

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 6th July 2015**

**REPORT OF THE HEAD OF PLANNING  
AND SUSTAINABLE COMMUNITIES**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

To consider applications for development details of which are set out in the following pages.

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc. and the date of the meeting.

***List of Background Papers***

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

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Application Number	I5/00567/FUL
Site Address	Land North Of Little Lees Charlbury Oxfordshire
Date	24th June 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	436333 E 219109 N
Committee Date	6th July 2015

**Application Details:**

Erection of twenty two dwellings and associated works.

**Applicant Details:**

Ede Homes Ltd  
Eden House  
Two Rivers Business Park  
Station Lane  
WITNEY  
Oxfordshire  
OX28 4BL

**I. CONSULTATIONS**

- I.1. One Voice Consultations
- Highways - no objection but point out that access is over an unadopted road, public rights of way affected by the development and connections to them need to be fully accommodated, and cycle storage and parking arrangement need to meet standards. A contribution of £1,000.00 will be required towards improving public transport.
- Archaeology - no objection subject to condition.
- Education - no objection subject to contribution of £99,721.00 towards expansion of primary school capacity at Charlbury Primary School. A contribution of £5,397.00 is also requested towards special educational needs but OCC cannot require this via a legal agreement.
- Property - no objection subject to £5,875.00 towards libraries. A sum of £10,332.69 is also requested but OCC cannot require this via a legal agreement. The provision of fire hydrants should be in accordance with Fire and Rescue Service requirements.
- Ecology - no comments provided.
- I.2. Thames Water No objection
- I.3. Environment Agency No objection subject to compliance with standing advice.

I.4.	TV Police - Crime Prevention Design Advisor	No Comment Received.
I.5.	WODC Community Safety	No Comment Received.
I.6.	WODC Env Health - Uplands	No objection but a condition is recommended regarding potential contamination on the site.
I.7.	WODC Env Consultation Sites	No Comment Received.
I.8.	WODC Env Services - Engineers	No Comment Received.
I.9.	WODC Env Services - Landscape	No Comment Received.
I.10.	WODC - Arts	No objection. A contribution of £2,200.00 will be required towards a programme of temporary public art in the form of activities and events in Charlbury.
I.11.	WODC - Sports	No Comment Received.
I.12.	WODC Planning Policy Manager	No objection, but observations are made about policy considerations.
I.13.	Wildlife Trust	Object - there will be an impact on priority habitat (Lowland Meadows) and protected species. It is considered that the reptile survey was not carried out in accordance with best practice.
I.14.	WODC Head Of Housing	No objection - the intended 50% affordable meets policy requirements.
I.15.	Parish Council	No objection but it is questioned whether the access is adequate. Access to the rear gardens of the properties should be provided. Garages should be provided.
I.16.	Ecologist	Object - priority habitat (Lowland Meadows) would be affected.
I.17.	Historic England	No Comment Received.

## 2. REPRESENTATIONS

2.1. Fourteen objections have been received from local residents referring to the following matters:

- (i) Impact on highway safety arising from taking access from Little Lees.
- (ii) Access should be via Lees Heights.
- (iii) Open space should be provided but managed effectively to avoid anti-social behaviour.
- (iv) An allotment area would be of benefit.
- (v) Dense planting and post and rail fencing should be erected along the Woody Lane boundary.
- (vi) The gardens for the affordable housing appear small.
- (vii) Impact on AONB, landscape and encroachment into countryside.
- (viii) Impact on Conservation Area.
- (ix) The Council has a 5 year supply of land for housing.
- (x) The site is not identified in the Local Plan and sequentially preferable sites should be considered.
- (xi) The layout does not make the best use of land.
- (xii) Potential impact on protected species.
- (xiii) Lack of provision for walkers.
- (xiv) The development is not infilling or rounding off.
- (xv) The site is not an exception site and it was understood that further housing would not be built here.
- (xvi) Impact on utilities.
- (xvii) Impact on school capacity.
- (xviii) Impact on parking in the town.

2.2. Expressions of support have been received from 2 local residents referring to the following:

- (i) The development will utilise wasted land.
- (ii) The layout is sensible.
- (iii) Increased traffic via Little Lees will not be a problem.
- (iv) There is little room to provide a sensible access at Lees Heights.

2.3. Charlbury Conservation Area Advisory Committee- The Committee was supportive of the proposal and welcomed the provision of affordable housing. Members felt that Cotswold plain tiles were a more appropriate roofing material than blue slate and would give the development a more homogeneous, and perhaps less socially- divisive, appearance.

2.4. General observations have been received from 3 local residents who do not object in principle but make the following remarks:

- (i) Large numbers of people born in Charlbury are unable to stay because house prices are unaffordable.
- (ii) Steps should be taken to ensure that the boundary to Woody Lane is protected and restored. Trees that have been removed should be replaced.
- (iii) The development should be of high quality and provision of green space should be mandated.
- (iv) The housing will provide people employed in the area and support economic growth.
- (v) More market housing is needed.
- (vi) Two highway access points should be provided in the interests of highway safety.
- (vii) The development may be visible in wider area.
- (viii) The access is sensible but there are reservations about highway safety.

- 2.5. The Charlbury Society has no objection in principle but the potential impact on school capacity should be considered.

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

- 3.1. The Council's housing land supply is currently below the required five years, so policies relating to the supply of housing (including policy H7 of the adopted Local Plan) are no longer up-to-date. The current deficit in housing provision and the contribution that the proposed development will make in helping to address it are strong material considerations in favour of the proposal. In accordance with paragraph 14 of the Framework, therefore, the proposed development needs to be considered favourably provided that any adverse impacts of doing so would not "significantly and demonstrably" outweigh the benefits of the proposal.
- 3.2. The proposed development offers the following benefits:
- (i) providing a good mix of 22 high quality homes in a sustainable location to help meet the objectively assessed needs for market and affordable housing identified in the Oxfordshire SHMA;
  - (ii) delivering the houses immediately to help the Council make up its short-term housing deficit;
  - (iii) providing 11 affordable houses and flats;
  - (iv) generating additional spending power in the local economy;
  - (v) creating jobs for a local house building company;
  - (vi) securing a substantial New Homes Bonus;
  - (vii) securing appropriate Section 106 contributions to improve local services and facilities;
  - (viii) creating ecological and landscape enhancements, particularly through the proper management of the existing plantation woodland and species-rich grassland.
- 3.3. These benefits need to be afforded significant weight. To ensure they are delivered, the site is available for development now - there are no land ownership or infrastructure complications to delay delivery. The scheme is small-scale and deliverable and will be developed without delay. The proposal, therefore, complies with paragraph 47 of the Framework.
- 3.4. A good number of small greenfield sites in appropriate and sustainable locations such as this site will need to be developed to meet the substantial housing need (particularly the short-term housing need) identified in the SHMA.
- 3.5. The site is visually very well contained, so it makes only a limited contribution to the character of the area. It currently has an air of dereliction with no discernible function, so the proposed development with its traditional design will make a positive and sympathetic contribution to the character and appearance of the Charlbury Conservation Area. In addition, views into and across the site are very limited from the surrounding countryside, so the proposal will not have a harmful impact on the landscape and scenic beauty of the Cotswolds AONB.
- 3.6. Considering the Framework as a whole, and giving proper weight to the substantial benefits offered by the proposed development and the absence of any issues which amount to an adverse impact to "significantly and demonstrably" outweigh the benefits, the planning balance has to be in favour of granting planning permission.

#### **4. PLANNING POLICIES**

EH5 NEW Flood risk  
EH7 NEW Historic Environment  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
H7 Service centres  
NE4 Cotswolds Area of Outstanding Natural Beauty  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
NE15 Protected Species  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
H1NEW Amount and distribution of housing  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
T4NEW Parking provision  
EH2NEW Biodiversity  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5. PLANNING ASSESSMENT**

- 5.1. The proposal relates to a parcel of agricultural land to the east of existing modern housing at Lees Heights. Development of further housing in this location has taken place to the south of the site at Little Lees. Land to the east of the housing proposal, which is in the same ownership, features a plantation belt of trees and open grassland. There are public footpaths to the eastern boundary of the land and also to the north where rights of way run along Woody Lane. The northern boundary is marked by sporadic hedgerow and hedgerow trees.
- 5.2. Members carried out a site visit on 28th May 2015.
- 5.3. The scheme would provide 22 dwellings, 11 of which would be affordable.

#### **Background Information**

- 5.4. The planning history is understood to be as follows:  
  
W74/1136 - residential development (outline) - refused 12/03/75  
W74/1137 - residential development (outline) - refused 12/03/75  
W75/1156 - residential development (outline) - refused 14/01/76  
W76/0062- housing development not exceeding 50 houses (outline) - refused 05/03/76  
W84/1371 - erection of 8 dwellings - refused 07/12/84  
W94/0634 - erection of doctor's surgery - refused 03/08/94  
W97/1631 - 4 temporary agricultural buildings and restoration of northern boundary hedge including pedestrian gate - approved 07/01/98

11/1771/P/FP - erection of 15 dwellings with associated car parking, landscaping, and new footpath - approved 16/05/12

13/0752/P/S73 - variation of condition 2 of 11/1771/P/FP -approved 02/07/13

- 5.5. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Siting, design, form and impact on the character of the area
  - Residential amenities
  - Highways
  - Open space and Ecology
  - S106 contributions

### **Principle**

- 5.6. The site is located immediately adjacent to the existing urban edge of Charlbury. The town has a wide range of local amenities, including primary school, shops, post office, doctor's surgery, community facilities, employment and railway station. It is accordingly one of the most sustainable settlements in the District.
- 5.7. Charlbury is recognised as an appropriate place for some new development under both adopted Policy H7 and emerging Policy OS2. Policy H7 allows for development representing infilling or rounding off, but the proposed development would not conform with this policy because the site would represent an extension of the settlement into the countryside. However, the emerging revised plan Policy H1 refers to the sub-area of Burford-Charlbury contributing 800 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, it is expected that the larger settlements of Burford and Charlbury will be the focus for new development and will deliver significant numbers of windfalls. The site is not identified in the SHLAA, but this does not necessarily mean that the site is unsuitable for housing development.
- 5.8. 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 sub-area of Burford-Charlbury is washed over by the AONB designation and this is not considered an impediment in principle to development in this locality.
- 5.9. The site is well screened by existing landscape features that would be retained. The site is not prominent in the wider landscape of the area, and the development would be seen in the context of existing housing in this part of Charlbury.
- 5.10. Given the site's relationship to the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and development here is acceptable in principle.



## **Siting, Design, Form and Impact on the Character of the Area**

- 5.11. The proposed houses would be arranged in a cul-de-sac with access taken from the existing highway at Little Lees. The scheme would be a mix of detached, semi-detached, terrace and flats. The layout is not very creative, but the scope for alternatives is limited by the dimensions of the site and the number of units proposed.
- 5.12. The design of the buildings draws on vernacular influences and the appearance would be similar to the recently constructed houses at Little Lees. They would all be two storey, but with varying features such as projecting gables, porches and dormers.
- 5.13. Each unit would have more than adequate outside space and an appropriate balance between built form, roads/parking, and garden areas is achieved. Existing landscaping to the boundaries will be retained where possible.
- 5.14. The layout provides for a footpath link between the development and the right of way to the north. This will be important in integrating the scheme into the local area and maximising accessibility.
- 5.15. The provisions of paragraph 115 of the NPPF are acknowledged as regards the weight to given to be given to conserving the landscape and scenic beauty in the AONB. The topography of the area and presence of large numbers of mature hedgerows and trees in the landscape in all directions around the site, mean that it has no real visual presence beyond its immediate setting. It is therefore considered that there would be no material harm to the AONB in this location.
- 5.16. Paragraph 116 of the NPPF refers to development being permitted in designated areas only in exceptional circumstances where it can be demonstrated that they are in the public interest. It is debatable whether the 22 dwellings proposed in this instance constitutes 'major' development in this context. Nonetheless, having regard to the criteria therein, the development would make a valuable contribution to housing land supply and support the vitality and viability of Charlbury. It is important that Charlbury continues to deliver new housing, and in the Burford-Charlbury sub-area there are few opportunities to develop outside the designated area. The scheme includes retention of landscape features, including a large tree belt and open space, and therefore the potential detrimental effects on the environment are moderated.
- 5.17. The site lies within the Charlbury Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 5.18. The site is not visually prominent in the wider area, and benefits from a significant sense of enclosure created by mature hedges and trees around the periphery. The site's relationship with the existing urban edge has a bearing on its suitability for development. The land is subject to informal public access because it is not fenced, but it is not formal open space and does not represent an important gap, or perform a particular function in the area. Although the development would represent significant change, this is not necessarily the same as harm. On balance, given the characteristics of the site and its relationship with the existing urban edge, it is considered that the development would not be harmful to the Conservation Area and its character would be preserved.

- 5.19. In the terms of NPPF paragraph 134, the benefits of the scheme, such as delivering new housing (and its attendant economic benefits), and delivering a contribution to affordable housing, would outweigh any less than substantial harm arising from the scheme.
- 5.20. The proposal is considered to comply with WOLP Policies BE2, BE5, NE4, and H2, as well as emerging plan policies OS2, H2, EH1 and EH7.

### **Residential amenities**

- 5.21. The layout provides for appropriate privacy distances to be achieved between dwellings within the site. There would therefore be no unacceptable overlooking. The existing properties to the south would have front elevations facing Plots 21 and 22 at a minimum distance of approximately 24m which exceeds accepted standards. Plot 20 would be side-on to the existing houses, and Plots 1, 2 and 3 would not directly face any existing property. Plots 4 and 5 would look towards the gable of No.10 Lees Heights at a distance of approximately 27m which is entirely acceptable. Plot 11 would be gable-on to No.4 Lees Heights with no first floor windows facing in this direction. Plot 10 would have an oblique relationship to No.4 Lees Heights at a distance of approximately 25m which is acceptable.
- 5.22. An appropriate area of garden would be available for each unit, and general amenity would therefore be catered for. The space between dwellings is such that there would be no unacceptable loss of light to properties within or adjoining the site.

### **Highways**

- 5.23. There is a good range of local facilities within easy walking distance of the site. However, for most employment, secondary education and higher order services, residents would need to travel out of Charlbury.
- 5.24. The site is estimated to generate approximately 10 vehicle trips (including in and out trips) in the morning peak hour and 9 in the evening peak hour. This equates to no more than one movement every six minutes, which is not expected to have a significant impact on the local transport network.
- 5.25. There is a good frequency of train service from Charlbury Rail station, and the future train specification would appear to provide at least an hourly service between Worcester, Oxford, Reading and London.
- 5.26. The site is well located for access to the bus stop on Sturt Road, which is served by the C1 'Charlbury RailBus' which runs between the Wychwoods and Charlbury station four times a day in each direction, the X9 between Chipping Norton and Witney every hour and the S3 linking Charlbury and Oxford every hour. It is also around 1.5km walking distance from Charlbury railway station. Hourly bus service S3 operates on a commercial basis between Charlbury, Woodstock, the proposed Northern Gateway site and along the Woodstock Road into Oxford. Charlbury people travelling to the northern part of Oxford and the 'Science area' may well prefer to use the bus than the train, as Oxford's station is located to the west of the city centre. Hourly bus service x9 between Chipping Norton, Charlbury and Witney is financially supported by Oxfordshire County Council. It is quite well used on the Charlbury to Witney section of route. However, despite the apparently good bus links from Charlbury, there are deficiencies in service levels, especially at weekends and in the evening. A section 106 contribution of £1,000

per additional dwelling towards improvements in strategic public transport in Charlbury would be required.

- 5.27. The proposal is for vehicular and pedestrian access to be taken over the existing private drive to properties recently built on the north side of Little Lees. This driveway is an unadopted road and it has not been possible to enter into a Private Road Agreement for the road, because its access onto the highway crosses a small strip of non-highway land that is unregistered. Access onto the highway was created via a license. This in itself is not grounds for objecting to the planning application but it is noted here for three reasons:
- (i) Unless the matter is resolved, it will not be possible for the Highways Authority to enter into a Private Road Agreement for the internal roads in the new development. This means there would be no control over their construction quality and the risk of them falling into disrepair.
  - (ii) Because of the unregistered strip of land, it was not possible to create a footway along the north side of Little Lees. It is noted that the current proposal includes a short section of footway north of the site access, and unless this land is in the control of the developer, it will not be possible to provide it. However, this section of footway is not considered critical as Little Lees is a cul-de-sac with light traffic, and visibility at the access point is satisfactory to allow people to cross safely from the shared surface to the footway on the south side of Little Lees. However, as proposed, the developer would be expected to provide a dropped kerb crossing point on the south side of Little Lees opposite the site access.
  - (iii) Unless the applicant can demonstrate that access to the highway over the strip of land has been secured, there is a small risk that access may be prevented, in which case the residents would need to park their cars in local roads, which would lead to amenity and possibly safety issues.

It is hoped that an update on this may be available at the meeting.

- 5.28. Parking is provided at two spaces per dwelling, which is within maximum parking standards. Additionally the private houses have garages.
- 5.29. Objectors have suggested that access should be taken at the north west corner of the site, off Lees Heights, where there is an existing gateway to the site. This option is not before the Council and it is not possible to require that this access is used either as the main access, or as a secondary access. Whilst the adoption difficulties expressed above are noted, the Highways Officer advice is clear that this would not be grounds to refuse the application.
- 5.30. Cycle parking will need to be provided in accordance with adopted standards.
- 5.31. Existing public rights of way have been shown on the amended layout and a new footpath link between the site and Woody Lane is proposed.

### **Open Space and Ecology**

- 5.32. The submitted plans show that approximately half the site would retained as open grassland with the existing belt of trees running through it.

- 5.33. An ecological assessment was carried out and found that no protected species would be affected and no further survey works are necessary. However, a number of recommendations are made in relation to the potential effects on habitat and mitigation and compensation measures that could be introduced.
- 5.34. The most notable finding of the assessment is that the site as a whole features areas of semi-improved grassland. Although there are no protected or rare species within the grassland, it supports a diversity of grass and herb species that are indicative of lowland meadow habitat which is recognised as nationally important. These areas are found both in the open area to be retained and where the houses would be built. There has been significant debate between the applicant's ecologist and the Council's ecological advisor as to how the impact on this habitat can be mitigated. One option suggested by the Council's ecologist would be to substantially retain the species rich areas and build around them, but unfortunately this would be impractical and lead to fragmentary, low density development.
- 5.35. Significant lowland meadow habitat would be retained in the eastern half of the site and subject to appropriate management, would be allowed to be maintained and possibly expand into less species rich areas. In addition, appropriate thinning of the pine plantation and the planting of native deciduous trees would enhance the biodiversity value of the site.
- 5.36. A condition is recommended which would require the submission and approval of an Ecological Management Plan for the whole site. This would need to include the specific recommendations of the ecologist, for example, trapping and translocation of reptiles, as well as on-going management of the retained open area to maintain valuable habitat and achieve enhancements.
- 5.37. An arboricultural report was submitted and all the existing trees around the periphery of the site can be retained. A tree protection plan shows that the root protection areas can be kept clear of the development.

### **Drainage**

- 5.38. No objection is raised by Thames Water in relation to waste water infrastructure.
- 5.39. The site is in Flood Zone I and at low risk of flooding. A sustainable surface water drainage scheme will be required by condition.

### **SI06 contributions**

- 5.40. The following contributions are being sought in relation to the scheme:
- (i) £1,000.00 per dwelling towards improved public transport.
  - (ii) £99,721.00 towards Charlbury Primary School capacity. No contribution towards secondary education is required because Charlbury is in the catchment of Chipping Norton School which is an academy.
  - (iii) £5,875.00 towards library provision
  - (iv) £2,200.00 towards a programme of public art in the form of activities and events in Charlbury.
  - (v) Affordable housing - 11 units: 5x2 bed house; 4x2 bed apartment; 2x3 bed house.

## **Conclusion**

- 5.41. The WOLP is time expired and the Council is now moving forward with a revised plan up to the year 2031. The proposal is consistent with the need to deliver windfall housing on suitably located sites within the Burford-Charlbury sub-area.
- 5.42. The siting, design and form of the development are acceptable with reference to the constraints of the AONB and Conservation Area.
- 5.43. There would be no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.44. The highways constraints are noted but the development would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally.
- 5.45. The proposal would deliver a contribution to affordable housing which is compliant with emerging local plan policy.
- 5.46. Retention and protection of trees, appropriate landscaping, and suitable mitigation and enhancements for wildlife can be secured by condition.

## **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 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. Prior to commencement of above ground works, a sample panel of walling shall be erected on site and approved in writing by the Local Planning Authority. The panel shall thereafter be retained on site until the development is completed.  
REASON: To safeguard the character and appearance of the area.
5. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
6. Notwithstanding details contained in the application, detailed specifications and drawings of all windows, external doors, garage doors, porches, roof lights, and chimneys, 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 installation. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

7. No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
8. 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 the location, size and condition of all trees and hedgerows to be retained, together with measures for their protection during construction work. It must show details of all planting areas including plant species, numbers and sizes. The proposed means of enclosure and screening shall also be included, together with details of mounding, walls and fences and hard surface materials to be used throughout the development. The entire landscaping scheme shall have been completed by the end of the planting season immediately following completion of the development. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
9. Notwithstanding the submitted details, 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. No development or site works of any kind (including clearance of vegetation) shall take place until an Ecological Management Plan (EMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The EMP shall cover a minimum period of 10 years and shall include all of the recommendations contained in Section 5 of the "Ecology Report" dated December 2014 by Windrush Ecology. This shall include the location and details of appropriate mitigation and enhancements. All of the measures contained in the EMP shall be completed in accordance with an agreed timetable and annual management regime. The plan shall include details of how public access to the open space is to be controlled. Such measures shall be retained thereafter for a minimum period of 10 years unless otherwise agreed in writing with the Local Planning Authority.  
REASON: To ensure that loss of habitat is effectively mitigated, that biodiversity is protected and enhanced, and to ensure that mitigation measures become established and are appropriately protected.

11. 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.  
REASON: To prevent pollution of the environment in the interests of the amenity.
12. A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.  
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.
13. No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced 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.
14. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
15. No dwelling shall be occupied until a travel information pack has been prepared, submitted to, and approved in writing by the Local Planning Authority. Individual travel information packs shall be distributed by the developer to each new resident and member of staff.  
REASON: To ensure that opportunities for sustainable transport are taken up.
16. Prior to commencement of the development details of the means of enclosure, surfacing, landscaping and any lighting of the public footpaths within and adjoining the site, and the new path to be created through the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall have been implemented in full by the end of the planting season immediately following completion of the development.  
REASON: To ensure public rights of way remain available and convenient for public use and integrate with the development.

17. Prior to the commencement of any site works, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare and 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 and inspection of matters of archaeological importance on site.
18. Following the approval of the Written Scheme of Investigation referred to in Condition 17, and prior to any site works (other than in accordance with the 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 the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.
19. 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.

#### INFORMATIVES :-

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 offset the frontage owner's 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.



Application Number	I5/00797/FUL
Site Address	Land At New Road Kingham Oxfordshire
Date	24th June 2015
Officer	Abby Fettes
Officer Recommendations	Approve subject to Legal Agreement
Parish	Kingham
Grid Reference	425716 E 223446 N
Committee Date	6th July 2015

**Application Details:**

Erection of 10 affordable dwellings with associated access, parking and amenities.

