

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 2nd November 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

Application Number	Address	Page No
15/01910/S73	Bruern Stable Yard, Bruern	3
15/02077/S73	Bruern Stable Yard, Bruern	8
15/02786/HHD	Rosebank, 31 Brook Hill, Woodstock	13
15/02852/HHD	16 High Street, Shipton Under Wychwood	17
15/03099/FUL	Land South Of Forest Road, Charlbury	23
15/03128/OUT	Land South Of High Street, Milton under Wychwood	45
15/03303/FUL	Sunnyside, Ditchley Road, Charlbury	62

Application Number	I5/01910/S73
Site Address	Bruern Stable Yard Bruern Oxfordshire OX7 6QA
Date	21st October 2015
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Bruern
Grid Reference	426489 E 220475 N
Committee Date	2nd November 2015

Application Details:

Removal of condition 6 of Consent W99/I476 to allow unrestricted residential use.

Applicant Details:

Mr Josh Astor
Bruern Trust
Red Brick House
Bruern
Chipping Norton
Oxon
OX7 6QA

1 CONSULTATIONS

- I.1 Parish Council No Objections
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

2 REPRESENTATIONS

- 2.1 Mr Oliver Bridge has commented as follows:

This policy of enforcing holiday lets is unreasonable and outdated.

Planning decisions should be informed by aesthetic considerations and the design quality of the proposals.

The conversion of agricultural buildings to residential use should be encouraged as a solution to the housing shortage.

The application of this Holiday Let restriction is restrictive and almost punitive.

I can see no reason at all why if a building can be converted to residential use it should the only be able to be used in a certain manner and or occupied for a limited amount of months per year.

Finally and arguably more significantly than all of the above is the fact that the appearance of Air B+B has completely changed the residential lettings market.

With individuals now able to easily and conveniently let their own homes out on a flexible basis to tourists during the peak holiday periods bespoke holiday letting units are increasingly nonviable as a business proposition.

3 APPLICANT'S CASE

- 3.1 The application is accompanied by a 42 page supporting planning statement which can be viewed on the Councils website.

Section 7 of the report concludes the following:

- 3.2 The removal of the restrictive planning conditions will allow Bruern Holiday Cottages LLP to make the necessary business changes to its existing holiday lettings operations to provide a more financially and economically sustainable foundation for the future business;
- 3.3 It is considered that there has been a structural change in the holiday accommodation market in West Oxfordshire with declining revealed demand for Non-Serviced self-catering accommodation set against an increasing supply of such accommodation leading to rising competition. Supply effectively outweighs demand;
- 3.4 The increased flexibility offered by removal of the restrictive planning conditions will help ensure the long term financial viability of the whole Bruern Holiday Cottages business, allowing it to be managed and operated in a far more effective and responsive manner in the context of changing market demands;
- 3.5 Without such flexibility there is a significant risk that the business cannot continue to operate as it has and that all of the holiday accommodation on the site would be liable to close or be let on a far more restrictive basis in future, with consequent loss of amenities and facilities to the four existing residential properties in Bruern;
- 3.6 The retention of restrictive conditions would act as an impediment to the sustainability of the business contrary to paragraph 19 of the NPPF;
- 3.7 It is concluded that a smaller number of better performing holiday letting units of different sizes will enhance Bruern LLP's ability to operate a sustainable business and to focus on increasing occupancy and rental revenues, particularly in the shorter term;
- 3.8 Flexibility in the overall supply of self-catering units on the site and the ability to switch units into and out of holiday letting uses over time will therefore support greater utilisation and rental turnover from the better performing letting units such as Wychwood, Weir House, Goodwood and Bookers. These units represent a mix of the best performing as well as offering a choice in terms of the size of unit available;
- 3.9 A more flexible approach would not lead to an adverse impact on the character, amenity or operation of the site;

- 3.10 Removal of the restrictive conditions would result in a modest potential increase in to the private residential letting housing supply of the District.
- 3.11 WOLP policy H10 establishes the criteria through which establish exceptional circumstances sustainability objectives for conversion of existing buildings in the countryside and small villages;
- 3.12 It is concluded that the proposed removal of the restrictive conditions that would allow residential use as well as self-catering holiday lettings is supported by exceptional circumstances in the case because:
- 3.13 There are on-going difficulties in securing sufficient holiday rental lettings and levels of occupation of the existing self-catering units to allow the business to operate in a financially sustainable manner in the future;
- 3.14 The continued difficulties in letting self-catering holiday units indicates that the scale of the holiday letting operation at Bruern outstrips demand and some of the units are no longer reasonably capable of forming part of the supply of tourist accommodation.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 H10 Conversion of existing buildings to residential use in the countryside and
 H2NEW Delivery of new homes
 E3NEW Reuse of non-residential buildings
 E4NEW Sustainable tourism
 TLC2 Use of Existing Buildings
 TLC1 New Tourism, Leisure and Community Facilities
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 There are presently 12 self-catering holiday let units at Bruern, of which 6 have a restrictive holiday let condition placed on them. The 6 other units used as holiday lets are unfettered by a planning condition.
- 5.2 The removal of the current restrictive planning condition is sought to allow the self-catering units to be managed and used on a more flexible basis, either as shorthold residential lettings or as self-catering holiday accommodation as market conditions dictate.
- 5.3 The application states that the removal of the condition from the six fettered units will benefit the business by eliminating the weakest performing holiday lets, and the strongest performing holiday letting units will benefit through improvements to their occupancy rates through transfer of some bookings from the withdrawn self-catering holiday properties.

Background Information

Planning History

- 5.4 W29/0029- Change of use and conversion of stables to holiday cottages- Conditional approval
W99/1476- Conversion of Wheelhouse into holiday accommodation- Conditional approval
W99/1477- Conversion of barns sheds into holiday accommodation- Conditional approval
- 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

- 5.6 The main issue in respect of this application is whether or not the requirements of Policy H10 of the West Oxfordshire Local Plan 2011 and policy H2 of the emerging Local Plan 2031 have been satisfied through this application submission such that the dwellings can be unfettered by the holiday let condition.
- 5.7 Policy H10 relates to the conversion of existing buildings to residential use in the countryside and small villages. The policy allows for the conversion of buildings to unfettered dwellings only in exceptional circumstances and where retention of the building meets overall sustainability objectives. In open countryside locations such as Bruern Stable Yard, holiday accommodation or non-residential uses are the preferred uses for existing rural buildings.
- 5.8 The case being made in this application, in simple terms, is that the removal of the restrictive planning condition will allow Bruern LLP to make the necessary business changes to its existing holiday lettings operations to provide a more financially and economically sustainable foundation for the future business. Further, that the increased flexibility offered by removal of the restrictive planning conditions will help ensure the long term financial viability of the whole Bruern Holiday Cottages business, allowing it to be managed and operated in a far more effective and responsive manner in the context of changing market demands. The application further advises that without such flexibility there is a significant risk that the business cannot continue to operate as it has and that all the holiday accommodation on the site would be liable to close or be let on a far more restrictive basis in future, with consequent loss of amenities and facilities to existing residential properties at Bruern.
- 5.9 In considering the applicants case, it does not appear from the application submission that the converted units have actively been marketed for any period of time for sale for holiday let purposes by the applicants. Further, the figures that have been provided in terms of occupancy rates from 2008 - 2014 for the units fettered by condition are confirmed as between 62.3% and 79.3%. Whilst the applicant asserts that occupation levels at around 60% are not tenable for the long term viability of the business your officers are of the opinion the occupancy rates as holiday lets that have been cited within the application indicate that the business is achieving good rates of occupancy.

- 5.10 Bearing in mind the above, officers consider that in the light of the lack of a robust marketing exercise having taken place to confirm that the holiday let business is not viable and in the absence of any evidence as to why alternative uses for the barns could not safeguard them in the longer term, and given the current occupancy levels of the dwellings fettered by condition, that the 'exceptional circumstances' of policy H10 of the adopted West Oxfordshire Local Plan and the circumstances of policy H2 of the emerging Local Plan have not been demonstrated through this application submission and as such, the application for removal of the holiday let condition is recommended for refusal.

Siting, Design and Form

- 5.11 There are no objections on design and siting grounds.

