon Lewis, the Minister of State for Housing and Planning.

Another member of the Friends of Evenlode Valley sent the following comments to the Planning Department:

I am writing to you on behalf of the group known as the Friends of the Evenlode Valley (the FEV). The group has some 100 supporters and submitted a fully argued Planning Assessment in opposition to the above application. Though a collective representation, I was the principal author of that Assessment, having recently retired after 23 years as a Planning Inspector. The reason for my writing now is that we have serious concerns about the way in which the application is being processed.

The application is being presented to Committee on 1 June not for determination but because officers apparently believe the scheme could be made acceptable. They thus seek a deferral but wish to give the Applicants a "degree of comfort" that it will not be refused on principle. I hope you will instantly see the dangers inherent in this approach. An agreement to defer may not give

rise to an estoppel but it would certainly create a legitimate expectation for the applicants that the proposal is seen as acceptable in principle and that only the details remain in issue.

The Committee is being asked, in effect, to determine the issue of principle and would thus find it extremely difficult later to refuse it on that basis. We see no reason why the application should not be put forward now for determination on its merits. If it is only refused on matters of detail, the applicants can re-apply (or appeal) and could still of course appeal if there are wider reasons. That surely is the correct approach rather than leaving the Council at risk of a legal challenge – which could come from either direction - based on procedural irregularities.

Moreover, the question of principle is presently being put on the basis of an incomplete, and I regret to say, a seriously flawed report. I could go into considerable detail but the main points are:

- The description of the development and mix of uses at paras 5.2 and 5.4 are both vague and misleading as to the balance between market and other forms of housing.
- The Charlbury Conservation Area Advisory Committee's (a WODC sponsored body) consultation response is not mentioned.
- The Highways Authority's concerns are seriously misrepresented (at para 5.7). They extend well beyond visual impact and include an unfavourable assessment of the sustainability of the location (in contrast to the officer's glib assumption of it).
- Natural England did not just seek further information but highlighted the absence of a full Visual and Landscape Assessment based on Institute guidelines (as did FEV). Landscape impact is a major issue in the AONB yet there is no comment from your own Landscape officer(s) nor more than the most superficial analysis by the planning officer.
- Neither the FEV's existence nor its Planning Assessment are mentioned. The Committee should surely be made aware of such a group. I am far from convinced that the officer has even read the Assessment. The Committee should at least have their attention drawn to it.
- The analysis at para 5.4 is seriously lacking. There is no discussion of the weight to be given to the AONB location (cf CCB's comments and the Minister's recent letter). No mention is made of any of the previous WODC assessments of the location nor even of relevant paragraphs (notably 9.126 and 9.131) in the 2012 Draft Local Plan. The site is far larger than the small commercial estate next to the station, so to talk of it 'consolidating' that is factually incorrect and grossly misleading. Regrettably, we are left with no confidence in the officer's knowledge and understanding either of the location or her own Council's past assessment of it and policies affecting it, nor in her ability to produce a genuinely objective assessment of the application. To be clear, that does not mean I expect an officer's assessment necessarily to agree with mine, but at least that it be carried out competently. In its present form, this one could almost have been written by the applicant.

In the light of the above, we request that the application be withdrawn from the agenda for 1 June and be re-presented for determination at a later date with a comprehensive and factually accurate report, whatever its recommendations might be.

Both letters reference the Letter issued by Brandon Lewis in March 2015 in respect of Landscape as a material consideration.

Report of Additional Representations

15/0836/FUL Land at Chaucers House, Park Street, Woodstock	
Date	27 th May 2015
Officer	Abby Fettes
Recommendation	Grant, subject to conditions
Parish	WOODSTOCK
Grid Ref:	444271 216816

Application details

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

Applicant

Ms Sally Ann Lasson (c/o agent)

Additional Representations

One additional email from Mrs Karen Strachen of Bletchingdon making the following comments:

I understand that an application has been submitted to turn the corner of Harrisons Lane and Chaucers Lane in the heart of historic Woodstock into a driveway with access for two cars. It is right at the top of a pedestrian access which is constantly in use, is in a wonderful old corner at the centre of Woodstock with hardly any cars - is the Highway Authority aware of this? The site meeting apparently is next week, and although Woodstock town council has objected it has been recommended for approval.

