

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 7th September 2015**

**REPORT OF THE HEAD OF PLANNING  
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

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

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

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
15/01937/OUT	<a href="#"><u>Land East Of The Drive, Enstone</u></a>	3
15/01999/OUT	<a href="#"><u>Land East Of Nethercote Road, Tackley</u></a>	25
15/02069/FUL	<a href="#"><u>Land At Rollright Stones, Kings Men, Little Rollright</u></a>	51
15/02070/S73	<a href="#"><u>Cosy Cottage, The Old Tannery, Chipping Norton</u></a>	59
15/02135/OUT	<a href="#"><u>Land Between Wychwood House And Malvern Villas, Witney Road, Freeland</u></a>	64
15/02506/FUL	<a href="#"><u>19 Market Place, Chipping Norton</u></a>	85
15/02260/FUL	<a href="#"><u>19 Market Place, Chipping Norton</u></a>	90
15/02620/S73	<a href="#"><u>1 Upper Brook Hill, Woodstock</u></a>	93

Application Number	I5/01937/OUT
Site Address	Land East Of The Drive Enstone Oxfordshire
Date	25th August 2015
Officer	Gemma Smith
Officer Recommendations	Refuse
Parish	Enstone
Grid Reference	437660 E 224693 N
Committee Date	7th September 2015

### Application Details:

Residential development of up to 30 dwellings (including 50% affordable housing) (means of access only)

### Applicant Details:

Mr Paul Baker  
c/o Strutt & Parker LLP  
United Kingdom

## I CONSULTATIONS

I.1 One Voice Consultations Transport  
No objection subject to conditions  
Section 278 required for provision of means of access/junction onto The Drive and alterations to existing dropped crossing/access on Bicester Road. Section 106 required for contribution towards bus service enhancement.

Section 106 agreement to contribute £1000 per residential dwelling towards the cost of procuring additional bus vehicles and journeys operating along the A44 through Enstone.

Any future layout within the site must show a comprehensive pedestrian network, in the main with footways provided on both sides of the carriageway. The location of the site benefits from a number of facilities including bus stops within a reasonable walking distance including the nearby primary school which is around 600m away.

In terms of traffic activity (trip generation) it is evident that there will be a minor increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. In short it is therefore considered that additional traffic generated by the proposal is considered to have no detrimental impact on the adjacent highway given the alterations to the existing highway arrangements.

In terms of sustainability objectives the developer will be required to

contribute £1000 per residential dwelling towards the cost of procuring additional bus vehicles and journeys operating along the A44 through Enstone. Most of the cost of this service enhancement will be provided by

#### Drainage

A surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority.

#### Archaeology

##### Objection

The application area potentially includes the site of the ornamental waterworks or pleasure gardens built by Thomas Bushnell in 1629. These were nationally famous and were a major attraction during the early seventeenth century.

The desk based assessment also highlights that the site is of archaeological potential with medieval and prehistoric pottery being found in the area.

To establish whether significant archaeological features extend into the application area we would recommend that the applicant undertakes a predetermination geophysical survey of the application area and if necessary an archaeological field evaluation.

In accordance with the NPPF (2012), we would therefore recommend that, prior to the determination of this application the applicant should therefore be responsible for the implementation of a geophysical survey of the application area.

The results of this should help determine the application and whether further predetermination evaluation, in the form of trial trenching, is required.

#### Education

Objection. Enstone CE Primary School is operating at capacity. £130,992 Section 106 for the expansion of primary school by 11.31 pupil places. The site lies within the Chipping Norton School (an academy) catchment area for secondary school provision. No secondary school provision is required. The site is within the Frank Wise School. £6880 Section 106 required as proportionate (0.23 pupil places) to the expansion of Special Education Needs provision in the area.

#### Property

The County Council considers the impacts of the development proposal (if permitted) would place strain on its existing community infrastructure.

Library £7665.10

Central Library £1544.53

Waste Management £5763.84

Museum Resource Centre £450.30  
Adult Day Care £6072.00  
Total £21,485.77

- I.2 WODC - Arts No Comment Received.
- I.3 Wildlife Trust  
I wish to submit a holding objection to this application due to:  
- A lack of survey information for protected species  
- A lack of assessment of impacts on Local Wildlife Sites (LWS)  
- No provision for ongoing management within the Conservation Target Area (CTA)  
There is the potential for the development to negatively impact the area of swamp and ponds to the east of the application site, which would be contrary to policy EH2;  
this requires further assessment, including assessment of hydrological impacts.  
The Flood Risk Assessment identifies the need for an attenuation tank within the area of swamp habitat with discharge into the River Glyme. The impact of this on habitats and protected species needs to be assessed, and appropriate mitigation or compensation proposed.  
The Design and Access statement identifies that the area to the east of the development will provide amenity space for the local residents and identifies that a board walk will be created. The impact of this on habitats and protected species needs to be assessed, and any necessary mitigation proposed.
- I.4 Ecologist  
Objection  
The ecology report clearly states what further protected surveys are required and as Great crested newts, bats, Otters are all species which due to their protection are a material consideration for any planning application this information is required even at the outline stage.  
  
I would therefore have to recommend this application for refusal due to the proposed loss of biodiversity on site due to the proposed loss of a priority habitat Standing Open water & wetland habitats which has the potential to support Otters, great crested newts and foraging bats.  
  
A redesign of the layout may be able to retain the standing open water and marshy grassland and additional information may be able to address this but at this stage insufficient information has been submitted in order to properly assess the impact of this application
- I.5 WODC Community Safety There is no comment from a housing point of view at this stage.
- I.6 WODC Architect  
The majority of the outline submission is outside the scope of our normal design and conservation comments. However, looking at the application, there are a number of general concerns I have that

may be relevant to your consideration of the application.

1. The Development of The Drive some years ago was unfortunate in that it created a new linear development which is quite unrelated to the morphology of the village and the general character of the area. Neat Enstone, Enstone and Church Enstone are three related but quite separate little nucleated settlements: the development of The Drive disregards this pattern.

2. Any further development that strengthens this inappropriate form would increase this inappropriateness and further damage the character of the area. In particular, this application proposes significant development served by The Drive, but very limited frontage development along The Drive itself. In effect, it is a form of "back-land" development to an existing area of back-land development which is unrelated to the morphology of the village.

3. As a result, the proposed development would significantly further erode the gap between the two village cores of Enstone and Church Enstone - and, in my view, create a precedent for their eventual conjunction.

4. Quite separately, the site itself is an attractive sloping valley side of the river Glyme (which, together with the Don, are the principal landscape features of this part of the District. The Design and Access Statement quotes the main Opportunities for Enhancement from the WODC Landscape Appraisal - all of which imply that this site should not be developed - and then seeks to claim that because they are planting "clipped" hedges and propose to use dry stone walls (where it is not clear) the scheme complies with these criteria.

5. In reality, even with the lower part of the site retained as pond and woodland, the development of the more visible higher valley slopes (which the WODC LA notes to be particularly vulnerable) is wholly contradictory to this advice.

6. Finally, I am shocked that the Archaeological Assessment - which goes into considerable detail about finds and buildings at some considerable distance from the site - is so dismissive of the Bushell Waterworks (commonly referred to as the Enstone Marvels). Although excavated remains and/or contemporary plans and designs are somewhat lacking, it is quite clear that:

The actual site of this extraordinary Water Garden and Banqueting House was at this precise point in the valley; it was a major attraction visited by many famous people including King Charles, John Evelyn and John Aubrey;

There is strong evidence that one of the main features was to the immediate south of the site (only a few metres away in the garden of a house called The Wells); however, there are several contemporaneous descriptions and other evidence that make it clear there was also a house, gardens and terraces and

other canals and fountains close by.

It seems likely that these stretched up, north, towards the Church Enstone, the listed tithe barn and the various ponds and terraces normally associated with that building; also, there is a cottage on the south side of Church Enstone which incorporates the most extraordinary amount of tufa and other "grotto" stones and details - which were said to be "re-used from immediately adjoining building". Although some of this is circumstantial evidence, it all tends to suggest that the "waterworks" and related early C17th century entertainment and landscape features covered a large site in this part of the valley and are quite likely to have extended onto this site.

- |      |                                     |   |
|------|-------------------------------------|---|
| I.7  | WODC Drainage Engineers             | No Comment Received.  |
| I.8  | Environment Agency                  | This application either has a low environmental risk or relate to conditions that were not recommended by the Environment Agency.   |
| I.9  | WODC Env Services – Car Parking     | No Comment Received.  |
| I.10 | WODC Env Health – Uplands           | No issues from this team with this proposal.  |
| I.11 | WODC Head Of Housing                | No Comment Received.  |
| I.12 | WODC Landscape And Forestry Officer | No Comment Received.  |
| I.13 | WODC Legal & Estates                | No Comment Received.  |
| I.14 | WODC Planning Policy Manager        | The key issue therefore is whether this undeveloped greenfield site represents a suitable and sustainable development opportunity and whether the benefits of the proposal outweigh any potential harm that would result. |

I would suggest that the particular issues of relevance in this instance are landscape and visual impact, the relationship of the proposal to the existing built form of the village, impact on habitats and access (both vehicular and pedestrian/cycle).

The applicant makes the case that this site is necessary to meet the windfall allowance included within the Council's housing target. I do not accept that this site is necessary to meet the windfall element of the housing target in this sub-area; the sub-area incorporates a large area of land and a number of other villages such as Middle Barton, as well as the main town of Chipping Norton itself where a reasonable proportion of windfall development is likely to come forward over the

plan period.

the development is unacceptable as it stands as future children residing on the site will not have convenient access to education, contrary to Policy BE1 of the WOLP 2011 and Policy OS5 of the pre-submission draft local Plan 2031.

The site appears to be in close proximity to local services although the information contained as part of the application is deceptive as this maps the time it takes to access services as the 'crow flies' rather than by assessing the distance of the route.

I.15 WODC - Sports

Sport/Recreation Facilities

£1,088 x 30 = £32,640 off site contribution towards sport/recreation facilities within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

Play Facilities

The contribution per person will therefore be £143 for provision and £198 for maintenance. This equates to an overall contribution of £818 per dwelling (at an average occupancy of 2.4 persons per dwelling).

£818 x 30 = £24,540 for the enhancement and maintenance of play/recreation areas within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

I.16 WODC - Tourism

No Comment Received.

I.17 TV Police – Crime Prevention Design Advisor

No Comment Received.

I.18 WODC Env Services – Waste Officer

No Comment Received.

I.19 Thames Water

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development.

I.20 Parish Council

The Parish Council and all 45 residents unanimously objected to this application for the following reasons:-

1. The report from Strutt & Parker is flawed with errors - please reassure the Parish Council that the District Office shall carry out the necessary reports and searches of this land, particularly in relation to the drainage, hydrology, wildlife and habitat and that the Parish Council receives these reports.

2. The Parish Council did not receive a planning application for the



lake that was created in 2014 - was a planning application submitted for this?

3. What are the arrangements for the water course as a result of the lake?
4. The land is on a Ridge and Furrow field with an archeological/historical impact
5. The site is totally inappropriate for such a development in terms of wildlife and habitat.
6. The site is very detrimental to the character of the village and requests for planning applications in the vicinity have previously been refused.
7. Enstone Primary School is already fully subscribed
8. Noise pollution would be of great concern.
9. 71 homes have been built in Enstone over the last ten years. 57 in the last three years
10. The Council shall forward an ongoing petition of opposition to this application.
11. There is concern with regard to flooding as it is on a flood plain.
12. There is inadequate preparation for sewerage.
13. With the Historic Enstone Marvels at this site the topography is totally unsuitable.

## **2 REPRESENTATIONS**

### **2.1 Residential Amenity**

Block light to our cottage and south facing garden as overlooking us and create loss of privacy. This would be detrimental to our quality of life. (Brookside, Bicester Road)  
Would like to add that my own property is listed (grade 2) and has a direct outlook over the proposed site, which would therefore have an adverse effect on the setting of a listed building (Five Chimneys, Church Enstone).

As such it affects the outlook and amenity of many more than the 3 properties referred to in the application.

### **2.2 Character of the Area.**

A precedent will be set for the obliteration of the remaining character that the village has if this application is allowed.

The permanent loss of this site would be irrevocable.  
This development does not complement the existing properties in street pattern, scale and proportion. Neighbouring properties are mainly detached semi-detached properties with large gardens/ open spaces surrounding and the proposed new development is an 'estate style' pattern would be completely out of character in the area and a detriment to the local environment.

It will result in loss of agricultural/pasture land in a historically rural and agricultural village.

'The minor valleys are of particularly high quality and sensitive to development.' WODC has already acknowledged the importance of this particular area in providing a sensitive visual separation between the two settlements

We all feel that this would indeed be the destruction of THE main area of beautiful countryside which is a major feature of our village, and which brings much visual pleasure to local residents, and would completely overwhelm the village.

Allowing this development to go ahead will deprive villagers of vital recreational space and wild life of a much needed corridor in a village

The site is subject to a right of way. At present members of the public are able to enjoy this visually stunning rural part of our settlement, its views, the wildlife and open space.

In this particular case I feel it would be an extremely dangerous precedent to encroach on these ancient pastures.

This land if developed will spoil the most beautiful part of our village the valley that is between Enstone and Church Enstone. It will become a blot on the landscape.

We have been promised an area of recreation at the bottom of the valley. We do not need this as we already have the fields to walk in. A pond would pose safety risks to children and could potentially be a magnet for antisocial behaviour due to its secluded location. The character of our neighbourhood could change for the worse.

30 new houses on that site is overdevelopment, especially as we are told that approximately 2/3 of the area will be devoted to "public amenity" use.

The footpath would be surrounded by housing and not through a field with views of the countryside.

Intrusive in the landscape and not in keeping with the low density of surrounding housing. The effect of the development would be detrimental to the character of the neighbourhood.

The site is located on an important rural gap between Neat Enstone and Church Enstone contributing significantly to the natural beauty of our village environment.

The site is located between the two separate settlements of Neat Enstone and Church Enstone and the infilling implicit from this development would definitely give rise to harmful coalescence.

The development is 100 metres, or less, upstream of Enstone Meadow, a statutory designated site and any development is, therefore, bound to have an impact on this.

We fail to see the "Demonstrable Benefit" to the local community of building a housing estate in a beautiful valley, causing loss of the area of open space which makes an important contribution to the character and appearance of the village

Wall to wall developments will do much to destroy the character of the village

### 2.3 Concerns over local provision to support the scale of development

Enstone has already contributed to the need for development in the Chipping Norton Sub Area as it has seen housing increase by some 10% in the last 3 years. Future development of this scale is not required in Enstone.

In the last 3 years there has been an increase of 10% in the number of houses in Enstone, not only would further development spoil the character of the village but the school & other amenities could not cope with the increase in population.

I think Enstone has done its bit for the so called housing quota the Paddocks 35 houses + 1 on the old parish hall site, 11 on the corner opposite Worth's garage, 5 where the garages were in Quarry Close. A few more in Cleveley Road plus some infill behind houses in Cleveley Road and along the main road. I really do think this is enough without another 30.

The proposed development is disproportionate and inappropriate to its scale and has no regard to the potential cumulative impact of development in the locality.

The school already has a waiting list for next year and it isn't the point to say that funds will be available to increase the capacity of the school. It will be a different school and not the one that the present parents have sent their small children to.

The extent of recent development in the area is already adversely impacting on the local primary school and further development is unsustainable.

Because Enstone Primary is on a constrained site, it is unfeasible to expand the school and thus alternative arrangements will need to be into place such as expansion of neighbouring schools and transport of children from Enstone to these schools.

Our school is already virtually full, following recent additional housing including three big developments in the village, and this potential development will only exacerbate this.

The primary school is over-subscribed and cannot accommodate more pupils. It will also deny them the experience of creating and being part of the community by attending the local primary school

Increased population causes less community spirit, more dog fouling, more unsocial behaviour  
The character and appearance of this small community will be destroyed if such development is permitted.

Recent development of our small village has already put significant pressure on the few local facilities and the existing infrastructure as the school is at or nearing capacity  
more buildings would destroy this and have a negative impact on a local community that prides itself on the beauty of our local village

#### 2.4 Ecology and biodiversity

Unless comprehensive ecological and environmental studies are submitted and mitigation is stipulated and enforced then ENCON must join the opposition.

The report by BSG Ecology suggests that the area must be fenced off from the public to protect the important habitat. How then does it be enjoyed or offer further public benefit?

#### 2.5 Disrupt the wildlife corridor

The site is an ancient wildflower meadow with clear evidence of ridge and furrow cultivation. 97% of wildflower meadows have been lost to development since the 1930s. I believe that we have a duty to future generations to protect those that are left.

The lime trees on the drive need extensive and continuous work on them to preserve their integrity, otherwise they will continue to deteriorate, as they have in the past.

There are several mature trees in private ownership on both sides of this access route, as well as boundary hedges. It is unclear from the proposed site plan what the purpose of the access from Bicester Road will be, but at present this is an occasionally used access for agricultural vehicles.

The wild life in the Valley is quite exceptional.

I believe that this site merits much more close examination throughout the year, especially for nesting sites for birds. Others, I feel sure, will have more to say on this.

The habitats are intimately linked with the river courses within the site and therefore the hydrology of the wider area. A development within this Conservation Target Area threatens the biodiversity of the Glyme valley as a whole long-term damaging effect the building works will have on the local wildlife and landscape. The site is in a conservation area and adjacent to 3 local wildlife sites. The proposed application threatens the biodiversity of the Glyme Valley and nationally supported habitats.

With a development of this size, in this sensitive area, we should be concerned about issues of hydrology and polluting of the River Glyme. Light and noise pollution (mentioned later), will also have an impact on Biodiversity.

The Cotswold Rivers Trust, together with other bodies has just announced a £100k project to improve a stretch of the Glyme downstream from Enstone; such is the importance of this rare habitat. Create noise pollution.

## 2.6 Increased traffic

The Drive leads to Heythrop Hall which, apart from having TWO hotels in the complex, also has a number of smaller business units. These generate considerable traffic, both during the working day and after it.

This road already has more than its share of traffic due to the hotel & leisure complex at Heythrop Park.

The two hotels, golf and country club and conference centre (with the potential for 570 delegates alone) already put a strain on the villages roads.

A notable increase in traffic to Bicester and Banbury, which would pass over Stoney Bridge, a relatively weak and constricted structure.

It is normal for households to have 2 cars per family, so we are looking at an increase of up to 80 cars in the area. The traffic volume is already fairly high and extremely fast for a B road. We live near the cross roads with Heythrop and I hear the sharp slamming on of brakes and the toot of a horn on a weekly basis.

The local roads are not designed to cope with any further traffic.

There will be traffic congestion along The Drive, giving particular concern about the junction with the A44 and the already dangerous crossroads with Bicester Road.

The increase in vehicle traffic it will generate will be harmful a bus service to Oxford or Chipping Norton will not alleviate the commute.

'The Drive' will no longer be a safe environment for children learning to ride bicycles

Greater threat to pedestrians and others from the proposed lines of access for motorcars.

Speed of traffic within the area combined with increased traffic would exacerbate the concerns.

The site is located on the North side of the busy A44 major road where there is no continuous path to the existing facilities such as village shop/post office and school without having to cross this road (in the case of walking to the shop this must be done twice).

The junction by the Harrow pub into the Drive to the site could be dangerous for heavy lorries and traffic coming from the West into Enstone.

## 2.7 Increased surface water concerns

Result in increased flooding

There will be issues with surface flooding on the site as is experienced by many of the resident's in the Drive and Bicester Road. The site is mostly located on clay, which means that the water will not soak away into the surrounding ground and will likely flow into the lower properties on Bicester Road. Having lived in The Drive for over 23 years, I am very much aware of the problems associated with the area. When the foundations for my conservatory were being excavated, within a very short time, (hours rather than days) they filled with water (10 The Drive).

Increased liability of flooding within the area.

This site is unsuitable for development because of the numerous number of natural springs in the area and the fact that flooding regularly takes place.

Planning permission has been applied for before to build a house this was refused on the grounds of water flooding from springs on the allotments and the Drive gardens when the water table is high.

If the development is built, the displaced water will have nowhere to go except onto the main road. In winter the ice on the A44 already causes problems at the bottom of the hill, outside the Development site.

The area is within the flood area designated in the Enstone Flood report of 2008. The site is adjacent to land intended for wild boar breeding farm. If a licence is granted for this, during heavy rain pig slurry from this farm will wash into the water course at the bottom of the hill which is shared with the proposed housing development, causing a risk to health.

Concerns that no hydrological assessment has been undertaken on the land in question.

Concerns over the local water infrastructure to support the scale of development the sewers are said to be overused already, although I have only one experience of problems with the main sewer system since we moved here four years ago. The sewerage pumping station at Stoney Bridge is subject to frequent maintenance issues often resulting in road restrictions and appears to be at the limit of its capacity.

The sewerage system over flows into my field once a year (Stonehaven, The Square). The land on the drive is also unsuitable, as it lies on a flood plain, and has flooded in recent winters so the properties may not get insurance and there could be problems with sewerage.

## 2.8 Archaeology

Historically it comprises the site of the once famous 'Enstone Marvels', which are in the process of an archaeological investigation and should remain coherent.

Any development here would be certain to upset the fragile environment of the watercourse associated with the Enstone Marvels.

The archaeological survey presented with the application is believed to be incomplete and has no reference to the significance of the site and its importance as a site of historic interest. The proposed site is the location of what were once called the Enstone Marvels.