Highway

- 5.12 OCC Highways has raised no objection to removal of the holiday let condition.

Residential Amenities

- 5.13 There are no implications for the residential amenity of the occupiers.

Conclusion

- 5.14 In light of the above planning assessment the application is considered contrary to the adopted and emerging plan policies H10 and H2 together with relevant paragraphs of the NPPF.

6 REASON FOR REFUSAL

It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings are not suitable or reasonably capable of holiday let use or alternative uses e.g. workshops, offices such that the unrestricted residential use is the only option for securing retention of the buildings. As such, non-compliance with condition 6 of 99/1476 is considered contrary to policy H10 of the West Oxfordshire Local Plan 2011, H2 of the emerging Local Plan 2031 and the Government's planning policies set out in the National Planning Policy Framework.

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Date	21st October 2015
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Officer Recommendations	Refuse
Parish	Bruern
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I CONSULTATIONS

- 1.1 OCC Highways The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.
- 1.2 Parish Council No objections

2 REPRESENTATIONS

- 2.1 Mr Oliver Bridge has commented as follows:

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- 3.9 A more flexible approach would not lead to an adverse impact on the character, amenity or operation of the site;

- 3.10 Removal of the restrictive conditions would result in a modest potential increase in to the private residential letting housing supply of the District.
- 3.11 WOLP policy H10 establishes the criteria through which establish exceptional circumstances sustainability objectives for conversion of existing buildings in the countryside and small villages;
- 3.12 It is concluded that the proposed removal of the restrictive conditions that would allow residential use as well as self-catering holiday lettings is supported by exceptional circumstances in the case because:
- 3.13 There are on-going difficulties in securing sufficient holiday rental lettings and levels of occupation of the existing self-catering units to allow the business to operate in a financially sustainable manner in the future;
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4 PLANNING POLICIES

H2NEW Delivery of new homes
 E3NEW Reuse of non-residential buildings
 E4NEW Sustainable tourism
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 H10 Conversion of existing buildings to residential use in the countryside and
 H2 General residential development standards
 TLC2 Use of Existing Buildings
 TLC1 New Tourism, Leisure and Community Facilities
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 Planning History
 - W29/0029- Change of use and conversion of stables to holiday cottages- Conditional approval
 - W99/1476- Conversion of Wheelhouse into holiday accommodation- Conditional approval
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- 5.2 There are presently 12 self-catering holiday let units at Bruern, of which 6 have a restrictive holiday let condition placed on them. The 6 other units used as holiday lets are unfettered by a planning condition.
- 5.3 The removal of the current restrictive planning condition is sought to allow the self-catering units to be managed and used on a more flexible basis, either as shorthold residential lettings or as self-catering holiday accommodation as market conditions dictate.

- 5.4 The application states that the removal of the condition from the six fettered units will benefit the business by eliminating the weakest performing holiday lets, and the strongest performing holiday letting units will benefit through improvements to their occupancy rates through transfer of some bookings from the withdrawn self-catering holiday properties.
- 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

- 5.6 The main issue in respect of this application is whether or not the requirements of Policy H10 of the West Oxfordshire Local Plan 2011 and policy H2 of the emerging Local Plan 2031 have been satisfied through this application submission such that the dwellings can be unfettered by the holiday let condition.
- 5.7 Policy H10 relates to the conversion of existing buildings to residential use in the countryside and small villages. The policy allows for the conversion of buildings to unfettered dwellings only in exceptional circumstances and where retention of the building meets overall sustainability objectives. In open countryside locations such as Bruern Stable Yard, holiday accommodation or non-residential uses are the preferred uses for existing rural buildings.
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- 5.10 Bearing in mind the above, officers consider that in the light of the lack of a robust marketing exercise having taken place to confirm that the holiday let business is not viable and in the absence of any evidence as to why alternative uses for the barns could not safeguard them in the longer term, and given the current occupancy levels of the dwellings fettered by condition, that the 'exceptional circumstances' of policy H10 of the adopted West Oxfordshire Local Plan and the circumstances of policy H2 of the emerging Local Plan have not been demonstrated through

this application submission and as such, the application for removal of the holiday let condition is recommended for refusal.

Siting, Design and Form

- 5.11 There are no objections on design and siting grounds.

Highway

- 5.12 OCC Highways has raised no objection to removal of the holiday let condition.

Residential Amenities

- 5.13 There are no implications for the residential amenity of occupiers.

Conclusion

- 5.14 In light of the above planning assessment the application is considered contrary to the adopted and emerging plan policies H10 and H2 together with relevant paragraphs of the NPPF

6 REASON FOR REFUSAL

It has not been demonstrated to the satisfaction of the Local Planning Authority that the buildings are not suitable or reasonably capable of holiday let use or alternative uses e.g. workshops, offices such that the unrestricted residential use is the only option for securing retention of the buildings. As such, non-compliance with condition 6 of 99/1477 is considered contrary to policy H10 of the West Oxfordshire Local Plan 2011, H2 of the emerging Local Plan 2031 and the Government's planning policies set out in the National Planning Policy Framework.

Application Number	I5/02786/HHD
Site Address	Rosebank 31 Brook Hill Woodstock Oxfordshire OX20 1JE
Date	21st October 2015
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock
Grid Reference	444841 E 217057 N
Committee Date	2nd November 2015

Application Details:

Erection of car port

Applicant Details:

Mr John R Stone
Rosebank
31 Brook Hill
Woodstock
Oxfordshire
OX20 1JE

1 CONSULTATIONS

- 1.1 OCC Highways No response as of 22/09/15
- 1.2 Parish Council Woodstock Town Council OBJECTS on the following grounds
WODC policy BE2(a)(b)(c)
- Woodstock Town Council regards this car port as inappropriately large for the site, overbearing and unneighbourly and considers that the proposal is against Policy 054 of the Developing Local Plan.

2 REPRESENTATIONS

- 2.1 Three letters of objection were received from Mr and Mrs Drewett, Ivor and Sue Lloyd and John Hodges the objections can be summarised as follows:
- The height of the car port is overpowering, particularly as the adjoining property (number 32) is at a lower level than 31.
 - The car port should require guttering and drainage measures.
 - The building would be used to store a caravan and not as a car port and the advertising is therefore not accurate.
 - A car port should not be used to store a caravan
 - The car port would appear over-large and unsightly.

- The outbuilding would be forward of the principal elevation of the main dwelling and adjoining property.
- The North West corner would be 4.6 metres high accounting for the ground level and would be 0.5 metres from the boundary of 32a Brook Hill.
- There would be a 10.5 metre long and 3.3 metre high wall of unbroken feather boarding adjoining the boundary of 32a, which would be unsightly.
- There is no provision for rainfall collection or drainage.

3 APPLICANT'S CASE

- 3.1 The car port is of an appropriate scale and is appropriately sited and would not be detrimental to the amenity of the neighbouring properties. The car port would be used for the storage of a car as well as a caravan.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

OS4NEW High quality design

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

5 PLANNING ASSESSMENT

Update - The application was deferred at the meeting on 05/10/15 for a site visit.

Background Information

- 5.1 The application seeks planning consent for the erection of a timber car port located forwards of the principal elevation of a detached dwelling at Brook Hill a residential street in Woodstock. The site is located outside the designated Conservation Area. The car port would be sited on an area of existing hard standing adjacent to a driveway leading to the dwelling and would be sited 3 metres from the highway boundary. The car port would be located close to an adjoining boundary fence and private access driveway serving 32a Brook Hill.
- 5.2 The Car Port would be 10.5 metres long and 4.4 metres wide. The site is elevated in relation terms of topography with the ground level sloping upwards from the sit entrance. The structure at the highest point facing the public highway would be 4 metres in total lowering to a height of 3 metres at the east elevation. The East elevation of the car port would be open sided along with a section of the south elevation facing the driveway. The North and West elevation, which faces Brook Hill would be closed and clad in timber materials.
- 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:

The visual impact of the development on the street scene and built form of the immediate area.

The impact on the amenity of adjoining properties.

The impact on parking and access.