**Applicant Details:**

Sovereign Housing Association  
Woodlands  
90 Bartholomew Street  
Newbury  
RG14 5EE

**I. CONSULTATIONS**

- I.1. Parish Council                      Kingham Parish Council does support the construction, however, within the geographic region of the proposed development there is a situation of effluent overflow in a field. Thames Water has been investigating this for some time and we are hoping that they will resolve the issue. This may not have any bearing on the construction but certain residents have expressed concern that this new development will increase the effluent and overflow issues currently being experienced.
- I.2. One Voice Consultations      Highways - No objection subject to conditions  
  
    Archaeology - No objection  
  
    Education - No objection  
  
    Property - No objection subject to conditions
- I.3. Ecologist                                      No objection subject to condition
- I.4. WODC Architect                      No comments received
- I.5. WODC Community Safety              No comments received

- |       |                                     |   |
|-------|-------------------------------------|---|
| I.6.  | Cotswolds Conservation Board        | No objection  |
| I.7.  | Environment Agency                  | No objection  |
| I.8.  | WODC Env Health - Uplands           | <p>From review of the submitted information it appears that the proposed development will be in the rear gardens of existing residential properties. I have no serious concerns in relation to contaminated land but given the proposal 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. Reason: To prevent pollution of the environment in the interests of the amenity.</p> |
| I.9.  | WODC Head Of Housing                | <p>This proposed development is on land assembled by the District Council for the purposes of providing new affordable housing for the people of Kingham and its associated parishes.</p> <p>The Council's housing register shows that there are 4 households living in Kingham itself who are in housing need. However a total of 50+ have chosen Kingham as their preference, and may well prove to have local connections such as; family resident in Kingham or its associated parishes work locally or have lived locally in the past.</p> <p>It is the Council's experience that once news of a new development going ahead spreads, then households invariably come forward and demonstrate a local connection.</p> <p>Strategic Housing has no qualms regarding the success of this small affordable development, and fully supports this application. For reference the parishes associated with Kingham are; Churchill, Chastleton, Cornwell, Bruern, Fifield, Sarsden and Idbury.</p>  |
| I.10. | WODC Landscape And Forestry Officer | No comments received  |
| I.11. | Natural England                     | Having reviewed the application Natural England does not wish to comment on this development proposal.  |

- 1.12. TV Police - Crime Prevention Design Advisor No response received
- 1.13. Thames Water No objection subject to conditions

## 2. REPRESENTATIONS

- 2.1. Eight letters of representation have been received raising the following comments:

### Drainage

- The fields behind this application (running adjacent to Station Road) flood regularly and raw sewerage mixes with the flood water.
- The current sewage system in this part of Kingham has proven to be inadequate in respect of pumping equipment and outflow pipes. This has already led to serious sewage flooding of agricultural and private land and ditches.
- The building of these properties will reduce the land available for rainwater absorption, increasing the flow of water into the drains and giving rise to even greater overload to the currently inadequate sewage system.
- The whole area has many underground springs. Any new building will disturb the water table with the potential to cause flooding to properties close by. This has been a problem following previous developments
- The sewage system cannot cope with anymore houses. It is already under stress from the amount it has to cope with. Flooding has been common on the farmers fields opposite the Mill and I don't think a new sewage system is proposed. I have telephoned Thames Water and nothing has been said regarding this.
- The sewerage pump house by The Mill House Hotel is unable to service the community in its' present size. The addition of 10 more homes with their maximum occupants will further stress this situation

### Over development and design

- The location is wrong, why shoe-horn in a load of houses between two existing rows?
- This end of the village is already overcrowded.
- The housing proposed will not be in keeping with the surrounding properties.
- The density of the housing is not in keeping with the area which is also an area of outstanding natural beauty.
- All the houses around this development have decent sized gardens but the outside space of these 10 dwellings is inadequate.
- The development is not in character of its surroundings.
- The materials used are not in keeping with the area of outstanding natural beauty. Our deeds stipulate the outside of the building must be in Cotswold stone.
- According to this plan and knowing that this site has been earmarked as a rural exception site for over 10 years you stated in your plan that the site was big enough for 8 houses. The application submitted is for 10 houses which is obviously more than what WODC think advisable.
- The development will overlook our house, Clayton Cottage

- There will be total view of our home and garden from any upper floor room of most of the new development

## Highways

- Our village is already straining under the weight of vehicles which pass through.
- There is not enough available parking and this application would only make a bad situation worse by introducing more cars.
- The road access from the proposed site will be complicated with a four way junction on a bend with limited visibility, producing a very dangerous situation only a few metres from the newly developed childrens play area.
- The amount of vehicles on football days is bad enough and with another road it will be dangerous.

## Other matters

- If a normal developer wanted to do the same plan in this location would the planning application be granted? The answer would surely be no so why should this one be granted?
- We support affordable housing in principle but the way the council has handled this case so far has given us no confidence in this development.
- Priority will not be given to local people as has been previously indicated.
- Several of the young people who live along New Road have been told directly from West Oxfordshire County Council that they will not qualify on a points basis
- If housing is 'sold' as housing for local people, it must be for local people, not based on the 'points system'
- The plan is further dividing Kingham Village. Our village is already divided into 2 halves, both through a physical land gap and through social expectations.
- This process, I believe, is being pushed through as much as possible and lacks a coherent and fully accessible conversation with the residents
- The lack of proper communication and information has caused a lot of confusion and misinterpretation of what is actually being planned

Also attached to one letter was a survey of 42 people who have concerns about the location and the allocation process for the houses.

## 3. APPLICANT'S CASE

- 3.1. An ecology report has been submitted and the recommendations are as follows:

### Birds

Removal or maintenance of any of the trees or hedges should be undertaken outside the breeding season (i.e. between September and February inclusive). If site clearance is required between March and August (inclusive), vegetation should be checked by an ecologist before removal, and if birds are found to be nesting, clearance would have to be delayed until nesting has ceased.

If delay, due to any nesting birds found by an ecologist, would cause undesirable constraints, the option of putting up bird exclusion netting is available. Prior to the installation of any exclusion

netting vegetation should be checked by an ecologist, if birds are found to be nesting, installation of exclusion netting would have to be delayed until nesting has ceased.

Exclusion netting does not remove the possibility of nesting birds; it only reduces the likelihood of them being present. All vegetation should still be checked before removal and if birds are found to be nesting, clearance would have to be delayed until nesting has ceased.

### **Reptile and Hedgehogs**

Further reptile and hedgehog surveys are not considered necessary provided that their presence is assumed and suitable avoidance measures are implemented during site clearance.

To address residual risks to reptiles, hedgehogs and their potential habitat, all site and vegetation clearance should be carried out in such a way as to avoid harming these species. It is recommended that all site and vegetation clearance will be undertaken using hand tools.

As no potential hibernacula are present on the site, the vegetation clearance can take place during the winter as the potential for reptiles or hedgehogs to be present during winter is low. Vegetation should be cut and raked as short as possible, 30 mm wherever possible. If the clearance is undertaken during the winter this will be done in one cut as these species are unlikely to be active (and therefore at risk) at the time of cutting. If it is undertaken outside the winter months, the clearance should be made using a minimum of two cuts to reduce the vegetation height gradually to allow reptiles/hedgehogs to escape and / or to be identified more easily and thus prevent harm. The vegetation shall be maintained as short as possible either by spraying or on-going repeated cutting to ensure that there is no potential for these species to utilise the site after the initial clearance. It is considered that fencing will not be required as long as the short vegetation/ bare ground habitat is maintained.

To ensure that hedgehogs can utilise the residential gardens following development, a 13cm square hole should be cut into all the fences (if fences are to be installed) between the gardens to allow access for hedgehogs.

Enhancement features for wildlife should be included in developments (NPPF). A bat box (e.g. Schwegler IFR Bat Tube or IFF Schwegler bat box) and a bird box (e.g. Schwegler Brick Nest Box Type 24 or No 16 Schwegler Swift Box or ISP Schwegler Sparrow Terrace or 9a Schwegler House Martin Nests) should be placed on each of the new buildings (facing between south-east and south-west for bat boxes and north-east and north-west for bird boxes), to provide secure roosting/nesting opportunities for these groups and improve the ecological potential of the site. It is recommended that a variety of different designs are installed to provide habitats for multiple species.

It is recommended that locally sourced native species should be incorporated into the landscape and planting design wherever possible. This will help to encourage native wildlife into the site.

### **3.2. A Design and Access statement has been submitted and is summarised as follows:**

The scale of this development in terms of density was designed in line with West Oxfordshire District Council's established need and required mix from their assessment of the village. The size and scale of the proposal has also been informed through both a detailed analysis of the existing area and built form, consultation, and feedback received throughout the duration of the design process. Careful consideration has been paid to the appropriateness of the development on the site. The proposal looks to respond to the likely impact the development may have upon the setting, and to minimise this impact as much as is possible.

The proposed building forms will present a welcoming and human scale of development. All of the proposed buildings consist of a ground and first floor, with traditionally pitched roofs. Building footprints have been kept to an accepted minimum so that the mass of buildings do not adversely impose on the site and surroundings.

We have kept the scale of the development down by ensuring that floor levels are as low as can be proposed so that ridge and roof lines do not dominate views to and from the site. As can be seen from the proposed street scene shown below, the scale of the development can be said to be entirely in keeping with its context.

All landscaping is intended to provide an attractive and sustainable public realm which will look to enhance the ecological value of the site. New planting will be incorporated into the site to further integrate the units with the surrounding environment.

#### **4. PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
NE4 Cotswolds Area of Outstanding Natural Beauty  
NE13 Biodiversity Conservation  
H2 General residential development standards  
H12 Affordable housing on rural exception sites  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H3NEW Affordable Housing  
T3NEW Public transport, walking and cycling  
EH6NEW Environmental protection

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

#### **5. PLANNING ASSESSMENT**

##### **Background Information**

- 5.1. The application seeks consent for 10 units of affordable housing to the rear of properties in New Road, Kingham. The site is beyond Kingham Conservation Area but it is within the Cotswolds AONB.
- 5..2. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
  - Principle of development
  - Siting, design and form
  - Highways
  - Drainage
  - Residential amenities

##### **Principle**

- 5.3. The application is being considered as rural exceptions site, providing two one bed flats, four two bed houses and four three bed houses. The site is rear gardens of properties in New Road which is to the north west and Field Road is to the south east.

- 5.4. This site has been identified as a potential rural exception scheme for some years. The Adopted and Emerging Local Plans both support rural exceptions sites for small scale affordable housing schemes to meet specific local housing needs. The Housing Enabler has stated that there is a requirement for affordable housing for local people and that this scheme would help to address that need. The scheme would be ringfenced for local people, as defined in the consultee response from Housing, and allocated as per the District Councils allocations policy. The affordable housing would be secured for local people in perpetuity by a legal agreement.
- 5.5. 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. The proposal is considered to accord with policies BE2, H2 and H11 of the Adopted Local Plan and OS2, OS4, H3 of the Emerging Local Plans as well as the provisions of the NPPF.

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

- 5.6. The proposal is for four pairs of semi-detached two storey properties and one pair of 1 bed flats. The site area is 0.3ha and they have been arranged in linear form to have the least impact on existing neighbouring properties with an access road at the front.
- 5.7. It is not considered that the proposal will have a detrimental impact on the Cotswolds AONB as it is sited within an existing built envelope of residential development and will be viewed as such.
- 5.8. The proposed design is in a vernacular style and the dwellings are to be constructed in recon stone with grey tiles with dark grey joinery. The density is commensurate with the surrounding developments. In your officers opinion, the siting, design and materials are considered to pay regard to the character of the area, in accordance with local plan policies.

### **Highway**

- 5.9. The development is to be accessed from New Road adjacent to Cornerstones (opposite the cricket pitch) and each property will have allocated on plot parking (2 spaces for the three and two bed properties and 1 space for the one bed flats) as well as four on-street visitor spaces. Each property will have a shed which is considered to be adequate to house a bike securely.
- 5.10. The Highway Authority initially had some concerns due to the incomplete information submitted with the application however the applicant submitted the additional information and the Highway Authority are now satisfied that the development can be accommodated on the existing road network with no detrimental impact on highway or pedestrian safety.
- 5.11. The availability of a bus service and railway station is of benefit in providing sustainable transport choices to residents in the village. Therefore Officers are satisfied that this proposal can be implemented without detriment to highway safety, and in accordance with local plan policy.

### **Drainage**

- 5.12. 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.

- 5.13. Several 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. Thames Water and the County Drainage Engineers have been consulted on this proposal and have not raised an objection subject to the inclusion of conditions requiring further information of the drainage strategy in terms of sustainable drainage and connection to the sewerage network prior to starting work.
- 5.14. Your officers are satisfied that the conditions proposed by the technical consultees will negate any impact on the existing situation, and consider that the application is in accordance with Local Plan Policy.

### **Residential Amenities**

- 5.15. The development has been designed so as not to detrimentally impact the adjacent properties. There is over 40m between the rear of properties in New Road and the front of the proposed dwellings, and it is 26m from the rear of proposed dwellings to the front of Field House so it is not considered that overlooking would be unduly harmful or that the development would be overbearing on neighbour amenities. There is 22m from the side elevation of proposed plot 1 and the rear of Cornerstones, and there are no windows proposed on this elevation.
- 5.16. The proposal is considered to accord with Adopted local plan policies BE2 and H2 and emerging local plan policies OS2 and OS4.

### **Conclusion**

- 5.17. The proposal will provide affordable housing as a logical compliment to the village in a vernacular style. It is therefore considered to be in accordance with the NPPF, Adopted and Emerging local plan policies and is recommended for approval.

### **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 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.



5. That prior to the first occupation of the proposed development the access works between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and shall be undertaken within a section 278 agreement under the Highway Act 1980.  
REASON: In the interest of highway safety.
6. Prior to the commencement of the development hereby approved, full details of the vehicular access visibility splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development the visibility splays shall be constructed in accordance with the approved details and the land and vegetation within the visibility splays shall not be raised or allowed to grow above a maximum height of 0.6m above the adjacent carriageway level.  
REASON: In the interest of highway safety.
7. Prior to the commencement of the development hereby approved full details of a drainage strategy for the entire site, detailing all on and off site drainage works required in relation to the development including detailed drawings and drainage calculations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.  
REASON: In the interest of highway safety.
8. Prior to the first occupation of any dwellings hereby approved, all of the estate roads, footways/footpaths shall be laid out, constructed and lit and drained in accordance with Oxfordshire County Council's specifications.  
REASON: In the interest of highway safety.
9. No development shall commence on site for the development until a 'Construction Traffic Management Plan' providing full details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during construction. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.  
REASON: In the interest of highway safety.
10. 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.
11. 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.

REASON: To prevent pollution of the environment in the interests of the amenity

12. All works must be carried out as per the recommendations in section 7 of Extended Phase one habitat survey (Abricon April 15) and landscaping layout 4134/P/11. All mitigation (bird and bat boxes) must be completed before the new affordable dwellings are first brought into use and permanently maintained.  
REASON: To ensure that birds and bats 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 including EH2 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
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 additional windows/roof lights shall be constructed in the dwellings hereby permitted.  
REASON: To safeguard privacy in the adjacent properties.

#### INFORMATIVES :-

- 1 For roads within the proposed development to be offered for adoption to the Local Highway Authority a S38 Agreement will be required. For any private roads a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk).
- 2 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.

Application Number	I5/01095/FUL
Site Address	Boulters Barn Farm Churchill Road Chipping Norton Oxfordshire OX7 5UT
Date	24th June 2015
Officer	Gemma Smith
Officer Recommendations	Approve
Parish	Churchill
Grid Reference	429159 E 225419 N
Committee Date	6th July 2015

**Application Details:**

Erection of grain/machinery store.

**Applicant Details:**

Mr Mark Parker  
Beaconsfield Farm  
Great Tew  
Oxfordshire  
OX7 4JR

**I. CONSULTATIONS**

- |  |   |
|--|---|
| I.1. Parish Council                      | No Comment Received.  |
| I.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.<br>No objection subject to<br>- G11 access specification |
| I.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;

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 15/00088/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.

## **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	I5/01183/FUL
Site Address	Castle View Spring Street Chipping Norton Oxfordshire OX7 5LU
Date	24th June 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton
Grid Reference	431420 E 227467 N
Committee Date	6th July 2015

**Application Details:**

Demolition of existing buildings. Construction of hotel with associated works including new car parking and vehicular access.

**Applicant Details:**

Premier Inn Hotels Ltd  
Whitbread Court  
Houghton Hall Business Park  
Porz Avenue  
Dunstable  
Beds LU5 5XE

**I CONSULTATIONS**

I.1. Town Council

Objects as follows:

1. Design unsympathetic to area which is adjoining a conservation area and Spring Street which has considerable historical significance being the original 800 year old main street of Chipping Norton. Policy NE3.
2. Scale and height and volume should be reduced to improve the visual impact from the west and south (town). Reduce the number of opposed rooms accordingly to lessen the traffic flow demands on Spring Street and residents.
3. Re-design the scheme in draft form to re-negotiate with the community and the Town Council prior to re-submission.
4. The further application should include all proposals for signage (illuminated or otherwise) which you will surely require at the junction of Spring Street and Over Norton Road to prevent clients straying when first visiting.
5. Provide a traffic impact analysis on the road network, particularly Spring Street and Horsefair.

6. Spring Street community car park for thirteen spaces which is a welcome proposal. It was agreed that as neither OCC or WODC wish to take responsibility for it that the Town Council would be prepared to accept a deed of exchange of ownership that they then become responsible for its governance.

#### I.2 One Voice Consultations

Highways - no objection subject to conditions. Contribution of £6,000.00 required towards provision of a bus shelter on the northbound side of Over Norton Road. A S278 agreement will be needed regarding pedestrian improvements. Consideration should be given to how parking on the site can be restricted to hotel patrons. OCC will not adopt the private residents' car park and private management of this needs to be considered.

Archaeology - the site has been subject to archaeological evaluation and no significant features were found. Therefore, no further investigation is required.

#### I.3 Thames Water

No objection

#### I.4 WODC Architect

The general form and massing of the application are now as acceptable as we could reasonably expect if a development of 70+ rooms is required. As far as I am aware, WODC were not involved in any design brief when the site was sold by OCC so size and the form of the building (as well as the parking requirement to which it gives rise) have largely been determined without our involvement.

Although there is photographic analysis of the site from a number of agreed viewpoints the impact of the proposals on the wider landscape (even on those views) and especially on the character of the CA is not fully demonstrated. As HE has pointed out, the impact on the scheduled ancient monument has barely been considered.

I would tend to agree with HE that justification regarding the impact on the conservation area and the scheduled ancient monument has not really been undertaken fully in accordance with best practice. On the other hand, in finalising this assessment, due weight would need to be given to the removal of the current highly unacceptable buildings on the site; I don't think that the HE letter places sufficient weight on this point. There has also been pre-app discussion on the form and siting of the building and, at least to some extent, our comments on form, massing and materials have been taken into account in adapting their "standard model" to take account of some of these concerns.

So far as the design is concerned:

1) One of the design problems often associated with "double loaded corridor" buildings of this type is gable width and roof form. The principle of the twin gables works reasonably well in resolving this issue in relation to its context;

2) Consequently the form and massing eventually arrived at after a



number of pre-app submissions and discussions has the merit of simplicity whilst at the same time responding to context in Over Norton Road and limiting impact on open countryside and the main heritage assets of this part of the conservation area.

3) Now that the application drawings have been amended slightly so that the floor plans more accurately relate to the elevations, the principle of the articulation of the elevations into bays (which notionally relate to local plot widths) works reasonably well in principle. Precise detailing of the recesses and junctions between materials will need to be conditioned.

4) The proposed restricted palette of a mixture of natural stone and buff brick is appropriate in principle: and, indeed, a welcome contrast to some other buildings of this type which often contain too many materials, some of inferior quality. However, any approval should contain a condition for full samples and specifications, and a built sample of the masonry and its junctions.

So far as external works and parking are concerned:

1) My main concern is the impact of the big retaining structure to achieve the split level. This is noted to be gabion (presumably rock filled). These have the advantage of allowing extensive creeper growth, if properly watered and maintained; but they need to be local stone!

2) It is useful to have the info on predicted lighting levels, if they are accurate. But this shows they will be lighting the car park to a much higher standard than Over Norton Road or Spring Road, with much taller fittings. Would not much lower level (in both senses of the word) of lighting be more appropriate to this edge of town context?

3) I cannot see how the "resident's parking" is going to work in practice.

In summary: Replacement of the existing buildings on this site is welcome. Given the size of development proposed, and the development model adopted by this operator, the form and massing have been manipulated to respond as well as can be expected to the significant constraints of this part of the conservation area and its relationship to the AONB. Simplicity of form and design is preferred to any form of pastiche fragmented façade, trying to ape adjoining buildings. Materials and junctions need to be clarified by built samples and more details prior to construction. Landscape and lighting will be critical.

Recommendation: Strictly on Balance, APPROVE.

- |   |                                    |
|---|------------------------------------|
| I.5 Ecologist                           | No Comment Received.               |
| I.6 WODC Landscape And Forestry Officer | No objection subject to conditions |
| I.7 WODC - Arts                         | No Comment Received.               |

I.8 WODC Planning Policy Manager	No Comment Received.
I.9 WODC Drainage Engineers	No objection subject to conditions
I.10 WODC Env Health - Uplands	No objection subject to conditions
I.11 Historic England	The application site occupies a sensitive location within the Chipping Norton Conservation Area on the edge of the town and close to the Scheduled Ancient Monument of the motte and bailey castle. The proposal is to build a 72 bed hotel of 3-4 storeys which would have an adverse impact on the significance of this part of the Conservation Area and on the significance of the setting of the scheduled monument. The significance of the site has not been demonstrated or taken into account in developing the scheme. More information is needed to confirm the degree of this harm. Amendments to the scheme by way of reducing the scale of the physical building and the overall operation could reduce harm. The public benefits of the scheme need to be clearly articulated in order for a balanced judgement to be made in accordance with the NPPF.

## 2 REPRESENTATIONS

- 2.1 Objections have been received from 25 properties, some of which are outside the district. These refer to the following matters:
- (i) The scale and design of the development would be out of keeping with the area.
  - (ii) Impact on parking, congestion and highway safety.
  - (iii) Over-development.
  - (iv) Impact on residential amenity.
  - (v) Impact on the Conservation Area, SAM and other designated assets.
  - (vi) Impact on the AONB.
  - (vii) Chipping Norton is not a tourist town and unlikely to be a destination for many visitors.
  - (viii) If an on-site restaurant is provided, customers may not use town centre establishments.
  - (ix) Already adequate hotel accommodation in the town and competition may affect their trade.
  - (x) Site could be put to better use.
  - (xi) The root protection areas for trees to the north boundary of the site are not adequate. An arboricultural method statement should ensure that all trees on the site are appropriately protected.
  - (xii) A boundary fence at least 1.8m high is needed at the northern boundary. This should be in place before development commences.
  - (xiii) The drainage proposals should ensure that the flow volume and water quality of the stream in the field below the development is not reduced.
  - (xiv) The proposal does not appear to have been subject to a screening opinion under the EIA regulations.
  - (xv) The proposal does not meet the tests of sustainable development.

- (xvi) Increase in air pollution.
- (xvii) Chipping Norton is not big enough to warrant this scale of development.
- (xviii) A construction management plan should be agreed.
- (xix) The proposals should confirm the lighting design will be in keeping with the character of the Conservation Area and will avoid spillage of light.
- (xx) Light pollution from the development will affect the Dark Sky Discovery status at the Rollright Stones. (13 objectors have referred specifically to this matter.

- 2.2 The Oxfordshire Architectural and Historical Society has objected in relation to the development being out of scale with the surrounding buildings, and impact on the SAM.

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

- 3.1 The proposal is a bespoke design for a new Premier Inn that will replace the existing former nursing home on site in accordance with national, local and neighbourhood planning policy.
- 3.2 The proposal provides a well-designed new building that will significantly improve upon the appearance of the building to be demolished and will therefore make a welcome and very worthwhile positive contribution to the character and appearance of the area.
- 3.3 The setting of the nearby heritage assets will be enhanced, as will the character and interest of the Conservation Area.
- 3.4 The scheme brings previously developed urban land back into productive use creating new employment of 15 f.t.e positions and the significant secondary economic benefit of c. £1.1m.
- 3.5 The proposal provides adequate car parking and off street servicing for its own purposes.
- 3.6 In response to consultation with the Town Council the scheme also provides new publicly available car parking in Spring Street. The applicants are also willing to enter into an s106 Agreement to provide footway improvements in Spring Street between the site and the town centre.
- 3.6 The proposal should be granted planning permission.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE5 Conservation Areas  
 BE6 Demolition in Conservation Areas  
 BE12 Archaeological Monuments  
 BE13 Archaeological Assessments  
 BE21 Light Pollution  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 NE6 Retention of Trees, Woodlands and Hedgerows  
 NE13 Biodiversity Conservation  
 TLC1 New Tourism, Leisure and Community Facilities  
 OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places

OS4NEW High quality design  
 E4NEW Sustainable tourism  
 E6NEW Town centres  
 T1NEW Sustainable transport  
 T3NEW Public transport, walking and cycling  
 T4NEW Parking provision  
 EH1NEW Landscape character  
 EH2NEW Biodiversity  
 EH6NEW Environmental protection  
 EH7NEW Historic Environment  
 CN2 Chipping Norton sub-area Strategy  
 T2NEW Highway improvement schemes  
 T2 Pedestrian and Cycle Facilities  
 T3 Public Transport Infrastructure  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The site has an area of approximately 0.65 ha and lies in the northern part of the town at the junction of Spring Street and Over Norton Road, a short distance north of the town centre.
- 5.2 The site has frontages to both Spring Street and Over Norton Road (to the east). The site slopes steeply down from east to west with a difference of some 10m across the northern section.
- 5.3 The principal existing access is from Spring Street to a tarmac car park area which serves the existing former care home (to be demolished and replaced) and the former OCC offices that will be the subject of a separate application for conversion to residential flats. There is a second access from Spring Street serving the former ambulance station.
- 5.4 The existing former care home is an unattractive flat roofed part 2, part 3 storey structure with the two storey element fronting over Norton Road albeit at a reduced level.
- 5.5 There is established landscaping, particularly towards the south western part of the site to the rear of the ambulance station.
- 5.6 Spring Street provides a short walk into the town centre where there is a wide variety of shops and facilities including the Theatre, bars and restaurants.
- 5.7 The site sits on the edge of town boundary with countryside beyond to the west as well as the castle Scheduled Ancient Monument. Views of the site can be gained from points on the rights of way to the west. It is within the AONB and Chipping Norton Conservation Area.