As noted by Polyolbion Archaeology, the site has medieval ridge and furrow in the field and almost certainly occupies land where the Enstone Marvels were located and these are of national importance in the understanding of garden technology in the seventeenth century

## 2.9 Other

The plans call for the majority of the area to be used for Public amenity use. May I ask who is going to pay for the upkeep of this?

The upkeep of the pond area would be on going & more complicated than first appears e.g. safety, cost, security.

I am concerned with what the land owner is doing now. He has dug a lake and I think he may have taken water from the river if so it could affect the levels up and down the river Glyme.

Appendix A of the planning statement is in fact incomplete, as it does not include recent dwellings built on Manor Row, Chapel Lane in 2011/12 (5 houses), Tew Road 2015 (5 houses), Crossways Court 2011 (11 houses) and Bay Tree House, Cleveley Road 2015 (1 house).

The houses in Clay Hill Close are wrongly depicted as Spring Hill Close.

Due to the natural feature of the bowl-shaped topography of the proposed land noise generated on the site by the residents of the single dwelling is amplified impacting neighbours in Church Enstone, Chapel Lane and the Drive.

The Appendix D indicates that of the eight areas in which traffic was sampled only one was in the South east where the development is to be located and that all of the sample areas a classified 'edge of town' which Enstone could not be described as. The single sample area in the south east is in fact Byfleet which is inside the M25 and in close proximity to a tube station, you can also see that of the 3 sample areas for North Yorkshire two of them are in the same town

A further housing development will inevitably lead to children having to travel to other schools, increasing traffic still further and subsequent CO2 emissions

The document submitted by Strutt & Parker is flawed, inaccurate and uses out of date statistics which the local authority has a duty to examine thoroughly.

Light pollution will have an impact on both animal and human populations in the vicinity.

There are better locations for new housing in Enstone, including extensive brownfield sites

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

A Planning Statement, Design and Access Statement, Statement of Involvement, Arboricultural Impact Assessment, Archaeological Desk-based Assessment, Flood Risk Assessment, Transport Statement and Preliminary Ecological Appraisal have been submitted in support of the application.

#### **Planning Statement**

The statement has been prepared in support of an outline planning application for residential development of up to 30 dwellings or mixed size and tenure including 50% of the housing to be affordable.

The pre-application process included a public consultation event at Enstone Parish Hall on 30th April 2015.

One of the core land-use planning principles set out in the Framework is to proactively drive and support sustainable economic development to deliver the homes that the country needs and every effort should be made by local authorities to meet the housing needs of an area.

The site is an appropriate location for development to address this need because it is suitable, available now and capable of being delivered well within the next five years.

Enstone represents the best location to achieve the emerging Local Plan's windfall allowance for the Chipping Norton sub-area.

There would be no significant and demonstrable adverse impacts that would outweigh the potential benefits of the scheme. The proposal therefore needs to be considered on its merits and whether it constitutes a 'sustainable' form of development as defined within the Framework and the emerging Local Plan.

Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh these benefits and therefore in the balance the proposal constitutes sustainable development as required by the Framework. The proposal also fulfils the relevant policies of the emerging Local Plan.

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

A character appraisal of Enstone was undertaken with the key attributes to combine to form its identity are summarised at the four levels of neighbourhoods, streets, plots and buildings.

To ensure that an appropriate relationship between the proposed development and the existing development in Enstone is achieved and the identity of village is reinforced, all of the attributes identified have been considered.

Provision of a permeable and legible street network, including links onto The Drive and Bicester Road, to ensure good connections with the nearby services and bus routes and strengthen the connection between the site and the village.

Retention of existing hedgerows and trees and the introduction of additional planting to promote biodiversity and integrate the development within the existing landscape

Retention of a large area of semi-natural open space, including a large pond and new boardwalk, to establish an attractive recreational amenity and protect and enhance existing ecology.

Provision of a well-defined and overlooked amenity space at the entrance into the development

Provision of a range of house types, sizes and tenures, including 50% affordable housing

Reflection of the local vernacular in terms of building materials and design and public realm/boundary treatments to ensure that the proposed development respects and reinforces the local built character.

Statement of Involvement a public exhibition was held at Enstone Parish Hall on 30th April 2015 between 3pm and 7.30pm.

Promotional details of the exhibition date, time and venue was sent to residential properties in Enstone listed on the Royal Mail database, totalling 463 properties.

The exhibition was attended by approximately 130 people of which 23% provided written representations in response.

Two changes have been incorporated in response to specific feedback received from residents.

These are expanded upon in the accompanying DAS.

A few residents living on Chapel Lane expressed concern both verbally and in writing regarding the potential visibility of the proposed development from their properties.

#### Arboricultural Impact Assessment

A survey and assessment has been prepared to inform the retention of important trees and their contribution to amenity.

The application demonstrates consideration for all trees within influence of the proposed design and accommodates all trees considered important to the amenity of the existing (and proposed) site. In addition, the long-term integration of significant trees and groups are considered practicable subject to temporary protection during construction and mitigation for permanent development within RPA's.

Regardless of poor quality trees that should be removed irrespective of development, the proposals incur the necessary removal of two trees/groups and a section of hedgerow.

Replacement tree planting is expected to increase the canopy area of the site, whilst enhancing the long-term amenity potential of the sites overall tree stock.

In the absence of long term harm to important trees in particular, it is our professional opinion that the proposals put forward allow for technical confidence in the long-term viability of retained and appropriate tree cover.

The opinion is subject to the provision of replacement tree cover and the adoption of future safeguards as identified within this document.

Recommendation for a detailed Arboricultural Method Statement by condition.

#### Archaeological Desk-based Assessment

The Archaeological Desk-based assessment was undertaken by Thames Valley Archaeological Services Ltd.

There are no known heritage assets on the site which could be affected by its development. The settings of two listed buildings to the west would need to be considered but other listed buildings in the area are not visible from the site.



There is evidence of former cultivation of the site in the form of ridge and furrow, which could relate to medieval or later agriculture, but which also implies that the site was farmed but not occupied.

There are very few HER other entries for the surrounding area, but this may in turn be a reflection of very sparse archaeological fieldwork, so that the absence of recorded evidence is not necessarily evidence of an absence of past activity.

In the immediate area is a spring which documentary evidence shows was the site of a 17th Century waterworks, whose extent (and nature) is unknown.

As the site relates to an undeveloped parcel of land in an area that has not obviously heavily been disturbed, it is anticipated that it will be necessary to provide further information about the potential of the site from field observations in order to draw up a scheme to mitigate the impact of development on any belowground archaeological deposits.

As scheme for this evaluation will need to be drawn up by the archaeological advisers.

### Flood Risk Assessment

The purpose of this document is to assess the level of flood risk to the site and its surroundings within the context of the development proposals and to outline a strategy for the disposal surface water.

The developable site is not considered to be at risk from any potential sources of flooding

The development is located within Flood Zone 1, which the NPPF considers to be the most suitable zone for residential development in terms of flood risk.

Thames Water records show that there are no public surface water sewers within proximity of the site.

Geological records indicate that infiltration will not be feasible for the disposal of surface water. Restricted discharge into the River Glyme will be utilised on-site to discharge surface run-off at source. It is anticipated that this will be implemented through the use of a new headwall on the southern boundary of the site with an attenuation tank and associated restricted outlet.

All SuDS will be designed to accommodate run-off from the 1 in 100 year plus climate change event.

Incorporating rainwater harvesting and reuse systems into the development will be considered. Based on the report there are no flooding or surface water related issues that would prevent the site from being developed for its intended use.

### Transport Statement

The proposal would create a new 'T' junction with The Drive located in the northern third of the section of the site that fronts the road. The existing Bicester Road would provide pedestrian access only.

Automatic Traffic Counts were commissioned north and south of this access in this location for a period of seven days which recognised speed, traffic and volume data.

Using TRICS database and 2011 Census 'Travel to Work' data that the impact on the local highway network will be minimal.

A vehicular access is proposed which provides visibility splays appropriate for 85th percentile vehicle speeds recorded over a seven day period on The Drive.

The existing access to Bicester Road will provide pedestrian access only and the existing right of way through the site will be maintained on its current alignment.

The indicative site layout provides sufficient turning space for all parking spaces and for refuse vehicles.

The site occupies a relatively sustainable location where residents will not be entirely dependent on the private car for all journeys

The proposed development will not give rise to a cumulative residential transport impact that would be considered 'severe' under the NPPF and the local Highways Authority should therefore be able to provide a positive recommendation for the approval of the planning application.

#### Preliminary Ecological Appraisal

The desk study highlighted that the Glyme Valley Site of Special Scientific Interest (SSSI) is located 2km from the site. There are no non-statutory sites within the site boundary, however three Local Wildlife Sites are located within close proximity of the site.

Enstone Meadow is located 100m to the SE of the Site, Valley Nr Church Enstone is located 200m to the N of the Site and Lidstone Bottom is 250m to the west of the site.

Given the scale of the development, it is not considered likely that the proposed works will have an adverse impact upon both statutory and non-statutory designated sites.

The Desk Study highlighted a range of protected species which has been recorded within 2km of the Site including badgers, barbastelle bat, brown-eared bat, common pipistrelle, pipistrelle species, Leisler's bat, otter, water vole, barn owl and kingfisher.

A Phase 1 habitat survey was undertaken at the site on 6 March 2015. The site comprises predominantly of semi-improved, neutral, tussocky grassland, amenity grassland, ponds with surrounding ephemeral / short perennial vegetation, swamp habitat, scattered trees and scrub. Further investigation is required should the trees be removed.

The R. Glyme and associated tributary and the larger of the two ponds have potential to support otter and water vole. Further surveys are therefore required as there is potential for these species if present, to be affected by the proposals.

Three ponds, including the two located within the Site and one located within 250m to the southern boundary of the Site have been assessed. Further investigation is required to determine the presence of Great Crested Newt. A Natural England license may be required before works on Site can commence.

The scrub, reed bed within the swamp and trees within the Site have potential to support nesting birds.

It is assumed that the area to the east of the development area will not be developed. To avoid impacts to the pond and swamp area it is recommended that this area be fenced off from the development area.

## **4 PLANNING POLICIES**

- OS5NEW Supporting infrastructure
- BE2 General Development Standards
- BE3 Provision for Movement and Parking
- BE4 Open space within and adjoining settlements
- BE13 Archaeological Assessments
- BE21 Light Pollution
- NE1 Safeguarding the Countryside
- NE3 Local Landscape Character
- NE6 Retention of Trees, Woodlands and Hedgerows
- NE13 Biodiversity Conservation
- NE15 Protected Species
- T1 Traffic Generation

H2 General residential development standards  
 OS2NEW Locating development in the right places  
 OS3NEW Prudent use of natural resources  
 OS4NEW High quality design  
 H1NEW Amount and distribution of housing  
 H2NEW Delivery of new homes  
 H3NEW Affordable Housing  
 H4NEW Type and mix of new homes  
 T3NEW Public transport, walking and cycling  
 T4NEW Parking provision  
 EH1NEW Landscape character  
 EH2NEW Biodiversity  
 EH3NEW Public realm and green infrastructure  
 EH5NEW Flood risk  
 EH6NEW Environmental protection  
 EH7NEW Historic Environment  
 CN2 Chipping Norton sub-area Strategy

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

## **5 PLANNING ASSESSMENT**

### Planning History

- 5.1 Land between Chapel lane and the Drive, Oxford Road, Enstone, Oxfordshire Proposed new Parish Hall with two flats above, mixed housing and associated parking and access (04/2430/P/OP) Refuse for following reasons:
- 1 That residential development of this scale on a greenfield site is contrary to the adopted and emerging locational housing policies contained in the West Oxfordshire Local Plan 2001 and the Review Local Plan 2011. Furthermore given the level of available housing land supply there is no overriding reason to release any further greenfield sites and as such the proposal is contrary to national policy guidance contained in PPG3. As such this proposal is contrary to Policy H6 of the adopted and emerging West Oxfordshire Local Plan and Policy G1 of the Oxfordshire Structure Plan.
  - 2 That the proposal will unacceptably extend the built up area of the village and erode an important and prominent gap in the village street scene. As such the proposal will damage the countryside setting of the village and Glyme Valley and harm the character and appearance of this part of the village. Accordingly the proposal is contrary to Policies CO7 and H12 of the adopted West Oxfordshire Local Plan and Policies NE3 and H2 of the emerging West Oxfordshire Local Plan 2011.
  - 3 That the proposal has not demonstrated that it will not unacceptably increase the flood risk to people and property on the site and in the surrounding area. As such this proposal is contrary to Policies CO18 and CO19 of the adopted Local Plan and Policies NE8 and NE9 of the emerging West Oxfordshire Local Plan 2011.

- 4 That the proposal has not demonstrated that it will safeguard any archaeological finds that may exist on the site. As such the proposal is contrary to Policies BE17 and BE13 of the adopted and emerging West Oxfordshire Local Plans respectively.
- 5 That the proposal has not made adequate provision for supporting infrastructure. As such the proposal will place unacceptable pressure upon local services and is therefore contrary to Policies BE2 and BE1 of the adopted and emerging West Oxfordshire Local Plans respectively and Policy G3 of the Oxfordshire Structure Plan.
- 6 That the proposal makes inadequate provision for affordable housing and as such is contrary to Policy H11 of the adopted and emerging West Oxfordshire Local Plans respectively.

Appeal APP/D3125/A/05/1178637 Dismissed.

### Background Information

- 5.2 This application seeks outline consent for the erection of 30 dwellings, new access, public open space, landscaping and biodiversity enhancements. All matters save for access are reserved for later approval. The site in question pertains to 2.4 hectares of agricultural land to the east of The Drive within Enstone. The dwellings would bound the western part of the site (1.2ha) with the eastern part to be retained as public open space.
- 5.3 The site is characterised by undulating grassland and features an established line of large trees along The Drive to the West of the site. The site lies outside of any designated area but is recognised within the Glyme and Dorn Valleys Conservation Target Area. There are residential properties adjacent the site along The Drive and the site is crossed by a Public Right of Way that runs from The Drive north of the site passing the property The Wells.
- 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 Form  
 Impact on surrounding Landscape  
 Impact on Biodiversity  
 Residential Amenity  
 Highways  
 Other Matters

### Principle

- 5.5 The proposal seeks consent for the access and the principle of the development.
- 5.6 Enstone falls within the Chipping Norton Sub-Area as defined in the emerging Local Plan, 2031. The sub-area has an indicative housing requirement of 1,800 homes which is proposed to be met through a combination of homes already completed, existing commitments, SHLAA sites and windfall development. It is expected that the largest settlement of Chipping Norton will pick

up the largest allocation with a windfall allowance is 400 homes comprised of 25 per annum on average.

At the current time the Council is claiming a 5 year land supply against its methodology for assessing the housing needs of the District. Whilst this is queried by both developers and those against development as being either too low or too high respectively, in the absence of a defined target being set through the local plan process there is no more reliable or less criticised means to assess the need and supply

- 5.7 Members will be aware that the adopted policy remains extant albeit that it was adopted against an expectation that there was a lower housing need and that greenfield sites would not be required to meet that need. As such adopted policies are not being given full weight albeit that they act as a useful proxy for those settlements where housing can be more sustainably located. In that regard Enstone is scheduled as a settlement where under adopted policy the scale of development would be limited to infilling and rounding off. The emerging plan is now with the Inspector but its policies have yet to be fully tested and as such they can similarly not be given full weight. The emerging policies allow for development in or adjoining settlements such as Enstone subject to a series of environmental criteria.
- 5.8 Taking all the above into account your officers consider that there is no in principle objection to further housing in Enstone but that neither does the 5 year land supply position mean that it is imperative that further houses are provided at this stage. Additionally, as set out below, there are additional substantial concerns regarding the impact of the development that mean that when read against the policies of the NPPF as a whole the scheme is not considered to represent sustainable development but rather is considered to cause significant and demonstrable harms that the benefits of the scheme do not outweigh.

#### Siting, Design and Form

- 5.9 The scheme is in outline with illustrative plans. The illustrative scheme seeks to retain some openness at the frontage of the site and to create a large open area in its eastern half. However, it does not appear to exhibit any particular local references or characteristics such as would demonstrate that the requirement to “respond to local character and history and reflect the identity of local surroundings and material” (para. 58 NPPF) has been met. Rather it appears as a relatively standard suburban estate style development with no obvious local references.

#### Impact on surrounding landscape

- 5.10 A mature tree screen bounds the west edge of the site, however the site would be prominent from north and east views. The development would be visible from public realm views from the south of the site from the public footpath and the main road.
- 5.11 Officers note that the proposed development would be focussed on the west side of the site, preserving the open space on the east. The key issue is whether the siting of development is sufficient to offset the urbanising effect of the development as a whole in this important landscape.
- 5.12 Policies BE2, NE1, NE3 and H2 of the adopted Local Plan, 2011 and Policies OS2, EH1 and EH3 all seek to protect the landscape character of the District. New development where possible should enhance the intrinsic character of the local landscape and ensure that opportunity is

made to retain such features. Development should not be permitted where it would harm the local landscape character of the District.

- 5.13 The site is located outside of the Cotswolds AONB but forms part of an important landscape feature/gap between Church Enstone and Neat Enstone. The site has a close relationship with the landscape form of the wider Glyme Valley.
- 5.14 The West Oxfordshire Landscape Character Assessment 1998 reiterates that the landscape in this location is characterised as minor valleys which have a rural, pastoral and unspoilt character. Whilst only in outline, the scale of the proposed development would inevitably erode the low key and unspoilt nature of this important space to the detriment of the attractiveness of the village and its setting and reducing the role that this important area of open space in its undeveloped state gives to the visual, historic and recreational character of the settlement.

#### Impact on biodiversity

- 5.15 The site is identified to have standing open water and other associated wetland habitats which are priority habitats and the area is within the Conservation Target Area for the Glyme and Dorn and habitats such as swamp is one of the Oxfordshire BAP targets associated within this Conservation Target Area. In addition three Local Wildlife Sites are situated within 250m of the application site.
- 5.16 The Preliminary Ecological Appraisal submitted as part of the application identifies the site as predominantly semi-natural and amenity grassland, two areas of open standing water, scattered trees and scrub, swamp, marshy grassland, species rich hedgerow with trees and mature trees with high bat roost potential.
- 5.17 The main access road proposed would remove a species rich hedgerow and adjacent mature tree alongside The Drive and another of the planned roads would intersect one of the existing ponds at the site.
- 5.18 In addition the proposed loss of the marshy grassland and the areas of open standing water requires more information to be properly assessed.
- 5.19 Policies NE13 and NE15 of the adopted Local Plan, 2011 and Policy EH2 of the emerging Local Plan, 2031 seek for proposals to avoid the loss, deterioration or harm to locally important wildlife sites and supporting habitats and does not prevent the achievement of the aims of the Conservation Target Areas. However the evidence provided with the application has not addressed these concerns and insufficient up to date information is available to ensure that the bio diversity potential of the site is not diminished but rather is protected or enhanced.

#### Residential amenity

- 5.20 The proposal is in outline and there are adjoining residential properties that have hitherto enjoyed very attractive views across the site. However there is no right to such private views and the site is sufficiently large that it should be possible to ensure that all the normal privacy and overshadowing distances could be met were consent to be granted.

### Affordable Housing

- 5.21 In proposing 50% affordable housing the scheme meets the terms of adopted policy and as such this aspect of the scheme is considered acceptable.

### Archaeology

- 5.22 The site would appear to have been the site of some very famous and important water gardens dating back to the era of King Charles called the Enstone Marvels. This had not been fully explored by the applicants as part of their initial assessment of the site and consequently the impact of the development on the underground archaeology is unknown and the scheme has not been able to use any of the information that a pre determination dig would have provided to inform the design of the proposed scheme as a particularly locally distinctive feature. This is contrary to adopted and emerging policies and the provisions of the NPPF.

### Other Matters

- 5.23 During the course of processing the application the applicant has tabled some additional ecological and archaeological information to seek to back fill the identified concerns with the originally tabled information. He is also requesting that the period for determination be extended so that further advice can be provided and commented upon. However this material should really have informed the design, scale and disposition of any development rather than being retro fitted to a scheme that has already been designed in advance of the information being provided. In addition the principle of the development is considered unacceptable for the reasons outlined above such that an extended period is unlikely to result in a positive recommendation. The applicants are of course at liberty to use the free go to seek to address the refusal reasons and in so doing this would enable proper consultation and comment on any additional information as it would be integral to the new proposal.
- 5.24 Your Officers would therefore recommend that the scheme be determined as submitted and that the period for determination be not extended. The application has however been brought to committee for determination rather than being dealt with under delegated powers such that Members can advise an alternative course of action should they so wish.
- 5.25 Additionally members will note that concerns have been expressed by various parties as to the need for mitigating infrastructure to deal with the consequences of the development on local services and facilities and to make provision for affordable housing etc. In the absence of an agreed package these consequences remain unaddressed and so a refusal reason is recommended such that the matter can be fully and properly discussed and resolved should the application go to appeal.

### Conclusions

- 5.26 The scheme is contrary to adopted and emerging policy, is deficient in some essential supporting information and is considered to cause unacceptable landscape and other harms. It is not considered that there are compelling benefits that outweigh these harms and nor is the 5 year housing land supply position such that the presumption in paragraph 14 of the NPPF is invoked. Even were that not the case the scheme is considered to give rise to significant and demonstrable harms such that refusal is recommended.