Principle

- 5.4 The principle of constructing a car port forward of the principal elevation of a dwelling, within a relatively large front curtilage space is acceptable notwithstanding its compliance with relevant planning policy namely BE2 and BE3. The development of front elevation car ports and garages is a relatively common householder planning application.
- 5.5 In reference to the objection received by the adjoining neighbours there are no planning reasons to control what type of vehicle in the structure and the application must be determined on its own merits in relation to relevant planning policy.

Siting, Design and Form

- 5.6 The structure is considered to be practically sited in a position adjoining the driveway serving No 32a Brook Hill. The car port would be set back as far as practically possible from the highway boundary as to minimise its impact on the immediate street scene.
- 5.7 The height of the structure, which is a maximum of 4 metres is fairly regular for a domestic car port or garage and is not considered to be excessively high. The car port is relatively long; however the overall scale is not considered to be excessive and would be subservient in relation to the main dwelling and adjoining dwelling to the north of the site. The applicants have stated the intention to store an existing caravan in the structure alongside a further vehicle and the scale of the structure is considered proportionate for this use.
- 5.8 The overall design is functional and it is not considered that this would appear out of keeping in the relatively suburban context of the immediate street scene. The proposed use of materials is considered appropriate within this location. Front views of the car port from Brook Hill would be relatively obscured by existing trees to the front of the site and in the front garden of the adjoining property, views from the north would be restricted by the large front elevation hedge of the adjoining property, 32 Brook Hill. It is considered that the car port would be sited far enough from the highway boundary as to not detract from the adjoining street scene.

Amenity Impact

- 5.9 The car port adjoins an access road serving a dwelling to the rear of the site of the proposed structure. It is not considered that the car port would impact on the amenity of this access despite the length of the structure. 32 Brook Hill is located approximately 4 metres to the side of the proposed car port beyond the access driveway serving 32a Brook Hill. Although the adjoining property is set below No 31 it is not considered that the car port would appear overbearing in relation to this property given that the height of the section of the structure running parallel to No 32 would be slightly over 3 metres in height when measured at ground level.
- 5.10 Given the separation distance between the car port and No 32 it is not considered that the amenity impact of the proposed car port on this property would be significantly detrimental. The development would result in some overshadowing to the front curtilage of No 32 however it is not considered that the development could reasonably be refused on these grounds.

Access and parking

- 5.11 The car port would not affect existing access and would retain the two off-street parking spaces currently provided.

Conclusion

- 5.12 The development is considered to be acceptable and compliant with Local Plan Policies BE2, BE3, H2 and OS4.

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 development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The carport(s) shall not be altered or enclosed and shall be used for the parking of vehicles and for purposes ancillary to the residential occupation of the dwelling(s) and for no other purposes.
REASON: In the interest of road safety and convenience and safeguarding the character and appearance of the area.

Application Number	I5/02852/HHD
Site Address	16 High Street Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6DQ
Date	21st October 2015
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Shipton Under Wychwood
Grid Reference	427674 E 217240 N
Committee Date	2nd November 2015

Application Details:

Removal of existing derelict outbuildings. Erection of extension to include the lowering of a window on the existing building, the addition of a door on the existing building and the addition of two windows on the existing building.

Applicant Details:

Mrs Janet Waumsley
The License
High Street
Shipton - Under - Wychwood
Oxon
OX7 6BA
United Kingdom

I CONSULTATIONS

- I.1 WODC Architect Satisfied that the proposals would not result in harm or less than substantial harm to either the setting of either neighbouring Grade II listed building or the Conservation Area setting.
- I.2 Parish Council Whilst the Parish Council has no objection in principle to the development of the site, it felt that the scale of what is proposed is at the extreme edge of what is acceptable. The PC was particularly concerned about the view of the proposed development when seen from the street and asks that the Planning Authority gives particular attention to the materials used so that the visible stonework harmonises with all the historic buildings on the road. In addition there is an existing flower bed on the right hand side of the development which adds a softer feature to the rather harsh development and would like this preserved as a condition. It is assumed that this is not a listed building.

2 REPRESENTATIONS

2 letters of objection have been received:

Dr Simon Gregson objects to the proposal for the following reasons:

- The property would appear overbearing in relation to the adjoining Grade II listed building.
- The property extends too far down the garden beyond the existing building line. The proposed expanse of flat roof and the proposed roof lantern would be alien in appearance to the heritage architecture of the Conservation Area and would constitute overdevelopment of the site.
- Objects to the location of the home cinema due to the fact that this would be in a room with a party wall adjoining his property.
- The extension includes large windows which would overlook his property.

Matt Pettit objects to the proposals for the following reasons:

- The proposals are big, clumsy and out of keeping with the setting.
- The proposals would double the size of the semi-detached dwelling.
- The proposals represent over-development of the site.
- The proposals would have a detrimental impact on the adjoining listed building 17 High Street.
- The development being out of sight does not make the scheme acceptable.

3 APPLICANT'S CASE

- 3.1 The new and improved development takes its inspiration from its surroundings and modern design standards. The extension will harmonise with the host dwelling and help to soften the appearance of a previously built awkward extension to the host property.
- 3.2 Care has been taken to use materials sympathetic to the original property and to balance the new extension and garage's appearance so as to align with other properties within the area.

4 PLANNING POLICIES

BE6 Demolition in Conservation Areas
BE3 Provision for Movement and Parking
BE2 General Development Standards
H2 General residential development standards
OS4NEW High quality design
BE5 Conservation Areas
EH7NEW Historic Environment
BE8 Development affecting the Setting of a Listed Building
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

The application has been taken to planning committee at the request of Councillor Tom Simcox.

Background Information

- 5.1 The application seeks approval for the removal of three derelict stone outbuildings and the erection of large rear extensions incorporating single and two storey elements and an attached garage. The proposals involve the addition of two side elevation windows, the installation of a new front door and the lowering of an existing front elevation window.
- 5.2 The extensions would be constructed to the rear of 19 High Street, (The Old Bakehouse), an unlisted Cotswold Stone dwelling located within the Shipton-Under-Wychwood Conservation Area. A previously withdrawn application (15/00900/HHD) was submitted in 2015. The existing application has been reduced in terms of scale with design enhancements made to improve the sensitivity of the scheme in relation to the main dwelling and conservation area setting.
- 5.3 The extensions consist primarily of three elements: A 1.5 storey, 8.1 metre extension off the rear wall of the dwelling which would adjoin a further 10 metre extension set slightly below the adjoining section. The 10 metre extension would further adjoin a single storey rear extension and attached garage which would measure 7.9 metres in length and 14.2 metres in width. The height of the single storey element of the extension would be 3 metres to the eaves.
- 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:

The design, scale and siting of the development

Impact on neighbour amenity

Impact on the Conservation Area setting

Impact on the adjoining Grade II listed buildings (17 High Street and The Old Malthouse)

Principle

- 5.5 There is no objection to the principle of extending the dwelling or the demolition of the stone outbuildings. The property has a large area of rear curtilage space in which to accommodate a substantial extension and the majority of the rear curtilage is hidden from view behind the main dwelling. Of the three outbuildings indicated on the plans two have already been removed and the remaining outbuilding is vacant. The remaining single storey stone outbuilding is traditional in appearance, however it could not be argued that the building contributes significantly to the character of the Conservation Area.

Siting, Design and Form

- 5.6 It is acknowledged that the proposed extensions would be large in relation to the scale of the existing dwelling. However, there is a notable drop in the height of the roof ridge of the extended section of the property, when compared with the roof ridge of the main dwelling; this ensures a degree of visual subservience in the extension design. The proposals are considered to be a significant improvement on the previously submitted application (15/00900/HHD), which appeared bulky and overbearing in relation to the main property. The current application

excludes the previously proposed dormer windows which were inappropriate in scale and out of keeping with the character of the property and conservation area setting. The proposals, although large in scale would not appear visually overbearing, partly due the proposed progressive drop in the roof ridge height across of the extended sections of the dwelling. The overall scale and impact of the development has been considerably reduced from the originally proposed scheme.

- 5.7 The overall design is considered acceptable and the proposed use of matching natural Stone and slate roofing materials are consistent with the materials used in the existing property and those used within the Shipton Under-Wychwood Conservation Area. The single storey element of the property is more contemporary in terms of appearance, however the design is not considered to be inappropriate.
- 5.8 There is no objection to the principle of adding the two proposed windows to the north elevation of the property, or the addition of the new door to the front of the dwelling. The proposed fenestration design appears appropriate, however more detailed drawings of the proposed windows are required as a condition.