### **Background Information**

- 5.8 The planning history on the site is understood to be as follows:

W89/2312 - change of use from handicrafts room to office accommodation for social services department and 2 additional car parking spaces - approved 07/02/90  
 W97/1780 - demolition of ambulance station, garages and boundary walls (OCC consultation)

W97/1743 - outline application for the demolition of existing buildings, erection of 12 dwellings and creation of new vehicular and pedestrian accesses -refused 04/02/98  
05/1073/P/OP - outline application for the demolition of existing ambulance station and erection of 4 dwellings - approved 07/09/05

- 5.9 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Siting, design and impact on the character of the area
  - Residential amenities
  - Parking and highway safety
  - Trees, Landscape and Ecology
  - Pollution

### **Principle**

- 5.10 The site lies within the existing built up area of Chipping Norton, a short distance north of the town centre. It is occupied by existing buildings of significant footprint and scale and is classified as previously developed land. The general strategy of the WOLP emphasises the priority to develop brownfield sites and identifies Chipping Norton as one of the main locations preferred for development. The emerging Local Plan establishes a hierarchy of settlements under Policy OS1. Chipping Norton is identified as a main service centre. Policy OS2 states that new homes, jobs and supporting services will be primarily focussed within and on the edge of the main service centres.
- 5.11 The NPPF identifies hotels as a main town centre use which are most appropriately located on allocated sites or in town centres. Where hotel proposals are located out of centre the first preference is for edge of centre sites, only then followed by other locations, i.e. the "sequential approach".
- 5.12 In addition to testing against the sequential approach, schemes that are in excess of 2,500sqm (or any lower locally set threshold) should also be accompanied by an impact assessment if the site is located out of centre. The stated floorspace for the building, based on the floorplans, is 2,483sqm which is just below this threshold and therefore full impact testing would not be necessary under NPPF. The local threshold set out in the emerging plan under Policy E6 is 500sqm, but this currently has very little weight as the appropriateness of this threshold is untested. In any event, the focus of this requirement is on retail proposals rather than other town centre uses.
- 5.13 The site would be classed as edge of centre, being located approximately 100m from the boundary of the designated town centre.
- 5.14 The applicant has identified lower hotel provision in the town than might be anticipated. Their analysis shows 100 rooms fewer than in the nearest comparable town, the nearest Premier Inn in Witney enjoying excellent occupancy.

- 5.15 The applicant has investigated 15 sites in the Chipping Norton area and the Council's Business Development Officer considers the range of sites assessed to be robust. There are no sites that are suitable, available and viable other than the application site.
- 5.16 The site is accessible and well connected to the town centre by existing roads in a short walking distance. It is considered that the proposed use would complement the existing leisure offer in the town. The fears of some objectors about the provision of an on-site restaurant would appear to be unfounded, since this would be for the convenience of hotel guests, for example, serving breakfasts rather than seeking to compete with town centre eating and drinking establishments. It is unlikely that the restaurant would become a destination in itself, but in any event attracting new visitors to the town will be of net benefit bringing customers to the town centre.
- 5.17 Some objectors have suggested that such a facility is not needed in Chipping Norton, but the town is within the Cotswolds and therefore well placed to cater for the large numbers of visitors to the area.
- 5.18 The WOLP is generally supportive of tourism and leisure facilities. Under Policy TLC1 there is explicit encouragement for additional hotel development. The supporting text to emerging Local Plan Policy E4 states that tourism is estimated to be worth over £250 million to the local economy of West Oxfordshire, accounting for 12.4% of jobs in the district. There is continued support in principle for visitor related facilities and recognition that these should be within or close to service centres.
- 5.19 Officers are satisfied that the proposal would utilise a suitably located edge of centre site which is sequentially appropriate. There is no reason to believe that the use would adversely affect the vitality and viability of Chipping Norton, and in all likelihood it would be beneficial. Therefore the proposal is considered acceptable in principle.

### **Siting, Design and Impact on the Character of the area**

- 5.20 The site is within the built up area of Chipping Norton and lies within the Conservation Area and AONB. There are designated heritage assets to the west in the form of the castle Scheduled Ancient Monument (SAM) (115m away) and the Grade I Listed St Mary's Church (175m away). There are other listed buildings at Church Street, Goddards Lane and Horse Fair and these are all more than 100m away. The Chestnuts and the Masonic Hall adjacent are locally listed.
- 5.21 With regard to heritage matters, the Council must have regard to the policies contained in the NPPF Section 12 and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990. The NPPF post-dates the adoption of WOLP and therefore carries more weight than Policies BE5, BE6, BE8 and BE12. However, in any event there is no significant conflict with the objectives set out in these policies. Policy EH7 of the emerging Local Plan seeks to align itself with the approach in the NPPF.
- 5.22 The existing buildings on the site have a substantial footprint and a floor area of 1,393sqm. They are a mix of single, two storey and three storey with flat roofs. Although the site has its eastern boundary adjoining Over Norton Road, there is no means of access here. The vehicular access is from Spring Street where two separate accesses serve the former care home and ambulance station.

- 5.23 The proposed building would be arranged in an "L" shape with the long elevation aligned east-west. A new access would be formed onto Spring Street, with the existing main access retained to provide separate access to The Chestnuts, which is envisaged to be converted to residential use.
- 5.24 The building would be part 3 storey and part 4 storey. However, given the downslope of the ground from east to west, only a small part of the building where the two limbs of the "L" join would actually be 4 storey.
- 5.25 The eastern gable end would feature a double pile roof arrangement thereby creating twin gable features. These are slightly off-set giving some depth and interest. Between the gables, full height glazing would break up the massing. Although acknowledged to be substantial, this elevation would have reduced visual presence, because the road level is substantially higher than the ground floor level of the building. This means that the perceived scale would be two storey. Views of the longer north and south elevations from the north and south along Over Norton Road would be largely obscured by existing substantial two storey buildings in the form of The Chestnuts and the Masonic Hall, as well as retained planting and proposed landscaping.
- 5.26 The western part of the building is to be 3 storey, as is the west facing elevation of the existing care home, although somewhat higher because of the proposed pitched roof. The general proposed scale at this lower end of the site is not dissimilar to the existing scale. The building would be well set back from the western boundary, allowing for the interface with the open land beyond to be softened with new landscaping.
- 5.27 The western gable of the 4 storey element is approximately 6.5m wide and is set back 8m from the main west elevation. This reduces the presence of this element when viewed from the west. In addition, the land to the east of Over Norton Road rises significantly and therefore looking east, the development would be seen against a backdrop of other development in the town.
- 5.28 The south gable elevation would be similar in form to the east gable with a double piled arrangement. Retained trees and new landscaping would significantly soften the appearance of this elevation when viewed from Spring Street.
- 5.29 The elevations are broken by projecting elements in contrasting materials that would visually break up the massing and avoid a monolithic appearance. The main materials proposed would be natural ashlar, buff brick and blue slate to the roof. However, a full schedule of materials as well as samples and sample panels would need to be submitted and agreed before any development commences.
- 5.30 With regard to the impact on the Conservation Area, paragraph 72 of the Act requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". Paragraph 131 of the NPPF refers to the desirability of sustaining and enhancing the significance of heritage assets, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.31 The proposed development is acknowledged to be large in scale and it would be a significant presence in this location. However, the statutory and policy requirements to preserve/sustain and/or enhance need to be applied in the context of the current condition of the site. The unsympathetic and derelict buildings detract markedly from the character and appearance of the area and therefore a judgement needs to be made as to what extent the proposal would either

be neutral in effect, or represent an improvement. In your Officers' view the proposed development would constitute an improvement, and to that extent the statutory test is met. Likewise, the significance of the Conservation Area would not be materially harmed. However, some objectors consider that significant harm would be caused. Historic England has concerns about the effect on the Conservation Area and considers that the public benefits of the scheme have not been clearly articulated and substantiated. Your Officers have reviewed all the supporting information and are content that a balanced view of the proposal is possible without further information being provided by the applicant.

- 5.32 The SAM is located approximately 115m west of the site and at a lower ground level. The proposed building is sited somewhat further east than the existing buildings and would therefore not be any closer to the SAM. Significant new landscaping is proposed to the western edge. A collection of unsympathetic, derelict buildings would be replaced by one modern building in a similar position to the care home. It is considered that this will have no material adverse impact on the interest, historic value or setting of the SAM.
- 5.33 St Mary's Church sits approximately 175m south west of the site. There are a number of individually listed tombs and memorials within the graveyard. Paragraph 66 of the Act requires that we 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". It is considered that replacement of a collection of unsympathetic, derelict buildings with one modern, well executed building in a similar position to the care home would preserve the setting of the church. There would be no greater effect on the setting compared to the existing situation.
- 5.34 The Chestnuts and the Masonic Hall are located adjacent to the site and would therefore have greater potential for material impact. However, as in paragraph 5.3.12 above the relationship would be improved as a result of the development.
- 5.35 With reference to paragraph 134 of the NPPF, if one were to accept the views of objectors in relation to heritage matters, any harm caused to heritage assets would be less than substantial, and this harm should be weighed against the public benefits of the proposal. Some of these are considered to be: removal of derelict buildings which are a focus for anti-social behaviour; effective use of previously developed land in a sustainable location; redevelopment with attendant improvements, such as a better designed building and new landscaping; economic development derived from construction and operation of the hotel; and contribution to the vitality and viability of the town and the district as a whole.
- 5.36 Overall it is considered that the proposal will bring about improvements and benefits with regard to the Conservation Area and the setting of heritage assets. Therefore it is acceptable with reference to the Act, Section 12 of the NPPF, WOLP Policies BE5, BE6, BE8, and BE12, and emerging Local Plan Policy EH7.
- 5.37 There is a public footpath that passes alongside the SAM to the west of the site (166/9/10), and others on the opposite side of the valley further to the west. The applicant has provided an assessment of the visual impact of the development from several of these public viewpoints in the locality. It is acknowledged that the proposed building would have significant visual presence when viewed looking uphill from the closest public footpath (approximately 120m away) which is on lower ground. However, the effect would be similar to that experienced with the existing layout and scale of buildings. In longer range views the development would be more recessive



and would be seen in the context of, and against a backdrop of, other development and mature trees in the town.

- 5.38 Chipping Norton is washed over by the Cotswolds AONB designation. NPPF paragraph 115 requires great weight to be given to conserving landscape and scenic beauty in AONBs. Given the site's location within the settlement, lack of encroachment into open countryside and the foregoing assessment of the potential impact of the development, it is considered that no material harm would be caused to the landscape in this location.

### **Parking and Highway Safety**

- 5.39 The principal existing access is from Spring Street to a tarmac car park area which serves the existing former care home (to be demolished and replaced) and the former OCC offices that will be the subject of a separate application for conversion to residential flats. There is a second access from Spring Street serving the former ambulance station. The access to The Chestnuts would be retained and a new access formed slightly further down Spring Street. Provision is made for 72 car parking spaces.
- 5.40 A separate private car park is to be provided off Spring Street with 13 spaces for local residents. The mechanism by which this is delivered and managed is yet to be agreed. This provision has not been requested by OCC, and OCC would not be prepared to adopt or take on the maintenance/management of this car park. Whilst it may deliver some benefits to the local residents, it does not form a key part of the consideration of the application. However, OCC will need to be satisfied that it does not become a public car park as this could lead to additional trip generation.
- 5.41 The plans have been amended to show 9 cycle parking stands, which is consistent with OCC requirements.
- 5.42 OCC welcomes the intention of the applicant in relation to "providing further improvements to pedestrian facilities in the local area" in the form of:
- (i) Resurfacing of the footways immediately at the junction of Church Lane and Spring Street, to include the provision of dropped kerbs and tactile paving (Transport Statement, Appendix D, page 13, 4.3 i), and
  - (ii) To provide a build-out to the footway at the junction of Church Road and Spring Street to improve pedestrian visibility and the provision of dropped kerbs with tactile paving (Transport Statement, Appendix D, page 13, 4.3 ii)
- These improvements (to be carried out by the developer) would need to be the subject of a S278 agreement.
- 5.43 The proposal is well located, close to important inter-urban bus routes to/from Oxford, Banbury, Stratford upon Avon and Kingham station. It is also a short walking distance to the town centre with its many amenities.
- 5.44 A bus stop is located adjacent to the development site on Over Norton Road. This is the bus stop for services to Banbury and Stratford-upon-Avon. This requires improvement to incorporate a shelter and bus stop pole/flag/information case unit. It is important that future hotel residents are made aware of the opportunities of travelling to and from the hotel (and during their stay) by public transport. It is noted that the Travel Plan includes provision of

local/public transport information to guests. Information packs or displays can be agreed by condition and made available to guests and staff.

- 5.45 A S106 contribution of £6,000.00 will be required towards the procurement, installation and on-going maintenance of a bus shelter at the northbound bus stop on Over Norton Road. The developer will need to liaise with the Town Council regarding the style of shelter to be procured, the exact location and arrangements for on-going maintenance by the Town Council (a written agreement is necessary). If the footway requires widening to accommodate the shelter, then this to be arranged through section 278 agreement.
- 5.46 There are plans to increase the frequency of services S3 (Oxford) and 488 (Banbury) to operate twice per hour and for the service to Kingham station to operate for longer hours. These improvements would be funded by contributions from new residential developments in Chipping Norton.
- 5.47 The number of rooms within this planned hotel would not normally trigger a Travel Plan, and instead a Travel Plan Statement was requested. However as part of their application the developer has submitted a full Travel Plan. This has been checked against the criteria for a travel plan statement and was found to be acceptable.
- 5.48 It is noted that deliveries are expected to be made by large articulated lorry. Tracking has been provided showing entry and exit to the site is possible in forward gear. However, it is extremely tight and likely to require slow manoeuvring, but the volumes of traffic in Spring Street are such that this is unlikely to cause substantial delay. As an alternative, the applicant has indicated that they could use 12m fixed wheelbase vehicles.
- 5.49 Subject to appropriate conditions, the proposal is acceptable in highways terms and complies with WOLP Policies BE3, T2, and T3, and emerging Local Plan Policies T1, T2, T3 and T4.

### **Residential Amenities**

- 5.50 The Chestnuts is not currently in residential use, but the intention to convert it to flats needs to be taken into consideration. The intended floor layout is not known and therefore the effect as regards the principal (west) elevation will be assessed. On this basis, the front elevation is sited approximately 23m from the nearest elevation of the proposed hotel, but the floor level of The Chestnuts would be approximately 4m above the floor level of the hotel. Therefore the interface would be effectively one two storey building facing another. A separation distance of 23m is acceptable in this context. Ultimately it will be a matter for the developer to devise an appropriate layout as regards privacy. There would be no material loss of light to this building. Although the proposed commercial use could lead to some noise and disturbance, future residential occupiers would be aware of the relationship.
- 5.51 The Masonic Hall is not in residential use, and in any event the proposed building would be sited significantly further from the boundary. There would therefore be no material loss of amenity.
- 5.52 The closest residential property that shares a boundary with the site is No.14 Over Norton Road. The dwelling is approximately 42.3m away, which would not lead to unacceptable impacts on light or privacy. The occupier has raised concern about the type of boundary treatment to be installed on the north boundary and has requested close boarded fence of at least 1.8m to be

installed before development commences to avoid encroachment during construction and ensure appropriate separation. This can be included in a landscaping condition.

- 5.53 No. 10 Over Norton Road does not share a boundary with the site and is approximately 41m away on an oblique angle. There would therefore be no material impact on amenity.
- 5.54 Other properties on Spring Street would be approximately 60m away from the building. The proposed new access to the hotel and patrons car park is not located in close proximity to the houses and whilst some disturbance from vehicle movements may be experienced, this would not be unacceptable in planning terms. The proposed private car park for residents is located adjacent and opposite to houses, but the benefits of providing this facility are considered to outweigh any potential disturbance from vehicle movements. In any event, a degree of disturbance would have been expected in relation to the operation of the ambulance station on this part of the site, and Spring Street is a busy thoroughfare with significant existing vehicle movements.

### **Trees, Landscape and Ecology**

- 5.55 The Tree Officer has considered the plans as regards the removal and retention of trees. Significant works would be outside the root protection areas of retained trees and subject to agreement of a tree protection plan, there would be no unacceptable impact on trees in this location.
- 5.56 A significant amount of new planting would be provided, which can be secured by a landscaping condition. It is accepted that the retaining structures on the lower part of the site would be a significant feature when viewed from the west, but the use of gabions of local stone and appropriate density of suitable plants in front of this will ameliorate its visual impact over time.
- 5.57 Further information in relation to ecology has been requested and the view of Officers in relation to this matter had not been finalised at the time of writing. This will therefore be reported at the meeting.

### **Pollution**

- 5.58 Concerns have been expressed by a number of objectors in relation to light pollution, and in particular the effect on the Dark Skies status at the Rollright stones as regards astronomy. The stone circle is approximately 3.8km from the site.
- 5.59 A lighting scheme has been submitted showing the intended arrangement of lighting installations (columns and bulkhead lights) and the light spill from them. This indicates that light levels around some of the edges of the site will be 7.5lx or below, and in most areas on the periphery would be below 1.5lx. This is based on a mounting height of 8m and LED 30w luminaires. This location already has street lighting columns on Spring Street and Over Norton Road.
- 5.60 Notwithstanding the findings of the submitted lighting report, it is considered that some of the lighting could be provided by low level bollards as opposed to columns. In the interests of maintaining the general amenity of the area and avoiding an undue urbanising effect on the open land and heritage assets to the west, it is therefore considered appropriate to impose a condition requiring a final lighting scheme to be agreed.

- 5.61 Whilst the concerns of objectors in relation to astronomy are understood, at the separation distance of approximately 3.8km, and given the urban location of the site, it is considered that the contribution to overall light pollution would be limited.
- 5.62 It is acknowledged that air quality is an issue in Chipping Norton and is subject to an Air Quality Management Area Action Plan. The Air Quality Management Area (AQMA) includes all of Horsefair and parts of High Street, West Street and London Road. Traffic is thought to be the main source of the NO<sub>2</sub> (nitrogen dioxide) pollution. The application site is located outside the AQMA area but clearly most traffic associated with the proposed use would be likely to pass through the AQMA.
- 5.63 A number of scenarios have been considered to improve air quality, with the main factor being control over HGV movements. However, a complicating factor is that the A44 is designated as the national Primary Route between Oxford and Evesham. While this does not preclude the imposition of a weight limit there would be a contradiction if a restriction was placed, given that Primary Routes are a major component of the National Lorry Route Network. This would be likely to place a limit on the level of compliance with any local restriction. Removal of Primary Route status from the A44 would require the designation of an alternative Oxford-Evesham Primary Route with the agreement of the relevant highway authorities and government offices. There would also be considerable cost given that this would require the replacement of green backed signs with white ones, without which the change in status would not be evident to drivers. Re-routing or a by-pass route are clearly major undertakings.
- 5.64 In this context, whilst it is acknowledged that the proposed use could potentially exacerbate the air quality issues in Chipping Norton, there is no alternative to the use of the current roads into the town. Adoption of a green travel plan for the site should ameliorate the effects of vehicle movements. The advantages of bringing the site back into use for commercial purposes and the benefits that this would bring to the town are considered to outweigh the disbenefits associated with some additional air pollution that could potentially be generated.
- 5.65 The proposed use would be operational throughout the day and could therefore create noise and disturbance from vehicle movements and the comings and goings of staff and visitors. However, given the history of the site and its proximity to the town and the main road network, it is considered that activity at the site would be acceptable against this background.

## **Conclusion**

- 5.66 Officers are satisfied that the proposal would utilise a suitably located edge of centre site which is sequentially appropriate in terms of town centre uses and the provisions of the NPPF. There is no reason to believe that the use would adversely affect the vitality and viability of Chipping Norton, and in all likelihood it would be beneficial.
- 5.67 The proposal would remove substantial derelict buildings which are a focus for anti-social behaviour and bring about redevelopment with a much more appropriate building. Whilst the constraints associated with the location in the AONB, Conservation Area, and proximity of other heritage assets are noted, it is considered that the benefits of the scheme would outweigh any harm to these designations.
- 5.68 An appropriate level of car parking is provided, and the means of access to the highway is satisfactory. Highway improvements are to be secured, as well as the provision of a new bus

shelter in Over Norton Road. A Green Travel Plan will be implemented. A 13 space public car park is also to be provided. There are therefore no impediments to the development on highways grounds.

- 5.69 It is acknowledged that there would be some disturbance to local residents and some effects in terms of light pollution and air quality. However, in the context of the location of the site and its characteristics, any such effects would not be so severe as to outweigh the benefits of the scheme.
- 5.70 Retention of important existing trees and new landscaping will allow the development to assimilate effectively into the area.
- 5.71 Taking account of all material considerations and representations, your Officers are of the view that the proposal is acceptable on its merits and is accordingly recommended for approval subject to completion of a legal agreement.

## **CONDITIONS**

- I 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 No highway work shall begin until details of the junction between the proposed road and the highway have been 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.
- 4 The car parking areas, including 72 spaces for the hotel, shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 5 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 demolition and construction
  - VII A scheme for recycling/disposing of waste resulting from demolition and construction works
  - VIII Working hours during demolition and construction

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

- 6 The operation of the hotel shall have full regard to the submitted Travel Plan dated March 2015. Prior to the hotel being brought into use, a travel information pack, or display, shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be made available to all staff and hotel guests.

Reason: To promote use of non-car modes of transport.

- 7 Prior to the hotel being brought into use, a car park management plan for the hotel car park shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 8 Prior to the hotel being brought into use, a car park management plan for the public car park shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 9 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.

- 10 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

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.

- 11 Notwithstanding the submitted details, 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.

- 12 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.
- 13 Prior to the commencement of above ground works, sample panels of all stonework, brickwork and other facing materials, including junction details between contrasting materials, shall be erected on site and approved in writing by the Local Planning Authority. The walling shall be constructed as approved and the sample panels shall be retained on site until the construction of the building is completed.  
REASON: To safeguard the character and appearance of the area.
- 14 Notwithstanding details contained in the application, detailed specifications and drawings of all cladding, windows, external doors, and other external features 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 installed. 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.
- 15 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 the location, size and condition of all trees and hedgerow to be retained. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls, fences and hard surface materials to be used throughout the development. Details of all retaining structures shall also be provided. Any gabions proposed shall be filled with local limestone, and a sample of this stone provided for approval. The scheme shall have been fully implemented by the end of the planting season immediately following completion of the development, or the site being brought into use, whichever is the sooner. The scheme shall thereafter be maintained in accordance with the approved details. 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.
- 16 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.

- 17 Prior to installation of the kitchen extraction system, details of the extract ventilation and filter shall be submitted to and approved in writing by the Local Planning Authority. The extract ventilation and filter shall be installed in accordance with the approved details before the kitchen is brought into use and maintained in accordance with the approved details and the manufacturer's recommendations. Any noise emission from the kitchen extract shall be less than 5dBA below the existing background noise level, at all times, as measured 1 metre from the façade of the nearest noise-sensitive premises.  
REASON: To protect the amenity of those living or working in the vicinity.