## **6 REASONS FOR REFUSAL**

- 1 By reason of the landscape impact, the harm to the setting of the adjoining footpath network, the extension of the built up area of the settlement into open countryside, the extent and scale of the development, the coalescence of the distinct areas of the settlement and the lack of local distinctiveness the development would urbanise an important and attractive open space to the detriment of the visual, historical and recreational value of the settlement and contrary to policies BE2, BE4, NE1 NE3, H6 and H2 of the Adopted Local Plan, OS2, OS4, H1, H2, EH1, EH3 and EH7 of the Emerging Local Plan and the provisions of the NPPF when taken as a whole.
- 2 By reason of the unknown consequences for the archaeological remains under the site the scheme is considered not to pay sufficient regard to the importance of the buried heritage assets on site contrary to policy BE13 of the Adopted Local Plan, EH7 of the Emerging Local Plan and the provisions of the NPPF.
- 3 Due to the loss of Priority habitats identified within the Glyme and Dorn Conservation Target Area and insufficient information on European protected species (Great Crested Newts, Bats and Otters in particular) the scheme is considered not to pay adequate regard to the need to ensure that Protected Species and Priority Habitats are given due regard as part of the development process and as such the scheme is contrary to policy NE13 of the adopted West Oxfordshire Local Plan, Policy EH2 of the Emerging Local Plan and the provisions of the NPPF.
- 4 In the absence of an agreed mitigation package the proposal is not considered to adequately address the social educational, leisure and affordable housing impacts of the scheme contrary to policy BE1 of the Adopted Local Plan, OS5 of the Emerging Local Plan and the provisions of the NPPF when read as a whole.



Application Number	I5/01999/OUT
Site Address	Land East Of Nethercote Road Tackley Oxfordshire
Date	25th August 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Tackley
Grid Reference	448320 E 220883 N
Committee Date	7th September 2015

### Application Details:

Outline application for the demolition of existing agricultural buildings and residential development of up to 70 dwellings (means of access only)

### Applicant Details:

Ms Rebecca Mitchell  
Grange Park Court  
Roman Way  
Northampton  
NN4 5EA  
United Kingdom

## I CONSULTATIONS

- I.1 Parish Council In addressing the objections raised at the Parish consultation, the following comments are made:
- a) Too many houses - Combined with the Street Farm approval, the potential increase being imposed on the village is nearly 25% extra houses. The majority opinion is that this is too large for the village to absorb and there is real concern that Tackley will lose its village identity.
  - b) Risk of flooding - The developer will be required to submit a full surface water scheme (SUDS) to ensure the proper provision for surface water drainage and/or to ensure flooding is not exacerbated in the locality.
  - c) Inadequate sewerage capacity - Prior to any commencement on site, the developer will be required to submit an impact report and agree a strategy detailing any off-site drainage works and submit that to the LPA for approval. Notwithstanding this requirement, the PC is challenging the Thames Water response to the application, in that it contradicts the advice given to the village in April 2015.
  - d) Increase in traffic - An independent assessment of the transport information submitted has been carried out on behalf of the Parish which concludes as follows:
    - (i) The traffic and transport assessment carried out by Mewies Engineering Consultants (MEC) overall is considered acceptable.

(ii) The proposed development will generate an increase in traffic movements. However, these new traffic movements are not considered to be significant or severe to sustain an objection on highway safety and capacity grounds.

(iii) The access arrangements proposed to serve the development site are acceptable in principle, subject to amended plans and details being provided to the LPA and Highway Authority for consideration.

(iv) The public transport section of the transport assessment requires updating due to recent changes to the Sunday bus services in Tackley. Funding towards reinstating this service and enhancing existing services is required.

(v) The personal injury accident data provided requires updating i.e. period covered is from 01/01/2009 to 31/11/2014.

(vi) Minimum mitigation measures have been provided, however a site survey has identified additional measures that the development should provide in addition to those being offered.

e) Visually obtrusive development and loss of green field - We consider it essential to maintain wide green buffer zones adjoining existing housing and to preserve the green ridge line to avoid houses being obtrusive.

In summary, the Parish Council recognises the actual and potential benefits offered by a development at Balliol Farm, but must also acknowledge the prevailing view that the number of houses applied for is too high. In its present form, we cannot support the application for the reasons given above and request the developer to consider withdrawing the application and re-submitting with a more modest scheme.

## 1.2 One Voice Consultations

Transport - No objection subject to conditions.

Key issues:

The Transport Assessment adequately demonstrates the sustainability credentials of the site, the traffic impact on the surrounding network, and the site access proposals.

All detailed matters of layout, circulation and parking should be dealt with through reserved matters.

Contributions will be required for the improvement of bus services and infrastructure.

Improvements will be required to the Framework Travel Plan.

A Travel Information Pack will be required.

Legal agreement required to secure:

Section 106 contribution of £862 per residential dwelling towards the cost of providing an improved level of bus service in Tackley.

Section 106 contribution of £8000 towards the cost of procuring, installing and maintaining a new bus shelter.

Section 278 arrangement to create a hard-standing area on the eastern side of Medcroft Road, large enough for a bus shelter and waiting passengers, also to relocate the bus stop pole, flag and

information case unit.

Archaeology - No objection subject to conditions.

Key issues:

The applicant has undertaken an archaeological desk based assessment and geophysical survey of the site.

The geophysical survey did not reveal the presence of any potential archaeological features.

We would therefore recommend should planning permission be granted that conditions are attached that will require a staged programme of archaeological investigation in advance of any development.

Education - No objection

Key issues:

No contributions currently expected to be required for necessary expansion of permanent primary school capacity due to this development. The catchment school is Tackley CE Primary School. Education contributions required to mitigate the impact of the development on infrastructure, but which due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) OCC cannot require a s106 obligation in respect of:

- i. secondary infrastructure
- ii. SEN infrastructure.

Tackley CE Primary School previously provided school places for residents of Heyford, which now has its own school. This has released capacity at Tackley CE Primary School which could provide school places for a modest level of local housing development. A temporary unit provides 30 pupil places of this capacity.

Property - No objection

Legal agreement required to secure £13,793.80 towards library provision.

Ecology - Note that the site adjoins the Tackley Railway Cutting Local Wildlife Site and that there are protected species records on the site. The District Council should be seeking advice from its in house ecologist.

### I.3 WODC - Arts

Should this proposal be granted planning permission then the Council would favour the following approach:

A contribution of up to £14,000 towards public art to be used to animate and enhance public spaces in the village, with particular consideration to spaces accessible to young people, both new and existing residents. The delivery of any development will be done in conjunction with the Parish Council.

Details

There is a need identified locally that more facilities for young people

are required to ensure that they are positively engaged given that this is a rural location and access to services is limited. With greater numbers of residents this will be felt more strongly. 'Public art can play an important role in making interesting and exciting places that people enjoy using'. The site is located in an area with both significant historical and landscape value. Such responsibility to protect and enhance can be achieved by utilising public art with its qualities of high quality design and craftsmanship. Public art is an expression of cultural wellbeing and engages people with the economic, social and environmental development of places. The contribution should be used to improve access to amenities within the village both built and natural for the benefit of both existing and new residents. It should be clearly linked with the development so that new residents can benefit. There is also scope to develop temporary public art in the form of events which bring residents together and boost community spirit whilst increasing their awareness and understanding of the immediate area. This would be especially important post-occupation for new residents.

The contribution of £14000 is based on a calculation of £200 per house of market housing which is benchmarked with other authorities in Oxfordshire.

In accordance with the NPPF and the National Planning Practice Guidance the Council can contribute to the improvement of the Cultural Wellbeing of the District by implementing such programmes. Furthermore the Council supports public and private sector organisations, community groups, local residents' groups and individuals with the delivery of and their engagement with such schemes. Any programme should be developed in conjunction with the Parish Council.

- |     |                       |   |
|-----|-----------------------|---|
| I.4 | Wildlife Trust        | No objection.<br>Measures set out in the ecological appraisal should be secured by condition.<br>Consider whether it is appropriate to request a developer contribution to the Parish Council for the management of Crecy Hill Local Nature Reserve.  |
| I.5 | Ecologist             | No objection subject to condition.  |
| I.6 | WODC Community Safety | No Comment Received.  |
| I.7 | WODC Architect        | The area of land in question, while not of great sensitivity in heritage terms, nonetheless plays a role in the setting of the CA, and care should be taken with any residential development here. The relevant adjoining part of the CA is the stretch of Nethercote Rd to the SW of the site, the built character of which is fairly consistent, largely comprising humble, vernacular stone-built cottage terraces of the C18 and C19, and including a number of Listed Buildings; the housing |

directly fronting the pavement and with rear gardens trailing behind. Balliol Close to the S is a C20 residential development. The predominant building height bounding the site is 2 storeys, with single-storey (bungalows) on the N side of Balliol Close. The predominant scale is modest.

While views of the site through the Nethercote Rd frontages, and from Rousham Rd, are limited, if it becomes the case that, owing to building height and scale etc., any residential development in this area becomes visible beyond the Nethercote Rd frontages, or in other views NE from within the CA, then this does have the potential to cause harm to the setting of the CA, and specifically to the sense of the Nethercote Rd as settlement edge with open landscape beyond. For this reason, I think ridge heights need to be kept down, with building heights of no more than 2 storeys, and arguably less.

In terms of layout, there is also a question mark in my mind over the housing density/ numbers indicated on the illustrative masterplan. In particular, the masterplan shows continuous terraces in the S corner of the site, annotated with: 'Strong, continuous built edge responding to and complementing the character of the adjoining conservation area'. I'm not sure in what way this might be complementary to the character of the CA, particularly in views of the site from the junction of Nethercote Rd and Balliol Close. One could make a case that a more fragmented and porous settlement pattern here (i.e. of smaller, well-spaced detached units) might be more sympathetic/ less enclosing?

This being outline, no strong objections in heritage terms; however, care will be needed with detailed design at building, layout and landscaping level in order to ensure no harm to setting of the CA.

I.8	WODC Drainage Engineers	No Comment Received.
I.9	Environment Agency	No objection subject to conditions
I.10	WODC Env Services – Engineers	No Comment Received.
I.11	WODC Env Services – Car Parking	No Comment Received.
I.12	WODC Env Health – Uplands	No objection subject to condition regarding contamination
I.13	WODC Head Of Housing	Looking at the wider development including residential, the Council would in this location seek a provision of affordable housing of 50%. To ensure a sustainable housing mix going forwards, of this 50% provision, we would seek 65% of the new affordable homes to be intended for occupation by smaller households, namely; singles, couples, small families and older people. The remaining 35% will be required to address the needs of larger families' principally three

bedroom houses with a very small number of four bedroom homes. With regard to the tenure of any affordable housing provision, again the Council would seek to address affordability locally through a ratio of 2 :1 affordable rent to intermediate (principally shared ownership).

- I.14 WODC Landscape And Forestry Officer No Comment Received.
- I.15 WODC Legal & Estates No Comment Received.
- I.16 WODC Planning Policy Manager Tackley is a relatively small village which offers a modest range of services and facilities including a village hall, public house, post office, village shop, primary school and railway station.

Tackley falls under Policy H5 (Villages) which allows for residential development on the basis of infilling or the conversion of existing buildings. Whilst the application does not fulfill these criteria, it is accepted that Policy H5 is more restrictive than the NPPF which post-dates it by a significant margin and the Council has publicly stated that in order to meet its housing targets some development will be needed on greenfield sites on the edge of settlements. This is reflected in Policy H2 of the Submission Draft Local Plan. The key issue therefore is whether this undeveloped greenfield site represents a suitable and sustainable development opportunity, whether the scale of development is suitable for the size and function of the village and whether the benefits of the proposal (including the safeguarding of land for station car parking and for a bridleway bridge) outweigh any potential harm that would result.

The Council's latest housing land supply position statement (dated February 2015) confirms that the Council is able to demonstrate a five year supply of deliverable housing sites and therefore the Council's adopted local plan policies relating to the supply of housing can be given a good degree of weight (whilst recognising that the policies pre-date the NPPF and were conceived some time ago when speculative, undeveloped greenfield sites were not needed to meet housing targets).

It should be noted that the Council's SHLAA identified the site as unsuitable for development on the basis that:

- (i) development would have a detrimental visual impact,
- (ii) the adjacent railway line would be un-neighbourly due to noise and vibration, and;
- (iii) the scale of development is excessive for the size of the settlement.

Whilst this assessment is relevant in considering the merits of the proposal, it should be recognised that this application includes a greater level of detail on which to assess the suitability of the site

than had been prepared when the SHLAA assessment was carried out.

The applicant suggests that this site is necessary to meet the windfall allowance included within the Council's housing target. However, it should be noted that the Eynsham-Woodstock sub-area incorporates a large area of land and a number of other higher order settlements including Eynsham, Woodstock and Long Hanborough where a reasonable proportion of windfall development is likely to come forward over the plan period. In addition, it is envisaged that windfall development be spread over the whole plan period to balance out the housing trajectory.

Based on the above, I would suggest that the particular issues of relevance in assessing this application are the impacts resulting from the scale of the development on this site (both in isolation and also in the context of the recent approval for 26 units at Street Farm in Tackley), the visual and landscape impacts of the scheme and potential noise and vibration resulting from the railway line.

#### I.17 WODC - Sports

Offsite contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.

Based on a football pitch of 0.742ha, a provision cost of £80,000 (Sport England Facility Costs Fourth Quarter 2013) and a commuted maintenance cost of £200,400 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £453,477 per 1,000 population or £1,088 per dwelling (at an average occupancy of 2.4 persons per dwelling).

#### Contributions

$£1,088 \times 70 = £76,160$  off site contribution towards sport/recreation facilities within the catchment. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

#### Play Facilities

The proposal includes the onsite provision of a Local Equipped Area for Play (LEAP). The need for this LEAP should be discussed and agreed with the Parish Council. Ownership and management of the LEAP would have to be secured with the Parish Council or a management company.

#### Contributions

£139,916 for the provision and maintenance of an onsite LEAP

(subject to the Parish Council agreeing there is a need). This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS. If the onsite LEAP is not required a contribution is requested towards the provision and maintenance of off-site play facilities in Tackley.

- I.18 WODC - Tourism No Comment Received.
- I.19 TV Police - Crime Prevention Design Advisor No Comment Received.
- I.20 Thames Water
- Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.
- "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.
- Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- Water Comments
- 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.

I.21 WODC Env Services – No Comment Received.  
Waste Officer

I.22 Network Rail No Comment Received.

## **2 REPRESENTATIONS**

2.1 Objections have been received from 62 local residents referring to the following matters:

- Funding and construction of rail bridge must be confirmed by all parties before consent is given.
- Impact on the character of the area.
- Impact on view and light.
- Loss of privacy.
- Light pollution.
- Noise and disturbance.
- Demand for parking in the area.
- Increased traffic and impact on highway safety.
- The number of houses should be reduced.
- Impact on character of the Conservation Area.
- Impact on wildlife.
- The amenity space should be integral to the design and provide a buffer between existing and proposed housing.
- Impact on drainage and sewerage capacity. Upgrade of the drainage system is needed.
- There should be a limit on the height of the houses and use of materials should be specified.
- Lower density would be more appropriate.
- Areas should be given over to horse grazing and stables.
- The bridleway should be retained.
- A new playground is not required as one exists in the village.
- Impact on the setting of Listed Buildings.
- The proposed bridge across the railway is a spurious benefit. It would require land in other ownership on the east side and have to be delivered by Network Rail.
- Affordable housing needs to be provided to meet local needs.
- Impact on local services, facilities and infrastructure.
- No evidence that this amount of housing is needed in the village.
- Consideration should be given to a roundabout where the proposed development joins Rousham Road.
- A single house has been refused here in the past and the development is contrary to local plan policy.
- Site management should be conditioned if development goes ahead.
- There are no facilities for young people and the elderly in the village.
- Devaluation of existing properties.
- Increased demands on public rights of way.
- Increased risk of crime and anti-social behaviour.
- Outside specified areas for major development.

- No documented threat to rail service.
- Theoretical benefit to school by bringing in families should not be considered.
- Site not accepted in SHLAA.
- Development of greenfield site not appropriate.
- No identified need for affordable housing.
- Public transport is limited.
- Significant areas should be landscaped.
- Investment in rail, bus and cycling provision should be made before an application of this size can be considered.
- Balancing pond will be stagnant and breed flies.
- Loss of trees.
- Unreasonable to expect Tackley to take so much of the windfall allowance in the local plan.

2.2 37 expressions of support have been received referring to the following:

- Young people leave the village because of high housing costs.
- New housing will support the primary school, village shop, pub and other local businesses and amenities.
- Tackley needs new houses and new people to thrive.
- New development offers a wider range of housing, the opportunity for people to stay in the village, or move back to the village, and provides opportunities for people to downsize their accommodation.
- Housing shortage contributes to breakdown of communities.
- Affordable housing is needed and welcomed.
- More houses will improve sense of community and quality of life.
- The scheme represents a balanced form of development.
- Proximity of station means reduced traffic movements.
- The development will address drainage and sewerage issues to some extent, and may expedite improvements.
- The development has houses on 3 sides.
- The development would be less intrusive than that that exists at Balliol Close.
- New development may encourage additional service provision and upgrade of existing facilities in the village.
- Development would be at lower density than the Street Farm development and more in keeping with the village.
- Medcroft Road is capable of taking a greater volume of traffic.
- Peripheral location will avoid loss of open space in the centre of the village.
- Provision of green buffer zones between historic buildings and the development will avoid the scheme detracting from the character of the village.
- Land will be set aside for a possible relocation of Tackley railway station and car park, reducing congestion.
- Low visual impact.
- This is the best site in the village for the provision of the next phase of new development.
- Access has good visibility.
- Site not visible from many aspects of the village.
- Environmental issues have been addressed.
- Provision of improved railway crossing welcomed.
- Consideration has been given to surface drainage.

- Provision of new footpaths welcomed.

2.3 General comments have been provided referring to the following:

- If highway safety and drainage cannot be adequately addressed, then the preference should be development at Upper Heyford.
- The gardens should be larger.
- More car parking should be provided.
- Additional mixed housing will be provided.
- The development would add to numbers but not diversity of housing stock.
- Commuting needs of residents not necessarily met by public transport improvements.

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

- 3.1 At the heart of the NPPF is the presumption in favour of sustainable development, defined as having 3 dimensions: economic; social and environmental. These 3 dimensions are mutually dependent and should not be viewed in isolation.
- 3.2 The development of the Site will contribute towards the creation of a sustainable environment through locating development within an area that has access to existing services and facilities, and which will support their continued viability (such as ensuring future school numbers) consistent with the Framework's principles. The site is therefore seen as a suitable and sustainable location to accommodate future housing development.
- 3.3 The proposal has immediate and easy access to sustainable modes of travel and will improve this access further through new bridleway routes and delivering the potential for Network Rail's enhancement of Tackley Railway Station.
- 3.4 The development proposals provide a strong, locally responsive design approach and would result in net gains to local biodiversity through the provision of new wildlife areas within existing public open space and overall benefits to local surface water and foul drainage issues.
- 3.5 When completed the development will provide economic benefit through expenditure of new residents supporting existing village facilities such as the local shop and post office, ensuring that Tackley remains a thriving rural community.
- 3.6 There are no technical impediments to the Site's delivery. A suite of technical supporting documents are submitted with the application which confirm that the development is it capable of delivery and implementation.
- 3.7 It is considered that any planning permission granted will need to be accompanied by necessary planning conditions and obligations to ensure that the development is delivered in an appropriate manner.
- 3.8 In understanding the planning balance, it is recognised that the application will result in the permanent loss of this currently undeveloped site to built development, including the loss of some limited extent of hedgerow, and temporary inconvenience during the construction phase.
- 3.9 In the positive side of the balance however, the application provides much needed affordable housing, a mix of new house types to address community requirements, net biodiversity gains,

net heritage gains, will potentially lead to delivery of Network Rail's aspirations for a new bridleway bridge, provides land for a station car park removing on street commuter parking, provision of multifunctional green space, improved surface and foul drainage environment, construction employment, provision of New Homes Bonus, increased future spend within local community facilities, Council Tax revenue and additional pupils to support local school numbers. The planning balance weighs heavily in favour of the grant of planning permission.

- 3.10 For all the above reasons, it is concluded that the development proposal is compliant with the positive local and national planning policy and that the application should, in accordance with the Framework presumption in favour of sustainable development be granted. West Oxfordshire District Council's support in this respect is sought.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
BE8 Development affecting the Setting of a Listed Building  
BE13 Archaeological Assessments  
NE3 Local Landscape Character  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
H2 General residential development standards  
H3 Range and type of residential accommodation  
H11 Affordable housing on allocated and previously unidentified sites  
T3 Public Transport Infrastructure  
T8 New off-street public car parks  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS5NEW Supporting infrastructure  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
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  
EW2NEW Eynsham-Woodstock sub-area  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal is an outline application for the erection of up to 70 dwellings on 4.23 ha of land with only access to be considered at this stage. A range of supporting information and an indicative layout have been provided. It is envisaged that the development would be predominantly 2 storey with the possibility of some 2.5 storey. The vehicular access would be from Rousham Road.

The only relevant planning history on the site relates to an application for a single detached dwelling adjacent to the existing farmhouse (08/0343/P/FP). This was refused in April 2008 as it did not comprise infilling and would extend the built form into open countryside.

Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, design and form  
Heritage  
Highways  
Trees, landscaping and ecology  
Drainage  
Residential amenity  
Affordable housing  
Rail infrastructure

#### Principle

- 5.2 The site is agricultural land located to the east side of the village to the rear of Nethercote Road. To the north there is modern housing development at The Ridge, as well as a further dwelling at Crecy Hill and a collection of agricultural buildings. To the south there is modern housing development at Balliol Close. To the east is the Cherwell Valley railway line. The village benefits from local amenities such as the primary school, shop, village hall, pub and railway station.
- 5.3 As Tackley benefits from a range of facilities, it is recognised as an appropriate place for some new development under both adopted Policy H5 and emerging Policy OS2. Policy H5 allows for development representing infilling, but the proposed development would not conform with this policy given the site's size and relationship to existing development in this location. The emerging revised local plan Policy OS2 recognises Tackley as a village in the settlement hierarchy. Here, development which respects the village character and local distinctiveness, and would help to maintain the vitality of these communities will be allowed in principle. Following on from this there are a number of general principles that need to be applied to any form of development.
- 5.4 Emerging Policy H1 refers to the sub-area of Eynsham-Woodstock contributing 1,600 dwellings to the housing supply over the plan period to 2031. Although the precise locations for new housing within the sub-area have not been defined, the SHLAA provides an indication of where some of this housing is likely to be developed. The site is identified in the 2014 SHLAA as site number 157 and assessed as unsuitable for the following reason "Detrimental visual impact; impact of adjacent railway line; scale of proposal excessive for the size of the settlement". It is therefore not currently identified as likely to contribute housing land supply. However, it is

understood that this assessment was based on a site capacity of 120 dwellings. The current plans show large areas of the site to be left undeveloped, with the higher land as public open space and a landscaped margin all around the houses. The number of houses proposed has been significantly reduced to 70 units. Accordingly, it is considered appropriate to assess the application on its merits rather than rely on the conclusions of the SHLAA, which in any event is an evolving document which is subject to regular review and update. The site could therefore contribute to meeting the windfall allowance for the housing sub-area.

- 5.5 Although the site is acknowledged to be greenfield, relatively few previously developed sites come forward in the district and it is necessary to consider greenfield sites in sustainable locations. The site is not within the AONB, or Green Belt, and is outside the Conservation Area. It is not considered by your Officers to be an important area of open space that would need to be retained for conservation reasons, although its relationship to the Conservation Area and Listed buildings will be addressed elsewhere in this report. It does not provide public open space or any formal recreation use. This is consistent with bullet point 8 of emerging Policy H2.
- 5.6 In Tackley, emerging local plan policy H2 allows for housing on undeveloped land within or adjoining the built up area, where the proposed development is necessary to meet identified housing needs and is consistent with a number of criteria, as well as other policies in the plan. Detailed considerations expressed in the policy will be assessed below. However, the principle is acceptable as the site does adjoin the existing settlement edge and unidentified housing sites are required to contribute to housing land supply.
- 5.7 Concern has been expressed by objectors that this scheme, combined with the Street Farm development, would represent an unacceptable increase in the size of the village. The increase in households arising would be approximately 22% in relation to the households in Tackley and Rousham at the last census. It is acknowledged that this would be a significant change, but not necessarily harmful in terms of the sustainability of this settlement. Having regard to bullet point 1 of emerging Policy H2 the level of housing proposed is not considered disproportionate.
- 5.8 With regard to the third and fifth bullet points of emerging Policy H2, the development would not lead to the coalescence or loss of identity of separate settlements, and it would form a logical complement to the existing scale and pattern of development in this area. The site is contained between the eastern edge of the village and the railway line and river valley to the east.

#### Siting, Design and Form

- 5.9 An indicative layout has been provided, and this indicates that a scheme of 70 dwellings can readily be accommodated.
- 5.10 The layout shows an intention to avoid built form on the higher ground to the northern corner of the site which would be open space. The northernmost of the proposed dwellings shown indicatively would be on the same contour as the existing dwelling and its outbuildings at Crecy Hill, and are intended to be low density. The lower part of the site to the south west would be left as a landscaped margin, varying in depth between 20m and 30m. This would provide an undeveloped buffer to the houses at Nethercote Road and allow for the introduction of sustainable drainage. All around the periphery of the site there would be landscaped margins with pedestrian access.

- 5.11 It is indicated that the houses would be predominantly 2 storey although the house types are for future consideration as part of a subsequent reserved matters application. The design is likely to be inspired by vernacular forms and proportion, but no detailed elevations are available as part of the application. Officers consider that the height should be limited to 2 storey in order to limit the visual impact of the development in the wider area.
- 5.12 Land is to be set aside for a car park for railway users, and it is intended that a footbridge would be provided for non-vehicular crossing of the railway line as an alternative to the current level crossing further south along the line. This matter is addressed elsewhere in this report.
- 5.13 The layout provides an appropriate balance between open space and built form, and is not high density in relation to the site area.

#### Heritage

- 5.14 Tackley is a combination of two original settlements: one around the ancient Manor of Tackley with Saxon origins (to the immediate west and south of the Green) and Nethercote to the north east, later and lower down the slope beside the river, canal and railway. There has been ribbon development between the two centres, and later, a large area of housing on land owned by St John's College.
- 5.15 There are two sites of great historic interest, both developed by John Harborne (a merchant from Middle Temple, London) who bought the Manor (Hill Court - now known as Tackley Park) and Base Court (now known as Court Farm) in 1612. He built a new Manor House east of the Green (now demolished but the gatehouse, dovecote and granary remain - all listed) and then started to build a large water garden which remains to the east of Court Farm. This is both a Scheduled Ancient Monument and a Registered Park/Garden. It lies immediately to the south of the school site. These sites are not located in close proximity to the site and their settings would not be materially affected.
- 5.16 The site lies to the east of the Tackley Conservation Area, the boundary of which follows the rear boundaries of the historic development on Nethercote Road. Given the presence of modern housing in this location, the interface of the boundaries is not continuous. Nevertheless, it is necessary to consider the impact on the setting of the 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". In this context, the site adjoins but is not within the Conservation Area.
- 5.17 The provisions of the NPPF are important as regards the significance and setting of the Conservation Area. The key question is the contribution the application site makes to the significance of the Conservation Area's setting. The agricultural landscape around the historic core of the village has been historically important, but this has been eroded over the passing of time by new development in various parts of the village, as well as the coming of the railway. In the vicinity of the site the character of the area has been affected by modern development at Nethercote Road, Rousham Road and Balliol Close. The site lies at the north of a triangular wedge of land between Nethercote Road and the railway, the southern half of which is all modern housing. Whilst the agricultural field is a vestige of the wider pastoral landscape of a past era, it is questionable whether its development would be unacceptably harmful to the character of the area. The retention of a wide landscaped strip adjacent to the Conservation Area boundary will provide a physical and visually important buffer to the historic development

beyond. Public access through this area will provide opportunities for the Conservation Area to be appreciated. Views into the Conservation Area will also still be possible from the bridleway to the north of the site and the higher open space within it. It is therefore considered that any harm would be less than substantial.

- 5.18 There are a number of Grade II Listed properties in close proximity to the site. These are 11, 17, 19, 21, 23, 25 and 27 Nethercote Road. They have long burgage plots extending to what was a green lane to the rear, which is now disused. The Council needs to have full regard to the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, specifically section 66(1) which states that the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 5.19 The site is undoubtedly located within the setting of the nearby listed buildings, but the indicative layout allows for substantial separation between these properties and the new housing to be achieved. The landscaped buffer to be provided at the west side of the site removes built form from the immediate setting of the listed buildings. In a similar way to the assessment of the impact on the Conservation Area above, the development would still allow the listed buildings to be appreciated in a visual sense, and in some ways such appreciation would be increased by providing public access in an area where such access does not currently exist.
- 5.20 Although the field within which the development would take place provides an open setting to the rear of the buildings, they were conceived as low status workers' cottages or commercial premises and would not have had a designed setting in the way that a higher status building would have done, for example, by being surrounded by planned parkland. To this extent the field is incidental and provides a rural context, but is not of particular importance to the significance of the listed buildings and the reasons for the listing. The siting, scale and massing of the development would not be unduly prominent or dominant in relation to the listed buildings. The proportions and design are likely to complement rather than compete with the existing development.
- 5.21 In accordance with paragraph 134 of the NPPF, the harm to the settings of the listed buildings at Nethercote Road would be less than substantial.
- 5.22 In regard to both the Conservation Area and the Listed Buildings, the contribution to housing land supply, provision of affordable housing, ecological enhancements, new landscaping, and improved public access are clear positives that would outweigh the limited harm identified.
- 5.23 An archaeological desk based assessment and geophysical survey has been carried out by the applicant. This did not reveal the presence of any potential archaeological features. However, the OCC Archaeological Officer recommends conditions to secure the completion of a written scheme of investigation.
- 5.24 The proposal complies with WOLP Policies BE5, BE8, and BE13, and emerging Policy EH7.

### Highways



- 5.25 The vehicular access is to be from Rousham Road where there is currently access to the highway from the existing Balliol Farm dwelling and farm buildings. Pedestrian access would also be provided via an existing farm gate and grass track at the southern corner of the site onto Nethercote Road. A link would be provided to the existing bridleway that runs along the track beyond the northern boundary of the site.
- 5.26 The planning application is accompanied by a Transport Assessment (TA) which has been prepared with consultation with OCC. The TA demonstrates the transport sustainability credentials of the development site. The TA adequately estimates the trip generation that would arise from the development, and demonstrates that its impact would leave the surrounding road network comfortably within capacity.
- 5.27 The site access proposals presented in the TA are acceptable in terms of layout, visibility and provisions for pedestrians. It is expected that all detailed matters of site layout, vehicle circulation and parking provision will be dealt with through reserved matters.
- 5.28 The site is located adjacent to the S4 bus service between Banbury, Tackley and Oxford. This important route has been designated as a 'Connector Transit' route in Local Transport Plan 4 in recognition of its role as an important public transport link, with a target frequency of two buses per hour. Other residential developments along the S4 bus route, for example in Deddington and Adderbury, have contributed £862 per additional dwelling towards the cost of procuring additional vehicles and journeys to provide a higher frequency of bus service.
- 5.29 The bus service S4 currently operates as an hourly service between Banbury and Oxford, passing through Adderbury, Deddington, Steeple Aston, Tackley and Kidlington. Not only does the bus link Tackley residents with work and education opportunities at either end of the route, but it also provides access to education, retail, health and other opportunities in other villages along the route. The current bus service provides early journeys at 0635 to Oxford and then at 0747 to Banbury, then at broadly hourly intervals with last buses from Banbury at 1750 from Banbury and at 1920 from Oxford.
- 5.30 OCC is particularly concerned that new residents have a credible level of bus service available, to contain the growth of car traffic on and through the County's strategic road network and critical junctions. Whilst an hourly service will meet time-insensitive needs, such as social journeys, a more frequent service is required for journeys to work and to education, where start and finish times are fixed. This is the rationale behind the 'Connector Transit' level of bus service in the Local Transport Plan. The first stage of the strategy to increase the frequency of bus service on the SS4 route has now been implemented on the Deddington to Banbury section of the route, as a consequence of developer funding in the Bodicote area. The Council is now collecting contributions towards the cost of extending the half-hourly service southwards from Deddington to Oxford.
- 5.31 The nearby bus stops at Nethercote Road received some improved infrastructure a few years ago, as part of the programme to enhance bus stops along the S4 route, and to provide modern accessible facilities to match the modern buses now used on this route. However, the Oxford-bound stop is marooned on a traffic island and does not have any shelter. The developer is requested to make improvements to this unusual arrangement by providing a hard-standing area to the south of the Nethercote Road junction and by moving the pole, flag and information case unit to the new stop location, also by contributing to the cost of a new bus shelter. The

developer should liaise with Tackley Parish Council regarding the style and design of the bus shelter.

- 5.32 Tackley railway station is some 300m walking distance from the southern boundary of the development site. This adds considerably to the transport sustainability of the development.
- 5.33 The volume of traffic generated by the development is not likely to have a significant impact on the surrounding road network, given that 9 to 10 movements in the peak direction in peak hour are predicted. Additional volumes of traffic are unlikely to have any appreciable impact on the number and severity of collisions on the local road network.
- 5.34 The proposal complies with WOLP Policy BE3, bullet point 9 of emerging Policy H2 and emerging Policy T1.

#### Trees, Landscaping and Ecology

- 5.35 The site currently has a significant numbers of trees and hedgerow to its periphery. There is also a belt of woodland to the east which runs alongside the railway line and lies outside the site. With reference to the submitted tree protection plan, all of the retained trees and hedgerows would be located within or beyond the landscaped areas. Their root protection areas would not be affected by the indicative siting of the dwellings. Subject to conditions in relation to retention of trees and tree protection measures the proposal would be acceptable in maintaining these existing landscape features.
- 5.36 A full landscaping scheme would be required at the reserved matters stage and the combination of retained trees, new planting and boundary treatments is envisaged to provide appropriate screening and features that will assimilate the development into the local character of the village. This would accord with WOLP Policy NE6 and bullet point 6 of emerging Policy H2.
- 5.37 The submitted Ecological Appraisal identified the land as under arable production with areas of amenity and improved grassland, tall ruderal vegetation, species poor and species rich hedgerows. Bat activity surveys have been carried out, as well as a full reptile survey. The reptile survey revealed small areas of rough grassland which could support grass snakes and slow worms. The proximity of the local nature reserve at Crecy Hill and local wildlife site at Tackley railway cutting were noted.
- 5.38 A small section of the species rich hedgerow will need to be removed for the access but the majority of hedgerows and the trees will be retained. The wildlife sites have been buffered by the positioning of the open space.
- 5.39 If the recommendations contained in the Ecological Appraisal and shown on the master plan are incorporated, the habitat for reptiles and the foraging area for bats will be retained and enhanced by the proposal. The proposal would therefore be consistent with WOLP Policy NE13, bullet point 11 of emerging Policy H2 and emerging Policy EH2.

#### Drainage

- 5.40 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.
- 5.41 A large number of objections have referred to the inadequate capacity of the foul sewage network in this location and instances of surface water ingress into the foul system causing overflow of drains. It is understood that in high rainfall some localised flooding does occur. Thames Water has acknowledged that the existing waste water infrastructure is inadequate to accommodate the needs of the proposed development. Consequently, they request a condition requiring a drainage strategy, detailing on and/or off-site drainage works to be submitted to and agreed in writing by the Local Planning Authority. No discharge of foul or surface water from the site would be accepted into the public system until the drainage works referred to in the strategy had been completed.
- 5.42 The Council's Drainage Engineer advises that a scheme to attenuate run-off from the fields in Rousham Road has been designed by WODC and should be implemented by August 2015. A condition is further recommended to require a full surface water drainage scheme to be submitted and approved by the Local Planning Authority as part of this scheme. An attenuation area is shown indicatively at the south west side of the site, but ultimately all surface water drainage arrangements would be for future agreement in detail. Subject to compliance with conditions, the proposal would accord with bullet point 10 of emerging Policy H10.

#### Residential Amenity

- 5.43 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any neighbouring dwellings. Although the layout may be subject to change at the reserved matters stage, there is no reason to believe that an appropriate privacy distance could not be achieved in relation to all existing dwellings.
- 5.44 The distance between the development and nearby buildings is such that there would be no loss of light. This matter would be assessed in full at the reserved matters stage.
- 5.45 Although there may be some relatively short term disturbance during construction, it is considered that general amenity would not be materially affected by the development. A construction management plan can be agreed by condition. Loss of view is not a material planning consideration.
- 5.46 It is acknowledged that street lighting and light emanating from the dwellings would increase sources of light pollution in this location. However, the village has existing street lighting and is not a dark location. There would be no grounds to resist the proposal on this matter.
- 5.47 A public footpath is proposed around the periphery of the site. Concern has been expressed by some residents in Balliol Close that this would be detrimental to amenity because of its proximity to the boundary. However, between the rear gardens of Balliol Close and the path there would be a landscaped buffer. It is therefore considered that there would be no unacceptable impact arising.
- 5.48 It has been suggested by some objectors that the development could lead to anti-social behaviour and crime. However, there is no evidence to suggest that the development would

have any such effect. The development would allow public access to an area on the edge of the village that is not currently accessible and in this respect there may be some theoretical prospect of existing residents at Nethercote Road and Balliol Close being exposed to access and activity beyond their rear boundaries. However, the counter argument is that the proposed footpath around the site and presence of housing that overlooks paths and open space, serves to provide natural surveillance and security.

- 5.49 There is potential for future occupants of the development to be affected by noise from the railway. The illustrative layout shows buildings at least 5m away from the eastern site boundary and the line itself is further removed beyond a belt of trees. Having regard to the noise assessment provided by the applicant, a condition is recommended to ensure that guidelines for noise levels within gardens and houses are adhered to and factored into the design and layout at the reserved matters stage, for example, by the use of acoustic fencing and specialist glazing.
- 5.50 Insofar as amenity issues can be assessed under this outline application, the proposal would comply with the fourth bullet point of emerging Policy H2.

#### Affordable housing.

- 5.51 WOLP Policy H11 requires contributions to affordable housing at a rate of up to 50% on unallocated sites. The emerging review plan Policy H3 introduces an approach on large scale schemes whereby the district is divided into zones where different proportions of affordable housing will be sought. In the case of Tackley the expectation would still be for 50%. The Council's Housing Enabling Officer has advised that mix should be 65% of the new affordable homes to be intended for occupation by smaller households, namely; singles, couples, small families and older people. The remaining 35% will be required to address the needs of larger families, principally three bedroom houses with a very small number of four bedroom homes. With regard to the tenure of any affordable housing provision, the Council would seek to address affordability locally through a ratio of 2:1 affordable rent to intermediate (principally shared ownership). It is considered that this would make a policy compliant contribution to affordable housing needs in this area.
- 5.52 Many supporters of the scheme have welcomed the provision of affordable housing in this location.

#### Public car park and railway bridge

- 5.53 The layout shows land set aside for a public car park and the intention to provide a pedestrian crossing of the railway line via a bridge.
- 5.54 There is a long standing aspiration to provide a new pedestrian crossing over or under the railway line to replace the existing level crossing. A planning application was submitted in 2000 (W2000/1962) to provide a footbridge in the same position as the level crossing but this was refused because of the design of the bridge, impact on residential amenity and failure to make adequate provision for the disabled, elderly, children and cyclists. A subsequent application was made in 2002 for a subway to replace the level crossing (W2002/1219). This was refused on the grounds of not providing access for all users, including horses and riders, and design. However, the scheme was subsequently allowed on appeal. The permission was not implemented and has lapsed.

- 5.55 The objective to provide a safer crossing of the railway remains a laudable aim, but the details of how this might be achieved in terms of design and implementation are not available as part of the application. What is apparent, is that the location for the bridge, where it would span the cutting, allows for relatively level access to be created which addresses the accessibility issues raised under previous schemes. The intention of the applicant to set land aside to allow for this to be provided by Network Rail in the future is welcomed. However, the applicant is clear that they consider that the acceptability of the housing scheme is not contingent on provision of the railway infrastructure and your Officers share this view.
- 5.56 The plans also show an area designated as a car park for use in connection with rail travel. Many objectors have referred to on-street parking and congestion associated with the station and in this regard any extra parking in the village is to be welcomed. However, as referred to in the previous paragraph, it is not the applicant's intention to construct this and it would form part of a separate arrangement with Network Rail. A condition is recommended that would require details of the means of access to the proposed bridge to be provided and maintained within the site, as well as a firm indication of the area of land to be made available for station parking.

#### Other Matters

- 5.57 There is anecdotal suggestion from objectors that local services and facilities will be put under strain as a result of this proposal. Oxfordshire County Council has been consulted, and as regards those services that may be directly affected, financial contributions consistent with CIL are required in the following sums:
- £862.00 per dwelling to improve bus services in Tackley (£60,340.00)  
£8,000.00 towards the cost of procuring, installing and maintaining a new bus shelter.  
£13,793.80 towards library provision.
- Contributions are not being sought in relation to education and it is noted that there is capacity at Tackley Primary School.
- 5.58 The Council's Arts and Leisure section has advised that a contribution of £14,000.00 towards public art is required. This would be used to animate and enhance public spaces in the village, and provide the development of activities to engage the wider community, the exact nature of which is to be determined in conjunction with the Parish Council.

#### Conclusion

- 5.59 The application is seeking outline planning permission with only means of access to be considered at this stage, although some matters of detail, such as the intention regarding the retention of trees on the site, have been submitted as part of the proposal.
- 5.60 The principle of development in this location is acceptable with regard to emerging Local Plan Policies OS2 and H2, and the sustainable development objectives of the NPPF.
- 5.61 The means of vehicular access to Rousham Road and new pedestrian/cycle tracks to the existing bridleway and Nethercote Road are not objected to by the Highways Officer. It is considered that there would be no significant impact on highway safety and details of the provision of parking within the site can be resolved at the reserved matters stage. Accordingly the proposal is considered to comply with adopted Local Plan Policy BE3 and emerging Local Plan Policy T1.

- 5.62 The constraint as regards drainage capacity is acknowledged and the condition requested by Thames Water in relation to the submission and approval of a drainage strategy is attached to this report.
- 5.63 There would be no unacceptable impact on residential amenity, based on the indicative layout.
- 5.64 The indicative layout, and plans for the retention of trees and new landscaping, indicate that a scheme for 70 dwellings can be comfortably accommodated on the site without significant detriment to the character and appearance of the area, or material harm to the significance and setting of heritage assets. A condition is included to require details of siting, scale and external appearance at the reserved matters stage.
- 5.65 Impacts of the development as regards social infrastructure will be addressed through a legal agreement.
- 5.66 There would be no direct impact on protected species and appropriate mitigation and enhancements for wildlife can be secured by condition. The overall ecological value of the site would be enhanced compared to the current arable cultivation.
- 5.67 Insofar as relevant to this outline application, the proposal complies with adopted Local Plan (2011) Policies BE2, BE3, BE4, BE5, BE8, BE13, NE3, NE6, NE13, H2, H3, H11, T3, and T8. The proposal is also consistent with emerging Local Plan (2031) Policies OS1, OS2, OS5, H1, H2, H3, H4, T1, T3, T4, EH1, EH2, EH5, EH6, EH7, and EW2. The scheme would also fulfil the sustainable development objectives expressed in the NPPF.