Impact on Listed Buildings and Conservation Area

- 5.9 The property adjoins 17 High Street a Grade II listed building and is located close to another, detached Grade II listed building known as The Old Malthouse. Local Plan Policy BE8 requires that new development should not detract from the setting of a listed building. Paragraphs 132 to 134 of the NPPF require an assessment to be made to determine as to what extent a development would cause harm to heritage assets. Section 66 of the Listed Buildings and Conservation Areas Act 1990 also requires the consideration of setting as regards Listed Buildings. Section 72 of the Listed Buildings and Conservation Areas Act 1990 deals with Conservation Areas.
- 5.10 With regards to The Old Malthouse the extensions would be sited some distance from the listed building itself and although the 1.5 storey element of the building would be visible from this property it could not reasonably be considered that the proposals would have any significant impact on the setting of this building.
- 5.11 The 1.5 storey and single storey elements would be sited close to No 17 High Street, also a Grade II listed building, and the development is clearly within the setting of this particular building. However, it is considered that the siting, scale and design of the proposal would result in little effect on the setting of this property and no material harm would arise.
- 5.12 The extensions would be located predominantly to the rear of No 16 and only the garage, which is significantly set back, would be fully visible from the immediate street scene in the High Street. The impact on the Conservation Area setting has been substantially lessened following the amendments made to the original planning application (15/00900/HHD), which featured a poorly sited garage, close to the frontage of the property which impacted negatively on the Conservation Area. Given the lack of visibility of the extensions and the proposed design, which is largely in keeping with the local vernacular, it is not considered that the proposals would detract or cause harm to the Conservation Area.

Highways

- 5.13 The proposed development would not be detrimental from a highway safety or amenity perspective. It is considered that sufficient off-street parking has been provided.

Residential Amenities

- 5.14 No 17 High Street is the only dwelling directly affected by the works. The existing layout of No 16 is unusual as the rear wall of the property adjoins the rear curtilage space and patio area of No 17.
- 5.15 The extended 1.5 storey section of the property which adjoins the domestic curtilage of No 17 would measure 5.5 metres in height. The extension would result in some overshadowing and light loss to the rear patio area of the property and a section of the adjoining garden; however the extension would not result in light loss to any rear windows of the dwelling. The 1.5 storey extension at 5.5 metres in height is not considered to have an overbearing impact on the property and both sections of the extension would be partially hidden behind a stone boundary wall.
- 5.16 The south facing roof lights to the dining room would be at a high level of approximately 3.8m above floor level. They would therefore not allow overlooking to the neighbouring property at No.17.

Conclusion

- 5.17 The proposed extensions, although large in terms of scale would not cause harm to the setting of the adjoining Grade II listed building or the setting of the Conservation Area. The overall design and use of materials is considered appropriate and it is not considered that the development would have a significantly detrimental impact on neighbour amenity. The proposals are therefore considered acceptable and compliant with Local Plan Policies BE2, BE3, BE5, BE6, BE8 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: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B, C or E of Part I of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.
REASON: To avoid over-development of the site.

- 4 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 5 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors, garage doors, roof lights, lantern and chimney 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.
- 7 The development shall be carried out in accordance with the recommendations contained in Section 6 of the Bat Survey Report dated May 2015 by Windrush Ecology. Prior to any part of the development hereby approved being brought into use, details of bat mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall have been fully implemented on completion of the development or the development being brought into use, whichever is the sooner, and maintained thereafter.
REASON: To safeguard and enhance biodiversity.

Application Number	I5/03099/FUL
Site Address	Land South Of Forest Road Charlbury Oxfordshire
Date	21st October 2015
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Charlbury
Grid Reference	435053 E 219434 N
Committee Date	2nd November 2015

Application Details:

Residential development of 25 dwellings comprising self/custom build, market housing and affordable housing (use class C3) and a 12 bed supported living (use class C3) facility with associated access, parking and landscaping.

Applicant Details:

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

I CONSULTATIONS

- I.1 Historic England The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- I.2 Parish Council Charlbury Town Council does not wish to explicitly endorse or oppose this application but would ask for the following comments to be taken into consideration:
 Overview. We recognise this application is an innovative and commendable scheme and we welcome its aims to address the major challenges of housing affordability at various levels, the maintenance of and support for a socially balanced community in Charlbury as well as the need of those suffering from young onset dementia. However, we wish to ensure that a number of issues set out below are adequately addressed and we do recognise genuine concerns with regard to location.
 Public consultation. We applaud level of public consultation carried out by applicants and acknowledge the efforts made to address issues raised

Housing Affordability

Recognised as a key issue for Town in emerging Local Plan, page 193 para 9.6.5. This scheme seeks to address this issue in an innovative way. In addition, this scheme includes other homes that will be offered at discounted prices with priority given to local people. We applaud this initiative but seek to maintain it in perpetuity. We ask for S106 to be put in place to secure this benefit and ask that TC be involved in negotiations for such agreement.

We ask for the need for such housing to be considered alongside deferred proposal at Little Lees.

The self-build units are consistent with government commitment to providing more housing for self-building communities.

Concerned site lies within sensitive landscape within Cotswolds AONB and beyond natural boundaries of town. TC have questioned this and attempted to identify alternative sites at Ticknell Piece. To date this has not been successful. Note that SHLAA thought site too distant from settlement, the Design Guide 2015 notes that development is constrained by river Evenlode and railway line but distance from settlement is no further than Ditchley Road and Little Lees.

Remain concerned that may provide a precedent for further development.

Acknowledge applicants have taken considerable efforts to minimise and mitigate visual impact. Appreciate removal of houses on Forest Road and introduction of bollard lighting. However we note view from Grammar School Hill may still have moderate impact in wider and give sense of detachment from town.

Concern about pedestrian safety due to need to cross road twice on way into town, narrowness of pavement, and speed of approaching traffic.

Play area required on site due to distance to other facilities.

YDUK should provide minibus to take residents to town

A thorough archaeological evaluation is essential in our opinion.

Can an evaluation be carried out to determine the impact of development on local infrastructure such as school places?

A large number of comments have been received from supporters and objectors. We ask careful consideration is given to all comments.

S106 to include affordable housing in perpetuity, contributions towards community facilities and infrastructure, improvements to pedestrian safety, provision of a play area and contribution to cost of community transport between site and town.

I.3 Cotswolds
Conservation Board

The Board has considered the amended new application but maintain their objection to this development.

I.4	One Voice Consultations	<p>Highways Object on grounds of inadequate footway provision from site to rail station and town centre and site access visibility splays</p> <p>Archaeology Objection - field evaluation required</p> <p>Education Approval subject to the conditions</p> <p>Property No objection subject to conditions</p>
I.5	WODC - Arts	<p>A S106 contribution of £2000 towards a temporary public art programme post occupation to comprise a range of creative activities on site for the benefit of residents based at the supported living accommodation. The programme would be developed by the Community and Leisure service at WODC in conjunction with the Town Council and utilise local expertise where possible.</p>
I.6	Ecologist	<p>No objection subject to condition</p>
I.7	WODC Community Safety	<p>Not received at time of writing.</p>
I.8	WODC Architect	<p>Context:</p> <p>A site set somewhat away from the core of the settlement. It is fairly prominently located on rising ground, adjacent to a main route into the settlement, and it is visible in longer views from within the core of the settlement, and also in longer views from its southern extremity. The site is not in the Conservation Area, but it is very close to the boundary.</p> <p>Opinion:</p> <p>Dealing first with the general layout, I note that this is pretty much as we were expecting, and it is pretty much as per my last sketch - except that they have randomized the layout of the houses at the end of the cul-de-sac, which also seem to have got somewhat larger and blockier on plan. They haven't quite got all of the cars behind the houses either, but it is much better. My main concern with the layout is those houses at the end of the cul-de-sac, which are sitting uncomfortably close to each other, with some odd relationships at the corners - although, to be honest, this is somewhat redeemed by the levels - as can be seen in site section 3-3.</p> <p>Dealing with the individual buildings, and starting with the YDUK structure, I note that this is pretty much as we last saw, except that the solar arrays look a bit better integrated. In summary, this would be a fairly ground-hugging structure, of reasonably interesting form, masked to some degree by the existing industrial buildings, which are somewhat taller. So this is all OK, it seems to me.</p>