Report of Additional Representations

15/01198/FUL Land East of Tyne Lodge	
Date	16.03.2015
Officer	Catherine Tetlow
Recommendation	Approve
Parish	Stonesfield

Application details

Erection of a detached chalet bungalow

Applicant

Mr Derek Hobbs

Additional Representations

- 1) Stonesfield Parish Council – no objection
- 2) Agent response to objections:

“Proposal does not represent infilling or rounding off as required by saved policy H6 of the adopted Local Plan”

This saved policy is out-of-date and, therefore, the NPPF’s ‘presumption in favour of sustainable development’ applies. The draft policies of the emerging Local Plan also need to be taken into consideration. The Council’s direction of travel on meeting housing requirements is towards a more flexible approach to development adjoining the larger settlements with draft policy H2 of the emerging Local Plan permitting development within, or on the edge of, settlements. The location of the proposed development is therefore appropriate and in accordance with draft policy H2.

“An undesirable precedent will be set by the proposal”

It is considered that the linear development to the rear of Brook Lane which this proposal forms part of could not be extended any further to the south because there is inadequate space to the rear of numbers 3-7 Brook Lane to allow new plots to be created. Regardless, every planning application should be assessed on its individual merits and, therefore, it is considered that this current proposal does not set an undesirable precedent that the Council would be unable to resist on possible future sites.

“Proposal would be harmful to the character of the AONB”

The Committee report for this application states that “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”. The report goes on to add that “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”.

“Proposal would be harmful to the amenities of adjoining residents”

Reference should be made to paragraph 5.12 of the Committee report. In summary, it states that “The building would not be sited in close proximity to neighbouring dwellings and there would be no unacceptable impact on privacy”. Furthermore, the report states that “Given the distances between buildings there would be no loss of light or unacceptable impact on general amenity”.

“Inadequate access track”

The Committee report states that “The means of access already exists via land in the same ownership and there would be no material impact on the local highway network”. Any technical details that may need to be addressed will be highlighted by the Highways Officer’s comments (to be reported at the meeting).

“The Ecological Assessment is inaccurate”

The Ecological Assessment is not inaccurate. It is a thorough and comprehensive assessment undertaken by a qualified Ecologist. Moreover, paragraph 5.16 of the Committee report concludes that the site is of low ecological interest and that there are no ecological constraints on development.

“Development will be out of character with existing bungalows”

The development will clearly be in-keeping with surrounding properties by reflecting the predominance of chalet bungalows in the local area. The proposal will also be of a similar, if not smaller, scale when compared to surrounding dwellings and will be lower in height than 'Holmlea' to the north-east of the site.

"Part of the site's boundary comprises unnatural Leylandii trees"

The applicant recognises that the existing Leylandii trees along the site's northern boundary are somewhat incongruous and, as a result, these trees will be replaced with more suitable native species. These replacement hedges or trees can be secured by way of a planning condition, as recommended in the Committee report.

"The stables are being used for residential occupation" and "An illegal commercial logging business is in operation"

Both of these statements are unfounded allegations that have no basis in fact. The stables are clearly incapable of being used for residential purposes and there has never been any commercial logging activity or business associated with the application site or surrounding land. In any case, it is considered that these allegations have no bearing on the determination of this planning application, which seeks planning permission for the erection of a detached chalet bungalow.

"Pre-application response is misleading and biased"

In my view, the pre-application response dated 6th March 2015 was the professional opinion of your officer at that time based on the material planning considerations. Regardless, the report that has been included in the Committee agenda carries more weight given that it sets out the case officer's formal assessment of the proposed development.

Support.