## **6 CONDITIONS**

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the layout, appearance, scale and landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.
- 3 The development shall be carried out in accordance with plans 3041-01 Rev E and 21148\_08\_020\_01 Rev G. The reserved matters submission shall be in general accordance with the Illustrative Masterplan 3041-02 Rev C and Parameters Plan 3041-05. However, all buildings shall be no more than 2 storey and the layout and design shall have regard to the contours of the site and seek to minimise the visual impact of the development.  
REASON: For the avoidance of doubt as to what is permitted.
- 4 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been constructed, surfaced and drained in accordance with plans and

specifications that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety.

- 5 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 6 Development shall not begin until details, including surfacing and lighting, of all footpaths/cycleways/bridleways within the site and their connection with the existing rights of way/highway network, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include provision for the footpaths/cycleways/bridleways to connect to the point on the site boundary where it is intended the new railway bridge will be provided. The details so approved shall have been fully implemented before any of the dwellings are occupied and maintained as approved thereafter.  
REASON: To ensure safe and adequate pedestrian and cycle access.
- 7 Prior to first occupation of any of the dwellings, a Travel Plan Statement and resident travel information pack shall be submitted to and approved in writing by the Local Planning Authority. The approved statement and travel information pack shall be made available to all purchasers of the dwellings on occupation.  
REASON: To promote use of non-car modes of transport.
- 8 The reserved matters submission shall include details of the precise area to be safeguarded for use as a car park in connection with Tackley Railway Station, its means of access, enclosure and surfacing.  
REASON: For the avoidance of doubt as to what is permitted and to ensure an appropriate treatment to retained land.
- 9 The reserved matters submission shall have regard to the findings of the Noise and Vibration Assessment dated May 2015 by Mewies Engineering Consultants. Where dwellings are to be located on parts of the site affected by noise pollution arising from the railway to the east that does not conform with World Health Organisation guidelines, a scheme for mitigating the impact of the noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the scheme so approved and such measures shall be in place before dwellings so affected are occupied.  
REASON: To ensure satisfactory living conditions in the dwellings.
- 10 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
  - I The parking of vehicles for site operatives and visitors
  - II The loading and unloading of plant and materials
  - III The storage of plant and materials used in constructing the development
  - IV The erection and maintenance of security hoarding including decorative displays
  - V Wheel washing facilities
  - VI Measures to control the emission of dust and dirt during construction

VII A scheme for recycling/disposing of waste resulting from demolition and construction works.

VIII Hours of operation

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.

- 11 Prior to commencement of the development, including site clearance, an ecological method statement and ecological management plan, including ecological protection zones for the habitats retained and a detailed reptile mitigation plan, shall be prepared in accordance with the Predicted Impacts and Mitigation contained in Section 5 of the submitted "Ecological Appraisal" dated May 2015 by EPD and referenced EDP2383\_02 C. The ecological method statement and ecological management plan shall be submitted to and approved in writing by the Local Planning Authority before any work on site commences. Thereafter, all measures contained in the management plan shall be fully implemented in accordance with a timetable agreed with the Local Planning Authority or at the latest before the first occupation of any of the dwellings on the site. The management plan shall remain in force and all agreed measures shall be maintained for a minimum period of 10 years from the date of completion of the last dwelling to be constructed on the site.

REASON: To ensure that bats, birds, reptiles and their habitats are protected in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, in line with the NPPF (in particular Section 11), West Oxfordshire District Local Plan 2011, emerging review West Oxfordshire Local Plan 2031, and in order to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 12 (i) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins

(ii) The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

- 13 Prior to commencement of the development a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. 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.

- 14 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.
- 15 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.
- 16 The development shall be carried out fully in accordance with the "Findings of the Arboricultural Baseline Assessment (incorporating tree constraints)" by EDP dated May 2015 and referenced EDP 2383\_03a, including all recommended tree protection measures and plan EDP2 - Tree Protection Plan.  
REASON: To safeguard features that contribute to the character and landscape of the area.
- 17 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.
- 18 Prior to any demolition and the commencement of the development the applicant, or their agents or successors in title shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, relating to the application site area, which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

- 19 Following the approval of the Written Scheme of Investigation referred to in Condition 18, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority by a date to be agreed with the Local Planning Authority.

REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.

### NOTES TO APPLICANT

- 1 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team all works in and immediately adjacent the highway under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

- 2 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- Water Comments - 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	I5/02069/FUL
Site Address	Land At Rollright Stones Kings Men Little Rollright Oxfordshire
Date	25th August 2015
Officer	Gemma Smith
Officer Recommendations	Refuse
Parish	Rollright
Grid Reference	429442 E 230789 N
Committee Date	7th September 2015

**Application Details:**

Change of use from agricultural to overflow car park and landscaping

**Applicant Details:**

Mr George Lambrick  
c/o Picketts Heath  
The Ridgeway  
Boars Hill  
Oxford  
OX1 5EZ

**I CONSULTATIONS**

- I.1 Historic England
- Historic England Advice  
We agree with the conclusions of the Heritage and Archaeology Statement that it is very unlikely that any harm will result to the designated heritage assets (including to their setting) from the proposal. Overall, the provision of proper parking will be of benefit to the heritage assets. The archaeological monitoring of some parts of the works proposed in the same document is welcome and appropriate. As part of the proposal is within the area of a scheduled monument (The Rollright Stones, List No. 1018400), scheduled monument consent should be obtained before works commence.
- Recommendation  
We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.
- I.2 OCC Archaeological Services
- Thank you for consulting us about this planning application. The applicant has undertaken an archaeological assessment of the site and the likely impact of the proposed development upon the archaeological resource. All works are to be undertaken under archaeological supervision in line with the conditions of the SMC. As such we have no objections to this application.

I.3 WODC Architect A proper off-road car park here would be a real benefit - parking on the current lay-bys and on the road and verges is far from satisfactory - and probably dangerous too. But the current proposed site is very close indeed to the stones - and it would be separated by just one hedgerow or small plantation. Bearing in mind that the setting of the stones is a crucial part of the significance, and bearing in mind that the sweeping expanse of land to the east, west and south is remarkably free, visually, of development such as roads, buildings, etc., the current proposal would be a most unfortunate change. I would be very uncomfortable about relying on vegetation to mask the car park too - vegetation comes and goes, and the sound of cars manoeuvring would not be blocked in any event.

And this flies in the face of current thinking on such monuments, which attributes great importance to setting, with settings being preserved, ideally, as closely as possible to those that might have existed originally - or at the very least, protected from distracting development. A very good example is the recent project at Stonehenge, where the visitor centre and car park have been relocated to a considerable distance from the stones - and a public main road completely removed too.

I strongly suggest that they look for another site, preferably several hundred metres from the stones, preferably connecting with the site via the existing footpath in the fields, or perhaps an extension of it.

Even moving the car park to the west side of the field that is currently proposed would be a big improvement in terms of location.

- I.4 Parish Council No Comment Received.
- I.5 OCC Highways No Comment Received.
- I.6 WODC Env Health – Uplands No Comment Received.

**2 REPRESENTATIONS**

2.1 Four representations in support of the application have been received. The representations are summarised as follows:

Parking in the existing lay-byes often becomes both congested and hazardous. It is not often that this kind of development can be carried out so close to a sensitive site while remaining as inconspicuous as this one promises to be and I am strongly in favour of it. It will immediately alleviate the current parking problems which manifest on particular days and busy summer weekends and maintain good relations with the nearby Kings Stone farm and other surrounding landowners. The new parking area is in keeping with the environment and safe. It will also not affect the neighbours.

The lack of parking and the dangers it poses to visitors who have to run their cars up on the verges once the current – very limited - parking is full.

The verges are not deep and these results in cars being part off and part on the road leading to an obvious hazard to other road users and also the person exiting the vehicle.

- 2.2 Warwickshire County Council have been consulted on the application as the Road is in their district and have made the following comment;

**OBJECTION** for the following reasons;

The visibility splays indicated on the submitted layout are not commensurate with the speed of the C70 Rollright Road which is subject to the National Speed Limit (60mph). 90.0 metre splays as proposed would be consistent with a 30mph approach speed. Cars exiting a vehicular access where visibility is below the required standard and not sufficient for drivers to determine whether it is safe to manoeuvre, will result in conflicting movements at the proposed access to the detriment of highway safety. Visibility splays with 215.0 metre 'y' distances from a 2.4 metre 'x' distance set back would be required unless a speed survey is commissioned by the applicant (7 day loops/radar detector) to establish the 85%ile speed of vehicles approaching the site. If this indicates a lesser approach speed than the national speed limit then a reduced visibility splay could be considered.

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A further issue with the visibility splays is the existing lay-bys. As formal parking provision within the limits of the public highway, these create an obstruction within the visibility splay in a north-easterly direction. Although from the supporting statements it is understood that the car park is to complement the existing lay-bys, their retention would obstruct visibility from the proposed access to the detriment of highway safety.

It would be necessary for these to be removed (with the public highway verge and kerblines reinstated) with the car park providing the necessary parking in lieu of the lay-bys.

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

The proposed development arises from the need to address a significant lack of capacity in the existing two lay-bys at the Rollright Stones ancient monument.

The Trust does not actively promote or advertise the site as it is listed in many other guides to the area

The number of visitors to the Stones fluctuates from year to year.

The Trust permits circa 15-20 mostly small private events during the year. It also permits and occasionally organises 6-10 larger public or semi-public events which attract the need for overflow parking.

During 2014 problems at the site arose with overflow car parking, with visitors parked along the verge up to a hundred metres in each direction in addition parking is close to the Kings Men stone circle causing local concern.

During December 2014 and January 2015 the Trust consulted local residents and public authorities about the problem to formalise the solution of roadside parking by creating a green layby along the verge.

No alternative areas have been available to the Trust.

Proposed seasonal usage of the car park spring and summer months with rare winter events.

The capacity of the overflow car parking is for 55 cars including up to 5 disabled places.

The proposed development would give rise to only temporary visual intrusion and involve very limited loss of agricultural land.

The proposals will address the current traffic, parking and visual and setting problems.

#### Design and Access

Two stage process of implementation. 1 for which a lease is already in place will be to provide immediate overflow parking (on a temporary reversible basis) for the remainder of 2015. Stage 2 a permanent solution for landscaping, gates and permanent features.

The landscape will be minimised in various ways to include reinforced grass rather than tarmacking, no lighting, minimum signage and a native landscaping scheme.

The proposed use of the area is for overflow parking when the existing lay-bys are full together with a landscaped area that will offer improved wildlife.

The entrance is designed to facilitate both access to the parking area and agricultural access to the field (replacing current access next to Tollhouse Cottage). The access will be Y-shaped.

The removal of part of hedge will allow for pedestrian access to the small lay-by and the main vehicular access.

The harm arising from the change in very open arable land use is compensated for by other benefits designed to fit well with local landscape character and ecology, which together with the wider public access and enjoyment benefits will enhance than harm the purposes for which the AONB was designated.

#### Ecological Assessment

The loss of existing habitats will be extremely limited and the areas affected are not of any significant intrinsic interest.

The residual risk of protected species being present is low and the potential for disturbance or harm can readily be mitigated.

#### Cutting vegetation outside nesting seasons

Care will be taken during works to not disturb any protected species that are found including any amphibians living in the remains of the wall and stone heap.

The net effects of the proposals are intended to be beneficial to wildlife. By making a small contribution to creating more ecologically diverse typical limestone habitat the benefits are not only to wildlife but also enhance this part of the AONB.

#### Heritage and Archaeological Statement

The residual harm to the fabric of the scheduled monument is considered negligible, and outweighed by benefits in other areas.

No significant ground disturbance is envisaged for the main parking area since it only needs superficial smoothing of the topsoil surface before reseeding and laying the reinforcement mesh.

The proposed hedge will also be planted within the topsoil.

Down-slope erosion due to cultivation is not considered a serious issue given the relatively flat top of the ridge.

The potential significant archaeological damage is thus considered remote and is readily mitigated by archaeological monitoring of ground works.

#### Landscape Assessment

The overflow car park is located within the Cotswolds AONB adjacent to the Rollright Stones, one of its most iconic monuments.

The detailed review of the proposals against these guidelines shows how the scheme fits within a longer term strategy that the Rollright Trust has implemented to address relevant issues.

Respecting and enhances the setting of a group of key monuments

Balancing reversion of arable to pasture with retention of historic field patterns

Enhancing rather than harming net biodiversity

Retaining and enhancing key views while screening other views from intrusion

As such the proposed overflow car park and habitat enhancement scheme is entirely compatible with the general duty of public authorities to have regard to the purposes of the Cotswolds AONB, and of the Conservation Board in promoting those aims, as set out in its Management Plan and other guidance.

#### Visual Impact Assessment

There are no properties or locations on public roads or rights of way within 1.3km of from which the proposed car parking area can clearly be seen

The only nearby property is already well screened by vegetation and is likely to have only very limited views of the site

The site is visible from more than 3.5km away but not easily seen.

The residual impact is occasional, temporary intrusion of cars over 1.5km away being visible for circa 6 hours per day on an estimated 50 days per year decreasing to no impact over about 5 years. Even allowing for the sensitivity of the location, this is not considered a significantly harmful effect, but rather is a significant improvement on the present situation.

## 4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE12 Archaeological Monuments

BE21 Light Pollution

NE1 Safeguarding the Countryside

NE4 Cotswolds Area of Outstanding Natural Beauty

NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows

NE13 Biodiversity Conservation

OS2NEW Locating development in the right places

OS1NEW Presumption in favour of sustainable development

EH1NEW Landscape character

T2NEW Highway improvement schemes

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 change of use from agricultural to overflow car park, access and associated landscaping. The land in question is west of an ancient monument The Rollright Stones The land is outside of a Conservation Area but is situated within the Cotswolds Area of Outstanding Natural Beauty.

5.2 The application seeks permission for the provision of 55 car parking (including 5 disabled) spaces by way of turf reinforcement mesh over hardwearing grass, a 10m wide entrance gap from the main road and 8m wide limestone hard-standing on geotextile. A new chestnut paling fence is proposed for a section of the boundary between the site and the field in which the ancient monument is in. This fence would also extend to the front boundary with the road. In addition a landscaping planting scheme is proposed.

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:

Siting and impact on the character of the landscape

Impact on the ancient monument

Ecological impacts

Highways implications

Siting and impact on the character of the landscape

5.4 Policy BE2 of the west Oxfordshire Local Plan, 2011 and Policy OS2 of the emerging Local Plan, 2031 seeks for proposals to respect and where possible improve the character and quality of its surrounding. Whilst officers consider the phase 2 landscaping scheme which would comprise of native planting to the south of the site and reinforcing the hedgerow along the north of the site, it is considered the change of use of the agricultural land in this location would form a incongruous feature within the open countryside.

5.5 Policy NE4 of the adopted West Oxfordshire Local Plan, 2011 aims to conserve and enhance the natural beauty of the Cotswolds Area of Outstanding Natural Beauty. Paragraph 115 of the National Planning Policy Framework, states that great weight should be given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty. It is considered by officers that the location very clearly lies beyond the established boundary of development in this location and would result in an incongruous and inappropriate intrusion in the surrounding landscape.

5.6 Proposals should be refused for development that fails to respect the existing scale, pattern and character of the surrounding area; and that the landscape surrounding is not adversely affected. It is considered by officers that the development would detract from the landscape qualities of the area (particularly views from the south) and represent an unwarranted domestic intrusion into open countryside within the Cotswolds AONB. In addition officers consider that the proposal could lead to an undesirable precedent at the site which could encourage further growth of the facility in an unsuitable location, with the potential agglomeration of other ad hoc buildings and uses resulting.

Impact on the ancient monument

5.7 Feedback from Historic England states that there would be no impact on the ancient monument. However on consultation with the Councils Conservation Architect the proposal is considered, by way of siting and proximity to the ancient monument, to affect the character and setting of the heritage asset. Whilst officers note that there are a number of mitigation measures



proposed by way of landscaping and the planting of native species, it is considered to be unacceptable to construct such a form in such close proximity to the ancient monument.

- 5.8 Great weight should be attributed to preserving ancient monuments to, ideally, as close as possible to those as it originally existed. Introducing such an alien form, even with the landscaping, which indicates in itself that the development requires 'screening' to be assimilated in to the landscape, is contrary to the aims of policy BE12 and will detract from the very special and unique character of the stones.

#### Ecological impacts

- 5.9 The applicant has provided an ecological survey to support the application. This has identified that the most important habitats on site were identified as the Copse, individual trees and hedgerows. The Councils' Ecologist has confirmed there is no objection to the proposals providing any works are carried out in accordance with the Ecological assessment which has been carried out, which includes some habitat creation works.

#### Highways implications

- 5.10 There is no associated parking at the site, however there are two laybys off the road which are used for visitors. The applicant also states that there has been informal parking arrangement at land near the Kings Stone adjacent to the Rollrights' monument.
- 5.11 Warwickshire County Highways have been consulted on the application and confirm there is an objection to the scheme due to the submitted layout not being commensurate with the speed of the Rollright Road which is subject to the National Speed limit of 60mph. Any cars exiting as access where visibility is below the required standard is not sufficient for drivers to determine whether it is safe to move off. The visibility splays indicated are not sufficient for the speed limit.
- 5.12 The existing lay-bys also cause an issue for visibility splays as any parking here will create an obstruction within the visibility splay in the north easterly direction. The retention of the lay-bys would be to the detriment of highway safety. As such the proposal is contrary to policy BE3 of the WOLP 2011.

#### Conclusions

- 5.13 Taking into account all of the above matters, and those raised in third party representations, the proposal is considered to result in a detrimental effect the setting of the ancient scheduled monument, wider landscape setting and the on the safety of the local highway network contrary to policies BE2, BE12, NE1, NE4, NE3 and BE3 of the WOLP 2011, and policies OS2, OS1 and EH7 of the Emerging Local Plan 2031, and should therefore be refused.

## **6 REASONS FOR REFUSAL**

- 1 The proposal fails to respect the character and special landscape qualities of the surrounding area and by way of its incongruous intrusion into the open countryside and as a result is considered to result in a detrimental effect on the setting of the ancient scheduled monument and wider landscape setting contrary to policies BE2, BE12, NE1, NE4, and NE3 of the WOLP 2011, and policies OS2, OS1 and EH1 of the Emerging Local Plan 2031 and the provisions of the NPPF.

- 2 The proposal fails to adequately show that safe access can be achieved on this site with the insufficient visibility splays proposed by virtue of the existing lay-by's and high speed limits on the adjacent road. As such the proposal would adversely impact on highway safety contrary to policies BE3 of the WOLP 2011, and policies OS2 and T2 of the Emerging Local Plan 2031 and the provisions of the NPPF.

Application Number	15/02070/S73
Site Address	Cosy Cottage The Old Tannery 41 Distons Lane Chipping Norton Oxfordshire OX7 5NY
Date	25th August 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Chipping Norton
Grid Reference	431184 E 227238 N
Committee Date	7th September 2015

**Application Details:**

Removal of Condition Number(s): 2 of consent 06/1700/P/FP to allow unrestricted residential use.

**Applicant Details:**

Mr CJ Hanks  
12, Stonelee Close  
Chadlington  
Chipping Norton  
Oxfordshire  
OX7 3LA

**1 CONSULTATIONS**

- 1.1 Parish Council                      The Town Council object strongly to this planning application as this would increase the car parking issue in Distons Lane.

**2 REPRESENTATIONS**

- 2.1 Two objection comments have been received as a result of the displaying of a site notice. Those comments can be viewed in full on the Councils' website but are summarised below as;
- 2.2 Cosy cottage is in the corner of our drive.

Access to the single parking place for one small car is over our drive.  
We purchased the Old Tannery in October 2011, on the clear understanding that Cosy Cottage was a Holiday Let and was unsuitable for continuous residential occupation and strongly object to any change to this restriction.

Specific Comments regarding the application with reference to the paragraphs in the Planning statement. Para 1.6 In 1999 Cosy cottage was converted to form a granny annexe following the grant of planning permission on the 3 March 1998- Application W97/1667. Para 1.7 Condition 7 of the above consent advised as follows: Condition 7. "The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 41, Distons Lane, Chipping Norton."

Reason: "A separate dwelling in this location would have an adverse impact on neighbours and as there is insufficient car parking available."

This comment about having an adverse impact on neighbours as there is insufficient parking is still valid.

My main objection to this change is one of principle. The new owner has made no attempt to operate the property as a holiday let but has apparently always had the intention to apply for change of use as soon as improvement works were complete. Naturally, I do not know what exploratory discussions he may have had with the planning authority prior to purchase. However, if it is the case that his true intentions were always concealed, his action appears rather cynical and I do not believe the authority should cooperate with his wishes.

My second objection is one of practicality. The tiny patio area enjoyed by Cosy Cottage would prove extremely limiting for a permanent resident and likely to lead to disputes over encroachment of the drive of No 41. The original designation as a granny annexe was appropriate since family members can easily cooperate over use of drive and garden space. The subsequent redesignation as a holiday let was also appropriate as this form of occupancy does not lead to an accumulation of possessions or any desire to establish a garden on the site. A permanent resident would have a greater tendency to hang out laundry, store bicycles etc., set out plants in containers, entertain visitors outside during the summer and so on.