Turning to the houses, I note that the green-roofed ones have gone, which is to be welcomed in my view, as the green roofs were not closely enough related to the landscape - they stood rather too proud. The forms now all tend to use traditional, steepish-pitched massing, but with clean, more contemporary elevations - a bit reminiscent of some of the Upton designs. I like the overall feel - but we won't want the materials and colours to be too strident - particularly the render. The ubiquitous lower-pitched garages jar somewhat, look out of place, and compromise the cleanliness: the problem is that they are making them very long - whereas shorter garages (and wider, if necessary), with pitches to match the houses, would be preferable, in my view. Another issue is that the types 2 and 3 have very deep plans, and correspondingly huge gables - breaking them down into more traditional plan depths, of around 8 or 9 metres, would be preferable - when they would chime with the other house types, and also sit a bit more happily beside each other. The solar panels (as so often), look like afterthoughts - it would be preferable if they ran from verge to verge in all cases, and were also set much lower on the roofs - perhaps somehow related to the flat-roofed dormers.

With respect to the landscaping, I note that we are now presented with a simpler and somewhat calmer design. Everything will depend on the height and density of those 'woodland blocks' - you will remember that we are counting on this planting to break the scheme into separate elements, and to disguise the fact that this is pretty much a run of buildings along the contour line. And of course, we will need to be really sure that they carefully plant as they propose, and then maintain the planting.

Recommendations: Seek revised designs in respect of: the garage elements generally; the plan depths of the type 2 and 3 houses; the solar panels.

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|------|---------------------------|--|
| I.9 | WODC Env Health – Uplands | I know of this site and the site location adjacent an industrial estate and busy rail line would justify requesting a noise report which appears to be absent. The sewage treatment works is relatively close too (perhaps an odour assessment too). |
| I.10 | WODC Head Of Housing | My comments in support of the Young Dementia UK element of the previous application (15/00564) remain the same, namely regarding the Council's in principle financial and enabling support in partnership with the County Council and the Homes and Communities Agency. (The District and County Council have been working with YDUK for some time, enabling the development of a purpose built scheme to come forward in West Oxfordshire. It is envisaged that nominations for the completed units will be drawn from the West Oxfordshire area in the first instance, widening out to the rest of the County if sufficient occupiers cannot be located within the District).
With regard to the general needs affordable housing on this revised |

application I can confirm that there are sufficient households on the Council's waiting list who would qualify for the range of housing proposed in this application. I am supportive of both the Young Dementia and general needs affordable housing provided as part of this comprehensive development.

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|------|---|---|
| I.11 | WODC Landscape And Forestry Officer | Not received at time of writing. |
| I.12 | Natural England | No objection |
| I.13 | Environment Agency | No objection to the proposed development, as submitted, subject to condition |
| I.14 | WODC Planning Policy Manager | While this proposal incorporates some amendments to that original scheme, the policy considerations appear to be very similar. (Please see paragraph 4: Policies for relevant policies). |
| I.15 | WODC - Sports | £1,088 x 25 = £27,200 off site contribution towards sport/recreation facilities within the catchment.
£818 x 25 = £20,450 for the enhancement and maintenance of play/recreation areas within the catchment (or for onsite provision). |
| I.16 | TV Police - Crime Prevention Design Advisor | Not received at time of writing. |
| I.17 | Thames Water | <p>Waste Comments
Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.</p> <p>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.
Supplementary Comments Adjacent (North to East) to the proposed development sits Charlbury STW. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development.</p> |
| I.18 | WODC Env Services – Waste Officer | Not received at time of writing. |

2 REPRESENTATIONS

- 2.1 174 representations have been received in support of the application on the following grounds:

Affordable Homes

- 2.2 Charlbury is in dire need of affordable but controlled growth in the local housing stock as it is becoming increasingly difficult (if not impossible) for many local young couples and families to be able to own their own homes in the town, which will inevitably lead to people moving away if not addressed.

This proposal would give that opportunity to many and indeed, my understanding is that virtually every expression of interest in the properties has come from local people

Charlbury has a highly developed sense of community and this type of development will only assist in sustaining that by allowing young families to stay in the town and continue to add value to that community.

Very important is the need for affordable homes for our young families who have been unable to secure a place of their own and stay in their home town as there are no affordable new homes available.

We support homes for local people

We are a professional couple who contribute to the community and would like the chance to buy an affordable property in Charlbury so our child can grow up as part of the community we love.

Well-built affordable homes for local people are desperately needed in Charlbury

The development is not too large.

The project would help keep Charlbury a balanced, vibrant and inclusive community

Will revitalise the village but don't we need more housing? They state Yes we do, nationally and locally.

Charlbury will lose its soul if local people are unable to live here.

YDUK

- 2.3 The proposal to include sheltered accommodation for Young Dementia sufferers is an excellent one and will provide a much needed facility in the district.

Rushy Bank will be in an ideal spot in Charlbury which lies in the Evenlode valley to bring peace and tranquillity to help those suffering from Dementia.

Feel very strongly about helping those with Young Dementia with this project

It is a much needed facility for those suffering from an early age

The Alzheimer's Research charity warned us that a third of British people born in 2015 will develop dementia. Charlbury should be proud to welcome this facility.

Have been diagnosed with dementia and have been extremely fortunate to receive excellent care from Young Dementia UK.

There is a great need in Oxfordshire for this type of housing for some seriously affected dementia patients.

As far as I know there are no comparable facilities in the county.

Landscape

- 2.4 The Cotswold Conservation Board's own stated position as set out in their Autumn/Winter 2014/15 issue of their Cotswold Lion publication states that:

The Board feel that the best way would be to have sustainable, small scale development of 10-30 houses with bespoke designs on the edge of villages, although this does have cost implications for builders which can affect the viability of a site, particularly where there is provision for affordable housing included.

The site makes good sense as it is next to the train station and industrial area and not visible in the wider landscape.

It is adjacent to developed land.

They have worked very hard to reduce the visual impact of these houses. They've reduced the number of proposed houses being built and they're not building along Forest Road.

Additional native trees are being planted to help keep the development as hidden and discreet as possible.

Building up behind Ticknell Piece or the Lees feels like out of sight, out of mind.

The reduction in visibility of the site hopefully allaying the fears of those people worried about Rushy Banks landscape impact.

I would argue that in terms of what the AONB is looking for, innovative and sensitive developments like this should be held up as exemplars as what is possible when members of a community, charity, and local developers and architects get together for social benefit.

Rushy Bank is bounded by a road, railway line, and woodland. This means that it would not expand in the future

Economy

- 2.5 Charlbury has all facilities and businesses one could wish for. i.e. Doctors surgery, Pharmacist, Post Office and many other businesses which will all benefit from this proposal and it could become an integral part of Charlbury helping to support each other.

This is an excellent proposal with significant benefits for Charlbury.

It will support the existing facilities in Charlbury.

It will support the sports and social club.

The 12 new job positions that would be created, this is an added bonus and the jobs would quickly be taken by people currently looking for work in the town.

Location

- 2.6 Is just a short walk into town over the picturesque Evenlode river.

The advantage of Railway Station close by for those who need to commute into Oxford or London for work or even for leisure.

This is the only available site in the town.

The location of the development is ideal in that it will not damage the landscape or put undue pressure on local infrastructure.

The proximity of Rushy Bank to roads and rail make the site a sustainable location in transport terms for both employment and recreation.

The site's pedestrian access to the town centre and beyond is a well-established, frequently walked route used by rail commuters, day trippers and those walking and running in use of the public right of way to and from Walcott and beyond.

The location is unobtrusive, being essentially in a hollow behind the existing station, industrial estate and sewerage farm

2.7 168 representations have been received objecting to the application on the following grounds:

Location

2.8 Developments on the outskirts of all villages and towns will eventually mean that what was once life in the country, will be urban life and the threat will be as great to our farmers, as to the residents of our communities.