Application Number	I5/01297/FUL
Site Address	8 Marlborough Crescent Woodstock Oxfordshire OX20 1YH
Date	24th June 2015
Officer	Gemma Smith
Officer Recommendations	Approve
Parish	Woodstock
Grid Reference	444218 E 217323 N
Committee Date	6th July 2015

**Application Details:**

Construction of side extension to No.8 to form a separate dwelling

**Applicant Details:**

Mr Richard Bennett  
8 Marlborough Crescent  
WOODSTOCK  
OXFORD  
OX20 1YH  
United Kingdom

**I CONSULTATIONS**

- |                  |   |
|------------------|---|
| I.1 Town Council | Woodstock Town Council OBJECTS to this planning application on the following grounds:<br>- WODC policy BE4<br>- WODC policy B2<br>- Safety concerns associated with sight lines, parking etc. |
| I.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.<br>No objection                            |
| I.3 Thames Water | Thames Water would advise that with regard to water and sewerage infrastructure capacity, we would not have any objection to the above planning application.                                  |
| I.4 Town Council | No comments received on amended plans   |

## 2 REPRESENTATIONS

2.1 Twenty-two objections have been received. The representations have been summarised as follows:

- I object to the proposed development because of the visual impact. The estate was designed to provide an open aspect with the corners allowing wide views. The proposed development will restrict some of the views and diminish these for other occupiers.
- Notwithstanding the comments in the design and access statement, there has been very limited development of the estate over the last fifty years and that which has taken place has been sympathetic to the original design. The proposed finishes are at variance to the finishes across the remainder of the estate.
- The proposed development will impact adversely on the character and amenity of the neighbourhood, with its substantial gardens and public spaces.
- The proposed development will impact on adjacent houses, overlooking them and resulting in a loss of privacy.
- In our view the development of 8a Marlborough Crescent would impact our environment by building directly next to the (public) green spaces played on regularly by our children, reducing visibility at the Marlborough Crescent/Mavor Close junction and adding additional cars to the quiet roads of our estate
- The original plans for the Barn Piece Estate
- included green spaces and open corners to road junctions to promote and maintain the essence of
- Woodstock as a rural market town. As these areas are encroached, the core values of the rural housing estate are challenged.
- In addition we have recently become aware that 5a Westland Way is up for sale once again, suggesting that smaller in-fill properties on the estate do not provide a long-term home for families to grow and become members of our community.
- This character would be eroded by the proposed development, which would contribute to a cramped feel to the estate.
- The proposed development would exacerbate the existing problem with car parking on the estate.
- out of keeping with the open-planned, symmetrical vernacular of the rest of the estate
- will reduce visibility at this junction, and will reduce the informal recreational value of this part of the estate.
- The reduction of visibility at that corner will increase the dangers of traffic to them and dissuade the children from street play
- Properties of this kind (as the other example shows) are of low design merit and out of keeping with the symmetry of the rest of the estate.
- Building on the corner will restrict views and may result in a serious accident.
- Although a similar bolt-on property has been erected elsewhere on the estate, I believe this build creep should be halted as it will lead to a diminution of the design merits of the estate.
- The traffic situation would be exacerbated as people from Manor Road park along these roads and many visitors to Blenheim who use our estate for parking.
- Building on a corner would alter the open plan estate design and would restrict their view of traffic which would lead to a serious accident.
- To preserve all green lungs around houses and within gardens. This due to the fact that these areas are now becoming critical havens for ecosystems of our national flora and fauna would be lost.

- Strong opposition to the gradual infill of green corners on this open, pleasant estate.
- Unwelcome creation of strong precedent and consequences for the future
- If the word 'precedent', in planning terms means an example or rule which can be followed in the future, our strong contention would be that 5a Westland Way does not provide a precedent for the current application.
- Significant impact as a result of the additional windows of 8a Marlborough Crescent will face directly towards our house (number 21) and our neighbours at 17 to 23 Marlborough Crescent.
- Does not want a building site opposite during construction of the proposal.
- The proposed materials for the proposed new dwelling would be out of context with any other house on the estate and would look out of place. A rendered screen would be more in-keeping with the local area.
- Would block the views from lounge window to the houses in Westland Way and the left hand side of Marlborough Crescent (from No. 13).
- The grassland, currently looked after by the Council, will be going to the proposed new house for a drive and garage.
- Concerns over the protected tree by the proposed new driveway.
- The addition would result in overcrowding.
- Since 5a Marlborough Crescent was built, I have had to buy new greenery to soften the impact of the dwelling and the two dormer windows overlooking my property which feels like a daily intrusion (2 Marlborough Crescent).
- All the properties are staggered to maintain the feeling of privacy and rounding off will create a feeling of enclosure and isolation.
- Any vagueness in the plans could create a design that is open to interpretation and consequently we cannot be clear what the potential outcome will be.
- I would add that the proposed development does not compliment Marlborough Crescent, creating an additional property at the heart of the Barn Piece estate. The corner plots and green spaces of the Barn Piece estate were intentionally kept open in the original plans to maintain the look and feel of a rural housing development.
- The impact of reduced visibility, more cars, parking close to junctions and driveways will create an environment that is less safe than today for the children that regularly play in Marlborough Crescent.
- Based upon the evidence of 5a Westland Way, building a new property at 8a Marlborough Crescent will likely provide a quick financial return for the applicant but not create a long-term home for a couple or family moving to or within Woodstock.

2.2 One letter of support has been received. The representation is summarised as follows:

- I feel much confusion has been caused by some of the plans submitted, and I wish to alleviate these concerns. No public green space will be lost, no trees will be removed, and the new building will be within the boundary of 8 Marlborough Crescent.
- There will be no loss of green space, as the property will be built within the curtilage of the garden of No.8 and on a side yard which is just paved concrete, no plants exist.
- The site currently has a 1.8m high brick wall at its eastern boundary. It is proposed that the eastern wall of the new property will be slightly inside the existing plot boundary wall and, in so doing, the existing grassed open space along the eastern side of No.8 would slightly increase.
- Vehicular sightline are not affected as the new build is behind existing boundary wall, the highways agency also have no objection/concerns about the development.

- I believe that the grant of approval for this proposed 2 bedroomed terraced dwelling would provide the opportunity either for a young couple to move into a starter home or for an elderly person or elderly couple to downsize, yet remain in the local community of Woodstock

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

- 3.1 A design and access statement and sustainable construction statement has been submitted in support of the application.

#### **Design and Access Statement**

- 3.2 The small distinctive estate of similar bungalows and terraced houses has been adapted over the years with few achieving the perfect match to the original materials used.
- 3.3 The design is to refurbish the original bungalow, N. 8 to create a 3-bedroom unit with further living space by converting the internal garage that is too narrow for vehicular access use into an internal room.
- 3.4 It is intended that the proposal would serve as a self-contained 2 bedroom starter home. The Planning Inspectorate has allowed similar construction on this estate, so we believe a precedent has been set.
- 3.5 On the gable within the substantial first floor pike and including the vertical faces of the 2 dormers it is intended to use tongue and grooved horizontal plans of Western redwood cedar that mainly will be knot free and allowed to weather to its natural silver grey colour.
- 3.6 The house and proposed extension is a on level corner with an overall frontage of 45 metres with open plan gardens to the front but a 1.8m high brick wall enclosed rear garden from the road to the eastern side.

#### **Sustainable Construction Statement**

- 3.7 The existing property has a northerly frontage but south rear garden aspect within the extension having triple bi-fold double glazed doors to the rear to enhance heat energy and light gain and a smaller window to the front to limit heat loss.
- 3.8 The extension would be constructed of environmentally sustained materials such as the timber cladding for roof gable ends and floor timbers will be of virgin timber from sustainable sources.
- 3.9 Waste bricks will be used for garage sub-base and garden landscaping
- 3.10 With the terminus of local bus within 400m, the provision of secure bicycle storage and shortcut safe paths into Woodstock town, these will encourage the reduction of the use of the private car.
- 3.11 Waste storage and collection from kerbside is made viable with the access from side and rear gardens so avoiding the unsightly mess of bin storage at the front of a property.

- 3.12 The present mature garden and trees to the rear will be retained whilst self-drainage of car hard standings will be achieved using stone and recycled mesh grasscrete form of construction. Water butts will be provided at the rear to enable rainwater to be collected.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H7 Service centres

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

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

#### **5 PLANNING ASSESSMENT**

##### **Relevant planning history**

W98/1007 Erection of two storey side extension and covered way. 33, Marlborough Crescent, Woodstock.

09/0795/P/OP Erection of a two storey detached dwelling with associated parking. 5 Westland Way Woodstock. Refused. 10.08.2009

Refusal reasons:

“That the proposed dwelling, due to its siting, scale and form does not form a logical complement to the existing pattern of development nor the filling of a small gap in an otherwise continuous built up frontage. As such the proposal does not conform to the definitions of infilling or rounding off and is contrary to policy H7 of the West Oxfordshire Local Plan 2011.

10/0065/P/OP Erection of attached dwelling and associated parking. 5 Westland Way Woodstock. Refused 03.03.2010.

Outline planning permission (access and scale) for the erection of an attached dwelling was refused Planning Permission by West Oxfordshire District Council on the 3 March 2010 for the following reasons:

1. That the proposed development, due to its siting, scale and massing would detract from the open planned nature of the existing form of development to the detriment of the character of the street scene. As such, the proposal is considered to be contrary to Policies BE2, BE4 and H2 of the West Oxfordshire Local Plan 2011.

2. That the proposed development does not comprise a logical complement to the existing pattern of development due to its location, scale and massing, and would detract from the established pattern of development to the detriment of the character of the street scene. As such the proposal is contrary to Policies BE2, BE4, H2 and H7 of the West Oxfordshire Local Plan 2011.

3. That the location of the parking to the front of the window in the neighbouring property would give rise to an unacceptable impact upon the residential amenity of occupiers of number 5 Westland Way. As such the proposal would be contrary to Policies BE2, BE3 and H2 of the West Oxfordshire Local Plan 2011.

The District Council's decision to refuse outline Planning Permission was subsequently appealed and the Planning Inspectorate allowed the appeal under reference APP/D3125/A/10/2128740 on the 25 November 2010

11/0045/P/RM Erection of attached dwelling and associated parking. 5 Westland Way Woodstock. Granted subject to conditions 09.02.2011.

## **Background Information**

- 5.1 This application seeks planning permission for the erection of a two-storey side extension to the existing dwelling to form a separate two-bed dwelling. In addition it is proposed for the erection of a garage to the rear of the property and garage access off Marlborough Crescent.
- 5.2 The property in question relates to a 1960's semi-detached dormer bungalow within a housing development of similar properties. The site is located outside of the Woodstock Conservation Area and Cotswolds Area of Outstanding Natural Beauty.
- 5.3 The existing property is located within a large corner plot off Marlborough Crescent.
- 5.4 The proposed side extension would be finished in render and brick quoins under roof tiles to match the existing. The proposal also seeks permission for one car parking space to the front of the extension and
- 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 new dwellings in Woodstock would be assessed under policy H7 of the West Oxfordshire Local Plan, 2011 and Policy 0S2 of the emerging Local Plan, 2031.
- 5.6 Officers note that a similar scheme at No. 5 Westland Way was refused in 2010 under planning permission 10/0065/P/OP. The proposal was for outline planning permission for a two-storey attached dwelling to the side of the existing property. The scheme was refused for the following reasons:
  - “1.That the proposed development, due to its siting, scale and massing would detract from the open planned nature of the existing form of development to the detriment of the character of the street scene. As such, the proposal is considered to be contrary to Policies BE2, BE4 and H2 of the West Oxfordshire Local Plan 2011.
  - 2.That the proposed development does not comprise a logical complement to the exiting pattern of development due to its location, scale and massing, and would detract from the established pattern of development to the detriment of the character of the street scene. As such the proposal is contrary to Policies BE2, BE4, H2 and H7 of the West Oxfordshire Local Plan 2011.
  - 3.That the location of the parking to the front of the window in the neighbouring property would give rise to an unacceptable impact upon the residential amenity of occupiers of number 5 Westland Way. As such the proposal would be contrary to Policies BE2, BE3 and H2 of the West Oxfordshire Local Plan 2011.”

- 5.7 The District Council's decision to refuse outline Planning Permission was subsequently appealed and the Planning Inspectorate allowed the appeal under reference APP/D3125/A/10/2128740 and reserved matters resolved in 2011 under planning permission 11/0045/P/RM
- 5.8 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 complement the spatial pattern of the estate. It is therefore considered that the proposal accords to Policy H7 of the West Oxfordshire Local Plan, 2011.

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

- 5.9 Officers consider that the two-storey extension to the existing property would be appropriate in scale, and mass to that of the original dwelling. It is noted that the roof ridge height would be lower than that of the original dwelling and the front elevation would be inset from the existing building line.
- 5.10 Concerns were raised by the use of cladding to the side elevation and dormers of the proposal. Amendments have been made to the original scheme to remove the cladding and rendering to the side elevation. The proposed brick facing finish and roof materials that would match that on the existing dwelling would be considered to be in-keeping with the character of the area.
- 5.11 The proposed garage would be considered to be appropriate by way of siting, scale and would be constructed in materials sympathetic to the character of the area. It is noted that the proposed garage would be of similar dimensions to that of the property to the rear of 8 Marlborough Crescent at No. 11.
- 5.12 It is considered by officers that there would be no harm to the character of the street scene as a result of the proposal and would read as a subservient form within the built context. The proposal is therefore considered to accord to Policies BE2 and H2 of the West Oxfordshire Local Plan, 2011 and OS2 and OS2 of the emerging Local Plan, 2031.

### **Highway**

- 5.13 The proposed dwelling will be accessed from Marlborough Crescent and two additional off-street car parking spaces would be provided. One space would serve the existing dwelling and one car parking space would serve the proposed. In addition it is proposed to re-instate the access to the rear of the property with a driveway. An access will also be created for an additional garage to be situated to the rear of the proposed new dwelling.
- 5.14 Furthermore the Highways Authority have been consulted and conclude that there would be no significant effect on the local highway network as a result of the proposal subject to conditions.
- 5.15 A number of concerns have been raised from local residents in relation to the increased traffic and on-street parking that the proposal would have in the area. Your officers are confident that there would be no detrimental impact on the local highway network as a result of this proposal. Officers consider that the level of parking would satisfy the parking provision guidelines as outlined within Policy BE3 of the WOLP, 2011 and T4 of the emerging Local Plan, 2031.

## **Residential Amenities**

- 5.16 It is not considered that the proposed extension will be unduly harmful to the amenities of adjacent properties. The proposed dwelling would be situated over 30m in distance to the front elevation of the adjacent properties at No.'s 13 and 15. It is noted that the estate is designed with similar separation distances between front elevations. Your officers do not consider that there would be any detrimental impact by way of overlooking or loss of privacy to the adjacent neighbours.
- 5.17 Concerns have also been raised in relation to loss of privacy and overlooking to No.'s 19-23 Marlborough Crescent as a result of this proposal. Officers do not consider that the proposal would result in an overbearing impact to the properties to the East (over 30m in distance from proposed side elevation to front elevation).
- 5.18 In addition concerns have been raised to the impact of the increased traffic movements along Marlborough Crescent. Whilst it is accepted that there will be more traffic movements within the road as a result of the additional dwelling, it is not considered so detrimental as to justify the refusal of planning permission.

## **Other**

- 5.19 Concerns have been raised in relation to the loss of green space as a result of the proposal. Your officers conclude that there would be no loss of public green space or verge space as a result of the proposal. A historic paved driveway exists the east of application site.
- 5.20 Concerns have also been received in relation to the reduction of visibility at the junction and the potential accidents that would occur as a result. The Local Highways Authority do not object to the scheme and consider that the proposal would not result in a significant adverse impact on users of the local road network.

## **Conclusion**

- 5.21 In light of these observations it is considered that the proposal would accord to Policies BE2, BE3, H2 and H7 of the West Oxfordshire Local Plan, 2011 and Policies OS2, OS4 and T4 of the emerging Local Plan, 2031. Permission is therefore recommended subject to appropriate conditions.

## **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order shall be erected or means of enclosure otherwise approved by Class A



of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

REASON: To avoid over-development in an area of high density housing. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

- 4 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 5 Before first occupation of the building hereby permitted the window in the first floor to serve the bathroom; shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 6 No building shall be occupied until space has been laid out within the site for two cars to be parked and such space shall be retained solely for parking purposes thereafter.  
REASON: To ensure that adequate provision is to be made for off-street parking.
- 7 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 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.

#### INFORMATIVES :-

- 1 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership.  
Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0800 009 3921 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
- 2 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.

Application Number	I5/01320/FUL
Site Address	Land At Foxfield Court Chipping Norton Oxfordshire
Date	24th June 2015
Officer	Gemma Smith
Officer Recommendations	Refuse
Parish	Chipping Norton
Grid Reference	431733 E 226909 N
Committee Date	6th July 2015

**Application Details:**

Erection of three dwellings, associated access and landscaping.

**Applicant Details:**

C/O Agent  
United Kingdom

**I CONSULTATIONS**

I.1 OCC Highways

The proposed development is considered detrimental to highway safety because of the potential scale of increased traffic movements during the preparation/ground works (levelling of the application site land).

The additional commercial vehicular traffic expected to be generated by the proposed development is considered to be significant that other highway users will be at a detriment. It is evident that there will be an increase in traffic activity from the development proposal that would exacerbate the risk of serious accident on the highway. To conclude the proposed development is likely to result in a conflict between commercial and residential traffic (including pedestrians) that would be prejudicial to highway safety, amenity and convenience.

I.2 Thames Water

No Comment Received.

I.3 WODC Env Health -  
Uplands

Comments:

Plots 1,2, 3, please consider the following:-

The lack of mechanical extraction, not shown on the plans, in the dwelling may give cause for the formation of damp and mould growth. The lack of a door between the utility room and the kitchen may give cause for the formation of damp and mould growth.

I.4 WODC Landscape And  
Forestry Officer

The site is considered to be a valuable area of green infrastructure which would be desirable to retain, particularly in the context of potential development at Tank Farm.

My view is that the character of the site and its underlying value will be considerably diminished if it were to be developed for housing and I do not share the view that its impact will be compensated for by the proposed planting. It seems very unlikely that species such as sycamore, field maple and wild cherry would be allowed to grow to proportions anywhere near those to be removed bearing in mind they are proposed to be planted only 4-5m away from proposed houses.

#### I.5 Ecologist

I would recommend this application for refusal not only due to insufficient information but also due to an unacceptable loss of biodiversity on site due to the proposed loss of a priority habitat Semi-natural woodland which has the potential to support protected species bats.

The three habitat regulation tests cannot be met as insufficient information has been submitted about the protected species (for example bats).

The proposed loss of an area of semi-natural woodland has not been sufficiently compensated for.

Recommendation - Refuse due to insufficient information an unacceptable loss of biodiversity on site and the loss of a Priority Habitat Broadleaved woodland

#### I.6 WODC Drainage Engineers

Percolation tests have been submitted which are acceptable, however there is no detailed information on the sizing of soakaways, therefore a detailed drainage strategy showing that the soakaways are to be designed to accommodate a 1 in 100 year storm + cc must be submitted.

A detailed drainage strategy must be submitted incorporating the proposed porous paving.

If full planning permission is granted, could you please attach the following condition;

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 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.

## 1.7 Town Council

The Town Council object strongly to this planning application as it is an important tree belt buffer between the residents of Foxfield Court and the proposed 600 houses beyond at Tank Farm as designated in the draft local plan.

The ecology and habitat of this important tree belt is acknowledged in the blanket tree preservation order no. 1/2014.

It is regrettable that despite the TPO the developer has cut many of the trees down. Is this to be the subject to legal sanction and action?

Because of the height differential these properties would invade the privacy, and amenity of the existing dwellings in Foxfield Close.

The recommended reasons for refusal are policies/local landscape character.

NE3. Harm the local character thus should not be permitted

NE4. Harm to landscape in AONB

NE6. Loss woodland and biodiversity value

BE4. No loss of open spaces "which will affect the visual amenity or character of an area"

It is an area of nature conservancy value. Thus the Town Council ask that the above application be refused.

## 2 REPRESENTATIONS

2.1 Ten objections have been received in relation to the proposal. The representations are summarised as follows:

- The trees and bushes on the piece of land in question will form a natural and effective screen between existing dwellings in the area and the new properties erected in the East Chipping Norton Strategic Development Area
- The trees and bushes are also an important area for wildlife, particularly birds. In that general area I have seen species classified as Red List species under the Birds of Conservation Concern review and as a Priority Species in the UK Biodiversity Action Plan, including Tree Sparrow and Yellowhammer.
- This land and its vegetation along with the other trees, bushes and hedges in the Tank Farm area should be considered as an important element when minimising habitat loss resulting from the East Chipping Norton SDA and protecting diversity in the area.
- The provision of three further houses, in addition to the 600 proposed at Tank Farm, is comparatively of little significance
- It is desirable, however, to view the scheme in the context of the green lungs hitherto provided in residential areas of Chipping Norton, e.g. the green areas within the Rowell Way development and the desirability of maintaining these for the benefit of the community.
- In terms of impact on the existing Foxfield Court houses, the new houses would be built on steeply rising ground, directly overlooking the existing houses at bedroom level.
- The applicant has already devalued the green lung by the indiscriminate removal of trees and shrubs on the site on three separate occasions, the first within days of the notification of the provisional TPO. This involved heavy machinery i.e. JCB, chain saws and industrial chippers - hardly necessary if only scrub clearance was intended. This resulted in over 50 per cent of the trees and shrubs being cleared.

- The trees included in the order are considered to have high amenity value in that they are prominent in public views from Foxfield Court and the well used public footpath between Wards Road and Tank farm.
- The steeply sloping ground with its dense vegetation provides a useful and logical piece of green infrastructure and will help assimilate the Tank Farm development into the wider surroundings.
- The applicant states that his client is committed to effective engagement with local residents and public consultation has been carried out in line with best practice. This is not true.
- The point about overlooking is not that the roof lines are comparable as is implied. This hides the fact that the proposed new houses on Plots 2 and 3 are 1.5 storeys whereas the existing houses are 2.5 storeys so that the new ground floors would be at first floor level of the existing houses which will therefore be overlooked.
- Concern for the vegetation on the site, protected by TPO 1/2014 confirmed at the Uplands Planning Committee on 3 November 2014.
- Specifically, we believe that our property (4 Foxfield Court) would be directly overlooked by all 3 of the proposed houses. Plots 1 and 2 and the trees proposed for screening would substantially overshadow our garden and property and would deprive our home of natural light for most of the day in the winter months. This would mean an unacceptable loss of privacy, light and residential amenity.
- Our fear is that if the proposed development were to have access via Foxfield Court this may further add to the traffic flow and parking congestion in Foxfield Court, especially during icy conditions and snow fall as we understand that the gradient between Foxfield Court and the proposed development will be 1 in 9, whereas the recommended minimum is 1 in 12
- There is however a practical reason for this namely that the shared ownership driveway abutting 6, 7 and B Foxfield Court is of a structure not designed to withstand the weight of large and heavy vehicles such as a refuse cart
- Concerns in relation to water surface drainage
- Further, will the refuse cart be able to access the proposed development via the 1 in 9 gradient proposed from Foxfield Court
- Concerns with the potential additional number of increased vehicle movements which would need to access the proposed development via Foxfield Court and the resultant higher levels of car exhaust fumes and pollution.
- Attention should be drawn to the fact that Foxfield Court's road surface is of a porous material and construction designed to facilitate surface and storm water to permeate through to the water table and the permission for allowing any construction traffic to access the planned development site via Foxfield Court will provide potential for pollution and other foreign matter to filter through and enter the water table with possible derogatory contamination consequences to the integrity of the public water supply
- The potential unnecessary loss of healthy trees, shrubs and vegetation.
- The potential resultant impact on existing birds and other wildlife as a direct consequence of the proposal
- The potential flood risk to residents of Foxfield Court.
- The potential for increased vehicle traffic through Foxfield Court and resultant pollution and car parking problems for the residents of Foxfield Court as a consequence of the proposed access to the development.
- The potential loss of privacy and light to some residents of Foxfield Court due to the height, position and orientation of the proposed three dwellings.
- The potential loss of current views and sightlines towards Tank farm.

- The potential impracticality and inconvenience to the residents of Foxfield Court caused by the inadequate arrangements for refuse collection for the proposed three
- dwellings.
- The potential concerns regarding the lack of detailed arrangements or strategy as to how construction vehicles will access the site and where the construction workers and trades will park their vehicles.
- Loss of the visual barrier and a secure boundary between our lawns and any proposed housing is essential for our facility (The Lido), as we have large numbers of children and young families amongst our users.
- Lido land was left unsupported following the excavation and this is causing issues not only for us, but also for our neighbours Clare Blackman and Mr & Mrs Richard Anning. (Carer of the Lido, Chipping Norton)
- In order to level off the site to a workable level with that can accommodate the proposed
- dwelling houses and associated works the land would require an excessive amount of cutting and spoil/tree removal which the applicant has not discussed in their supplementary documentation.
- In short the proposed development is considered detrimental to highway safety because of the potential scale of increased traffic movements during the preparation/ground works (levelling of the application site land).
- To conclude the proposed development is likely to result in a conflict between commercial and residential traffic (including pedestrians) that would be prejudicial to highway safety, amenity and convenience.
- Indeed it could be argued that there is no need for a small 3 dwelling development here as it is proposed that 900 plus homes are already proposed on other sites in the Town.
- This track has no public vehicular access, just a public footpath. The only people authorised to vehicular access on this track are the residents of Tank Farm House, Thames Water personnel and Mr G. Pearman accessing the buildings at Tank Farm.

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

- 3.1 A Design and Access Statement, Arboricultural Report, Landscape Appraisal, Extended Phase I Habitat Survey, Flood Risk Statement, Ground Investigation and Radon Report have been submitted in support of the application.