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

- 3.1 The application has been submitted with a supporting Design and Access statement as well as a further supporting statement, on the request from officers during the consideration of the application. That statement is concluded with the following summary (the full reports can be read in full on the Councils' website);

The National Planning Policy Framework and Planning Policy Guidance urge Local Planning Authorities to stimulate economic growth by increasing the supply of land for housing, particularly by making the best use of sustainably located sites in rural settlements such as Chipping Norton. In this regard the current proposal is entirely in accord with key national policy guidance and the policies of the adopted Local Plan in that:

- a) It constitutes an acceptable use of an existing dwelling within the built up area of the settlement, a service centre where the conversion of appropriate existing buildings is considered to be acceptable in principle in the adopted Local Plan. It is sited in a very sustainable location close to the town centre and its facilities and close to major public transport routes.
- b) The siting of Cosy Cottage conforms to and complements the established tight grained pattern of development in the area, which is characterised by vernacular terraced cottages set out in a linear fashion along both sides of Distons Lane, located tight up to the carriageway edge.
- c) The conversion of Cosy Cottage respects the design, scale, pattern and character of traditional buildings in the surrounding area and as such it makes a positive contribution to the character of the immediate locality and the wider Conservation Area.
- d) There is no logical reason that unrestricted residential use of Cosy Cottage would have a detrimental impact on the amenities of either existing adjoining or proposed occupiers, either

by reason of loss of privacy, over dominance or loss of sunlight or daylight. Similarly there is no substantive reason to make the case that the building is unsuitable for residential occupation.

e) By reason of the on-site parking and turning facility provided and the access onto Distons Lane, it is not considered that the proposed development would create conditions detrimental to highway safety.

In summary, as the proposed development fully complies with the requirements of the National Planning Policy Framework and the adopted Local Plan and there are no other material planning considerations, there are no reasonable grounds for refusing planning permission. It is anticipated therefore that the application will receive the full support and encouragement of the District Council.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

TLC2 Use of Existing Buildings

NE4 Cotswolds Area of Outstanding Natural Beauty

H7 Service centres

H2 General residential development standards

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application is seeking to remove condition 2 of notice of permission 06/1700/P/FP which restricted the use of the one bed premises to a holiday let only. The application is before the Sub Committee due to a direct call in from Cllr Saul.

##### Background Information

- 5.2 The planning history of the site is relevant to this case as the original planning unit of the site included the main dwelling known as The Old Tannery, 41 Distons Lane, with Cosy Cottage forming part of the same unit as a form of ancillary accommodation. It formed part of the conversion of the former tannery site.
- 5.3 Cosy Cottage was converted to form a granny annexe to be used in conjunction with the main dwelling under an application made in 1998, ref W97/1667. A condition was imposed on that consent to ensure the cottage remained in ancillary use to that of the main dwelling.
- 5.4 The cottage was used in this manner until around early 2006 when it was used as a self-contained holiday cottage. This use was regularised by the grant of retrospective planning permission for the changes of use which contained the condition which is subject of this application. The reason for the imposition of that condition was, "The accommodation is provided on a site where development would not normally be permitted, and the nature of the accommodation provided makes the building unsuitable for continuous residential accommodation".

- 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  
Impact on neighbouring Amenity  
Highway Safety

Principle

- 5.6 The application is essentially seeking the removal of the restricting condition so that the property can be let out as an unfettered dwelling. Policy H7 of the adopted Local Plan is therefore relevant as this states that the new dwellings will be permitted in the service centres, as Chipping Norton is defined, in circumstances of the conversion of existing and appropriate buildings. The property is a one bed room self-contained unit within the historic core of Chipping Norton town centre. It has a small private amenity space and an allocated parking space. It would appear therefore that the existing property is appropriate and capable of conversion, in accordance with Policy H7. In principle therefore the application is considered acceptable, providing it does not conflict with any other policies of the Local Plan, as will be addressed below.

Impact on neighbouring amenity

- 5.7 The conversion of the original barn to the cottage has already been assessed by the consideration of the previous applications. The conversion has been carried out in a traditional manner and is considered to respect the vernacular of the area. The proposal has previously been considered in the context of a holiday let, or annexe, and therefore not as a separate independent use. The key consideration therefore is whether there would be any material impact on the enjoyment of neighbouring amenities as a result of the use being changed from a holiday let, to a dwelling.
- 5.8 Officers consider that the use as a dwelling would not lead to any discernable material difference in terms of the nature and character of the use, than has existed previously. It may be considered that the use as a holiday would generate more movements in terms daily comings and goings and the turnarounds between lets. It is therefore not considered that the proposal would result in any unacceptable impacts on the amenities currently enjoyed by neighbouring properties. The proposal is therefore considered to comply with policies BE2 and H2 of the WOLP 2011.

Highway Safety

- 5.9 A single parking space is provided for Cosy Cottage, within the grounds of the two properties. This does therefore allow for sufficient off street parking, as one space would be considered acceptable for a property of this size, in this central and sustainable location. The proposal is therefore considered in accordance with policy BE3 of the WOLP 2011.

## Conclusion

- 5.10 Taking into account all of the matters and those raised through third parties, the application is considered acceptable on its merits and is therefore recommended for approval subject to the suggested conditions.

## **6 CONDITIONS**

- 1 This decision relates to the approved drawings listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 The car parking space as shown on the approved site plan shall be provided 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.

Application Number	I5/02135/OUT
Site Address	Land Between Wychwood House And Malvern Villas Witney Road Freeland Oxfordshire
Date	25th August 2015
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Freeland
Grid Reference	440709 E 213779 N
Committee Date	7th September 2015

**Application Details:**

Outline application for residential development of up to 29 dwellings (means of access only)

**Applicant Details:**

Daniel Family Homes  
C/o Agent  
SF Planning Limited

**I CONSULTATIONS**

I.1 Parish Council

This site on the south side of the A4095 that has been proposed for development by Mr Daniel is included in the West Oxfordshire Draft Local Plan. It is identified as site reference number 269 and it is included in the updated SHLAA (dated June 2014). Within this document it states that whilst this site is available and achievable for development, the overall assessment of it was as follows:

Site 269 (land South of Witney Road) - Overall assessment = Not suitable.

Comment: Significant detrimental impact on the rural approach to Freeland from the west.

Councillors are very concerned that this proposed development will have a detrimental impact on the local area, especially in relation to access onto the A4095 which can already be difficult and dangerous at peak times.

The updated SHLAA (June 2014) notes the following about Freeland and its surrounding area:

"Although Freeland does not include a conservation area, the surrounding geography and landscape impose significant constraints upon further expansion of the village. The extensive area of woodland to the west presents a clearly defined limit to development in that direction. The landform to the east, when viewed through the gaps alongside Wroslyn Road, rises slightly before dropping again at the edge of Long Hanborough.



This gently rolling vale landscape creates an important rural outlook from the road, with views of the nearby service centre being hidden by the gradual rise in the adjacent fields. This landform also conceals Freeland from views from the A4095 to the east of the Wroslyn Road junction. Over the last 30 or so years, a number of planning applications have been submitted for residential development on this side of the road, north of the existing estate at The Blowings and Woodlands. All have been refused and, where taken further, have failed at appeal."

As you will note from the above, one of the key themes running through the assessment is that the area is visually sensitive and any development would be highly prominent and exposed which would be very detrimental to the approach to Freeland village from the A4095. Councillors believe this proposed development would be still be highly prominent and exposed along the A4095, despite the proposed landscaping which would take years to develop fully, and it would therefore be severely detrimental to the character of the village and current landscape setting.

Policy OS2 of the WODC Draft Local Plan also states that for small villages, hamlets and open countryside:

"Development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area."

The Policy goes on to state that the General Principles for development will be:

All development will be located where:

it forms a logical complement to the existing scale and pattern of development and/or the character of the area;

it protects or enhances the local landscape and the setting of the settlement/s;

it makes use of previously developed land where available, provided it is not of high environmental value (e.g. ecology) and the loss of any existing use would not conflict with other policies of this plan;

it does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;

it can be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities.

Freeland Councillors do not feel that these policy principles are being met with the proposed development by Daniel Family Homes as a valuable open green space is being lost which makes an important contribution to the character and appearance of the approach to Freeland and the village as a whole.

Policy H5 of the Local Plan states that for medium size villages, New dwellings will be permitted in villages in the following

circumstances:

- a) infilling;
- b) rounding off within the existing built-up area; and
- c) the conversion of appropriate existing buildings.

The proposed development of site 269 does not meet with any of these circumstances and therefore the proposal is contrary to policy H5 of the Local Plan.

Councillors are also concerned about the ecological surveys that have been carried out. A local ecologist has informed the Parish Council that the ecological surveys carried out to date by Mr Daniel are not sufficient and do not meet with the standards set by DeFRA and Natural England. The Council have also been informed that there are Great Crested Newts present near the site (within 500 metres) and these are a protected species.

Another of the concerns of our Parish Councillors is that of the problems of accessing the site from the A4095.

Anyone living locally is more than aware that the A4095 is very severely congested heading from Witney towards Bladon in the morning peak hours. The cars are literally nose to tail crawling along at barely 10mph. If this new development of up to 29 houses has an estimated 2 cars per house (potentially more), this could mean another 60+ cars to enter onto the A4095 at Freeland. At peak hours in the morning and evening it is already difficult and often dangerous trying to exit Freeland and turn right onto the A4095 towards Hanborough. With even more vehicles trying to access the A4095 from the proposed site, this will prove almost impossible and will inevitably result in residents taking more chances which could lead to an increased number of accidents.

A development of up to 29 homes will potentially include a proportion of family sized homes with school age children, and Councillors are concerned about the danger to children and young people due to the opening of the proposed site onto the busy main road that is the A4095. Due to the location of the site it is highly likely that most will need to drive to the local school, otherwise they will have a long walk along the A4095 and down Wroslyn Road, with a requirement to cross the road twice. Freeland Parish Council has already received complaints from residents regarding the parking problems around the school, and problems of cars driving too fast near the school. To allow this proposed development to go ahead would add to an already difficult problem and increase the dangers to the children.

At its May meeting Freeland Parish Council was presented with a petition signed by 271 residents who were all against the proposed development on site 269.

At their June meeting Freeland Parish Council developed a Planning Policy Statement that reads:

"It is the policy of Freeland Parish Council to oppose multi-dwelling developments on green field sites unless an overwhelming benefit to the whole community can be demonstrated."

The Councillors believe that the proposed development on site 269 offers no overriding benefit to the village as a whole.

The Parish Council therefore wish to object to the planning application that has been submitted on behalf of Daniel Family Homes for this development and request that all of the above concerns are taken into account when determining this application.

I.2 Ecologist

The main habitats identified are improved grassland, amenity grassland, species rich hedge, species poor hedge and scattered trees. Off-site there is a great crested newt breeding pond.

All the hedgerow and trees have been retained within the proposed layout and provision is made for SUDS, tree planting and native hedgerow planting.

An outline mitigation strategy has been submitted to show how harm to the great crested newts which may use the boundaries of the site can be avoided. However, a detailed method statement will need to be submitted as part of a management plan for the site.

If all the recommended enhancements and mitigation for great crested newts are implemented the policy and regulatory requirements will be met.

No objection subject to condition.

I.3 Thames Water

No objection with regard to sewerage infrastructure capacity.

I.4 WODC Drainage Engineers

No Comment Received.

I.5 WODC Landscape And Forestry Officer

No Comment Received.

I.6 WODC Planning Policy Manager

Provided development remains at a low density with a substantial area of open space, releasing this site for housing would appear to be acceptable.

I.7 WODC Head Of Housing

Having regard to the Council's waiting list I can confirm that were this scheme to go ahead, then there is sufficient demand for affordable housing in Freeland to be able to let the proposed units.

The scheme mix of 8 x 2 bed houses and 6 x 3 bed houses is a good fit with housing need. The application is therefore supported.

1.8	One Voice Consultations	<p>Highways - no objection to revised details for the access and footways.</p> <p>A contribution of £1,000.00 per dwelling is required towards the procurement of an improved bus service to and from Freeland.</p> <p>A contribution of £8,942.64 is required towards the procurement, installation and ongoing maintenance of a new bus shelter on the south side of the A4095.</p> <p>A S278 agreement is required to provide hardstanding for a bus shelter and widen the narrow section of footway along the site frontage to a minimum width of 1.8m and provide dropped kerb access onto the track onto the north side of the A4095.</p> <p>Archaeology - There are no known heritage assets within or adjacent to this application. There are no archaeological constraints to this application.</p> <p>Education - Freeland CE Primary School is operating at capacity and is on a small site. The school cannot absorb any additional pupil numbers physically unless additional site area can be provided. Additional school places would more probably need to be created at Hanborough Manor CE Primary School. This school is on an under-sized site but could grow if suitable land were acquired to supplement the school site. It currently operates as a 1 form entry and has a handful of surplus places in the older year groups but has recently been over-subscribed at reception age. The school has limited ability to absorb any in-catchment area additional pupils. However, the school has been identified by the County Council and the Eynsham Partnership of Schools (a multi-academy trust) as the preferred school to be expanded in this area.</p> <p>A contribution of £132,614.00 is required towards the expansion of Hanborough Manor CE School by a total of 11.45 places.</p> <p>CIL regulations do not allow contributions in respect of secondary education and special needs.</p> <p>Property - Contributions are not being sought in relation to CIL regulations.</p>
1.9	Environment Agency	The development has low environmental risk and no comments are made.
1.10	WODC Community Safety	No Comment Received.
1.11	WODC Env Services – Car Parking	No Comment Received.

- I.12 WODC Env Health – Uplands No Comment Received.
- I.13 WODC - Sports Sport - Off-site contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.

Based on a football pitch of 0.742ha, a provision cost of £80,000 (Sport England Facility Costs Fourth Quarter 2013) and a commuted maintenance cost of £200,400 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £453,477 per 1,000 population or £1,088 per dwelling (at an average occupancy of 2.4 persons per dwelling).

#### Contributions

$£1,088 \times 29 = £31,552$  off site contribution towards sport/recreation facilities in Freeland. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

#### Play Facilities

WODC endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standard of 0.8ha of children's play space for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups (LAPs - Local Areas of Play, LEAPs - Local Equipped Area of Play and NEAPS - Neighbourhood Equipped Areas of Play).

Of the FIT standard of 8sq m of play space per person, we will expect 5sq m to be casual and 3sq m to be equipped. At an average occupancy rate of 2.4 persons per dwelling this equates to 12sq m of casual space and 7.2sq m of equipped space for every dwelling. We will liaise with the town/parish council to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development. In particular, the type of play facility will need to reflect the minimum sizes for a Local Area for Play (LAP) (100m<sup>2</sup>), a Local Equipped Area for Play (LEAP) (400m<sup>2</sup>) and a Neighbourhood Equipped Area for Play (NEAP) (1,000m<sup>2</sup>) and the need for adequate buffer zones and minimum distances from dwellings. Generally, on developments of fewer than 60 dwellings, we will expect applicants to make provision by way of a contribution to an equipped off-site facility.

#### Contributions

The cost of providing and maintaining play facilities of the minimum

sizes set out above is estimated to be as follows:

Facility	Provision	Maintenance
LAP	£ 16,000	£ 22,128
LEAP	£ 68,000	£ 71,916
NEAP	£143,000	£197,769

We will assess contributions towards equipped play facilities on the basis of providing and maintaining a NEAP that will meet the needs of 1,000 people. The contribution per person will therefore be £143 for provision and £198 for maintenance. This equates to an overall contribution of £818 per dwelling (at an average occupancy of 2.4 persons per dwelling).

$£818 \times 29 = £23,722$  for the provision and maintenance of play facilities in Freeland. This is index linked to first Quarter 2014 using the BCIS All in Tender Price Index published by RICS.

- 1.14 WODC Env Services – Waste Officer No Comment Received.
- 1.15 WODC Legal & Estates No Comment Received.
- 1.16 WODC - Arts A contribution of £3,000.00 towards public art to be used to enhance public amenity spaces off-site in the village will be required. The exact nature of the works to be determined in conjunction with the Parish Council.

## 2 REPRESENTATIONS

2.1 Objections have been received from 70 local residents referring to the following matters:

- Detrimental impact on approach to the village.
- Inadequate infrastructure to support the development.
- Parish Council is against the development.
- Increased traffic and highway safety.
- No discernable benefit to the village.
- Erosion of green space.
- Freeland is a village rather than a service centre.
- Previous applications here have been refused.
- Outline permission means that something entirely different could end up being built.
- Affordable housing not likely to go to Freeland residents.
- Presentations by applicant gave two options rather than nothing at all.
- Community led plan reports that 62% of respondents (166) said they did not think that Freeland needs more housing or weren't sure whether it did.
- Impact on wildlife, including Great Crested Newts.
- The development cannot be considered rounding off and is contrary to WOLP Policy H6.

- The development is not supported by the village, as evidenced by the petition and Parish Council objection.
- SHLAA found the site to be unsuitable.
- The village would become disconnected.
- Rural landscape will be ruined.
- Public transport not frequent enough.
- The trading estate is part empty and employment opportunities are limited.
- Affordable housing needs to be provided to meet local needs.
- Flood risk and surface water problems.
- Loss of light and privacy.
- The petition represents the views of the village.
- Contrary to WOLP Policy H2 and BE4.
- Large development should not be permitted in Freeland.
- Not a logical complement to the existing pattern of development and contrary to emerging Policy OS2.
- Imbalance of housing on the periphery of the village.
- Contrary to village statement opposing multi-dwelling development on greenfield sites unless it is of overwhelming benefit to the village.
- Field is actively used for haymaking.
- There are plenty of opportunities to develop elsewhere.
- The needs of the village have not been identified.
- Village will become fragmented and linear aspect will be lost.
- Public transport not frequent enough.
- Site should be used for recreation only.
- Air quality affected by congestion.
- Ecological reports inadequate and flawed.
- The number of dwellings could be increased at a later date.
- Noise and disturbance.
- There may be archaeological interest on this site and a geophysical survey should be carried out.
- Impact on foul drainage capacity.
- Not a suitable or sustainable location.
- Quality of life would be affected.

A petition objecting to the proposal contains 271 names.

Long Hanborough Parish Council has objected on the following grounds:

- The views of Freeland Parish Council are supported.
- It would be contrary to emerging policies OS2 and H2.
- Increase in traffic and congestion on the A4095

5 expressions of support have been received referring to the following:

- There is a need for housing generally and affordable housing in Freeland.
- There has been very little development in the village since 2011.
- No new development will lead to ageing population and lack of support for local business.
- A legal agreement will address the provision of services.

- Lots of green space will be retained.
- The impact on wildlife has been addressed in the submitted reports.
- The site is surrounded on three sides by development and on the last side by the A4095.
- There is easy access to bus stops to travel to Witney, Woodstock, Eynsham and Oxford.
- There is pedestrian access and cycleway.
- The development would be great for younger members of the village.
- There is a housing crisis in south east England and Oxfordshire in particular. More homes need to be built and Freeland has to play its part like everywhere else.
- The scheme is moderate development on the edge of the village amongst existing development.
- This is the best proposal to achieve new housing in the village.
- Many objectors cannot see the site from their houses.

2 General comments have been provided referring to the following:

- Link to Wroslyn Road essential to ensure children are able to walk to school and join in village life.
- Traffic should be directed to avoid rat run through village.
- The housing should be designed in an ecological way to complement and enhance the village.
- Adequate screening is required.
- Not all villagers completed the petition or were aware of it. It is not clear what people were being asked to be signatories to. Some felt obliged to sign and there are multiple signatures from the same property. The conclusions in the covering letter with the petition are not substantiated and would require independent survey. Such a survey should be representative of village demographics and addresses.
- False information was given in connection with the petition and this should be taken into account.
- The development could bring about highways improvements.
- Surface water drainage could be improved as part of the development.
- The village does not flood.
- Review of the speed limit should be considered.
- Signage should be reviewed and rationalised and a camera could be installed.
- A footpath into the village would be a desirable addition.
- The S106 process should be used to prioritise improvements to local infrastructure.

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

3.1 Freeland, considered as a sustainable location for development within the adopted development plan, has only provided one dwelling towards the District's housing supply since 2011. This is a clear underperformance given the accessibility to a range of facilities within the village and in other sustainable settlements nearby.

3.2 The supply of brownfield land within the village has been exhausted and given the landscape/woodland constraints around the southern section of the village there does not appear to be any scope to expand. The only other available greenfield site considered through the SHLAA 2014 is undesirable given that it expands built form outside the settlement.

3.3 It is therefore clear that the proposed development site is the only realistic and sustainable option for residential development in Freeland to meet the growing need for housing. The



provision of 50 % affordable housing on the site is also a significant benefit weighing in favour of the scheme.

- 3.4 Given that the Local Plan is now operating outside of its coverage period up to 2011, and the fact that there has been no adopted housing requirement for the District since the revocation of the Regional Strategy, it is considered that saved Policy H6, which seeks to restrict housing, should be regarded as out of date in terms of paragraph 49 of the NPPF. Notwithstanding this, it is considered that the development should be considered as "rounding off" the northern element of the village, with the brownfield requirement being out of date in NPPF terms.
- 3.5 The proposals have been prepared in consultation with the Council, the Parish Council and local residents. The applicant has listened to the comments made and designed the scheme accordingly. In particular, the scale of the development and the application site has been reduced to retain the natural buffer and approach to the village.

#### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
NE15 Protected Species  
T1 Traffic Generation  
T2 Pedestrian and Cycle Facilities  
T3 Public Transport Infrastructure  
H2 General residential development standards  
H3 Range and type of residential accommodation  
H6 Medium-sized villages  
H11 Affordable housing on allocated and previously unidentified sites  
TLC7 Provision for Public Art  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
OS5NEW Supporting infrastructure  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H4NEW Type and mix of new homes  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH5NEW Flood risk  
EH6NEW Environmental protection  
EW2NEW Eynsham-Woodstock sub-area  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the erection of up to 29 dwellings on approximately 2.8ha of land with only access to be considered at this stage. A range of supporting information and an indicative layout have been provided. It is envisaged that the development would be a mix of 1.5 storey and 2 storey. The vehicular access would be from the A4095 to the north.

The relevant planning history is as follows:

W88/1255 - outline application for residential development (indicatively 69 units) and new vehicular access - refused 09/09/88

W91/1576 - part residential development (25 units) and part business use (1.25 acres of land) and associated road works - refused 04/02/92

W2002/0574 - residential development (2 detached dwellings) - refused 28/05/02

Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

Siting, design and form

Highways

Trees, landscaping and ecology

Drainage

Residential amenity

Affordable housing

Infrastructure

Principle

- 5.2 The site is agricultural land, currently pasture, located to the north west of the village. It lies to the south of the A4095 and west of Wroslyn Road. To the south there is an industrial estate and to the west housing development. The surrounding development is predominantly modern, but there is older housing at Malvern Villas and 2 to 12 Wroslyn Road. None of the nearby buildings is listed. Freeland does not have a Conservation Area and the site is outside the AONB.
- 5.3 Freeland has a primary school, community building, pub, places of worship, playing field, employment and a bus service. It is recognised as an appropriate place for some new development under both adopted Policy H5 and emerging Policy OS2. Policy H5 allows for development representing infilling, but the proposed development would not conform with this policy given the site's size and relationship to existing development in this location. The emerging revised local plan Policy OS2 recognises Freeland as a "village" in the settlement hierarchy. Here, development which respects the village character and local distinctiveness, and would help to maintain the vitality of these communities will be allowed in principle. Following on from this there are a number of general principles that need to be applied to any form of development.

- 5.4 Emerging Policy H1 refers to the sub-area of Eynsham-Woodstock contributing 1,600 dwellings to the housing supply over the plan period to 2031. Although the precise locations for new housing within the sub-area have not been defined, the SHLAA provides an indication of where some of this housing is likely to be developed. The site is identified in the 2014 SHLAA as site number 269 and assessed as unsuitable for the following reason - "Significant detrimental impact on the rural approach to Freeland from the west." Nevertheless, the SHLAA, is an evolving document which is subject to regular review and update. Whilst the site has not been identified as likely to contribute housing land supply, it is necessary to consider the proposal on its merits. The extent of any visual harm will be identified in detail below. Notwithstanding the SHLAA observations about the site, it is considered that in principle the site could contribute to meeting the windfall allowance for the housing sub-area.
- 5.5 Although the site is acknowledged to be greenfield, relatively few previously developed sites come forward in the district and it is necessary to consider greenfield sites in sustainable locations. The site is not within the AONB, or Green Belt, and is outside a Conservation Area. It is not considered by your Officers to be an important area of open space that would need to be retained for recreation or conservation reasons. It does not provide public open space or any formal recreation use. This is consistent with bullet point 8 of emerging Policy H2.
- 5.6 In Freeland, emerging local plan policy H2 allows for housing on undeveloped land within or adjoining the built up area, where the proposed development is necessary to meet identified housing needs and is consistent with a number of criteria, as well as other policies in the plan. Detailed considerations expressed in the policy will be assessed below. However, the principle is acceptable as the site does adjoin the existing settlement edge and unidentified housing sites are required to contribute to housing land supply.
- 5.7 Having regard to bullet point 1 of emerging Policy H2 the level of housing proposed is not considered disproportionate to the size of the settlement. At the last census Freeland had 587 households. The dwellings proposed would represent a 5% increase in the size of the settlement in this regard.
- 5.8 With regard to the third and fifth bullet points of emerging Policy H2, the development would not lead to the coalescence or loss of identity of separate settlements, and it would form a logical complement to the existing scale and pattern of development in this area. The site is contained between the western edge of the village along the A4095, Wroslyn Road and the industrial area to the south.

#### Siting, Design and Form

- 5.9 An indicative layout has been provided, and this indicates that a scheme of 29 dwellings can readily be accommodated.
- 5.10 The layout shows an intention to set the built form well back from the frontage and give over a large space alongside the A4095 to landscaping. Taking account of the depth of the existing grass verge to the front, the retained hedgerow and position of the indicative most northerly dwellings, the set-back from the carriageway would be approximately 22m. This would be behind the existing roadside elevations of the development to the east and west.
- 5.11 It is indicated that the houses would be 1.5 storey and 2 storey although the house types are for future consideration as part of a subsequent reserved matters application. The design is likely to

be inspired by vernacular forms and proportion, but no detailed elevations are available as part of the application.

- 5.12 Large areas of the site are to be set aside for open space with new tree planting, paths and settlement ponds to provide for surface water drainage.
- 5.13 The SHLAA assessment suggested that the rural approach to the village from the west would be harmed by development on this site. It is acknowledged that the site represents a substantial area of open grassland on the edge of the existing settlement which has a hedgerow boundary to the road. To that extent it reflects the rural characteristics of the wider area, but it is not contiguous with wide expanses of open countryside. There is significant existing development to the west of it and it does not present a clearly identifiable transition between open countryside and existing built form at the junction of Witney Road and Wroslyn Rd, and along Wroslyn Road itself. There is nothing in the character of the site or the appearance of the edge of the settlement that would suggest any clear physical or visual attributes to militate against development in this location in principle.
- 5.14 The layout provides an appropriate balance between open space and built form, and is not high density in relation to the site area. It is considered that the retention of the hedgerow to the front, setting back of the development from the road and large areas being left undeveloped will substantially reduce any perception of an urbanisation of this part of Freeland.

#### Highways

- 5.15 There is an existing agricultural access onto the road. The new vehicular access would be positioned to the west of this and the existing access closed. Pedestrian access to the main road would be provided via pavements at both sides of the access.
- 5.16 The planning application is accompanied by a Transport Statement which has been considered by OCC Highways.
- 5.17 The plans as originally submitted did not show adequate dimensions and visibility at the access, but this has subsequently been addressed with revised plans, which include appropriate width of carriageway and footways, crossing points and visibility. No objection is raised by OCC in relation to vehicle movements and highway safety.
- 5.18 The development site is located adjacent to the Witney-Woodstock bus service 233. A strategy exists to improve this bus service to operate more frequently with longer operating hours, and a S106 contribution of £1000 per additional dwelling will be sought.
- 5.19 A pair of bus stops (Freeland Turn) is located very close to this development site either side of the A4095. An informal pedestrian crossing is located to the east of the junction with Wroslyn Road to assist bus users accessing the stop on the north side of the A4095. There is no shelter at the bus stop on the south side of the A4095. A S106 contribution of £8942.64 will therefore be sought towards the procurement, installation and on-going maintenance of the new shelter. The developer will be required to liaise with the Parish Council regarding the style of shelter to be procured, also its location, given the proximity of an existing residential property.
- 5.20 The site is well located to offer realistic and convenient opportunities for residents to travel by non-car modes. Facilities and services in Long Hanborough are located approximately 1 mile

away and there is a footway along the length of the A4095 between Freeland and Long Hanborough. It is not considered that the proposal would have a severe impact on the operation of the highway network in this location. The proposal complies with WOLP Policy BE3, bullet point 9 of emerging Policy H2 and emerging Policy T1.

#### Trees, Landscaping and Ecology.

- 5.21 The site currently has a significant numbers of trees and hedgerow to its periphery. With reference to the submitted arboricultural report and tree protection plan, all but one of the trees would be retained. An immature elm on the site frontage would be taken out but this would not be of significant detriment to the visual amenity of the area. The indicative layout shows that the development can be accommodated without encroaching into the root protection areas of any retained trees. Subject to conditions in relation to retention of trees and tree protection measures the proposal would be acceptable in maintaining these existing landscape features.
- 5.22 A full landscaping scheme would be required at the reserved matters stage and the combination of retained trees, new planting and boundary treatments is envisaged to provide appropriate screening and features that will assimilate the development into the local character of the village. This would accord with WOLP Policy NE6 and bullet point 6 of emerging Policy H2.
- 5.23 The submitted Ecological Appraisal identified most of the site as improved grassland/amenity grassland. There is a species rich hedgerow with trees to the west boundary and part of the south boundary. A species poor hedge is present along the north boundary and is primarily hawthorn. Cypress hedge is present along part of the south boundary and a cypress windbreak forms part of the south boundary.
- 5.24 A short section of the hedge to the north boundary will need to be removed to provide the access but this would not be detrimental to the overall ecology of the site. Other hedgerow would be retained. The indicative plans show that the development would not encroach into the peripheral areas of most value to wildlife.
- 5.25 An objector submitted a lengthy and detailed critique of the submitted ecological appraisal and Great Crested Newt survey. In addition, although not directly consulted by the Council, Natural England advised in the light of concerns of a member of the public that the Council should seek further clarification from the ecologist on the implications of the two garden ponds not surveyed to date, along with historical records from the Local Records Centre (provided within the great crested newt survey). They further recommended that the mitigation proposals should be revisited in light of this additional information. In response to these concerns, the applicant has submitted a letter from their ecologist which addressed the key areas of contention. This letter concludes that they consider their report follows standard methodologies for determining the value of habitats and their potential for protected species. The mitigation measures proposed for Great Crested Newts are proportional to the impact of development, and while the need for a licence is open to interpretation, it is not acceptable to apply for a precautionary licence when impacts to individual newts can be avoided and there is no loss of habitat. The habitats to be lost are species poor improved and amenity grassland.
- 5.26 The Council's consultant ecologist has assessed the information provided. An outline mitigation strategy has been submitted to show how harm to the Great Crested Newts which may use the boundaries of the site will be avoided. However, a detailed method statement and management

plan will need to be submitted by condition. The ecological value of the site will be increased by the introduction of new landscaping, tree planting and settlement ponds. If all the recommended enhancements and mitigation are implemented, the policy and guidance requirements of the Local Plan, NPPF, and the three habitat regulations will be met.

#### Drainage

- 5.27 The site is in Flood Zone I 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.
- 5.28 A number of objections have referred to surface water drainage issues in heavy rainfall and some ingress of surface water into the foul drainage system on occasions.
- 5.29 No objection is raised by Thames Water in relation to the capacity of the foul system. In terms of surface water, the development would incorporate sustainable drainage and it is considered that localised flooding under certain conditions would not be exacerbated by the proposal.
- 5.30 Subject to approval of a sustainable drainage system, it is considered that the proposal would be acceptable when assessed against Policy EH5 of the emerging Local Plan and the NPPF. It would also be consistent with bullet point 10 of emerging Policy H2.

#### Residential Amenity

- 5.31 The proposed buildings, as shown on the indicative layout, would not be sited in close proximity to any neighbouring dwellings. Although the layout may be subject to change at the reserved matters stage, there is no reason to believe that an appropriate privacy distance could not be achieved in relation to all existing dwellings.
- 5.32 The distance between the development and nearby buildings is such that there would be no loss of light. This matter would be assessed in full at the reserved matters stage.
- 5.33 Although there may be some relatively short term disturbance during construction, it is considered that general amenity would not be materially affected by the development. A construction management plan can be agreed by condition. Loss of view is not a material planning consideration.
- 5.34 There is potential for future occupants of the development to be affected by noise from the A4095 and the industrial area to the south. The illustrative layout shows buildings set well back from the road and the industrial buildings, but a condition is recommended to ensure that guidelines for noise levels within gardens and houses are adhered to and factored into the design and layout at the reserved matters stage, for example, by the use of specialist glazing.
- 5.35 Insofar as amenity issues can be assessed under this outline application, the proposal would comply with WOLP BE2 (c), WOLP H2 (d), and the fourth bullet point of emerging Policy H2.

#### Affordable housing

- 5.36 WOLP Policy H1 I requires contributions to affordable housing at a rate of up to 50% on unallocated sites. The emerging review plan Policy H3 introduces an approach on large scale

schemes whereby the district is divided into zones where different proportions of affordable housing will be sought. In the case of Freeland the requirement would still be 50%. The Council's Housing Enabling Officer has commented that having regard to the Council's waiting list, were this scheme to go ahead, then there is sufficient demand for affordable housing in Freeland to be able to let the proposed units. The scheme mix of 8 x 2 bed houses and 6 x 3 bedroom houses is a good fit with housing need. Therefore the proposal is supported.

- 5.37 A number of objectors have suggested that the affordable housing will not necessarily go to people local to Freeland and therefore this should not be considered a benefit to the local community. However, the provision of affordable housing is a Council objective across the District and it would be allocated in accordance with the Council's criteria. Officers consider that delivery of affordable housing is a key benefit of the scheme and it would comply with WOLP Policy H11 and emerging policy H3.

#### Infrastructure

- 5.38 There is anecdotal suggestion from objectors that local services and facilities will be put under strain as a result of this proposal.
- 5.39 Oxfordshire County Council has been consulted and advises that Freeland CE Primary School is operating at capacity and is on a small site. The school cannot absorb any additional pupil numbers physically unless additional site area can be provided. Additional pupil places would more probably need to be created at Hanborough Manor CE Primary School, in the nearby area, if it is not feasible at Freeland.
- 5.40 Hanborough Manor CE Primary School is on an under-sized site, but could grow if suitable land were acquired to supplement the school site. It currently operates as 1fe, and has a handful of surplus places in older year groups, but more recently has been oversubscribed at Reception age. The school has very limited ability to absorb any in-catchment area additional pupils. However, the school has been identified by the county council and the Eynsham Partnership of Schools (a Multi-Academy Trust) as the preferred school to be expanded in this area. Notwithstanding these observations, no objection is raised by OCC. A primary school contribution in the sum of £132,614.00 will be required towards the expansion of Hanborough Manor CE School.
- 5.41 A contribution of £1000.00 per additional dwelling towards improved bus services to and from Freeland is required, as well as £8,942.64 towards the cost of procuring, installing and maintaining a new bus shelter on the south side of the A 4095.
- 5.42 In accordance with CIL regulations, other OCC contributions cannot be secured as part of this development.
- 5.43 A contribution of £3,000 towards public art to be used to enhance public amenity spaces off site in the village will be required. The exact nature of the works is to be determined in conjunction with the Parish Council. It is understood that the Parish Council has some plans to enhance public amenity and garden spaces in the village. In accordance with the NPPF and the National Planning Practice Guidance the Council can contribute to the improvement of the Cultural Wellbeing of the District by implementing such programmes and projects. Furthermore the Council supports public and private sector organisations, community groups, local residents' groups and individuals with the delivery of and their engagement with such schemes.

- 5.44 An off-site contribution of £1,088.00 x 29 =£31,552.00 will be required towards sport/recreation facilities. A contribution of £818.00 x 29 =£23,722.00 will be required for the provision and maintenance of play facilities in Freeland.
- 5.45 The capacity of the doctor's surgery in Long Hanborough is acknowledged to be an issue locally and there is a need to increase capacity to meet demand and NHS recommendations on size. Additional housing is likely to increase demands on the Long Hanborough surgery as this is the closest to the site, but residents would have the option of registering with another practice, albeit that this may be less conveniently located. This matter would not warrant refusal of the application.

#### Other matters

- 5.46 A number of objectors have referred to the findings of the Freeland Community Plan 2014 consultation. This reports that 30% of households in the village returned questionnaires, and of these 38% thought that Freeland needed more housing, 28% weren't sure and 34% did not think that Freeland needed more housing.
- 5.47 A petition against the proposal has been submitted and contains 271 names. This represents approximately 17% of the population of the village as a whole.

#### Conclusion

- 5.48 The application is seeking outline planning permission with only means of access to be considered at this stage, although some matters of detail, such as the intention regarding the retention of trees on the site, have been submitted as part of the proposal.
- 5.49 The principle of development in this location is acceptable with regard to emerging Local Plan Policies OS2 and H2, and the sustainable development objectives of the NPPF.
- 5.50 The means of vehicular access to the A4095 and new pedestrian footways are not objected to by the Highways Officer. It is considered that there would be no significant impact on highway safety and details of the provision of parking within the site can be resolved at the reserved matters stage. Accordingly the proposal is considered to comply with adopted Local Plan Policy BE3 and emerging Local Plan Policy T1.
- 5.51 There is no objection from Thames Water and sustainable drainage will be included as part of the development at the reserved matters stage.
- 5.52 There would be no unacceptable impact on residential amenity, based on the indicative layout.
- 5.53 The indicative layout, and plans for the retention of trees and new landscaping, indicate that a scheme for 29 dwellings can be comfortably accommodated on the site without significant detriment to the character and appearance of the area. A condition is included to require details of siting, scale and external appearance at the reserved matters stage.
- 5.54 Impacts of the development as regards social infrastructure will be addressed through a legal agreement.



- 5.55 Appropriate mitigation for protected species, and appropriate mitigation and enhancements for wildlife can be secured by condition. The overall ecological value of the site would be enhanced compared to the current improved grassland that covers most of the site.
- 5.56 Insofar as relevant to this outline application, the proposal complies with adopted Local Plan (2011) Policies BE2, BE3, BE4, BE13, NE3, NE6, NE13, H2, H3, H11, T3, and T8. The proposal is also consistent with emerging Local Plan (2031) Policies OSI, OS2, OS4, OS5, H1, H2, H3, H4, T1, T3, T4, EH1, EH2, EH5, EH6, and EW2. The scheme would also fulfil the sustainable development objectives expressed in the NPPF.

## **6 CONDITIONS**

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the layout, appearance, scale, and landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.
- 3 The development shall be carried out in accordance with plans I4-I12-002 Rev A, X-2, D-5 Rev D, D-6 Rev D, and D-7 Rev C. The reserved matters submission shall be in general accordance with these plans as regards layout and landscaping. All buildings shall be no more than 2 storey.  
REASON: For the avoidance of doubt as to what is permitted.
- 4 Prior to commencement of the development, details of the junction between the proposed road and the highway shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the junction has been constructed in accordance with the approved details.  
REASON: In the interests of highway safety.
- 5 No dwelling shall be occupied until all the roads 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 highway safety.
- 6 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.

- 7 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- i The parking of vehicles for site operatives and visitors
  - ii The loading and unloading of plant and materials
  - iii The storage of plant and materials used in constructing the development
  - iv The erection and maintenance of security hoarding including decorative displays
  - v Wheel washing facilities
  - vi Measures to control the emission of dust and dirt during construction
  - vii A scheme for recycling/disposing of waste resulting from demolition and construction works.
  - viii Hours of operation
- 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.
- 8 Prior to the occupation of any dwelling on the site, a travel information pack shall be submitted to and approved in writing by the Local Planning Authority and thereafter distributed to all new residents of the development.
- REASON: To promote the use of non-car modes of travel.
- 9 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.
- REASON: To safeguard the safety of occupiers of the proposed dwellings.
- 10 Prior to commencement of development, including site clearance, an ecological method statement and management plan for Great Crested Newts based on the recommendations contained in Section 6.0 of the "Great Crested Newt Survey" dated May 2015 by All Ecology and Section 4.0 of the "Ecological Appraisal (Revision 1)" dated April 2015 by All Ecology shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement and management plan shall be fully implemented in accordance with an agreed timetable and mitigation works shall be retained thereafter.
- REASON: To ensure that birds and Great Crested Newts and their habitat are protected in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, in accordance with the NPPF, West Oxfordshire Local Plan 2011, emerging review West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 11 1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority.
2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development

hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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 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.

- 14 The development shall be carried out in accordance with the "Report on the impact on trees of proposals for development at Witney Road, Freeland, Witney, OX29 8HG" dated 8th June 2015 by John Cromar's Arboricultural Company Limited, including all recommended tree protection measures. The tree protection fencing shall be erected prior to the commencement of development and retained until the completion of the development unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

- 16 The reserved matters submission shall have regard to the potential for noise arising from the A4095 and the industrial area to the south of the site. Where dwellings are to be located on parts of the site affected by noise, that does not conform with World Health Organisation guidelines, a scheme for mitigating the impact of that noise shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings so affected are occupied.  
REASON: To ensure the creation of satisfactory living conditions in the dwellings.

#### NOTE TO APPLICANT

- I Please note the Advance Payments Code (APC) Sections 219 - 225 of the Highways Act is in force in the County to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a "Private Road Agreement" must be entered into with the County Council to protect the interests of prospective frontage owners.

Application Number	I5/02506/FUL
Site Address	19 Market Place Chipping Norton Oxfordshire OX7 5NA
Date	25th August 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Chipping Norton
Grid Reference	431317 E 227147 N
Committee Date	7th September 2015

**Application Details:**

Conversion of existing offices to create 5 flats together with associated works.

**Applicant Details:**

Acton Holding Ltd  
4 Bagatelle Farm Close  
St Saviour  
Jersey  
Channel Islands JE2 7SJ

**I CONSULTATIONS**

- I.1 OCC Highways                      The existing use has the potential to generate more movements than that proposed. No on site car parking is to be provided however the parking requirement for the existing use exceeds that for the use proposed.
  
- I.2 WODC Architect                      No Comment Received.
  
- I.3 Highways Agency – TR  
108    No Comment Received.
  
- I.4 WODC Env Health –  
Uplands                                        No Comment Received.
  
- I.5 Parish Council                         The Town Council object to this planning application as this would extend on a very big problem in the town centre with car parking issues. Market Place and High Street is a 2 hour car park.