It stands outside the town in perhaps the most beautiful aspect of this historic market town. I believe that the site was rejected for development in the new Local Plan because the green field site is too remote from the town.

The development would set a precedent for further expansion along the beautiful valley and be the beginnings of a new settlement to the west of Charlbury.

This new community would be isolated from the town, with a railway bridge, river bridge and a steep hill separating it from the facilities of the town.

Concerned about the impact which the noise and light pollution from this development and the necessary infrastructure will have on the rural location and its wildlife.

This site is even further inappropriate due to its proximity to the sewage treatment works.

Furthermore the site is currently within the landscape belt that surrounds the town and it is not one of the areas ear-marked for development.

Charlbury does not need an expansion the other side of the station. This is an unsuitable place for development.

The hillside is a green site and is building up housing where there could be brown field developments such as the quarry in Charlbury which is enormous and useless at the moment.

Landscape

2.9 Building at Rushy Bank will ruin the precious view of the Evenlode valley which so many of us treasure.

Its peacefulness will also be disrupted at night by street lighting.

This is an Area of Outstanding Natural Beauty (AONB) and I know that West Oxfordshire District Council planning department has repeatedly emphasised the great sensitivity of the western edge of Charlbury.

There can be no back-tracking if this permission is granted and puzzled future generations will be left wondering what is the definition of an AONB.

It is still a sizable development for a housing estate on a green field site outside the boundary of the town in an AONB. It is a matter of policy that the AONB should be protected from being built on.

Ecology

2.10 At least 17 of the 59 priority bird species listed on the UKBAP (7th January 2015) can currently be seen on this site and have been observed on regular visits to the area over a 25 year time span.

Construction will lead to habitat disturbance.

Bats have been observed at the site, likely to be roosting in the adjacent poplars, relying on the current insect population for food.

The newts on site have enjoyed it untrammelled for years (centuries), supported by the established ecosystem. Any changes to this environment will upset the current populations of protected species, however many native tree/shrub species are planted to surround the houses. Additional fumes from the vehicles which will serve the site will not improve the air conditions necessary for existing wildlife or the level carbon emissions in general.

Highways

- 2.11 The site is likely to generate a large amount of traffic, both during building works and subsequently. Dyer's Hill is already very tricky to drive up and down, with poor visibility due to parked cars and frequent bottlenecks.
- Residents and care workers on the site will be more inclined to drive up the hill than to walk, increasing pollution as well as overcrowding.
- The site will generate an unacceptable amount of traffic for an off-shoot of an already busy road.

Housing

- 2.12 Much has been made of the desire of people who grew up in Charlbury to strike roots here independently of their parents. It is a fact of life, however, that children move away.
- It seems likely that many of the occupants of the market housing will be incomers who will use the station to commute to their jobs elsewhere, or drive through the town to reach Witney, Chipping Norton or other towns that are unreachable by train.
- Charlbury has managed to contribute half of this level of expansion in the last couple of years without diverging from adopted planning policies and with other proposals coming forward at Little Lees and Ditchley Road.
- The Dementia Home is thoroughly inappropriately sited - near highroad, train line and river (it would be hard to find anything good about its situation).
- You say it is affordable housing...is it affordable for young local hard working people?? I think they will not be able to afford these houses
- This build is for profit. Does this build improve the quality of Charlbury life? I think not.
- 2.13 A report has been received from Friends of Evenlode Valley pressure group and is concluded as follows:
- The Rushy Bank scheme would result in a residential enclave well outside the built-up area of the town, in an inconvenient location where many residents would be car dependent.
- The YDUK element would be at least a county wide facility drawing residents and frequent visitors from a wide area. It would thus significantly increase the need to travel not minimise it. The facility would be more conveniently and more sustainably located in or near one of the larger centres of population it is intended to serve.
- As currently presented, the scheme does not and may well not be able to provide for safe and suitable access for all people.
- As a whole, and for all its purported 'green' credentials, the scheme would be detrimental to the natural and historic environment in this location.
- Even without other considerations, the project does not therefore amount to 'sustainable development' for the purposes of the NPPF (National Planning Policy Framework). There is therefore no presumption in favour of it.

Even if it were 'sustainable', the effect of para 14 of the NPPF is to disapply the presumption in favour in AONBs, which continue to attract "the highest status of protection in relation to landscape and scenic beauty" (NPPF 115).

This part of the Evenlode Valley and the western approach to Charlbury, within both the AONB and the Wychwood Project Area, have long been recognised by WODC (and many others) as of particular quality and sensitivity.

The site has been rejected even for detailed assessment through the Local Plan process, being rightly held to be "too remote" from the town. It is only 'affordable' precisely because it has been found to be unsuitable for housing development.

The project involves the construction of 25 houses and a care home with 12 self-contained units, catering and other support facilities. Together with all the extensive road and footway works needed, the result would be an obtrusive, urbanising form of development, seriously damaging to the rural character and appearance of the area, to the historic open setting of the town and to the conservation and enhancement of the AONB.

Being close to a main railway line, station and a river is not thought a sensible location for people suffering from dementia nor does the facility need to be sited within the AONB.

The case for such a large proportion of market housing to facilitate the development has not been made out nor is it clear how the dwellings would be kept available for local people 'in perpetuity'. More suitable land may be found to meet local housing needs through the Neighbourhood Plan process now under way.

However laudable the motives behind the project, and whatever the position in '5 year housing land supply' terms, it is thus contrary to a range of adopted and emerging local policies, both locational and protective, and to the NPPF. Given all of the above, the adverse impacts of the proposals in this location significantly and demonstrably outweigh their benefits.

- 2.14 Comments have been received from the Charlbury Conservation Area Committee as follows: In considering its response to the new application, the Committee revisited its comments of March 2015 on the previous application for the site. They focused on the impact of the proposed development on the setting of the Charlbury Conservation Area which was the Committee's remit. Most of the comments were felt to remain relevant to the new application by the majority of members who reiterated the unsuitability of this site, outside the natural envelope of the town, for the proposed development. The views illustrated in the LVIA report helped to confirm that the development would be visible in views out from the CA, most notably in the mid- distant centre of the panoramic view up the Evenlode valley from Park Street which is one of Charlbury's finest features.

Reviewing the changes made to the proposed development since the previous application, the Committee acknowledged the reduction in the number of houses and the omission of buildings along the frontage to Forest Road as improvements. The use of more traditional materials, including some natural stone, on the houses was more sympathetic to the locality but the design of the YDUK building was still considered wholly alien in character to its rural setting within the AONB. The materials to be used were not indicated on the drawings but did not appear to reflect the local character or distinctiveness of Charlbury in any way. The more sympathetic treatment of surfaces within the estate was noted. Concerns about the impact of lighting and traffic remained although the lower lighting levels now proposed, if accepted on safety grounds, were recognised as a positive step. Omission of the roundabout on to the B4437 and attendant lighting would be another plus but remained an option only.

Although the Committee was not unanimous, a majority of members remained of the view that this site was unsuitable for development and that the application should be opposed for its negative impact on the setting of Charlbury and its Conservation Area.

3 APPLICANT'S CASE

3.1 The following documents (summarised below) have been submitted in support of the application and are available to view online:

Planning Statement
Transport Assessment
Landscape and Visual Impact Assessment
Design and Access Statement
Ecology
Great Crested Newt Survey
Statement of Community Engagement
Flood Risk Assessment

3.2 The Planning Statement is summarised as follows:

This application in response to consultation on the previously withdrawn application has the following changes:

- A reduction in numbers from 29 to 25 residential units
- No development fronting the Burford Road
- Enhanced landscape planting
- Bollard external lighting to minimise light pollution
- Shared surfacing throughout the site to reduce the impact of engineering and to create a more rural feeling responding to its context
- A pedestrian access to the station through the site
- Options to access the site via a T junction or mini roundabout
- Changes in the architectural detailing (removal of green roofs) and more stone

The development proposed is truly sustainable. The social benefits, with provision for Young Dementia UK Homes, affordable housing and provision of self/custom build for local people is ground breaking.

There is affordable housing that makes a direct contribution to meeting the needs of the 1000 People on the local housing needs register.