#### **Design and Access Statement**

- 3.2 The application is submitted following extensive pre application discussions with WODC in 2011 and 2014.
- 3.3 The scheme is demonstrated to offer a means of delivering sustainable residential development in a highly sustainable location in Chipping Norton, a settlement which is able to offer facilities and services necessary to sustainable development of this character.
- 3.4 The proposal therefore makes efficient use of land within a sustainable location in compliance with local and national planning policy.
- 3.5 Furthermore the NPPF requires new development to preserve and enhance an area's character, it also requires that special attention be paid in the exercise of planning functions to the disability of preserving or enhancing the character or appearance of the locality.

- 3.6 The layout of the site and proposed units have been designed to retain and incorporate a majority of the existing trees on site by virtue of their location.
- 3.7 The impact of any loss of trees will be localised, prominent views are maintained and any impact would be mitigated through a Landscape Plan that will provide a strong screening element to those residing at Foxfield Court.
- 3.8 The accompanying LVA also concludes that the propose development would not have a significant impact on the setting of Chipping Norton.

### **Aboricultural Report**

- 3.9 The development would entail the loss of a section of the wooded block that currently growing on the site.
- 3.10 The development proposal has been strongly influenced by the streets and has been adapted in consultation with local residents and local authority officers to ensure that the impact of the development is minimised.
- 3.11 There will be a loss of tree cover as a consequence of the development but it will be highly localised and will be mitigated through a replacement planting scheme as part of the landscape scheme
- 3.12 The overall proposal is not considered to have a long-term negative impact on the wider community as the key, mature trees on the site are being retained and will be protected throughout the development.
- 3.13 The design proposal for this development that 16 trees or groups of trees require removal and two groups require partial removal.
- 3.14 The primary form of protection for existing trees to be retained will be through the Heras 151 fencing system.

### **Landscape Appraisal**

- 3.15 The potential impact of the proposed development upon the confirmed visual receptors is set out within the report.
- 3.16 A summary of main receptors were identified as Wards Road, Public Footpath 166/28, public footpath 166/3, Chipping Norton School, Chipping Norton Lido (rear garden) and the properties on Foxfields Court.
- 3.17 The presence of dilapidated dry-stone walls surrounding the Site offers and users of Public 166/28. These impacts would be lessened through effective screening, site design (especially property orientation), and rebuilding the dry-stone walls.
- 3.18 The proposed development will not alone, have a significant impact upon the setting of Chipping Norton and with appropriate design it will have only a moderate impact upon the most sensitive visual receptors.

- 3.19 Land to the east of the site has been proposed for a large-sale development (c.500 homes). Given the scale of the proposal, the cumulative impact of the construction of three dwellings upon the site is unlikely to be significant.
- 3.20 It is the conclusion of this Appraisal that this development proposal (as presented on the supplied Sketch Plan) is unlikely to be constrained in landscape and visual terms. The greatest is the visual impact upon the existing residents of Foxfields Court and the opportunities exist to lessen this through considered and appropriate design as recommended above.

### **Extended Phase I Habitat Survey**

- 3.21 There have were two statutory and one non-statutory designated sites revealed within the desk study, with the closest being just under 500m to the east of the development site.
- 3.22 Protected species recorded within 2km of the study site included; badger, hedgehog and brown hare.
- 3.23 An assemblage of woodland and farmland bird species were also recorded within 2km of the site.
- 3.24 The predominant habitat was semi-natural broadleaved woodland, which has an intermediate ecological value.
- 3.25 Some specimens of trees within the woodland were reasonable mature and ivy clad, providing bat roosting opportunities.
- 3.26 These trees also provide nesting opportunities for birds.
- 3.27 The proposals for the site have the potential to impact its biodiversity; therefore recommendations have been made for mitigation and enhancement.

### **Flood Risk Statement**

- 3.28 MJA Consulting has been appointed to produce a Flood Risk Statement to determine the potential flood risks associated with the proposed residential development off Foxfields Close in Chipping Norton.
- 3.29 The aim of the report is to confirm that the proposed development is not within a floodplain, will not be subject to a risk of flooding from all sources and not increase the risk of flooding to any offsite parties and land.
- 3.30 In summary the SFRA studies and all available information has concluded that at the proposed development and within the vicinity of the site, there are no historic, current or potential issues of flooding from all sources including groundwater, rivers and streams (fluvial), overland runoff(pluvial), artificial sources and flooding from overloaded existing or proposed sewer networks.



## **Ground Investigation Report**

- 3.31 The results of the intrusive site work indicate the site is underlain by a thin mantle of topsoil (0.12m-0.40m thick) underlain by bedrock soils represented by the Chipping Norton Limestone Formation.
- 3.32 The Chipping Norton Limestone Formation consists of light brown/buff limestone rock brash with some interbedded brown clayey sand/clay. A discontinuous and irregular band of stiff indurated waxy clay was uncovered in BH3, BH4 and TP3.
- 3.33 All the boreholes and trial pits terminated upon impenetrable massive or thickly bedded limestone rock at depths ranging between 0.75m and 2.00m. Groundwater was not encountered.
- 3.34 Chemical testing of soil samples indicate generally neutral to alkaline pH soil conditions and absent to very low sulphate/sulphur concentrations.
- 3.35 Ground gas monitoring was undertaken over the period of 20 Oct 2014 to 20 November 2014 within the borehole wells the results of which are presented in the following section.

## **Radon Report**

- 3.36 This is a radon affected area as defined by Public Health England. The estimated probability of the property being above the Action Level for radon is 10-30% higher probability.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
H2 General residential development standards  
H7 Service centres  
OS2NEW Locating development in the right places  
T4NEW Parking provision  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH6NEW Environmental protection  
OS3NEW Prudent use of natural resources  
OS4NEW High quality design  
H2 General residential development standards  
T3 Public Transport Infrastructure  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Relevant Planning History**

Erection of eleven dwellings and formation of new vehicular access (to allow the erection of conservatories to rear elevations of plots 10 and 11) Granted subject to conditions 29th April 2008.

Erection of eleven dwellings and formation of new vehicular access (to allow erection of single garages to plots 1, 8 and 11) Granted subject to conditions 3rd July 2007.

Erection of eleven dwellings and formation of new vehicular access (to allow the erection of conservatories to rear elevations of plots 8 and 9) Granted subject to conditions 4th December 2007.

Demolish 3 Foxfield and erection of eleven dwellings and new access (Planning Reference 06/0782/P/FP) Granted subject to conditions 18th August 2006.

Demolition of 3 Foxfield (Planning Reference 06/0783/P/DCA) Granted subject to conditions 5th July 2006.

Residential development (outline) Refused 30th August 1984.

### **Background Information**

- 5.1 The application seeks planning permission for the erection of three two-storey detached dwellings, associated access and landscaping on land (0.3ha) to the east of Foxfield Court, Chipping Norton. The site is located outside the Conservation Area and Cotswolds AONB. The application site is within the Chipping Norton Landscape Character Area.
- 5.2 The land in question is at the end of the cul-de-sac of Foxfield Court an existing modern housing development constructed following a permission granted in 2006 (planning reference 06/0782/P/FP).
- 5.3 The land is raised above the existing development and is characterised by trees and shrubs subject to an Area Tree Preservation Order (Reference TPO1/2014).
- 5.4 The northern boundary of the site is abutted by a farm track which is a public footpath (reference 166/28) that leads down to Wards Road.
- 5.5 To the South of the site is a small screened area which sits beside the Chipping Norton Lido.
- 5.6 To the east of the site the landscape is dominated by farmland, the land namely Land to east of Chipping Norton at Tank Farm has been allocated as a strategic development site within the emerging Local Plan for approx. 600 units (CNI).
- 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**

- 5.8 The principle of new dwellings in this location is considered to accord with local plan policy and the provisions of the NPPF. Chipping Norton is a sustainable settlement and Policy 0S2 of the emerging Local Plan, 2031 supports the provision of new dwellings where they form a logical complement to the existing scale and pattern of local area.

- 5.9 Your officers are of the opinion that the proposed 3 new dwellings would serve as a logical complement to the adjacent development of eleven new dwellings at the site in 2006 and therefore be in-keeping with the scale and spatial pattern of existing development in the area.
- 5.10 Furthermore the dwellings would not encroach further into the countryside than the Chipping Norton Lido situated to the south of the proposal site.
- 5.11 Following pre-application discussions with the applicant, an Area Tree Protection Order was placed on the site. Subsequent discussions with the applicant have resulted in a reduction in the number of dwellings for to seek to address the impact on the mature trees on site.
- 5.12 Whilst it is considered that the sustainability objectives of the National Planning Policy Framework (NPPF) and Policy 0S2 of the emerging Local Plan are met, your officers have significant concerns over the siting of the new dwellings in relation of the protected trees on the site this is discussed further in the following sections.

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

- 5.13 The siting of the proposed three dwellings has been dictated by the trees that are protected by the tree protection order.
- 5.14 Whilst your officers note that the orientation of the proposed new dwellings does not display the uniformity that characterises the local area, it is appreciated that they have been sited to reduce the impact on the amenity of existing residences adjacent in Foxfield Court.
- 5.15 It is considered that the one and half and two-storey detached four-bed properties would be appropriate in scale and mass to that of existing dwellings in the immediate area. The properties would be constructed out of palette of high quality materials comprising of reconstituted Cotswolds stone under a concrete interlocking tiles with painted timber windows.
- 5.16 Your officers consider that the form and scale of the proposed new dwellings would respect the character of the local area.
- 5.17 Your officers consider that the density of housing proposed, is acceptable. The proposed dwellings would have adequate amenity space. As such it is considered that the proposal would accord to the objectives of section 6 of the NPPF and Policies 0S2 and H2 of the emerging Local Plan, 2031.

### **Impact on landscape and character of the area**

- 5.18 The proposed dwellings would be situated to the northern extent of the area tree protection order reference TPO1/2014 in avoiding the more mature trees that make up the area to the south. In addition the site is considered to comprise of a valuable area of green infrastructure which would be desirable to retain, particularly in the context of potential development at Tank Farm.
- 5.19 The character of the site and its underlying value would be considerably diminished as a result of the proposed new dwellings. The Landscape and Tree Officer concluded whilst a planting scheme accompanies the proposal, it is unlikely that species such as sycamore, field maple and wild cherry would be allowed to grow to proportions near those proposed to be removed, given the proposed location of 4-5m from the new dwellings.

- 5.20 Policy EHI of the emerging Local Plan, 2031 is that for new development should respect and where possible enhance the intrinsic character of the local landscape. Proposals that result in a loss of these features will not be permitted unless the loss can be justified by appropriate mitigation. It is considered on advice from the Landscape and Tree Officer that the mitigation scheme submitted is inadequate to compensate for the loss in the special qualities of the Tree Protection Area.
- 5.21 Officers consider that the loss of this important character feature would be contrary to Policy EHI and as such unacceptable.

### **Highway**

- 5.22 The proposed dwellings will be accessed through a new access off Foxfield Court to the west of the site. Turning areas are provided for each dwelling and a minimum of two car parking spaces would be provided. In addition, a single or double garage would serve the proposed new dwellings and would meet the minimum parking space/garage dimensions.
- 5.23 Pedestrians would be also able to reach the site via an existing footpath along Fox Close and Foxfield Court.
- 5.24 Whilst it is considered that the proposed car parking provision and accesses to the site would accord with Policies BE3 of the West Oxfordshire Local Plan, 2011 and T4 of the emerging Local Plan, 2031, however your officers are concerned with the level of operational work and levelling that would be required in the construction of the new dwellings.
- 5.25 The Highway Authority object to the proposal. It is considered that the levelling-off and clearance of the site of scrub to a workable level to accommodate the proposed dwelling houses and associated works, the land would require an excessive amount of operational work.
- 5.26 The applicant has not stated the anticipated number of vehicles attracted to the site during busy times, although it is anticipated that more than several movements in any one busy hour would be attracted to the site during these works. No parking would be available on site during this time and parking would take place within the immediate cul-de-sac.
- 5.27 It is considered that the volume of vehicles the works would attract to the site cannot be accommodated within the adjacent streets, given the limited nature of the residential streets in particular the adjacent cul-de-sac at Foxfield Court where the manoeuvring of heavy vehicles would be difficult.
- 5.28 The Local Highways Officer concludes that the proposed development would be detrimental to highway safety because of the potential scale of increased traffic movements during the preparation/ground works involved. The additional commercial vehicular traffic expected to be generated by the proposed development is considered to be so significant as to be detrimental to the safety, amenity and convenience of other highway users will be at a detriment.
- 5.29 It is therefore considered that the proposal would be contrary to Policy T4 of the emerging Local Plan, 2031.

## **Residential Amenities**

- 5.30 The proposed dwellings would be situated east of an existing residential development. The nearest new dwelling would be situated approx. 15m from the side elevation of No.4 Foxfield Court and the front elevation of plot 2.
- 5.31 Wider public realm views from the east are restricted to the public right of way located on the north of the site.
- 5.32 It is noted that by way of the orientation of the proposed new dwellings would not directly overlook the properties within Foxfield Court.
- 5.33 The topography of the land steeply rises to the east of existing properties within Foxfield Court. Objections have been received from existing residents with regards to the impact on neighbouring amenity by direct overlooking. Officers note that the new dwellings in Plots 2 and 3 would be one and half storeys high. Plot 2 would measure 7m in height to roof ridge and would be approx. 15m in distance from the side elevation of No.4 Foxfield Court. Your officers consider that the buildings would not give rise to overlooking or overshadowing of this existing property. However it is considered that the landscaping scheme proposed to the west of the boundary of the application site would result in overshadowing to amenity space of No.4.
- 5.34 Concerns have been raised from the Chipping Norton Lido that privacy would be affected as a result of the new dwellings. Officers consider that the remaining tree protection area that would remain would provide sufficient screening to the facility.
- 5.35 Your officers are concerned with the impact of amenity upon the existing residents during construction of the proposed new dwellings. It is considered that the level of engineering work to level and clear the site would increase the number of heavy vehicular movements to the site that the existing Court could not accommodate.
- 5.36 Concerns have been raised in relation to increased traffic and parking within the existing Court as a result of the new dwellings. However, officers consider that the new dwellings propose sufficient off street parking (and in some plots surplus).
- 5.37 It is considered that the harm to the neighbouring residential amenity as a result of the proposal would be contrary to Policy H2 of the emerging Local Plan, 2031.

## **Ecology**

- 5.38 It is recognised that the site can be classified as a semi-natural broadleaved woodland which is a priority habitat. The site is also close to the Glyme and Dorn Conservation Target Area noted for its wooded pasture valley and slopes.
- 5.39 This priority habitat would be lost as a result of the proposal. The proposal has not sufficiently mitigated this loss and insufficient information has been submitted in order to assess the impact on protected species (bats).
- 5.40 The ecologist has been consulted on this application and concludes that the loss of habitat is unacceptable and the loss of biodiversity has not been effectively mitigated. In addition, the three habitat regulation test cannot be met due to the insufficient information about the protected species of bats.

- 5.41 Policy EH2 of the emerging Local Plan, 2031 and section 11 (particularly paragraphs 109, 117 and 188) of the NPPF seek to protect biodiversity by avoiding loss to locally important sites. In addition the policies aim to protect and mitigate for impacts on priority habitats and protected species as part of a wider ecological network.
- 5.42 It has not been demonstrated to the satisfaction of the LPA that the development would mitigate its impact against the loss of a Priority Habitat or potential on protected species. Priority habitats within the UK Biodiversity framework and Oxfordshire BAP, Bats and their habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended. It is therefore considered by officers that the proposal is contrary to these policies and the harm is considered unacceptable.

### **Other**

#### **Flooding and Drainage**

- 5.43 Concerns have been raised with regards to the increase surface run off from the proposed new dwellings and gradient at which the new dwellings would be constructed. There is no historic local flooding identified within the submitted Flood Risk Report and the Council's drainage engineers are confident that any surface run off may be satisfactorily mitigated.

### **Conclusions**

- 5.44 In light of these observations that planning permission should be refused.

### **REASONS FOR REFUSAL**

- 1 The proposal, by reason of its siting and layout would have significant adverse impact on the character of the local landscape and would undermine the Tree Preservation Area Order where conservation of the landscape is to be given weight. The proposals would cause harm at an immediate local level and from medium distances, contrary to the provisions of the NPPF, policy NE3 of the adopted WOLP and emerging local plan policies H2 and EH1
- 2 The site preparation and ground works would result in substantial flows of vehicles and car parking which cannot be satisfactorily accommodated on the adjacent roads and would be detrimental to highway safety and convenience contrary to policies BE3 of the WOLP and T2 of the emerging plan
- 3 It has not been demonstrated what impact the development would have on protected habitats or species or that there would be adequate mitigation for the loss of a Priority habitat in accordance with the UK Biodiversity framework and Oxfordshire BAP, The Conservation of Habitats and Species Regulations 2010 the Wildlife and Countryside Act 1981 as amended, the National Planning Policy Framework (in particular section 11) policies NE13, NE15 of the West Oxfordshire Local Plan, 2011 and Policies EH2 and EH6 of the emerging Local Plan, 2031.
- 4 The development would have an unacceptably harmful effect on living conditions in Foxfield Court as a consequence of the movement of vehicles during site preparation and construction works and from the overbearing impact of proposed landscaping on the private amenity area of No 4 Foxfield Court contrary to BE2 and H2 of the West Oxfordshire Local Plan, 2011 and Policy H2 of the emerging Local Plan.

Application Number	I5/01572/FUL
Site Address	Highway Hotel 117 High Street Burford Oxfordshire OX18 4RG
Date	24th June 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Burford
Grid Reference	425147 E 212105 N
Committee Date	6th July 2015

**Application Details:**

Ground floor extension and first floor extension to provide two bedrooms and new fire escape

**Applicant Details:**

Arwell Properties Associates Ltd  
Highway Hotel  
117 High Street  
Burford  
Oxfordshire  
OX18 4RG

**1 CONSULTATIONS**

- |                               |   |
|-------------------------------|---|
| 1.1 Town Council              | No reply to date  |
| 1.2 OCC Highways              | Given the town centre location the proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.<br><br>No objection |
| 1.3 WODC Env Health - Uplands | No reply to date  |

**2 REPRESENTATIONS**

- 2.1 Miss D Marchington of Weavers Cottage and Mrs P Smith the owner of Weavers Cottage have commented as follows:
- Within the planning application is a statement by the owners of the Highway Inn to the effect that neighbours were consulted and had not objected to the proposals. This is absolutely untrue: at no stage have I been contacted by the owners in order to discuss these plans.

- The assumed boundary line as shown in the Partial Section & Proposed West Elevation is not correct. In point of fact the boundary wall falls outside of the Highway's current property line. As far as I am aware the actual ownership of the boundary wall is not certain.
- Continuing the proposed building to the edge of the current flat roof will mean that the totality of my garden will be overshadowed by a new high wall, and an extended roofline. It will make the garden feel very enclosed and with no direct view to the north - already the house and garden are hemmed in to a very considerable degree by the building to the north.
- I understand that the original planning permission for the area under the flat roof was granted with the stipulation that the flat roof itself would only be used as a fire exit. In recent times the owners have put up a solid wooden fence which has restricted my view and which I was never consulted about. The flat roof area itself is regularly used as a walkway.
- I feel very strongly that this development will make the garden area feel claustrophobic and I would like to make it clear that I oppose this proposal. I would however have no objection to the ground floor being extended as proposed, since this will not affect me in the same way.
- I write on behalf of Mrs P.M.Smith of Lenthall Cottage, Sheep Street, Burford, OX184JT Mrs Smith is the owner of Weavers Cottage, 119 High Street, Burford, OX184RG - which is adjacent to Highway Hotel.
- Mrs Smith only learnt today of the application and although the valid date has passed she requests that you take her objection into consideration and further grant a delay in the decision.
- Mrs Smith's objections are largely the same as those of Miss Marchington, regrettably there is not time here to state them, but her particular objection is that it is untrue that the owners of the Highway "discussed the proposals with them & received indicative agreement".
- Neither Mrs Smith nor Miss Marchington were consulted, had they been so there would have been sufficient time to put in a properly considered objection with supporting material.
- If these facts are received in time and considered grounds for delaying the decision I request that a delay of sufficient time to put together a properly constructed objection is granted

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

- 3.1 The Access and Design Statement submitted with the application advises that the increase in enquiries for staying and visiting Burford has resulted in pressure for accommodation at the Highway Inn.
- 3.2 Further that the applicants have liaised with neighbours on several occasions and carried out maintenance work in the last year.
- 3.3 It is intended that the external walls be natural stone to match the existing rear extension with timber painted doors and windows. The roof will be artificial stone slates and the new fascia and overhang will match the existing. The single storey element of the extension will be covered with a sedum finish.



## **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE7 Alterations and Extensions to Listed Buildings  
TLC2 Use of Existing Buildings  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
T4NEW Parking provision  
EH7NEW Historic Environment  
E4NEW Sustainable tourism  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 This application proposes single and two storey extensions to the rear of 'The Highway Inn' in order to provide an additional two letting bedrooms at first floor level and additional accommodation at ground floor level to serve the existing manager's family needs.

### **Background Information**

#### Planning History

- 5.2 There is an extensive planning history on the site but the most pertinent to this application is considered to be 1021/87 and 1022/87. These applications were for a two storey extension in a similar location to the two storey extension the subject of this application.
- 5.3 The planning application (1021/87) was refused for the following reason:  
'That the proposals conflict with Policy 10(D) in the Council's Rural Areas Local Plan which seeks to ensure that development does not damage the reasonable living conditions of residents in as much as: a) the first floor extension would dominate still further the gardens of the adjoining properties. b) that the property to the north would be overlooked from the first floor window in the proposed north elevation'
- The Listed Building Application (1022/87) was refused for the following reason:  
'That in light of the refusal of the associated application for planning permission it would be inappropriate to consider the application for Listed Building Consent'.
- 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 extending the hotel to provide additional tourist accommodation and living space for the manager is considered policy compliant with TLC2 which relates to the extension of existing visitor accommodation being very positively worded.

## **Siting, Design and Form**

- 5.6 The application has been the subject of extensive discussion with your officers and the design and materials of the proposed extensions are considered to pay regard to both the architectural character of the listed building and the character and appearance of the Burford Conservation Area. A condition has been attached requiring detailed specifications of the proposed doors, windows and roof lights before installation in the interests of the architectural integrity of the listed building.

## **Highway**

- 5.7 County Highways has raised no objections to the development on highway grounds.

## **Residential Amenities**

- 5.8 In light of the above and the planning history on the site, in your officers opinion the key issue for consideration in respect of this application is the impact of the proposals on the adjoining residential occupiers.
- 5.9 Members will note from the planning history section in this report that an application for a two storey extension in the same location as the one proposed was refused in 1987 on the grounds that it was considered to dominate the gardens of the adjoining dwellings and unacceptably overlook the property to the north.
- 5.10 This latest application has a lower eaves level than the 1987 submission and has no first floor windows overlooking the property to the north. Given that the extension is located at the very bottom end of the garden serving 119 High Street (Weavers Cottage), whilst it will extend the physical enclosure of the northern boundary of the garden with a stone wall and roof slope, because it is located at some distance from the internal living spaces serving the dwelling and the garden closest to the house, in your officers opinion it will not have a 'materially' harmful impact on the residential amenity of the occupiers of the cottage. The occupiers will be able to see the extension at the bottom end of the garden but it will not result in unacceptable levels of overshadowing or overbearing given the location of the extension some distance away from the house and the fact that it is located along the northern boundary.
- 5.11 In order to ensure that the occupiers of 119 High Street do not feel overlooked from roof lights serving the first floor, a condition has been attached requiring that the five roof lights serving the hotel bedrooms and the fire escape be obscure glazed and retained as such.

## **Conclusion**

- 5.12 In light of the above assessment the application is recommended for conditional approval.

## 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 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 Listed Building
- 4 The roof(s) shall be covered with artificial Cotswold stone slates of random sizes, samples of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences and the slates shall be laid in courses diminishing in width from eaves level to the ridge of the roof in accordance with normal practice in the locality.  
REASON: To safeguard the character and appearance of the Listed Building
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows, doors and roof lights at a scale of not less than 1:20 with sectional details at a min of 1:5, 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 and appearance of the Listed Building
- 6 Before first occupation of the extension hereby permitted the roof lights annotated on drawing no.965/23A submitted with the application shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: In the interests of the privacy of the adjacent property.
- 7 The flat roof areas of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area.  
REASON: To protect the reasonable privacy of the occupants of adjoining properties.

## INFORMATIVES :-

- 1 For the avoidance of doubt this grant of planning permission does not override personal property rights.