**2 REPRESENTATIONS**

- 2.1 One third party comment has been received registered as an objection summarised below;

I have concerns over the general dilapidation of the garden. In the past foxes and rats have made their home in it. Currently the trees are hugely overgrown and cast a considerable darkness

over the proposed properties. Any approval given should therefore have conditions attached to ensure the trees receive major work, the ivy is dealt with and the dangerousness cracks in the year garden wall are attended to.

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

- 3.1 The applicant has submitted a supporting planning statement with the application which can be read in full on the Councils website. The Summary of that statement is copied below;

19 Market Place has remained unoccupied since 2013 having been vacated by a local accountancy firm which related to Cromwell Business Park. It has over time been sub divided into a series of irregularly shaped rooms. There is a difference in floor levels between the main building and its northern wing resulting in a staircase connecting the two accessed from the side of the property with landings at different levels.

Occupying a highly sustainable location in the centre of Chipping Norton it readily lends itself, with some internal alterations, to be converted to residential use. The proposed flats would provide accommodation for single people or younger couples within the heart of one of the Districts Key Service Centres.

Subject to satisfying the recently introduced prior notification process the changes of use from BI offices to residential is now permitted development and represents the applicants' fall-back position.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE10 Conversion of Unlisted Vernacular Buildings  
H2 General residential development standards  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH7NEW Historic Environment  
H2NEW Delivery of new homes  
H7 Service centres  
H4NEW Type and mix of new homes

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

### **5 PLANNING ASSESSMENT**

- 5.1 This application is seeking planning permission for the change of use of accountants offices use class BI (a) to 5 flat Use Class C3 at 19 Market Place in Chipping Norton. The application is before the Uplands are Sub Committee due to the Town Council objecting to the scheme with concerns about the lack of car parking.

#### Background Information

- 5.2 The premises comprises of a substantial and striking building within the Chipping Norton Conservation area, set over three storey's with a basement. The frontage of the building

appears symmetrical and as one, with half being occupied by a bank and the remainder currently vacant from the previous office use. To the rear of the building it becomes 'split' and forms two wings, one remaining in the use of the bank and the rest which is subject of this application.

5.3 This application is seeking to convert the office space (bar the former ground floor office space fronting the Market Place which is to be changed to an A1 retail unit subject of a separate application recently approved under delegated powers ref. 15/02503/FUL) to 5 flats across all the floors of the building. Communal access is proposed to be provided through the side access way from Market Place, on the north side of the building. The only major external change to the building as part of the general renovation and internal re organisation of the building is the proposed insertion of a flat roof dormer on the south elevation of the northern wing of the building and the removal of a chimney stack.

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  
Design  
Highway Safety  
Impact on residential amenities

Principle

5.5 The application site is within Chipping Norton which is classed as a service centre and therefore policy H7 of the WOLP 2011 applies which states that proposals for housing will be permitted in the service centres in circumstances of the conversion of existing appropriate buildings. Policy BE10 relates to the conversion of unlisted vernacular buildings and that planning permission for conversion will generally be permitted (in accordance with the locational policies, like H7) where there is no extensive alteration of the existing structure or includes the alterations and accumulations which would obscure the form of the original building. It is not considered that this proposal would require significant alteration and in terms of location, the proposal site is sustainably and centrally located providing smaller low cost accommodation, so is therefore, in principle, considered acceptable.

5.6 It should be noted that the change of use from offices (B1) to dwellings (C3) is now 'permitted development' by virtue of Schedule 2, Part 3, Class O of the General Permitted Development Order, providing a process of prior approval is undertaken.. This full planning application has been submitted for the change of use because it includes some minor operational development as well, which will be set out below.

Siting, Design and Form

5.7 The proposals will comprise of;

- A 1 bedroom apartment within the basement space which will see some internal alterations by removal of sections of wall and insertion of other walls and openings to create the three rooms which steps up to the share access way
- A 1 bedroom apartment on the ground floor to the rear of the retail frontage unit.

- A 1 bedroom apartment to the rear wing on the first floor, and a two bedroom apartment across the frontage of the first floor, again with minor alterations to the internal walls and insertion of new openings to create a more useable space
- The third floor will contain a 2 bedroom apartment across the whole floor which makes use of the loft space to the rear wing by the insertion of the flat roof dormer on the south elevation.
- The most substantive internal alteration is the removal of the chimney to the northern wing which will leave more useable space across all floors and will leave the roofslope needing to be repaired where the chimney stack will be removed.

5.8 The above changes relate to the rear of the property and will only have a limited impact on the character and appearance of the conservation due to very limited public vantage points of the development. No changes are proposed as a result of this proposal to the front facade of the building. In terms of the visual impact therefore the proposal is considered to comply with policies BE2 and BE5 of the WOLP 2011 as it will continue to form an appropriate visual relationship with the host building and the wider conservation area.

#### Highway

- 5.9 Due to the central location and wide availability of sustainable means of travel in terms of regular bus routes and nearby train stations, the proposal is considered acceptable to be 'car free' with no specific car parking spaces provided. Cycle storage is provided as part of the application and in terms of the proposed use, this will actually generate less need for vehicles, in terms of overall numbers, and the associated vehicular trips that go than the existing previous use.
- 5.10 OCC Highways have no objections to the proposal on highway safety grounds; the proposal is therefore considered to comply with policy BE3 of the WOLP 2011.

#### Residential Amenities

- 5.11 There are no immediate neighbouring properties likely to be affected by this proposal. The nearest properties to the rear are at Finsbury Place some 40 plus metres away. It is not considered the proposal would detrimental impact on amenities currently enjoyed in terms of any loss of light or outlook.

#### Conclusion

- 5.12 Taking into account all of the above matters, and those raised through third party consultations, the proposal is considered acceptable on its merits and should therefore be approved, subject to the conditions suggested.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.



- 3 The materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing building.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all new windows and dormer window 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.
- 5 The timber fenced bin store and cycle storage area shall be laid out as shown on the approved plan reference 11-0508-017A prior to the first occupation of the development hereby permitted.  
REASON: In the interest of protecting the provisions and amenities for future residents.

Application Number	I5/02260/FUL
Site Address	19 Market Place Chipping Norton Oxfordshire OX7 5NA
Date	25th August 2015
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Chipping Norton
Grid Reference	431317 E 227147 N
Committee Date	7th September 2015

**Application Details:**

Alterations to windows and door on front elevation.

**Applicant Details:**

4 Bagatelle Farm Close  
St Saviour  
Jersey  
Channel Islands  
JE2 7SJ  
United Kingdom

**1 CONSULTATIONS**

1.1 Parish Council No Objection

1.2 WODC Architect Recommendation: Provided absolutely that we are proposing to approve I5/02506 for change of use of the ground floor from office to retail, APPROVE with the following condition:

Full details of the glass door (including the frame, support and method of fixing) together with the new two new windows (including details of the impact on all surrounding stone mouldings, new frame and all fixings) to be submitted to and agreed by the LPA prior to any development taking place and prior to the removal of any existing fabric.

The works to be built strictly in accordance with such details.

**2 REPRESENTATIONS**

2.1 No third Party comments have been received

**3 APPLICANT'S CASE**

3.1 The applicant has submitted a Design and Access statement to support the application which can be read in full on the Councils Website. The section on 'Appearance' is copied below;

The new glazed doors will introduce a modern but more vibrant appearance to the ground floor elevation of the building and make the entrance way into the proposed shop more welcoming and inviting by allowing potential customers to see in to the open lobby. The enlarged window openings allow the cills of the windows to be lowered to enable better views into the proposed retail unit from street level.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

EH7NEW Historic Environment

BE5 Conservation Areas

OS4NEW High quality design

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application is seeking planning permission to replace the existing wooden doors with glazed doors, attached to glazed panels at the side which retains the arched wooden windows above the doorway. The two steps up in to the foyer/shop entrance are retained. The proposal is a linked to application ref. 15/02503/FUL for the change of use of the premises from an accountants office to a retail unit. The application is before the Uplands area Sub Committee due to the Town Council objecting to the proposal because it is within the Conservation Area.

##### Background Information

- 5.2 The premises forms part of a larger building which is in use as a Bank and former office buildings and is situated off the Market Place in Chipping Norton. It is situated within a primary frontage of the Town. Members will see a related application on the agenda ref 15/02506/FUL.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

##### Design and Impact on Conservation area

- 5.4 The existing door opening is to be retained and new glazed doors fit within this and allow more light and vision in to the proposed shop unit. The two windows to the north of the door opening (right hand side when viewed from the front elevation) are proposed to have the cill level lowered slightly, again to allow better views into what will be the shop front. The existing inset windows are timber but these will be replaced with glazing between stone mullions. The existing stone mullions will be extended downwards to the lowered cill level.
- 5.5 The building is not listed, but is situated within the conservation area and does have a prominent position within the Market Place and wider street scene. The building has a symmetry with the alignment of windows and doors and the proposal will result in altering that slightly. However there is a natural gradient at street level and the proposed lowered cill will follow this where the land drops away. In all the proposal is considered to introduce a more modern and vibrant appearance to this section of the street scene which is currently more shut off from public view.

- 5.6 Due to the lowering of the cill details will be required to ensure this is carried out sympathetically and to a suitable standard within this prominent location. As such a condition is suggested seeking such details prior to the commencement of any development or change of the use of the premises.

#### Conclusion

- 5.7 Taking in to account all of the above matters the proposal is considered to form an appropriate visual relationship with the main building and will enliven an otherwise quiet section of the Market Place.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by 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 details contained in the application, detailed specifications and drawings of the glass door (including the frame, support and method of fixing) together with the new two new windows (including details of the impact on all surrounding stone mouldings, new frame and all fixings); at a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place on site and prior to the removal of any existing fabric on site.  
The development shall be carried out in strict accordance with the approved details  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

Application Number	I5/02620/S73
Site Address	I Upper Brook Hill Woodstock Oxfordshire OX20 1UA
Date	25th August 2015
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock
Grid Reference	444479 E 216912 N
Committee Date	7th September 2015

**Application Details:**

Variation of conditions 2 and 4 of application I2/I333/P/FP  
Condition 2 to be varied to reflect drawings as constructed.  
Condition 4 to be varied to include window W7

**Applicant Details:**

Mr Dennis Allen  
The Coach House  
40 Rectory Lane  
Woodstock  
Oxfordshire  
OX20 1UF  
United Kingdom

**1 CONSULTATIONS**

- I.1 WODC Architect No Comment Received.
- I.2 Parish Council Woodstock Town Council supports this planning application.

**2 REPRESENTATIONS**

- 2.1 A total of 5 letters of objection have been received from residents of 72, 78, 80, 82 Oxford Street. The objections can be summarised as follows:
  - Objections were raised to the initial granting of approval for the dwelling.
  - The height of the dwelling is 557 mm higher than approved as opposed to the figure of 255 mm as stated by the applicants. References made to the two surveys conducted by Midland Surveys LT
  - The building is a block design as opposed to a pitched roof, the design of the building with its increased height would result in 70 cubic metres of excess bulk being added to the building.
  - The comparison in height between Number 1 and numbers 3 and 5 Upper Brook Hill eluded to by the applicants is disingenuous due to differences in the siting and design of I Upper Brook Hill and the adjoining properties.

- The foundations of the property should have been lowered to achieve compliance with the conditions.
- The proposals would have an overbearing impact on Number 80 Oxford Street.
- The extra half a metre in height, lack of obscure glazing and the terrace with low fall would overlook the garden of 72 Oxford Street resulting in a loss of privacy. The size of the building appears overbearing in relation to number 72.
- The South Western corner of the house would have an overbearing impact on the garden on number 78 and the additional bulk would affect the resident's enjoyment of the garden.
- All of the west facing windows of the property should be frosted glass to prevent overlooking.
- The dwelling does not fit in with the scale of the surrounding buildings.
- The increase in height would set a precedent for developers to build outside of approved dimensions.
- The proposals would be non-compliant with local plan Policy BE2.

2.2 of the residents above spoke in support of the variation of condition 4 to apply obscure glazing.

2.3 No representations were received in support of the application.

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

3.1 The dwelling has been constructed inadvertently 255mm taller than the approved scheme. The additional increase in height is not material and is virtually impossible to conceive the additional increase in height.

3.2 The issues were technical and arose during the construction of the dwelling as a result of drainage requirements and the addition of insulation to the property.

3.3 There would be no undue shadowing or loss of light incurred by the additional increase in height and the property is lower than 3 and 5 Upper Brook Hill.

The heights of the parapet coping and flat roof ridge was checked in relation to a fixed manhole cover on Brook Hill. The vertical distance between the manhole cover and parapet coping was measured at 16.235m. The flat roof ridge was measured at 2cm lower than the parapet coping.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE5 Conservation Areas

H2 General residential development standards

H2NEW Delivery of new homes

OS4NEW High quality design

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

## 5 BACKGROUND INFORMATION

- 5.1 The application seeks retrospective approval to vary conditions 2 and 4 of approved planning application 12/1333/P/FP. During the construction process a breach of condition 2 has occurred resulting in the dwelling being constructed 57 centimetres higher than the dwelling it replaced and approximately 255mm taller than approved. This application seeks approval for the increase in height to the dwelling along with the provision of obscure glazing to a front elevation window.
- 5.2 The original application 12/1333/P/FP related to the construction of a replacement detached dwelling located within a relatively central position in Woodstock, within the designated Conservation Area. The site was previously occupied by a bungalow, which extended to a similar height to the roof ridge as the replacement dwelling. The approved dwelling is a three storey property which is of a contemporary architectural design. The property is rendered white, with a flat roof and prominent sections of glazing across the rear, north elevation of the dwelling. The frontage of the dwelling faces Upper Brook Hill and is set back slightly behind a small area of car parking serving the property. The site is steeply elevated and 1 Upper Brook Hill is built into the gradient of the hillside. The rear of the property overlooks a set of relatively modern semi-detached dwellings in Brook Hill. The neighbouring properties in Upper Brook Hill are of varied architectural character and include a row of 19th Century Cotswold Stone dwellings close to the junction with Oxford Road along with an adjoining modern white rendered two storey dwelling and a three storey rendered property of a similarly contemporary appearance, featuring a large rear elevation terrace.
- 5.3 The approved dwelling is close to completion and the works have, with the exception of the height increase has been constructed in accordance with the approved plans of planning application 12/1333/P/FP. This was verified by the case officer who visited the site along with the plans submitted in respect of this planning application. The applicants have stated that the discrepancy in height arose during the construction of the property and was a result of both the implementation of a drainage scheme for the upper roof of the property along with the addition of insulation to the property. The applicants have stated that the increase in height was therefore an unintentional consequence and the variation of conditions is an attempt to rectify the breach of condition 2 through altering the approved height of the dwelling.
- 5.4 The applicants have stated that the increase in height in relation to the approved plans was 255mm. This figure has been contested by a number of neighbouring residents who have stated that the actual increase in height was 57 centimetres. The figure of 57 centimetres is based on two surveys conducted by Midland Survey LTD the first of which was conducted in February 2013, at which point the previous bungalow dwelling was still in place. This survey indicated the height of the bungalow was 95.60 metres to the roof ridge. A second survey was conducted in June 2015 at which point the exterior of the existing 3 storey dwelling had been constructed. The height of the existing dwelling was indicated as being 96.17 metres in height to the roof ridge, 0.57 metres higher than the previous bungalow. The approved plans had indicated that the height of the proposed three storey dwelling to the roof ridge would be broadly similar to the 95.60 metre ridge level of the previous bungalow and therefore the development is adjudged to be in breach of condition 2. Based on the findings of the two surveys conducted in February 2013 and June 2015 the height increase is being taken as between 57 centimetres and 25.5 millimetres.

- 5.5 The variation of condition 4 is to ensure that the east elevation window W7 indicated on the plans is fitted with obscure glazing, with the intention to reduce overlooking into the adjoining dwelling. Condition 4 currently specifies only that obscure glazing is fitted to the South Elevation and the window of the family room of the east elevation of the property.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- 5.7 The impact of the development on the residential amenity of neighbouring dwellings;  
Design, scale and siting of the development;  
The impact of the development on the conservation area

#### Principle

- 5.8 The principle of development relates only to the alterations to the approved plans namely the height increase to the front elevation of the dwelling. It is important to state that the proposals are a variation of conditions and the principle of the dwelling itself, along with the general design has already been approved as a result of planning approval 12/1333/P/FP. For this reason the consideration relates only to the change in height and any consequences of this change.
- 5.9 The height increase of 57 centimetres takes the dwelling height beyond that of the previous bungalow located at 1 Upper Brook Hill. Despite this the addition of 57 centimetres is considered to be in principle a minimal addition to a three storey dwelling. The key considerations in this application are therefore considered to relate to the design and amenity impacts of this additional height increase.
- 5.10 The fitting of obscure glazing to window W7 is considered to be acceptable in principle.

#### Siting, Design and Form

- 5.11 The additional height increase is considered to be minimal from a design perspective and would have no additional impact on the appearance of the street scene. Despite the increase in ridge height the roof of the dwelling would still sit below that of the adjoining two storey property and three storey dwelling on Upper Brook Hill alongside the neighbouring dwellings in Oxford Street. It is not considered therefore that the height increase would be detrimental to the built form of the immediate area.
- 5.12 Residents raised concerns that the dwelling appears overbearing. Given that the design of the dwelling has previously been approved it is not considered that the property as constructed would appear any more overbearing in its scale and siting than the approved design.
- 5.13 Given that that the change in height is minimal and the fact that the property is relatively concealed, it cannot be considered that the variation of conditions would result in any additional harm to the conservation area setting.
- 5.14 The fitting of obscure glazing to window W7 would have no detrimental impact on the appearance of the property.



### Highway

- 5.15 The additional changes have no impact on highway amenity or parking.

### Residential Amenities

- 5.16 It is apparent that the dwelling is located in relatively close proximity to a number of adjoining properties in Upper Brook Hill and Oxford Street, the property also overlooks a number of dwellings in Brook Hill opposite the west elevation of the site. It is not considered that the height increase would impact significantly on the amenity of the properties in Brook Hill given the separation distance between 1 Upper Brook Hill and the properties opposite the site. As the roof ridge of the adjoining dwellings at 2 and 3 Upper Brook Hill is above that of the new dwelling at 1 Upper Brook Hill it is not considered that the height increase would have any additional impact on the amenity of these particular properties.
- 5.17 5 dwellings are located to the east and south east of the dwelling in Oxford Street, these being 70, 72, 74, 76, 78 and 80 Oxford Street. A further property, 82 Oxford Street lies to the South of the dwelling. Five letters of objection were received from adjoining residents regarding the amenity impact of the height increase on the residential amenity of these properties. Due to the topography of the immediate area 1 Upper Brook Hill is significantly lower than the 6 neighbouring dwellings even when taking into account the height increase. Given the separation distance the increased height of the building would not result in the loss of light to the windows of any of these neighbouring properties.
- 5.18 The construction of a flat roofed dwelling with additional mass to the previous bungalow has resulted in additional loss of light to parts of the rear gardens of the adjoining properties in Oxford Street, although the extent of this is considered to be relatively minimal. It is not considered however that the additional increase beyond the approved plans has resulted in any significant additional degree of light loss or overshadowing to the properties to the front and side of the constructed dwelling at 1 Upper Brook Hill.
- 5.19 As there appears to be little change to the height of the windows it is not considered that the proposals would result in any additional overlooking or loss of privacy to the neighbouring properties. The variation of condition 4 to attach obscure glazing to window W7 would significantly reduce overlooking into the rear garden of 78 Oxford Street.

### Conclusion

- 5.20 The additional height increase is considered to be minimal in a visual sense and would not affect the appearance of the street scene or conservation area setting. The additional height increase is considered to be relatively minimal and it is not considered that this further increase in height would result in an unacceptable loss of light or overshadowing in relation to the previously approved plans.
- 5.21 It is not considered that the additional height increase would be unacceptable and for this reason the scheme is considered to be compliant with Local Plan Policies B2 and H2.

## 6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: The time condition is imposed in order to comply with the requirements of the Town and Country Planning Act 1990 (As amended)

- 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 development permitted under Class A to E of Part 1, Schedule 2 to Article 3 shall take place.

REASON: To protect the architectural interest of the building, the character of the area and the residential amenity of neighbouring properties. (Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011)

- 4 Before first occupation of the building hereby permitted the glazing (at first floor level) serving the gallery on the south elevation and the window in the east elevation serving the family room, along with the east elevation window marked W7 shall be fitted with obscure glazing and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent property. (Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011)

- 5 No dwelling shall be occupied until space has been laid out within the site for two cars to be parked and such spaces shall be retained for parking purposes thereafter.

REASON: To ensure that adequate provision is made for off-street parking. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)

- 6 That the enhancement measures set out in section 7 of the ecology report shall be carried out during the course of the development and retained as such thereafter.

REASON: In the interest of protected species (Policy NE15 of the West Oxfordshire Local Plan 2011)

- 7 The external walls of the dwelling proposed shall be constructed in accordance with a sample which shall be erected on site and approved in writing by the Local Planning Authority before development commences. The sample panel shall show the detail of the render, zinc and glazing and the junctions between each material. The sample panel shall be retained on site during the course of the development.

REASON: To safeguard the character and appearance of the Conservation Area. (Policies BE2, BE5 and H2 of the adopted West Oxfordshire Local Plan 2011)

- 8 No dwelling shall be occupied until space has been laid out within the site for two cars to be parked and such spaces shall be retained for parking purposes thereafter.

REASON: To ensure that adequate provision is made for off-street parking. (Policy BE3 of the adopted West Oxfordshire Local Plan 2011)