The custom build provision to the Beacon project gives lower paid local people a chance to get onto the housing market in their own decent homes.

Without this model they would either have to move out of their local communities or become additions to the housing need register.

This model is not only politically desirable most importantly it helps to reverse the dire housing affordability ratio that currently exists.

YDUK provides an incredible facility that promotes a balance of care with independence that is a model for future health and social care provision shifting from a dependent care system to one that promotes resilience and independence (thereby reducing the costs to the State).

The Provision of this housing mix meets local needs and is at a scale commensurate with the settlement of Charlbury.

The economic benefits in construction jobs and supply chain impacts mean that during construction there is a clear economic benefit. Furthermore post construction the jobs in the care home and the spend of residents in the local facilities means that the economic benefits will continue.

The environmental benefits are great. With an enhanced landscape comes habitat improvements that support biodiversity improvements. The environmental performance of the buildings means a much lower carbon footprint and finally in transportation terms locating development that is served by mainline rail this helps to reduce the car based out commuting that WODC currently suffers. Given the lack of a five year land supply and any significant or demonstrable reason why this development should be refused the Council should approve it without delay as directed by the NPPF.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE11 Historic Parks and Gardens

BE13 Archaeological Assessments

BE19 Noise

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

NE4 Cotswolds Area of Outstanding Natural Beauty

NE6 Retention of Trees, Woodlands and Hedgerows

NE13 Biodiversity Conservation

NE15 Protected Species

H2 General residential development standards

H3 Range and type of residential accommodation

H7 Service centres

H11 Affordable housing on allocated and previously unidentified sites

H12 Affordable housing on rural exception sites

TLC7 Provision for Public Art

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

OS5NEW Supporting infrastructure

H10 Conversion of existing buildings to residential use in the countryside and

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

H5NEW Custom and self-build housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1NEW Landscape character

EH2NEW Biodiversity

EH6NEW Environmental protection

EH7NEW Historic Environment

BC INEW Burford-Charlbury sub-area

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to an open countryside location adjoining the enclave of development to the rear of the railway station when leaving Charlbury. A large copse/woodland provides the backdrop to the site which lies entirely within the AONB. Officers will make reference to the key submitted plans as part of their presentation to committee.
- 5.2 The application seeks consent for a 12 bed Young Dementia Unit which would be the first of its kind in the country, and 25 units of housing comprising affordable housing, self-build housing and some market housing with associated parking and landscaping.
- 5.3 Members will recall that a similar application appeared before them earlier this year which was withdrawn prior to determination following the initial debate. As part of that debate members identified the principle, precedent and safety of residents as particular concerns albeit no formal decision other than to defer was made. These matters are picked up as part of the following report. Thus taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations in determining the application are:

Principle

Precedent

Siting, design and form

Landscape Impact and AONB

Highways

Residential amenities

Archaeology

Planning benefits

SI06 contributions

Other matters such as safety of residents, technical responses etc.

Principle

- 5.4 The application site is currently undeveloped land beyond the existing built up limits of the village. The housing policies of the adopted local plan seek to ensure that development of greenfield development is resisted and as such the scheme falls contrary to adopted housing policy. However, as Members are aware, the policies of the existing plan pre-date the NPPF and are increasingly out of date and as such can no longer be afforded full weight in the determination of applications. They are progressively being replaced with the policies of the emerging plan. Given the fact that these have yet to go through the full local plan process they can similarly not be given full weight but they are a clear indication of a direction of travel. In that regard the emerging plan seeks to provide for a higher number of dwellings within the plan period than has previously been delivered and recognises that undeveloped land within or adjoining the built up areas which are consistent with a series of criteria seeking to avoid harms will be accepted under the emerging policies. The NPPF contains a presumption in favour of sustainable development. Thus the assessment as to the principle currently has to be made

without the benefit of an up to date and adopted development plan as the starting point but rather is more about whether the development is sustainable or not or causes particular harms that outweigh the benefits of the development.

- 5.5 Assessing the various components of the scheme the affordable housing would not be precluded on site if it were considered as part of a rural exception site - which generally takes place on sites where conventional development would not be policy compliant. The specialist units comprised in the YDUK facility does not readily fall within the terms of any policy as it is a specialist use to meet a particular need. In that regard there are no particular policies addressing such schemes in principle and a case by case assessment would be required. Self-build housing is being actively encouraged by the Government as a means to increase housing supply but in essence it remains as conventional housing and clearly the remaining housing would also be subject to the usual housing policies. In that regard elements of the scheme would find favour in locations where conventional housing would not be supported but other elements would clearly not be.
- 5.6 In terms of the sustainability of the location, the site lies in close proximity to one of the more sustainable settlements in the district. It adjoins one of the few railway stations and there is ready pedestrian access to the village centre with its range of facilities and amenities. There is already an enclave of development adjoining the railway station and in terms of actual distance the main body of the village is much closer to this site than sites which physically adjoin the settlement on other sides of the village. In that regard the Evenlode has curtailed the "natural" expansion of the village on this side that would have occurred over the years were it not for the floodplain constraints. In a practical sense it is however considered to be sustainably located.
- 5.7 In light of the above it is not clear cut as to whether the proposal is unacceptable in principle. Some elements of the development are, when weighed against adopted policies, and some are not. Emerging policies are more flexible/positive (albeit subject to a series of criteria as assessed elsewhere as part of this report) and in NPPF terms the location is considered sustainable in transport terms and would provide economic and social benefits (albeit that the environmental element is less clear cut). On balance, and weighing all the above into account, your officers would conclude that the development is not clearly precluded by policy objections and that as such it is not unacceptable in principle.

Precedent

- 5.8 At the last meeting a number of members expressed a concern that were development to be allowed here it would open the floodgates to more development in this location. Some concern is also expressed that it is not a SHLAA site and if it were approved it would invite applications for other non SHLAA sites coming forward. In respect of the latter concern, the emerging plan makes provision for windfalls emerging outside of designated sites and so that of itself is not an issue. The applicants have redesigned the scheme such that there is a "cordon sanitaire" surrounding it, the scheme cannot be physically expanded and its position, sandwiched between the enclave of development at the railway station and the woodland on the higher ground beyond, cannot be replicated.
- 5.9 Critically, the combination of distinct elements that would be delivered by this application would also be difficult to replicate, particularly in regard to the locally promoted element such as the self-build. Whilst ultimately it would not be possible to prevent other applicants seeking to use this application as a means to try to promote their own applications, your officers are satisfied

that each application can, should and must be determined on its own merits, and that as such Members discretion as to whether to support or refuse such potential future schemes would not be compromised.

Siting design and form

- 5.10 The scheme has been substantially changed since it was last put before Members. The site area and number of residential units has been reduced and the house types and layout have been completely changed. Officers will present the revised plans in full as part of the presentation, but in essence the new houses have been set back from the main road such that the entrance is now more of a street interspersed with planting. This street leads to a new more formal square where the YDUK building is located and then on to a village green feature where the development terminates. In that regard the design is now much more cohesive than the collection of elements that comprised the first iteration. The parking has been revised so that there is more parking and it is more closely associated with the units it serves and all of the houses and the YDUK building have accessible and useable garden spaces serving them.
- 5.11 The scheme is considered to be an attractive environment. Additionally the design and disposition of the dwellings has been altered such that they are now considered to be much more comfortable in their context, comprising the modern form of the YDUK building with its design intended to sit low in the landscape, coupled with the more vernacular form of the houses. There are still some minor elements of the house design that Officers consider would need to be revised (see WODC architects comments) but these could be addressed by condition were planning consent to be granted.
- 5.12 The application is considered to accord with policies BE2, H2 of the adopted plan and OS4 and H2 of the emerging plan.