Application Number	I5/01573/LBC
Site Address	Highway Hotel 117 High Street Burford Oxfordshire OX18 4RG
Date	24th June 2015
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Burford
Grid Reference	425147 E 212105 N
Committee Date	6th July 2015

### Application Details:

Ground floor extension and first floor extension to provide two bedrooms and new fire escape

### Applicant Details:

Arwell Properties Associates Ltd  
Highway Hotel  
117 High Street  
Burford  
Oxfordshire  
OX18 4RG

## 1 CONSULTATIONS

- 1.1 WODC Architect                      No objections subject to conditions
- 1.2 Town Council                          No reply to date

## 2 REPRESENTATIONS

2.1 Miss D Marchington of Weavers Cottage and Mrs P Smith the owner of Weavers Cottage have commented as follows:

- Within the planning application is a statement by the owners of the Highway Inn to the effect that neighbours were consulted and had not objected to the proposals. This is absolutely untrue: at no stage have I been contacted by the owners in order to discuss these plans.
- The assumed boundary line as shown in the Partial Section & Proposed West Elevation is not correct. In point of fact the boundary wall falls outside of the Highway's current property line. As far as I am aware the actual ownership of the boundary wall is not certain.
- Continuing the proposed building to the edge of the current flat roof will mean that the totality of my garden will be overshadowed by a new high wall, and an extended roofline. It will make the garden feel very enclosed and with no direct view to the north - already the house and garden are hemmed in to a very considerable degree by the building to the north.

- I understand that the original planning permission for the area under the flat roof was granted with the stipulation that the flat roof itself would only be used as a fire exit. In recent times the owners have put up a solid wooden fence which has restricted my view and which I was never consulted about. The flat roof area itself is regularly used as a walkway.
- I feel very strongly that this development will make the garden area feel claustrophobic and I would like to make it clear that I oppose this proposal. I would however have no objection to the ground floor being extended as proposed, since this will not affect me in the same way.
- I write on behalf of Mrs P.M.Smith of Lenthall Cottage, Sheep Street, Burford, OX184JT Mrs Smith is the owner of Weavers Cottage, 119 High Street, Burford, OX184RG - which is adjacent to Highway Hotel.
- Mrs Smith only learnt today of the application and although the valid date has passed she requests that you take her objection into consideration and further grant a delay in the decision.
- Mrs Smith's objections are largely the same as those of Miss Marchington, regrettably there is not time here to state them, but her particular objection is that it is untrue that the owners of the Highway "discussed the proposals with them & received indicative agreement".
- Neither Mrs Smith nor Miss Marchington were consulted, had they been so there would have been sufficient time to put in a properly considered objection with supporting material.
- If these facts are received in time and considered grounds for delaying the decision I request that a delay of sufficient time to put together a properly constructed objection is granted

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

- 3.1 The Access and Design Statement submitted with the application advises that the increase in enquiries for staying and visiting Burford has resulted in pressure for accommodation at the Highway Inn.
- 3.2 Further that the applicants have liaised with neighbours on several occasions and carried out maintenance work in the last year.
- 3.3 It is intended that the external walls be natural stone to match the existing rear extension with timber painted doors and windows. The roof will be artificial stone slates and the new fascia and overhang will match the existing. The single storey element of the extension will be covered with a sedum finish.

### **4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings

OS4NEW High quality design

EH7NEW Historic Environment

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application proposes single and two storey extensions to the rear of 'The Highway Inn' in order to provide an additional two letting bedrooms at first floor level and additional accommodation at ground floor level to serve the existing manager's family needs.

### **Background Information**

- 5.2 There is an extensive planning history on the site but the most pertinent to this application is considered to be 1021/87 and 1022/87. These applications were for a two storey extension in a similar location to the two storey extension the subject of this application.

- 5.3 The planning application (1021/87) was refused for the following reason:  
'That the proposals conflict with Policy 10(D) in the Council's Rural Areas Local Plan which seeks to ensure that development does not damage the reasonable living conditions of residents in as much as: a) the first floor extension would dominate still further the gardens of the adjoining properties. b) that the property to the north would be overlooked from the first floor window in the proposed north elevation'

The Listed Building Application (1022/87) was refused for the following reason:

'That in light of the refusal of the associated application for planning permission it would be inappropriate to consider the application for Listed Building Consent'.

- 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 extending a listed building is acceptable subject to the architectural integrity of the building being respected and the design and materials respecting the architectural character and appearance.

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

- 5.6 The application has been the subject of extensive discussion with your officers and the design and materials of the proposed extensions are considered to pay regard to both the architectural character and appearance of the listed building A condition has been attached requiring detailed specifications of the proposed doors, windows and roof lights before installation in the interests of the architectural integrity of the listed building.

### **Highway**

- 5.7 Highway matters are not relevant to the determination of this application for listed building consent.

### **Residential Amenities**

- 5.8 Residential amenity impact is not relevant to the consideration of an application for listed building consent.

## Conclusion

5.9 In light of the above the application is recommended for conditional approval.

## CONDITIONS

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.  
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) 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 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 Listed Building
- 4 The roof(s) shall be covered with artificial Cotswold stone slates of random sizes, samples of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences and the slates shall be laid in courses diminishing in width from eaves level to the ridge of the roof in accordance with normal practice in the locality.  
REASON: To safeguard the character and appearance of the Listed Building
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows, doors and roof lights at a scale of not less than 1:20 with sectional details at a min of 1:5 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 and the appearance of the Listed Building.
- 6 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.

Application Number	I5/01630/FUL
Site Address	The Veterinary Hospital Albion Street Chipping Norton Oxfordshire OX7 5BN
Date	24th June 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Chipping Norton
Grid Reference	431479 E 226985 N
Committee Date	6th July 2015

### Application Details:

Part demolition of existing veterinary practice. Erection of extension to existing building to form 2no. 2 bedroom flats. Erection of 2no. 1 bedroom flats and 1no. 2 bedroom cottage.

### Applicant Details:

The Veterinary Hospital  
Albion Street  
Chipping Norton  
Oxfordshire  
OX7 5BN

## I CONSULTATIONS

- |                    |   |
|--------------------|---|
| 1.1 Town Council   | Object due to over-development of the area and not enough car parking spaces. |
| 1.2 WODC Architect | No objection.   |
| 1.3 Thames Water   | No objection  |
| 1.4 OCC Highways   | No objection  |

## 2 REPRESENTATIONS

- 2.1 Objections have been received from 2 properties in Glovers Close referring to the following:
- (i) Impact on car parking.
  - (ii) Density too high.
  - (iii) Impact on residential amenity.
  - (iv) Difference in levels may lead to structural damage.
  - (v) It would be regrettable if the surface of Glovers Close was damaged during construction.



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

- 3.1 The Chipping Norton Veterinary Practice has been in Chipping Norton for over 30 years and is to relocate to new premises off the Banbury Road.
- 3.2 The existing vacated buildings will have to find an appropriate future use. They are surrounded by houses and housing is the ideal use.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE6 Demolition in Conservation Areas  
H2 General residential development standards  
H7 Service centres  
E6 Change of Use of Existing Employment Sites  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H4NEW Type and mix of new homes  
T4NEW Parking provision  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### **Background Information**

- 5.1 The proposal relates to the existing veterinary surgery at Albion Street, within the central area of Chipping Norton. The vets' practice has new premises at Banbury Road, Chipping Norton and therefore the site at Albion Street will shortly be redundant.
- 5.2 The proposal would involve the extension and conversion of the existing two storey, pitched roof building fronting Albion Street to provide 2 flats. The existing flat roofed buildings to the rear of this would be removed and a new 2 bedroom dwelling erected. A further detached building would be erected in part of the existing car park at the premises to create 2 flats.
- 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, Form and Impact on the Character of the Area
  - Impact on residential amenity.
  - Highways

## **Principle**

- 5.4 The site is brownfield land within the settlement of Chipping Norton, which is located within a short distance of local services and facilities. It is therefore considered to be a sustainable location for new development under Local Plan Policy H7 and emerging Local Plan Policies OS1 and OS2.
- 5.5 The loss of the existing employment use will be more than compensated for by the provision of larger vets' premises at Banbury Road. The site shares boundaries with a number of residential properties and the proposed residential use would remove the relationship of incompatible uses. This would therefore comply with Local Plan Policy E6 and emerging Local Plan Policy E1.

## **Siting, Design and Form and Impact on the Character of the Area**

- 5.6 The existing flat roofed buildings do not make a positive contribution to the character of the area and their removal is not objected to.
- 5.7 The retained building fronting the road would be extended with two storey, gabled additions to the rear. An external stone staircase to the side elevation already provides access to the first floor. The extensions are of a traditional form and are acceptable in design terms. Beyond the rear elevation there would be a garden area.
- 5.8 A detached, single dwelling with 2 bedroom accommodation would be provided at the back of the site. This would be of a simple 1.5 storey vernacular form, with garden areas to the side and rear.
- 5.9 A further detached building within the existing car park would provide 2 x 1 bedroom flats. This would be of a 1.5 storey vernacular form. Outside space would be provided to the rear.
- 5.10 The materials would be a mix of brick, reconstituted stone and render. The roofs would be tile, artificial stone slate, and blue slate. Given the wide variety of building materials in the immediate area, the combination of materials is acceptable.
- 5.11 Concern has been expressed by the Town Council and an objector that the proposal is over-development and too dense. However, the relationship between built form, outside space and parking is considered to be of an appropriate ratio. Achieving an optimum number of dwellings on well-located, previously developed sites such as this helps towards meeting the district's housing requirements in an appropriately sustainable manner.
- 5.12 Overall it is considered that the proposal would improve the character of the area by removing flat roofed, unsympathetic buildings and replacing them with relatively modest vernacular style development. There would be no material harm to the character of the Conservation Area and any harm caused would in any event be outweighed by the merits of providing new housing in a sustainable location.

## **Impact on residential amenity**

- 5.13 The adjoining dwellings to the north share a party boundary with the vets there are no main windows facing towards the application site, although there are a number of roof lights. The proposal would not have any main room windows facing towards these existing dwellings, and

the closest windows are to bathrooms. Other first floor windows would have an oblique view towards the roof of the existing dwellings and therefore it is considered that there would be no unacceptable, potential overlooking as regards the roof lights. Given the relative heights of the buildings and the south facing aspect of the neighbouring roof, it is considered that there would not be unacceptable loss of light to the roof lights.

- 5.14 Glovers House is a substantial two storey dwelling lying to the south of the existing vets building. The windows in the north gable elevation of this building would not be directly overlooked by any windows in the proposed development. The relationship to the rear of proposed plots 1 and 2 is oblique. The closest first floor window in plot 3 is a rooflight to a landing. The rear windows to the east elevation of Glovers House would have an oblique relationship to the first floor bedroom window of plot 3 and there are no first floor windows on the gable of plots 4 and 5. Therefore, although the buildings are acknowledged to be in relatively close proximity there would not be unacceptable overlooking. There would be no material loss of light to this property.
- 5.15 No.5 Glovers Close is sited to the east of the application site on higher ground. This dwelling would be gable-on to plots 4/5. There are no windows in the east gable of plots 4/5 other than a ground floor bathroom window. The west elevation of No.5 Glovers Close adjacent to the site has only a strip of high level windows to a conservatory where it projects above the boundary wall. There would therefore be no overlooking between the properties. There may be some loss of light to the conservatory at No.5 Glovers Close at certain times of the day. However, as this would not be counted as main living accommodation, this is acceptable in planning terms.
- 5.16 The proposed car parking would remain in its current position, albeit with a reduced area given the siting of plots 4/5. It is anticipated that there would be fewer vehicle movements associated with a reduced number of spaces and removal of the commercial use where clients are coming and going throughout the day. Therefore residential development would not give rise to any additional disturbance associated with vehicle movements.
- 5.17 The land level is somewhat lower at the existing car park than 5 Glovers Close. However, there is existing stone walling along the length of the boundary here and there is no reason to believe that the proposed development would lead to any structural problems. In any event, the NPPF makes clear that the responsibility for safe development rests with the developer and/or landowner.

## Highways

- 5.18 The proposal is to retain the current access off Glovers Close. The existing car park is not properly marked out but has space for approximately 10 cars. The residential scheme proposed would provide 7 spaces for 5 units of accommodation.
- 5.19 The Highways Officer raises no objection to the scheme and notes that the proposal will reduce the number of vehicle movements compared to the current commercial use. There would be no significant detrimental effect in terms of highway safety and convenience in relation to the local highway network.

## Conclusion

- 5.20 The proposal represents an appropriate use in a sustainable location and accords with Local Plan policies BE2 and H2, and emerging Local Plan policies OS1, OS2 and H2.
- 5.21 The development is acknowledged to be a significant number of units on the site, but is not considered over-development. An appropriate relationship is maintained between properties in accordance with Local Plan policies BE2 and H2.
- 5.22 The proposal represents acceptable siting and design in the Conservation Area and therefore complies with Policies BE2, H2 and BE5.
- 5.23 No highways objection is raised and the proposal is acceptable in relation to Local Plan Policy BE3.

## 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 The external walls shall be constructed of either artificial stone or natural stone (where shown on the approved plans) 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 external walls of the development proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.  
REASON: To safeguard the character and appearance of the area.
- 6 Before first occupation of the dwellings hereby permitted the windows to all bathrooms/WCs shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 7 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, outbuildings, or new window openings shall be erected or installed other than those expressly authorised by this permission.

REASON: Control is needed because the scheme is relatively dense infill within established development, and extensions, outbuildings or new openings could give rise to unacceptable impacts on neighbouring occupiers.

- 8 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, external doors and roof lights 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 their installation. 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.

- 9 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.

- 10 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 all planting, means of enclosure and surfacing materials to be used throughout the development. The entire landscaping scheme shall have been fully implemented by the end of the planting season immediately following completion of the development or the last dwelling being occupied 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.

- 11 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.

- 12 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

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.

Application Number	I5/01523/FUL
Site Address	Land West Of Fawler Road Charlbury Oxfordshire
Date	24th June 2015
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	436078 E 218106 N
Committee Date	6th July 2015

**Application Details:**

Erection of Photovoltaic panels, boundary fencing and associated equipment. Hedgerow, stone wall and landscape restoration

**Applicant Details:**

Sustainable Charlbury  
c/o 28 Windsor terrace  
Newcastle upon Tyne  
NE3 1YL

**I CONSULTATIONS**

I.1 Natural England

Wildlife and Countryside Act 1981 (As amended)

No objection - with conditions

Protected Landscapes (Cotswolds Area of Outstanding Natural Beauty)

Informed by a site visit on 6 March by Natural England's landscape specialist, our advice is as follows.

The site appears to have the potential to enable the scheme to be effectively screened, utilising the topography of the site and existing and new planting. This is hugely important given the highly sensitive nature of the AONB landscape, the site's location is near the boundary of two landscape character areas and therefore has the potential to impact on both, and the potential to effect views from footpaths, roads and the railway.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

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. From the information provided in the Extended

Phase I Habitat Survey, Natural England concurs that the recommendations outlined in the habitats and species sections of this document are followed to encourage the enhancement of local habitats.

## 1.2 Cotswolds Conservation Board

The Board has a duty to seek to foster the economic and social well-being of people living in the AONB.

1. The Board notes that the site is 18Ha in area. The Board is of the view that the proposal constitutes major development and therefore NPPF paragraph 116 applies. This view is based on:

- a) The definition of "major "development is in the Town and Country Planning (Development Management Procedure)(England) Order 2010
- b) The scale of development is significant in the local context.

2. NPPF Paragraph 116 sets out the criteria against which the application has to be assessed to meet the "exceptional circumstances" test for permission to be granted for major development in a nationally designated landscape.

The criteria are:

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.

3. In relation to the second criterion, the Board is of the view that applicant has not demonstrated that the need cannot be met outside the AONB.

4. Policy NE4 of the West Oxfordshire Local Plan also includes a criterion (ii) requiring proposals for major development to demonstrate a lack of alternative sites outside the AONB.

5. The Board notes that a landscape and visual impact assessment has been submitted with the application.

6. The applicant has identified that the harm to the character of the AONB landscape is moderate to significant. The landscape itself is of high sensitivity to change (as an AONB). The nature of the

proposal is stated to be "wholly alien to the unspoilt rural setting". (Para 5.7 of LVIA). The Board would therefore suggest that the development proposals are at least 'Moderate' in magnitude and thus using the applicants' methodology the proposal represents a 'substantial' harm to the character of a landscape which is designated for its natural beauty and has to be conserved and enhanced in accordance with statute.

7. The applicant has identified that from a number of locations the harm to views of the landscape is significant. Given the 'wholly alien' nature of the development proposals, and the high sensitivity of people viewing the landscape to such an intrusion, the Board considers that these proposals fail to conserve and enhance the Cotswolds AONB, which is the purpose of designation.

8. The Board has noted that Natural England considers that the proposal may be acceptable with 'with full mitigation measures in place'. The Board notes that the proposed mitigation measures include substantial new tree and hedge planting. It is considered by the Board that such measures will not mitigate the harm to the landscape identified in the applicants LVIA during much of the 21 year lifetime of the scheme.

9. In view of the above the Cotswolds Conservation Board objects to the proposal on the grounds that is contrary to Paragraphs 115 and 116 of the National Planning Policy Framework, and Policy NE4 of the West Oxfordshire Local Plan.

I.3 WODC Architect	No Comment Received.
I.4 WODC Env Services - Landscape	No Comment Received.
I.5 WODC Env Health - Uplands	No Comment Received.
I.6 WODC Planning Policy Manager	No Comment Received.
I.7 Historic England	Prior to submission this application was the subject of extensive discussion with English Heritage. The site is close to the grade I listed Cornbury House, the surrounding grade II* registered park, the Charlbury conservation area and the scheduled Civil War fieldwork. However, visibility from these assets would be very limited due to the lie of the land and surrounding vegetation. Therefore we are content that the proposals would not have an adverse impact on the significance of these highly graded heritage assets.
I.8 Environment Agency	We have no objections to the proposal



I.9 Adjacent Parish Council      Finstock Parish - No response to date

I.10 Adjacent Parish Council      Fawler Parish - No response to date

I.11 Adjacent Parish Council      No Comment Received.

I.12 Town Council                      Charlbury Town Council

1. We support the proposal but would ask that this go to Committee as it is likely to be a sensitive issue locally. A site visit would clearly be beneficial in viewing the overall context of this proposal in the adjacent landscape.

2. This is a comprehensive and well documented application which shows that careful consideration has been given to screening and issues raised on behalf of the Cotswolds AONB.

3. There appears to be significant local support for this proposal to provide renewable energy.

## **2 REPRESENTATIONS**

2.1 Around one hundred letters have been received in support of this proposal and are summarised as follows:

- Excellent example of local people working together to do something positive for their community
- Imperative for smaller communities to make effort to provide alternative options for energy supplies
- Sustainable Charlbury are to be commended for their efforts on behalf of the community
- Good for the community - good for the planet
- A community scheme would be a great asset to Charlbury
- Has used expert knowledge and attention to detail
- The positives far outweigh the harms
- We have a looming energy crisis
- This will literally empower the community
- Takes big monopolising companies out of picture which is good for democracy and freedom
- It makes sense on every level
- Carbon reduction is the responsibility of us all
- The environmental impact is negligible
- Evidence shows how unobtrusive these projects can be
- Benefits to plants and wildlife
- 100 percent behind the technology
- Solar power has been my only source of electricity for several years so I endorse this project
- I live with my young family in Charlbury and fully support solar power to our area
- Impressed by the work, care and thoughtfulness of its design and consultation process
- This is a well designed scheme
- Until all houses have solar panels on their roofs this is a good alternative

- It is a good way of harnessing the sun's power without harm to the land or destroying the view
- The revised submission addresses any visual concerns
- The site is close to an electricity substation, railway line and sewage works so is an ideal location
- Climate change is a local issue
- Please support this very worthwhile project

2.2 18 letters of objection have been received on the following grounds:

- Impact on ecology
- Inappropriate landscape setting
- Flora and fauna will not recover when the site is restored after use
- Why create AONB and SSSI if this is allowed to be built?
- Industrial development in an AONB is not appropriate
- No justification for approving this scheme
- Business model is flawed and opaque
- Should be sited on rooftops
- Local populace are not committed to the scheme
- Improved screening remains unsatisfactory- what happens in winter?
- PV panel reflects light and is intrusive
- Light pollution from security lighting
- Smaller is not better
- Need farm land to grow food
- Residents will not get cheaper electricity- just the investors
- Impact of lighting, perimeter fencing and panels in winter will be too great
- It will look like a concentration camp
- Even glimpsed views are horrible
- Dazzle will affect motorists
- Previous refusal reasons still apply
- Impact on Cornbury Park
- Applicants should have notified wider to Fawler and Finstock
- Precedent
- Appreciate effort to reduce impact but it is still simply not appropriate
- Contrary to policy of adopted plan( NE1, BE2, NE4, NE12) and Govt advice
- Better sites exist outside the AONB
- How will decommissioning be enforced?
- Bio diversity benefits are exaggerated
- Site is visible from our house which is elevated
- It is a half mile long- the same as 11 football pitches
- Site is visible from footpath network
- Impact on setting of conservation area
- Paras 115 of NPPF requires great weight to be attributed to conserving landscape and scenic beauty
- Para 116 circumstances are not met so pp should be refused
- Will be visible from railway
- Harm to barn owls deer, bees and other species
- Bees in particular are sensitive to the emf generated from PV installations

- Opens up opportunity for judicial review if second scheme approved
- Loss of productive farmland will increase food miles as imports will be needed
- Govt prefers rooftops rather than fields

### 2.3 Charlbury Conservation Area Advisory committee comments:

Application is not within the Conservation area but three members of the committee were against and six approved of the project.

## 3 APPLICANT'S CASE

### 3.1 Writing in support of their proposals the applicants have submitted a comprehensive package of information that may be viewed in full on line or upon request to the case officer. In summary the key points raised are briefly summarised as follows:

- The existing arable field is of only moderate ecological value
- The development will enhance ecology/biodiversity by creating 3 different grassland habitats, new hedges, wild flower meadow, woodland/orchards etc. These are priority habitats
- Detailed management plans have been prepared
- Detailed monitoring of species and habitat impacts will be undertaken along with mitigation during construction works
- Site is 30% smaller
- Panel height has been reduced
- Landscaping has been enhanced with wall repairs, new hedges, meadows etc.
- The umbrella day clearly identified key vantage points and the new scheme has been designed to avoid these
- The Charlbury investment fund will add to beauty of Charlbury area and the understanding of the AONB in the Charlbury area
- CO2 emissions will be reduced
- This is for the community and not for profit
- Central Govt encourages solar use by community ventures
- School children will be able to visit
- There is no direct impact on the Registered Park and Garden or the adjoining Conservation Areas
- There are only minor impacts on the setting of the heritage assets and in the setting of the Cornbury Park the riverside landscape is not actually associated with the formal parkland
- No key or designed views are affected
- The setting of listed buildings is not materially affected and nor is any archaeology
- The lost road across the valley can be rediscovered with an archaeological dig
- Site search constraints meant it had to be near Charlbury, more than 8ha, south facing, close to a substation, close to a road and in an area of reduced visibility
- The whole of Charlbury is AONB so if this was a key criteria the cost and impact of cables running back to Charlbury would have to be factored in
- Scheme will have a 25 year life
- Conditions to require hedges to be planted/bolstered /retained at 2m would be acceptable

### 3.2 Writing in support of the business model the applicants advise as follows:

Sustainable Charlbury has prepared a business model for its solar PV project Southill Solar - planning application 15/01523/FUL. This has been based on known costs to date, such as the received grid connection offer, the export tariff and the Feed in Tariff from July 1st 2015 (although this may well fall again from 1st October 2015).

A community project such as this would be able to pre-register up to one year in advance of being commissioned and this is something we would do immediately planning permission is received. The project was tendered in March 2014, re-quoted in March 2015 and uses the projected capex for an installation in the second quarter of 2016.

The projected net present value average annual returns of the project to the Charlbury Green Investment Fund are £60,080 or £1,501,992 over the lifetime of the project. Index linked to an RPI of 3% plus DECC forecasts of energy prices gives a net nominal average annual return of £84,797.

The proposal for Southill Solar is to provide an average of £15,000 a year towards landscape enhancements and £45,000 a year to community projects. A board of trustees will be responsible for the allocation of the surplus income from the site. The community interest company, the district and town councils and the Cotswolds Conservation Board will be invited to nominate trustees.

The surplus funds will be allocated for three purposes:

1. To conserve and enhance the natural beauty of the Charlbury area
2. To increase the understanding and enjoyment of the special qualities of the Charlbury part of the Cotswolds AONB
3. To reduce the carbon emissions of Charlbury through support for community projects. In the first instance we have identified two community buildings to which we will provide grants:
  1. the new community centre, specifically energy reduction measures such as triple-glazing and rooftop solar PV panels
  2. renovations to the 18th century Corner House, helping it to become a comfortable, low energy community building and to act as an exemplar energy efficiency retrofit for other similar buildings throughout West Oxfordshire.