- 3) Dan Hobbs of Tyne View supports the application as there would be no notable impact on traffic in the area, the living conditions of nearby residents, or the landscape
- 4) Alex Townsend of 51 Pond Hill supports the application as there would be a negligible impact on the surrounding area, the access track is wide enough for vehicles to pass safely and there would be no significant increase in traffic.
- 5) Mr C Wharton of Wynard, Church Street – support the application. It has been falsely stated that Mr Hobbs is operating illegal commercial business from his land. I have been operating a small tree surgery company for 5 years and a small percentage of timber which is suitable for wood burning stoves is stored, seasoned and split on Mr Hobbs, land and distributed between myself, Mr Hobbs and family members for personal use. There is some use of the access by private and commercial vehicles in connection with the lawful use of the land.
- 6) Mr M Atkin of 3 Combe Road – support the application as the ecological report highlighted no concerns, there are no concerns about the access, I saw no evidence of anyone living in the sheds or stable block, the proposal meets the criteria for sustainable development, a second small dwelling would not cause any additional impact on the surrounding area, the access can support a second dwelling, no serious overlooking can take place, the number of vehicle movements has been overstated by objectors, no evidence of logging business, and Mr Hobbs does not own the land past the bungalow boundary and this would prevent further building.
- 7) Mr Hunt of 7 Greenfield Road – the stable building is not fit for human habitation and is not used as such. The design of the bungalow and positioning on the plot is well thought out and is in proportion. The access is well maintained and wide enough for two vehicles to pass. The development would finish off the edge of the village in this location. Lots of personal comments, strong words and unproven allegations by one or two self-appointed expert consultants should be dismissed.
- 8) A petition of 90 signatures of support has been lodged, referring to the following matters: Permission has recently been granted for one chalet bungalow in this location and the proposed second dwelling would align with the other 3 dwellings to the north, therefore adhering to the building line already in place; the scale and design of the proposed build is appropriate for the location, the footprint is modest in size and the plot is not within the Conservation Area; vehicular access to the site is good; there would be no detrimental effect on the living conditions of nearby residents; the same assessment process should be applied to this proposal as with the previous permission for a similar property on the same building line.

Object

- 9) Mr Elkins of Evenlode Edge, 7 Brook Lane objects in relation to the following matters: future disturbance and intimidation to neighbours directly adjacent to the site and the track leading to it; a condition should be applied restricting the hours of construction and construction traffic; the ecological statement is inaccurate; the site is not maintained or used as a paddock, it is part of an agricultural field; the stables are used for residential occupation and constructed of unapproved materials; the proposal does not meet the criteria of sustainable development; the development is contrary to policy; the development is out of character; precedent for further development; the house has been designed as a house not a bungalow; overlooking; the site is part of an agricultural field which also contains a logging business being carried out without planning permission; nuisance and distress to adjoining neighbours.
- 10) Mr and Mrs Fieldwick of Penpeden object in relation to: the proposal neither fulfils the infilling or rounding off as set out in the Local Plan; erosion of the rural character of the area, its landscape and scenic beauty; impact on living conditions; potential for further development; difficult access and increase in traffic.

Report of Additional Representations

15/01334/FUL Priory Barn, Oxford Road, Southcombe	
Date	26.03.2015
Officer	Gemma Smith
Recommendation	Grant, subject to conditions
Parish	Chipping Norton Town Council

Application details

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

Applicant

Mr Justin Whitton

Additional Representations

One additional representation received by Messrs Wiggins of Priory Farm. The representation is summarised as follows:

- The photos of the site have been added after the closing date for comments.
- We can only assume that the applicant has posted them to show the very rural nature of the site, the lack of any agricultural enterprise and the sites close proximity to the county wildlife site of Priory Farm, which is basically everything green in the photos including the boundary hedge that these proposals are to be built against!
- We have added a picture of our own, that of one of the many fires on this site burning trade waste.
- Please also note the yellow skip just behind one of the vehicles used for waste transfer.

We still object to this application