Both the Thomas Gifford Trust (the trust developing the new Community Centre) and The Corner House and War Memorial Committee have received and endorsed our proposals. The business model has been developed to front load community benefit in the first year by delaying investor returns until year 2. This will release approximately £140,000 of community benefit in year 1 and upwards of £50,000 each year thereafter. In this way Southill Solar will be able to provide a rapid and substantial cash injection in to the newly approved Community Centre and immediately establish a fund for the Corner House refurbishment. In subsequent years, funding will be provided to other schemes that deliver more sustainable communities in Charlbury, Fawler and Finstock, whilst continuing to provide financial support for on-going landscape enhancements to the Cotswolds AONB.

3.3 By way of rebuttal of points raised in third party objections they advise as follows (selected extracts):

- A number of respondents are concerned that the proposed development is located within an AONB. Their responses express the view that it is not appropriate for a solar farm to be located within an AONB. It is important to note that there are a number of solar farms that have been consented and constructed within AONB's. There are also a number of large scale solar farms that have been initiated by community groups and have been consented. These also provide confirmation that the Charlbury scheme can be consented and in doing so will accord with NPPF and government guidance.
- A 41MW solar farm has been granted permission in North Wessex Downs AONB. This was granted on appeal by the Secretary of State who agrees with the Inspector's conclusion at IR376 that the proposed scheme would have a slight adverse effect on the character of the landscape and would have a moderate adverse effect on the visual amenity of the area. The Secretary of State agrees, though, that the overall effect on character and visual amenity would be less than substantial although there would be some conflict with LP policies.
- The case is important in that it provides guidance on a range of tests used to prove and demonstrate exceptional circumstances. The applicant is of the view that this appeal is a material consideration in proving that the application at Charlbury satisfies the same policy tests.
- The consenting of a 26 acre Solar farm in Suffolk Coast and Heaths Area of Outstanding Beauty (ANOB) is a material consideration in demonstrating how community support and benefit should be given great weight.
- The AONB Board fail to acknowledge in their response that the applicant has successfully demonstrated that the entire financial benefits of the scheme will be used to the benefit of land, wildlife and buildings in the AONB. This is in terms of a grant fund for the restoration of the landscape and improvement of Public access for which the board has been established.
- The Board fail to acknowledge that it does not have funds to assist farmers and landowners towards the furtherance of its objectives and as such the establishment of this innovative fund will meet a demonstrable need for investment in both landscape restoration and improvements to public access. The demise of the landscape quality and character arising from the lack of investment in hedgerow management /replanting and in the management of woodlands is acknowledged in the AONB. Prima facie there is a need for the creation of investment vehicles to generate the funds necessary for this investment to take place.
- The landscape and visual impact arising from the development have been assessed from a large number of viewpoints. The representation from the board is selective in identifying that it is only from two view-points that the impacts are considered to be significant the Board also fail to acknowledge that these locations have low levels of public use and it is only the fact that the site is within the AONB that the impact is considered moderate. It is also important to note that the Board fail to acknowledge that the investment in the landscape arising from the development will have a significant net benefit to the local landscape that more than counters any short-term landscape impact. The LVIA and planning statement both confirm that following the implementation of the scheme and the investments in the landscape rehabilitation there will be a net positive benefit to the landscape and to the AONB. The Board has failed to provide a balanced and objective response to the development proposals. Its response is merely in terms of the installation

of the solar panels other aspects of the development including the creation of the fund and its use for investing in the fabric of the AONB and the benefits of this are ignored in its response.

- Almost the entire village of Charlbury is within a Conservation Area and many of the buildings are listed. The Conservation Board does not provide any funds or support for buildings within the Conservation Area or those that are listed to be maintained or in particular to be made more energy efficient. The costs associated with improving the energy efficiency of listed buildings and those in a Conservation Area are significantly higher than for buildings elsewhere single-glazed windows cannot be replaced with double-glazed, external insulation cannot be installed, the scope for boiler houses is limited etc. Neither does the Board provide any funds for these buildings to be equipped to utilise low carbon energy e.g. photovoltaic panels, biomass boilers. As such the development meets a demonstrable need for funding for investment in the built environment of the AONB and in particular for the village of Charlbury. The applicant has submitted heads of terms and is prepared to complete the unilateral undertaking as soon as possible. The applicant suggests that if the council is minded to support the application then any planning consent could be subject to the execution of the undertaking to the satisfaction of the Chief Planning Officer delegated with responsibility by the committee. The applicant has submitted a proposal that satisfies the exceptional test referred to in the Board response. No solar developments have been proposed elsewhere in the UK which have sought to generate renewable energy and in doing so for all of the economic benefits to be made available for the furtherance of the purposes of an AONB.
- NE is of the view that the site appears to have the potential to enable the scheme to be effectively screened, utilising the topography of the site and existing and new planting.
- NE have indicated that WODC should Take note of the state of the hedgerow alongside the B4022 and Seek further information from the applicant about security fencing and other equipment and how that would affect the appearance and visibility of the scheme.
- The applicant has committed to the restoration of the hedgerow along the B4022 and is prepared to accept the imposition of a condition requiring the submission of the security fencing and other equipment. As such the applicant is of the view that Natural England is supportive of the scheme with these assurances. The applicant is also prepared to support the monitoring of the biodiversity value of the site through the imposition of a condition requiring this to be undertaken
- CPRE fails to acknowledge that the investment in the landscape arising from the development will have a significant net benefit to the local landscape that more than counters any short term landscape impact. The CPRE has failed to provide a balanced and objective response to the development proposals. Their response is merely in terms of the installation of the solar panels other aspects of the development including the creation of the fund and its use for investing in the fabric of the AONB and the benefits of this are ignored in their response.

#### **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

NE4 Cotswolds Area of Outstanding Natural Beauty

NE12 Renewable Energy

NE13 Biodiversity Conservation  
NE15 Protected Species  
OS2NEW Locating development in the right places  
EH1NEW Landscape character  
EH4NEW Decentralised and renewable or low carbon energy development  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

5.1 This application is a revised re submission of a scheme that was refused under application reference I4/0217/p/fp. The reason for refusal was as follows:

That the proposal would represent a major development within the Cotswolds Area of Outstanding Natural Beauty and would be of harm to the visual amenity of the area when viewed from public vantage points. The development would represent an alien and incongruous feature in these public vantage points to the detriment of the rural character of the area, the setting of the Listed Parkland and nearby Conservation Areas and the Cotswolds Area of Outstanding Natural Beauty. As such, the development is contrary to Policies BE2, BE5, BE11, NE4 and NE12 of the West Oxfordshire Local Plan, Paragraphs 115 and 116 of the National Planning Policy Framework and the guidance of the Cotswolds Conservation Board in its Position Statement on Renewable Energy.

5.2 In response to those issues the applicants have re visited their proposals, substantially reducing the size of the site such that it sits down much more into the valley bottom where it is less prominent and easier to screen. Further work has also been undertaken on the landscaping and in clarifying the financial arrangements whereby the surplus funds from the electricity generated will be ploughed back into local green projects (see applicants case section for more details).

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;  
Impact upon the AONB;  
Impact upon Heritage Assets;  
Impact upon Ecology;  
Impact upon Flood risk and  
Impact upon Highway safety

### Principle

5.4 The West Oxfordshire Local Plan 2011 and the National Planning Policy Framework both encourage renewable energy proposals where they are appropriate. Whilst this is the case, both acknowledge the importance of nationally designated landscapes and the have carefully worded guidance which seeks to protect these landscapes. Policy NE12 of the West Oxfordshire Local Plan notes that proposals will only be supported in the AONB where they are small in scale, where they are in the public interest and where no alternative sites exist. In addition to this, the NPPF notes that authorities should seek to support community led initiatives. The National

Planning Practice Guidance however notes that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. Whilst numerous letters of support have been received officers would also note that a number of letters of objection have been received which, amongst other matters generally raise concern regarding the impact of the development upon the character and appearance of the area.

- 5.5 Policy NE12 of the Local Plan notes that only small scale developments should be supported in protected landscapes such as the AONB. This approach is supported in the recently adopted Cotswolds Management Plan (adopted 2013) and the position statement released in relation to Renewable Energy proposals. This position statement, at paragraph 33, states that: 'the Board considers that medium- to large- scale renewable energy developments will not generally be appropriate within the AONB, as they would have significant potential to adversely affect the natural beauty of the AONB and to compromise the purpose of the AONB, contrary to national policy'.
- 5.6 Considering the submitted scheme officers note that the site is notwithstanding the reduction in scale still a major application. Given that the proposal would constitute major development it is considered by the AONB Conservation Board to be inappropriate development. Paragraph 116 of the NPPF states that planning permission for major development in a designated area (such as the AONB) should be refused except in exceptional circumstances where it can be demonstrated that they are in the public interest - this should include an assessment of:
- The need for the development, including in terms of any national consideration, and the impact of permitting or refusing it upon the local economy;
  - The cost of and scope for development elsewhere outside the designated area, or meeting the need in some other way; and
  - Any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which they could be moderated.
- 5.7 Clearly in assessing the merits of the revised proposal there is a balancing exercise to be undertaken weighing the benefits of the scheme against the residual harms and set against the above policy advice. These matters are explored further below.

### **Impact on AONB**

- 5.8 The Cotswolds Area of Outstanding Natural Beauty has been designated as an area of special protection due to its intrinsic qualities as a landscape. The statutory consideration in relation such designations is whether any proposal would conserve or enhance the special nature of the landscape.
- 5.9 Policy NE4 of the West Oxfordshire Local Plan 2011 states that major development in the AONB will not be supported unless:
- It is in the public interest in terms of any national considerations and the impact upon the local economy; and
- The lack of alternative sites outside of the AONB and of means of meeting the need in some other way justifies the exception being made.



- 5.10 Paragraph 116 of the NPPF (detailed above) also shares this approach, adding however, that an assessment of this should be submitted which demonstrates this and that any detrimental impact upon the landscape can be moderated.
- 5.11 The application as now proposed has been significantly reduced in scale and additional landscaping introduced such that the highest parts and mid points of the whole site are avoided and the panels have generally been located on the lower ground levels to mitigate the prominence of the site.
- 5.12 Due to the topography of the site and the wider area views of the site can be achieved from a number of points in the wider area and the applicant's landscape assessment has identified 16 viewpoints of the site. Whilst 16 viewpoints have been identified, a number of them are heavily screened by existing planting in and around the site which would ensure limited harm to the viewpoints in that location. There are a number of viewpoints however which are noted as being of significance and which would have been impacted by the originally proposed development and these are primarily views from the footpaths within the Historic Park and Garden of Cornbury Park, the views along the B4022, and views from other footpaths in the vicinity.
- 5.13 In contrast to the assessment with the original proposals your officers now have significantly less concern regarding the impact from these key views. There may still be some limited impacts, e.g. through gateways or when actively looking for the site but in general terms it is considered that in the general sweep of the landscape the new site and its mitigating planting when more fully matured will no longer constitute a substantial adverse landscape feature. It would appear from the representations that this is a view that is shared by Natural England. The AONB partnership retain their view that notwithstanding the reduction in scale and landscape improvements that the development will be an incongruous feature within the AONB designation and would be of harm to its intrinsic qualities.
- 5.14 Given the above, your officers are of the opinion that the revised proposal would, in the long term largely moderate any significant landscape impacts and even in the immediate term and when the winter foliage offers less protection not result in major landscape harm that would of itself harm the visual character and appearance of the AONB or its special qualities. This assessment needs to be set against the fact that it is a major development in a protected landscape and the advice and policy of government to "generally" refuse such developments within the AONB.
- 5.15 In wrestling with how to balance these viewpoints and apply the other tests set out in the above quoted policies and guidance your officers have been persuaded that the search criteria applied by the applicants are sensible and that no better sites exist within the Charlbury area. The scheme is effectively temporary in nature (albeit that it will be there for a quarter century) but the landscape improvements and ecological benefits can be more long lasting. The fact that the applicants are proposing to plough funding back into local projects that will of themselves benefit the AONB in terms of grant aid is a positive factor as is the wider ecological and climate change benefit that renewable energy offers. Additionally, and cognisant of the fact that the extent of support or opposition is not generally a land use planning consideration, the fact that those most impacted by the proposals appear to have a clear majority in favour of the scheme leads officers to consider, on balance, that the advice of the AONB board should in this instance be set aside and that a temporary consent can be granted. Clearly, following their site visit, members will be in a very good position to assess whether they concur with the assessment as

to the limited impacts and if not could apply a greater weight to landscape impact and arrive at a different overall conclusion

### **Impact on Heritage Assets**

- 5.16 The site is located near to a number of heritage assets including the Conservation Areas, Listed Buildings and the Listed Parkland of Cornbury Park. Officers have considered the heritage assessment submitted in support of the application and would concur with the conclusions reached in relation to the impact on heritage assets. The comments of Heritage England in relation to the Listed Building at Cornbury House add weight to the assessment that the impact on heritage assets is not materially harmful.
- 5.17 The assessment also comments on the impact on the Listed Parkland which sits some 130 metres to the west of the application site and three of the viewpoints listed in the LVIA are within it. The views from this site are mitigated by planting and the heritage assessment concludes that there is no material harm upon the Listed Parkland or its setting. Similarly, in relation to the Conservation Areas the site borders two of the Conservation Areas and the assessment of the impact of the development upon these Conservation Areas and their setting is that there is no material harm. Your officers would agree with these assessments in that the removal of the solar arrays off the higher land with retention of greater margins and bolstering of landscape features means the impact of the scheme will be largely neutral.

### **Flood risk**

- 5.18 The applicant's agent has submitted a flood risk assessment as part of the application as required for development over 1 hectare in site area. This report has been considered by the Environment Agency who has not objected to the scheme. On the basis of the lack of a technical objection, officers consider that the proposed development is acceptable in terms of flood risk.

### **Ecology and diversity**

- 5.19 The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of the Habitats Directive which identifies 4 main offences for development affecting European Protected Species (EPS).
1. Deliberate capture or killing or injuring of an EPS
  2. Deliberate taking or destroying of EPS eggs
  3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
    - a) to impair their ability -
      - i) to survive, to breed or reproduce, or to rear or nurture their young, or
      - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
    - b) to affect significantly the local distribution or abundance of the species to which they belong.
  4. Damage or destruction of an EPS breeding site or resting place.
- 5.20 The application has been submitted with an ecology report which notes the limited potential of the site for protected species as it currently stands. The report has suggested further walkover surveys if the development has not taken place in a year's time and has also suggested that a number of good practice measures for during the construction phase to limit the impact upon protected species in the vicinity of the site. With these good practice measures the report suggests that no license would be required from Natural England.

- 5.21 In addition to this a biodiversity management plan has been submitted which suggests a number of habitat improvements which could enhance biodiversity in the area. This proposal has been supported by Natural England and on this basis officers consider that the development is in accordance with policies NE13 and NE15 of the Local Plan and paragraph 118 of the NPPF.

### **Highways**

- 5.22 The Local Highway Authority Area Liaison Officer has assessed the proposal from parking and safety perspectives and has not objected to the scheme, subject to the imposition of conditions. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

### **Conclusion**

- 5.23 Officers acknowledge that this is an application where widely differing views are held and dependant on whether landscape impact and the AONB or climate change and the environment more generally are given precedence largely affects the weighting that the decision maker ascribes to the merits of this case. The revised scheme now makes every effort to reduce the impact of the proposed development where possible such that officers consider that other than from very particular vantage points or when actively looking for it the scheme will not be unduly intrusive in the wider protected landscape. However, the fact remains that the application proposes a major development in a protected landscape which should be preserved for its own intrinsic qualities and where the AONB board has objected
- 5.24 On balance your officers have concluded that the wider benefits, the local funding of projects including those that will benefit the AONB and to some extent the degree of public support and lack of suitable alternative sites to enable this community group set up this project - and crucially that the scheme is essentially reversible in time tips the balance in favour of approving the application. As such, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is, on balance, acceptable on its planning merits and intend to recommend approval
- 5.25 However at the time of agenda preparation representations have been received from one of the adjoining Parish Councils that they did not receive the consultation request sent out and who have requested additional time to consider the application. There are also still some minor issues regarding the exact heads of terms and the ability to condition various of the stated benefits that need to be explored. The main issues to be covered are set out below and a verbal update will be given at the meeting as to whether the views of the adjoining POC have been received

### **CONDITIONS**

Unilateral Undertaking to ensure funding is spent correctly and that the ecological plan and monitoring are properly undertaken

Conditions to cover:

1. Construction Traffic Management Plan
2. Landscaping
3. Remove when redundant or after 25 years
4. Archaeology
5. Details of equipment cabins, fencing, lighting and security cameras

Application Number	15/01551/HHD
Site Address	Cottage Farm Taston Chipping Norton Oxfordshire OX7 3JN
Date	24th June 2015
Officer	Katie Buckingham
Officer Recommendations	Approve
Parish	Spelsbury
Grid Reference	435839 E 222022 N
Committee Date	6th July 2015

**Application Details:**

Erection of a detached machine storage building

**Applicant Details:**

c/o JPPC

**1 CONSULTATIONS**

1.1 Parish Council No reply to date

**2 REPRESENTATIONS**

2.1 A site notice was erected on site and letters were dropped by the Planning Officer to the two nearest neighbours, Hillbrook and Middle Farm. Letters of representation have been received from Mr and Mrs Firth of Hillbrook and Mr Beaumont of Taston Barn, both of which comment on the need for a 1:100 plan showing the dimensions of the building, which they have been sent directly by the applicant. Both confirm no objections provided the building is erected to these dimensions and in the position shown.

**3 APPLICANT'S CASE**

3.1 The agents supporting statement concludes that the new storage building would be in keeping with policy and takes into account the local vernacular and will reinforce local distinctiveness. The building would not harm the character of appearance of the Conservation Area and would improve the landscape setting of the village and ensure that scenic beauty was enhanced, through the removal of a tall (conifer) hedgerow and repair the stone walling.

**4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE5 Conservation Areas  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 H2 General residential development standards  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **Background Information**

- 5.1 This application seeks planning permission for the erection of a detached machinery store building within the curtilage of Cottage Farm, Taston, which is located within the Taston Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. The proposed development will be visible from third party property and the public realm, including from a footpath to the south of the site.
- 5.2 This application has been brought to the meeting of the Sub-Committee for determination due to the planning history and past refusals and appeal decisions.
- 5.3 The erection of a detached garage building for this site was refused under Application Ref. 13/0575/P/FP and subsequently dismissed at appeal. The reason for refusal was due to the siting, design, form, scale and massing resulting in an incongruous form of development which visually extended the development into the open countryside. Subsequent to this, an application for an air source heat pump (ASHP) was refused under Application Ref. 13/1542/P/FP due to its size and position being an incongruous addition to an open countryside area. This application was allowed at appeal and the ASHP is now in place and screened by landscaping.
- 5.4 Taking into account the planning policy, other material considerations and the representations of interested parties your officer considers the main issues are considered to be:
- Visual Impact
  - Siting, Design and Form of building
  - Neighbouring Residential Amenity

### **Visual Amenity**

- 5.5 The site is in a hilly, undulating landscape with many planted boundaries and much other vegetation. Since the previous applications in 2013 the landscaping has been completed on site and has had time to establish, including a hedge around the ASHP on site which screens it completely from view. Even within the winter time, when there are less trees with leaves remaining, in your officers view the building would not be visible from any viewpoints along the roads that run to the north west and south east of the site, although it would be seen in part from the footpath to the south of the site. There would also be view available from the rear of Taston Barn and Hillbrook.
- 5.6 It is noted that the site is within both the Taston Conservation Area and the Cotswolds AONB. However, the building would not be a prominent feature not being visible from views within the main part of the village and nor is it seen as part of the wider open countryside to the west of the site. Therefore, it is not considered there is any significant visual harm from the addition and indeed it is of a smaller scale and form than the previously refused garage.
- 5.7 It is noted from the Inspectors Appeal Decision for the refused garage building (which was sited perpendicular to the house and provided a double garage and store) that at the time of the appeal the new walls, terrace and pergola that were approved with the renovation and extension of the main house were not yet in place. It was felt that the garage building would be

a visually intrusive feature that would detract from the prominent and open location, particularly with the footprint, height and mass of the building. Since this time, the new walls and garden features have largely been constructed and the planting is in place and providing greater screening. In addition, the garage building was 10.5m by 6m and 4.2m high whereas the machinery store now proposed is far smaller at 6.6m by 4.6m with a height of 4.4m. The building is also proposed to be sited in a more parallel position to the main house and alongside the ASHP.

- 5.8 In your officers opinion, with the reduced footprint and massing of the structure, its revised location and the now greater level of landscaping and screening surrounding, it is not considered that the building would be so harmful upon the surroundings as to justify the refusal of planning permission. The presence of the existing storage container and two sheds in this location (to be removed to make way for the machinery store) also demonstrate how little impact a structure in this location would have on the surroundings as these are not prominent in wider views. The building is therefore considered to be acceptable in terms of visual amenity and has no undue impact upon the Conservation Area or wider Area of Outstanding Natural Beauty (AONB), in accordance with Policies BE5 and NE4 of the adopted West Oxfordshire Local Plan 2011.

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

- 5.9 The building proposed has a hipped roof form over a natural stone base, with one set of double doors on the front, east facing elevation. The building has a similar roof form and appearance to the previously refused garage structure but has a much smaller footprint and only one area for storage and not three bays for garaging and storage as previously applied for. The building is considered to be in acceptable vernacular materials and of a traditional form suitable for this secondary building and the surrounding area.
- 5.10 It is far smaller in scale than the closest building at the neighbouring dwelling Hillbrook and is at a much lower level than both this neighbouring property and the main house to the east. Due to the orientation of the building it also provides much more of a visual stop than the previous application, fitting in well between the existing leafy boundaries and the hedge surrounding the ASHP. The Appeal Inspector for the ASHP application noted that the siting of the ASHP whilst divorced from the house would be seen in the context of the existing house and its immediate domestic setting and this is considered to equally apply to the machinery store immediately adjacent. Due to its siting it also provides a visual break between the more formal parking and courtyard type area next to the house and the more informal garden area to the west which is an advantage.
- 5.11 The building is therefore considered to be acceptable in relation to its siting, design and form and is in keeping with the surrounding area and local vernacular, in accordance with Policies BE2, BE5, NE4 and H2 of the adopted West Oxfordshire Local Plan 2011.

### **Residential Amenities**

- 5.12 The building proposed is not of a significant height and is set at a much lower level than the nearest neighbouring properties, Hillbrook and Taston Barn. This reduces the impact of the building on their amenity and even retains their view out to the countryside beyond, although retention of a view is not a planning consideration. With the building being used for storage and replacing existing structures it is not considered there would be any change in terms of noise and disturbance. The building is not for main living space, hence overlooking or change in privacy is also not a concern although the new planting would largely screen the doors from view in any case.

- 5.13 The application is therefore considered to preserve the amenity of the nearby neighbouring dwellings and is acceptable and in accordance with Policies BE2 and H2 of the West Oxfordshire Local Plan 2011.

### **Conclusion**

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

### **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 Unless otherwise approved in writing by the Local Planning Authority, the roof of the building shall be covered with natural blue slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 4 The external walls shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing building.  
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery 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 existing buildings on the site of the proposed machinery store, including the two sheds and storage container, shall be removed within one month of first use of the building hereby permitted, if not before.  
REASON: The machinery store is acceptable in place of the buildings rather than in addition to these to protect visual amenity and the wider surroundings

Application Number	I5/01563/FUL
Site Address	Land North Of Ditchley Road Charlbury Oxfordshire
Date	24th June 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	436402 E 219949 N
Committee Date	6th July 2015

**Application Details:**

Demolition of existing range of single storey sheds and erection of six dwellings with associated access, parking and landscaping works.

**Applicant Details:**

Mr Henry Willis  
C/O Savills  
United Kingdom

**I CONSULTATIONS**

I.1 WODC Architect

I note that pretty much all of our suggestions have been taken on board in respect of variety of forms and alignment. So, we are now presented with a fairly informal arrangement along the track, generally unregimented and fairly successful. The usual safe, neo-vernacular aesthetic is deployed here, fairly successfully, although they are proposing re-con walling and roofing rather than natural products. As ever, real stone and perhaps a clay tile or Welsh slate would be preferable, but I agree that their last scheme in re-con materials is a decent effort, and I think the strategy will be acceptable here. Whilst the houses have sizeable footprints, there seems to be ample room on the site, and they mostly use low lying forms. My only real concern relates to the fact that this development is pushing the built line more solidly into open countryside than do the current decrepit agricultural buildings on the site - but if this can be reconciled with policy then so be it. No objection.

I.2 Ecologist

No objection subject to conditions.

I.3 OCC Highways

The section of Ditchley Rd approaching the site is narrow (single track) and lacks a separate footway and street lighting. However existing traffic speeds and flows along the road are low. Pedestrians and cyclists using the carriageway will not be at an unacceptable risk. I cannot demonstrate sufficient harm in terms of highway safety and convenience for the refusal of the planning application.

The proposal, if permitted, will not have a significant detrimental



	effect (in terms of highway safety and convenience) on the local road network.
I.4 Thames Water	No objection
I.5 Wildlife Trust	No Comment Received.
I.6 WODC Drainage Engineers	No Comment Received.
I.7 WODC Env Health - Uplands	No Comment Received.
I.8 WODC Head Of Housing	The affordable housing contribution of £71,000 is reasonable in this instance.
I.9 WODC Landscape And Forestry Officer	No objection.
I.10 OCC Minerals (Safeguarded Areas)	No Comment Received.
I.11 Historic England	No Comment Received.
I.12 Town Council	Request that neighbour comments be fully considered. There is a need for a footpath link to be included in the scheme (via The Green) to enable residents to walk safely. Need for further school places and implications for water, sewage and roads. Highways should ensure that pedestrian and cycle access is safely provided.

## **2 REPRESENTATIONS**

2.1 Nine objections have been received referring to the following matters:

- (i) Impact on the AONB.
- (ii) Impact on the Conservation Area and development not in-keeping. No explanation of how the altered character of the site and immediate setting will preserve or enhance the character and appearance of the Conservation Area. The harm is not outweighed by public benefits.
- (iii) Impact on highway safety.
- (iv) The owners of Sunnyside have tried unsuccessfully to have the holiday let restriction on their property removed.
- (v) The low density and nature of the development is questioned and will not meet affordable housing needs. If development is allowed it should be affordable, low cost housing.
- (vi) The disused buildings are a former turkey farm which has not been in commercial use for at least 30 years. Farm vehicles and implements have been stored in the buildings. They were used temporarily in the 1970s for mowing machine repair and may have been used for occasional domestic or private storage. No weight should be given to the "improvements" being offered to improve the appearance of the area by removing these buildings.

- (vii) The proposal is not infilling or rounding off and will extend development outside Charlbury into open countryside.
- (viii) Impact on drainage.
- (ix) Pressure on school places.
- (x) A single dwelling at Small Acres has previously been refused and dismissed on appeal because it didn't represent infilling or rounding off.
- (xi) Precedent for further development outside existing built up area.
- (xii) Existing stone wall to boundary should be rebuilt.
- (xiii) The number of trees on the roadside should not be reduced.
- (xiv) No need for development outside the built areas of settlements.
- (xv) Position of Mr Gardam (Small Acres) regarding the removal of the leylandii on the boundary between the properties has been misrepresented and not agreed. Any replacement planting should be within the application site.
- (xvi) Artificial stone not in keeping with other properties in the road.
- (xvii) Provision of a layby on Ditchley Road would be beneficial.
- (xviii) The site is not surrounded by other development as suggested by the applicant.
- (xix) Impact on privacy.
- (xx) Impact on trees on boundary.
- (xxi) Impact on trees/banking to boundary with Broadstone Farm.
- (xxii) Impact on wildlife.
- (xxiii) Problematic power supply and power cuts in the area.
- (xxiv) Only low density housing will be appropriate in this location.
- (xxv) Other sites in Charlbury are better suited and more economically viable to satisfy quota for new housing.
- (xxvi) Suitability of foundations on old quarry site is questioned.
- (xxvii) The quarry on the south side of Ditchley Road is a SSSI.
- (xxviii) The proposal is not consistent with policy on affordable housing.

2.2 Charlbury Conservation Area Advisory Committee have commented as follows:

- (i) This is not infilling or rounding off but an extension of the town.
- (ii) If development is to take place here it should be low cost, affordable housing.
- (iii) Improvement would be required to the highway, including a pavement.
- (iv) Impact on drainage system.

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

3.1 The application has been the subject of pre-application discussions with the local planning authority and consultation with the closely affected residential properties. Due care and regard has been given to the relationship of the proposed development with those properties and appropriate screening will be provided where required.

3.2 The provision of dwellings in this location would represent a sustainable form of development in a sustainable settlement with ranging facilities including post offices, food stores, primary school and local employment opportunities. The settlement also has access to a well serviced train station. The development therefore represents a sustainable form of development.

3.3 The proposed development including the landscaping scheme result in a development which would preserve the character of the Conservation Area and the wider AONB. The design, form, scale and massing of the dwellings is appropriate to the location and would enhance the

local landscape character through the replacement of non-native species with more appropriate planting.

- 3.4 The development is considered to respect the relationship with neighbouring properties and would not be harmful to the amenity of those properties nearby.
- 3.5 The development would not give rise to any highway safety implications, nor would it be of harm to local ecology.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE6 Demolition in Conservation Areas  
BE21 Light Pollution  
NE4 Cotswolds Area of Outstanding Natural Beauty  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
H2 General residential development standards  
H7 Service centres  
H11 Affordable housing on allocated and previously unidentified sites  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH5NEW Flood risk  
EH6NEW Environmental protection  
EH7NEW Historic Environment  
BC1NEW Burford-Charlbury sub-area  
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 to the north of the Ditchley Road, on the north eastern edge of the town of Charlbury. It is within the AONB and Charlbury Conservation Area.
- 5.2 Much of the site is open grassland but the northern portion is occupied by a collection of single storey storage buildings. Part of the site is also a disused quarry.

#### **Background Information**

- 5.3 There is limited planning history associated with this site which may be of relevance.

W74/0541 - change of use of buildings A and B for mowing machine repairs - approved 18/06/74  
W75/0477 - continued use of buildings A and B for mowing machine repairs - approved 10/06/75

Three new dwellings have recently been constructed on land adjoining the site at 32 Elm Crescent and the neighbouring Broadstone Farm is currently undergoing a programme of substantial extensions.

- 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  
Siting, Design and Impact on the character of the area  
Residential Amenities  
Highways  
Trees, Landscaping and Ecology

### **Principle**

- 5.5 The site is located immediately adjacent to the existing urban edge of Charlbury. The town has a wide range of local amenities, including primary school, shops, post office, doctor's surgery, community facilities, employment and railway station. It is accordingly one of the most sustainable settlements in the District.
- 5.6 Charlbury is recognised as an appropriate place for some new development under both adopted Policy H7 and emerging Policy OS2. Policy H7 allows for development representing infilling or rounding off, but the proposed development would not conform with this policy because the site would represent an extension of the settlement into the countryside. However, the emerging revised plan Policy H1 refers to the sub-area of Burford-Charlbury contributing 800 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, it is expected that the larger settlements of Burford and Charlbury will be the focus for new development and will deliver significant numbers of windfalls. The site is not identified in the SHLAA, but this does not necessarily mean that the site is unsuitable for housing development.
- 5.7 Although the site is acknowledged to be primarily greenfield, relatively few previously developed sites come forward in the district and it is necessary to consider greenfield sites in sustainable locations. The sub-area of Burford-Charlbury is washed over by the AONB designation and this is not considered an impediment in principle to development in this locality.
- 5.8 The site is well screened by existing trees and hedgerow, much of which would be retained. The site is not prominent in the wider landscape of the area, and the development would be seen in the context of existing housing in this part of Charlbury.
- 5.9 Given the site's relationship to the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and development here is acceptable in principle.

## Siting, Design and Form

- 5.10 The site is an irregular shape and choosing an appropriate layout is not straightforward. At the pre-application stage Officers took the view that although a street frontage in the conventional sense would not be possible because of a desire to retain the planting on the front boundary to the lane, houses that gave the impression of addressing the street would be preferable. The resulting layout shows an informal arrangement of 3 of the houses with a main elevation facing Ditchley Road, 1 would be set back behind these and 2 more would be on the site of the existing storage buildings at the northern end of the site.
- 5.11 There are differing opinions amongst objectors as to the appropriate density. Some say it is too high and others say it is too low. In the Officers' view this site represents a transition between the suburban development to the west and open countryside and sparse development to the north, south and east. On this basis a lower density is considered to be the best option and 6 units can be comfortably accommodated on the site.
- 5.12 The detached units draw on vernacular forms with the use of traditionally proportioned windows, gables, dormers, etc., with a mix of 1.5 storey and 2 storey forms. This would be more in keeping with the character of this part of Charlbury than most of the existing modern housing in this location, including bungalows in close proximity. There is a variety of house types proposed which will add interest and avoid the scheme appearing too regimented.
- 5.13 The use of materials has been the subject of debate between Officers and the applicant. The preference would be for natural local stone for the walls, however, there are examples of the applicant's developments elsewhere in the district that use a type of reconstituted stone. On these other sites the resulting appearance is acceptable. The Conservation Officer has considered this specific matter and concluded that, on balance, the types of materials put forward are acceptable. However, in any event, samples of all walling and roofing materials will be required to be agreed by condition.
- 5.14 The site is within the AONB and Charlbury Conservation Area, but neither of these designations would preclude the development proposed in principle. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 5.15 The site is not visually prominent in the wider area, and benefits from a significant sense of enclosure created by mature hedges and trees around the periphery. The site's relationship with the existing urban edge has a bearing on its suitability for development. Part of the site is greenfield and therefore represents open space within the Conservation Area. However, it is not publically accessible and does not represent an important gap, or perform a particular function in the area. The rest of the site is unrestored quarry and land occupied by dilapidated and unattractive buildings. Officers recognise that the development would represent significant change. However, change is not necessarily the same as harm. On balance, it is considered that the development would bring about some environmental improvements and produce a scheme that is in keeping with the built form elsewhere in the Conservation Area. In your Officers' view the development would not be harmful, and the character of the Conservation Area would be preserved.

- 5.16 In the terms of NPPF paragraph 134, even if harm was demonstrated, the benefits of the scheme, such as delivering new housing (and its attendant economic benefits), and delivering a contribution to affordable housing, would outweigh this harm.
- 5.17 The proposal is considered to comply with WOLP Policies BE2, BE5, BE6, NE4, and H2, as well as emerging plan policies OS2, OS4, H2, EH1 and EH7.

### **Residential amenities**

- 5.18 None of the proposed dwellings would be sited in close proximity to neighbouring dwellings and there would consequently be no material loss of light or a sense of any of the buildings being overbearing.
- 5.19 Plot 1 would look towards Sunnyside at a distance of approximately 27m. Even taking account of the difference in height, this relationship would be acceptable. The distance between the rear of Plot 4 and the side of Sunnyside is approximately 25m which again is acceptable. All other houses are further removed.
- 5.20 The distance from the gable of Plot 4 (which contains no first floor windows) to the rear of No.30 Elm Crescent would be approximately 17m which is acceptable. The first floor dormer on the south west elevation of Plot 4 would allow only an oblique view towards the rear of other properties on Elm Crescent at a significant distance. There would therefore be no unacceptable overlooking here.
- 5.21 The new dwellings at the top end of Elm Crescent sit beyond Sunnyside and there would be no close relationship between these dwellings and the proposed dwellings. The part of Plot 4 that is closest contains no first floor windows other than roof lights.
- 5.22 Broadstone Farm shares a land ownership boundary, but the dwelling on the property is a significant distance from any of the proposed dwellings.
- 5.23 Within the site, all of the proposed dwellings would have acceptable interfaces. The relationship between the footprint of buildings, garden areas and open space is entirely appropriate. Overall the proposal is considered to comply with WOLP Policies BE2 and H2, and emerging local plan policy H2.

### **Highways**

- 5.24 There is an existing means of vehicular access to the site which would be maintained. However, improvements to visibility will require the removal of some vegetation on either side where it joins Ditchley Road. A minimum of 2 parking spaces is provided for each unit.
- 5.25 It is acknowledged that Ditchley Road is narrow and does not have street lighting or footways. In this regard a pedestrian/cycle path is to be created between Plots 2 and 3 so that pedestrian movements in the direction of the town will be closer to the point of destination.
- 5.26 No objection is raised by the Highways Officer, who states: "existing traffic speeds and flows along the road are low. Pedestrians and cyclists using the carriageway will not be at an unacceptable risk. I cannot demonstrate sufficient harm in terms of highway safety and convenience for the refusal of the planning application. The proposal, if permitted, will not have

a significant detrimental effect (in terms of highway safety and convenience) on the local road network". Notwithstanding this advice, he suggests that passing places are provided, and at the time of writing this was being explored with the applicant.

- 5.27 The proposal is considered to comply with WOLP policy BE3 and emerging local plan policies T1 and T4.

### **Trees, Landscaping and Ecology**

- 5.28 The site has trees and hedgerow to all boundaries, some of which are within the site, and others adjoining the site. The application includes a comprehensive arboricultural report which refers to trees to be removed and trees to be retained. The majority of trees are noted to be of low quality and value, or dead, dying or dangerous. However, even though they are of low value, only relatively few of these are to be removed. None of the trees to be removed is considered to be of moderate or high value.
- 5.29 Significant trees on the site frontage will be retained, as well as a group to the north of the access drive. A copper beech within the main area of the site is noted to be a good specimen and is to be relocated within what would become plot 4.
- 5.30 The Tree Officer has no objection to the works to be carried out, including the relocation of the copper beech. Tree retention and appropriate tree protection measures can be conditioned.
- 5.31 It is noted that the owner of Small Acres has concerns about the removal of the existing leylandii tree belt along the south western boundary (group G1) and, notwithstanding the submissions of the applicant, says that its removal has not been agreed with him. Nevertheless, leylandii are alien features and in landscape terms the removal of this group is not objected to by officers. A suitable replacement boundary treatment can be secured by condition.
- 5.32 An ecological report has been submitted which does not note any impediment to development in principle. The desk study identified local records of two sites of special scientific interest (SSSI) and a number of local wildlife sites. The closest of these sites was a limestone based pasture 390 metres away from the proposed development. Protected species records were provided by Thames Valley Environmental Records centre including great crested newt, grass snake, common lizard, several bat species, badgers, otter, water vole and schedule 1 birds. No protected species records occurred within 500 metres of the site and key records such as great crested newt were from locations greater than 1 km from the site.
- 5.33 An extended Phase 1 Habitat Survey was completed on 17th March 2015. The bat tree and buildings inspection survey was completed on 9th April 2015. Both surveys were completed in good weather conditions and there were no significant constraints to the assessment.
- 5.34 The habitat survey identified an open grassland area dominating the western half of the site, a woodland habitat covering the eastern half of the site and a complex of buildings and hardstanding within the woodland area, dominating that half of the site.

- 5.35 Based on the habitats on site and the records from desk study data and the findings of the field survey, the following recommendations are made:
- (i) Reptiles: the grassland area covering the western side of the site, plus the rubble piles and earth banks should be mown and cleared under ecologist guidance and supervision following an appropriate method statement to control the machinery and methods used in order to safeguard reptiles.
  - (ii) Birds: No hedge, scrub or trees should be removed during the bird nesting season (March - August inclusive). If vegetation is required to be removed during these months there must be check of the vegetation carried out by and ecologist in advance of clearance and if nest are found these areas must be excluding form vegetation clearance works until nesting has concluded.
  - (iii) Bats: The demolition of buildings and removal of trees must be undertaken in line with an appropriate precautionary method statement. This will need to be supervised and guided by an ecologist and will include such measures are sectional /soft felling of trees and hand and small machinery de-construction of buildings.
  - (iv) Badger: A precautionary check for signs of new badger activity by an ecologist will be required before site clearance works commence and appropriate mitigation put in place if any badger activity is found.
  - (v) Habitat creation/mitigation: To compensate for the loss of semi-natural habitats it is recommended that the landscaping scheme for the development should incorporate at least 6 bird boxes, 4 bat boxes and the planting of native species-rich hedgerow or equivalent scrub and tree planting along boundaries and within the developed area.
- 5.36 The Council's Biodiversity Advisor raises no objection subject to appropriate retention of trees, and ecological enhancements, such as bat and bird boxes and native species rich hedgerow planting which were identified by the applicant's ecologist.
- 5.37 Subject to compliance with conditions, the scheme complies with WOLP Policies NE6 and NE13, and emerging local plan policies OS2, H2, EH1 and EH2.

### **Affordable housing**

- 5.38 The provision for affordable housing in the WOLP Policy H11 is now considered out of date. For the purposes of complying with the up to date government position, the Council is now using the emerging Policy H3 in the review plan. This requires that on schemes of between 6 and 10 houses in the AONB a financial contribution to affordable housing will be required. A commuted sum of £71,000.00 has been offered and accepted by the Council's Housing Enabling Manager. The sum will be secured by a legal agreement.

### **Other matters**

- 5.39 Objectors have referred to pressure on school places in Charlbury, but as the scheme is not of a major nature, OCC has not been consulted and there would be no justification for seeking education contributions on a development of this scale.
- 5.40 As regards drainage, there is no objection from Thames Water and a suitably worded condition can address sustainable surface water drainage. The site is in Flood Zone 1 and not at high risk of flooding.



- 5.41 One objector has referred to power cuts in the locality, but this would not affect the outcome of the application.

### **Conclusion**

- 5.42 The WOLP is time expired and the Council is now moving forward with a revised plan up to the year 2031. The proposal is consistent with the need to deliver windfall housing on suitably located sites within the Burford-Charlbury sub-area.
- 5.43 The siting, design and form of the development are acceptable with reference to the constraints of the AONB and Conservation Area.
- 5.44 There would be no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.45 The highways constraints are noted but the development would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally.
- 5.46 The proposal would deliver a contribution to affordable housing which is compliant with emerging local plan policy.
- 5.47 Retention and protection of trees, appropriate landscaping, and suitable mitigation and enhancements for wildlife can be secured by condition.

### **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 roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 The external walls shall be constructed of either artificial stone or natural 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 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, external doors, garage doors, dormers roof lights, eaves, verge, ridge, chimneys, and flues 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 their installation. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 8 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 the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. 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.
- 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 The development shall be carried out in accordance with the ecological recommendations contained in Section 5 of the Extended Phase I Report V2 dated April 2015 by Lockhart Garratt. Details for the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. Planting of native species-rich hedgerow or equivalent scrub and tree planting along boundaries and within the developed area shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. All details so approved shall have been

implemented in full by the end of the planting season immediately following completion of the development or the dwellings being occupied whichever is the sooner.

Reason: To ensure biodiversity is protected and enhanced.

- 11 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 and in the interests of protecting wildlife.
- 12 No highway work shall begin until details of the junction between the proposed road and the highway have been 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.
- 13 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced 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.
- 14 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
- 15 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.
- 16 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.  
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.

- 17 Prior to their installation, details of the siting and external appearance of the pumping station and bin store shall be submitted to and approved in writing by the Local Planning Authority.  
REASON: To ensure the scale and design of these buildings is appropriate.
- 18 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 development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to maintain the character and appearance of the approved buildings and the site in general because of its location in the Cotswolds AONB and Charlbury Conservation Area.
- 19 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.

Application Number	I5/01911/FUL
Site Address	10 Roosevelt Road Long Hanborough Witney Oxfordshire OX29 8JG
Date	24th June 2015
Officer	Katie Buckingham
Officer Recommendations	Approve
Parish	Hanborough
Grid Reference	441937 E    213988 N
Committee Date	6th July 2015

**Application Details:**

Erection of self-contained dwelling ancillary to the main dwelling.

**Applicant Details:**

Mr and Mrs Barefield  
10 Roosevelt Road  
Long Hanborough  
Witney  
Oxfordshire  
OX29 8JG

**1     CONSULTATIONS**

- 1.1 Parish Council                             Hanborough Parish Council still has strong reservations about allowing a separate dwelling of this size in the garden of a fairly narrow terraced house.

**2     REPRESENTATIONS**

- 2.1     A site notice was erected to the front of the site. No representations have been received from any neighbouring properties.

**3     APPLICANT'S CASE**

- 3.1     No relevant information received.

**4     PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 This application seeks planning permission for the erection of an outbuilding to provide a self-contained dwelling in the rear garden of 10 Roosevelt Road. The dwelling is proposed to serve as accommodation for the elderly parents of the applicant and provides a living space, kitchen, wet room and bedroom. The building is 11.7m by 4.5m and has a simple form with a pitched roof of a fairly slack form. The height is approx. 2.5m to the eaves and 3.5m to the ridge. It would be constructed of render and slate to match the main house and is set 0.65m in from the northern site boundary. The building would replace two existing buildings which have a shared footprint of approx. 9.8m by 3.5m.
- 5.2 The only access to the building is through the main house, with the rear garden backing onto the gardens of the properties on Church Road and with the dwelling being a mid-terraced dwelling with no access to the side.
- 5.3 This application is a resubmission following an earlier application (Ref 15/01344/FUL) for a building with a longer length of 13.3m, which the planning officer advised should be reduced in scale to be more comparable to the existing structures it will be replacing.
- 5.4 The application has been brought to the Members of the Sub-Committee to consider due to the concerns of the Parish Council and any potential precedent issues.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
  - Siting, Design and Form
  - Residential Amenities
  - Highways

### Principle

- 5.6 Policy H2 and the supporting text of the adopted West Oxfordshire Local Plan 2011 refers to proposals for additional dwellings or self-contained units of accommodation. It is noted that a condition should be attached that the accommodation remains ancillary to the main dwelling, particularly where it is a free standing building. Reference is also made to where the building is in a location where a new dwelling would not normally be permitted the applicant would need to demonstrate why the accommodation cannot be provided in any other way.
- 5.7 In this case, the building is for members of the family and would be in a free standing building. However, although it is a detached structure it could not easily be severed from the main house due to the fully enclosed rear garden so that independent access would not be achievable - any access to the building from the front would have to be through the house. In addition, an extension of the size necessary to create an annex may well cause issues of amenity to the neighbouring properties and create a very dark living space inside the dwelling due to the length of the projection required.

- 5.8 In relation to precedent, the building is only considered acceptable in this form due to the presence of existing outbuildings which have clearly been in place sometime, are causing no amenity issues and have a similar footprint and height overall. Therefore, this building will have very little visual impact and although the use will change from storage and ancillary garden use, its use as further living accommodation does not impact upon the immediate surroundings. A condition can also be attached to control the use of the building and this condition is in your officers view reasonable and enforceable in this location.
- 5.9 The proposal would therefore be in accordance with Policy BE2 and H2 of the adopted West Oxfordshire Local Plan 2011.

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

- 5.10 The building proposed will be in render and slate to match the main house and is of a traditional gable end form, albeit with a fairly slack roof pitch. The building is simple in appearance and due to its low height will not be prominent as seen from the nearby gardens. The garden is also very well planted hence view of the building, particularly from the south, is very limited and with a 1.8m high fence only the eaves and roof of the building would be visible from the neighbouring properties in any case.
- 5.11 The scale of the building has been reduced from the length of the previous proposal and is now not considered to be significantly larger than the buildings it will be replacing. The length is only an additional 1.9m past the length of the existing buildings, and the added width would only be seen within the site. Therefore, outside of the site there would be little difference to the surroundings.
- 5.12 The proposal is therefore considered to be acceptable in siting, design and form and is in accordance with Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011.

### **Residential Amenities**

- 5.13 The building concerned would have a limited height visible over the boundary fencing between this site and No. 11, which would be the closest residential property. There are no openings facing towards this dwelling and a condition has been attached to prevent any windows or roof lights on the north facing elevation. There is very little view towards No.9 due to the heavily planted garden and fencing between hence privacy is also retained for this property. With the limited height there is no impact on daylight and the building would not be overbearing.
- 5.14 The building is therefore acceptable in amenity terms and would be in accordance with Policy BE2 and H2 of the adopted West Oxfordshire Local Plan 2011.

### **Highway**

- 5.15 The property has no dedicated parking or an area of front curtilage large enough to be available for the parking of vehicles but a grass verge to the front of these dwellings has been altered to grasscrete to allow for informal parking. Although there is a bedroom being added by the provision of the building, it is noted other dwellings along this row have been extended at two storey level and do not have additional parking available. Therefore, it is not considered that the proposal would be so harmful in terms of the low level of parking as to be refuseable and the application is in accordance with 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 officer considers that the proposed development is acceptable on its planning merits.

## CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 building 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 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 additional windows/roof lights shall be constructed in the north elevation of the building.  
REASON: To safeguard privacy in the adjacent property.
- 5 The outbuilding hereby permitted shall only be occupied by members of the family at the dwelling house known as 10 Roosevelt Road and not for any independent or commercial purpose.  
REASON: Due to the siting of the building the independent use of the building not linked to 10 Roosevelt Road would raise parking and amenity issues and would be contrary to locational housing policy