Conservation Area, Landscape Impact and AONB

- 5.13 The site is located within the Cotswolds AONB so is sensitive in its very nature, situated as it is within an area designated for its high landscape quality. This is a key issue and in your Officers' assessment the acceptability or otherwise of this development largely rests on the decision as to whether the benefits of the scheme are outweighed by the landscape impact. In determining what weight to attach to the landscape impact the fact that it lies within the AONB where the planning system gives great weight to conserving and enhancing the visual character and appearance of the area, coupled with the fact that the AONB Board has objected to the development, thus weigh substantially against the scheme and must be given particular regard in weighing the merits of the scheme. However, your Officers' assessment is that the landscape impact of this version of the proposals is substantially less than the previous version. It is considered that the conclusions of the applicant's landscape assessment that the harms are minor and that they can largely be mitigated are correct.
- 5.14 When approaching from Charlbury the site is briefly visible, in the context of the development around the railway station sitting above the existing buildings. Very quickly as progress is made towards the station and the viewpoint drops the higher portions of the site become hidden behind the existing commercial complex until the main site access point is reached. The houses that previously fronted the road at this point have now all been deleted from the scheme and replaced with planting. The new street leading away from the B road has the houses set gable end onto the B road and set back some distance from it. As such it would be much less intrusive

than before. When approaching from the west the topography and existing mature woodland will screen all but the most immediate views of the site and these would all be in the context of a backdrop of the station complex and the village sitting on the rising land beyond.

- 5.15 The site will be most visible from Grammar School Hill, viewed across the Cornbury Parkland. Officers consider that the scheme has been designed to minimise visual intrusion to the ancient woodland beyond.
- 5.16 Paragraph 116 of the NPPF requires consideration of such applications within the AONB should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 5.17 In terms of the need for the development, as outlined previously the development of this site would contribute to the 400 dwelling windfall requirement for the Burford _ Charlbury sub-area. Whilst the Council is currently able to demonstrate a 5-year housing land supply, suitable and available sites should be given favourable consideration.
- 5.18 In terms of the scope for developing elsewhere, whilst the Council's SHLAA has identified a number of opportunities within the Burford - Charlbury sub-area, these are relatively limited. Although Charlbury is one of the more sustainable settlements in the catchment, it is heavily constrained by the Cotswolds AONB which covers the whole of the town. There are no parts of the town that lie outside of the AONB and as such, it could reasonably be argued that there are very few, more suitable, alternative sites outside the AONB.
- 5.19 In terms of detrimental impact to the environment, landscape and recreational opportunities, it is considered that the scheme will enhance the recreational opportunities by enhancing the footpath network in the vicinity of the site. The landscape impact is mitigated by the topography, new and existing planting and the scheme is not considered to impact to the detriment of the wider environment. As such the overall impact on the AONB is considered by your officers to be acceptable in the planning balance.
- 5.20 The site is visible from the Charlbury Conservation Area, however the proposal is not considered to result in a detrimental impact on its character for the reasons set out above.

Highway

- 5.21 It will be noted that at the time of agenda preparation OCC has raised objections. However, these are not with regards to the highway safety principle of the development, but rather to various design queries/inadequacies such as a lack of agreement to widen the pedestrian route back to Charlbury, the extent of adoptable highway, demonstrating vision splays are within the applicants control etc. The agent is aware of these matters and is seeking to address them before the date of the meeting whereupon a written or verbal update as to the position can be given to Members.

Residential Amenities

- 5.22 As advised earlier the scheme now has a somewhat more conventional layout and disposition such that the usual privacy and overlooking standards can be achieved. There are no third parties that would be impacted by the development. It is considered that the proposal accords with policies BE2 and H2 of the adopted plan and OS4 and H2 of the emerging plan.

Archaeology

- 5.23 As with the highways response it will be noted that OCC Archaeology have a holding response as significant remains have been discovered to the West of the site. The applicant had hoped to avoid the need for a dig by relocating any built development away from the area of archaeological potential but apparently OCC are still requiring a dig to determine the impact upon the buried heritage asset. Clearly the applicant is unwilling to commit charity assets to commissioning such a dig until such time as the principle of the development is established and thus, as with other such cases, were members minded to support the application (such that some comfort could be given prior to undertaking the dig) the resolution would need to be subject to a dig being undertaken whilst the I06 was worked up and prior to any final decision on the application being made when the archaeological results were known.

Planning Benefits

- 5.24 The application proposes the provision of affordable housing in an area where there is a shortage of such housing to meet the needs of the growing population. This is a clear benefit. The provision of self-build houses targeted primarily at residents with a local connection chimes with Government policy and emerging Council policy to support self-builders as a means to stimulate the economy and fill a niche not met by the volume house builders. The private housing will generate the usual economic benefits in terms of jobs and investment in the local economy. However the key benefit in your Officers' assessment is the YDUK facility. This would be the first such facility in the Country seeking to meet the particular needs of younger people with dementia who currently have their needs addressed in facilities aimed at a much more aged clientele and in your Officers' assessment this is a factor that weighs in favour of supporting the scheme. Additionally, there would be a series of further benefits arising from the mitigation package secured under any parallel section I06 agreement.

Section I06

- 5.25 Funding would be required as follows:

£127,402 Section I06 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 11.08 pupil places.

Town Council request an on-site play area, contributions towards community facilities.

Public Art request £2000 towards a temporary public art programme post-occupation to comprise a range of creative activities on site for the benefit of residents based at the supported living accommodation. The programme would be developed by the Community and Leisure service at WODC in conjunction with the Town Council and utilise local expertise where possible.

Highways require S106 contribution towards improved public transport in Charlbury of £1,000 per additional dwelling i.e. total of £37,000

S106 contributions towards the relocation of the 30mph speed limit (£2,500), and the consultation of the traffic calming feature (£750)

Off-site pedestrian improvements to provide suitable access to the rail station, the town centre and bus stops; traffic calming and amendment of speed limit. (To be secured as part of S106 agreement, and to be carried out by the developer under S278 agreement).

- 5.26 Additionally the S106 would need to ensure the delivery of the affordable housing and self-build housing, the YDUK building remains as a C3 use, landscape maintenance of the communal areas and strategic landscape belts and a permanent requirement to retain a cordon sanitaire around the scheme to prevent further additions. Also require phased delivery of the S106 requirements prior to occupation of the market housing.

Other matters such as safety of residents, technical responses etc.

- 5.27 The safety of residents was a matter debated at length last time and has featured in the response from OCC. Concerns were expressed about residents straying onto the adjoining railway line or road. The applicants confirm that the residents would all be properly assessed and regulated with regards to their abilities to access the wider community or their need to be heavily supervised in such circumstances. They are satisfied that their duty of care to the residents will ensure that there are not any of the problems of the nature feared and to the extent that this is actually a planning matter your officers consider that with the health provider giving such an assurance then this is not really a matter that should carry particular weight in a planning decision.
- 5.28 Members also suggested that the YDUK charity should seek to locate as part of one of the strategic development areas where there would be less likely to be planning constraints that may lead to a refusal. In that regard they advise that it is only the economics of an "off plan" proposal such as this with all the various cross subsidies and reduced land values that would enable them to realise the project.
- 5.29 There are no flooding, water supply, ecological or other concerns or constraints that would preclude the development of the site.

Conclusion

- 5.30 There has been much public interest in this application. Those against the scheme cite the location beyond the existing built up limits of the settlement, adopted housing and landscape protection policies, the location within the AONB and the visual impacts of developing an attractive greenfield site with a more urban form of development as particular reasons why the scheme should not proceed. Additionally the AONB Board objects and there are outstanding reservations from OCC regarding archaeology and some aspects of the highways case
- 5.31 To set against these concerns there has been substantial local and wider support for the proposal which is clearly not a "developer led" scheme but rather seeks to achieve a range of community and social benefits supported by a modest private housing scheme. The design and landscape impact have improved considerably from the last scheme and in any event the site, whilst beyond the main body of the village, adjoins an enclave of urban development and is closer to the village centre than many other locations which are physically part of the

settlement. The policies of the emerging local plan are more positive about developments on greenfield sites adjoining settlements and the NPPF requires the planning system to perform more than just a gatekeeper/regulatory function but rather to help facilitate sustainable development.

- 5.32 In such circumstances your Officers consider that the planning balance is finely weighted and it is easily possible to make a case for either viewpoint. On balance, subject to a satisfactory resolution of the highways and archaeology issues and mindful of the presumption in favour of sustainable development your officers recommend that a conditional approval subject to a legal agreement to secure the benefits and restrictions outlined in section 5.10 above should be recommended.

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 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas including the access road and its footways shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 4 Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 5 Travel information packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every resident on first occupation.
REASON: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.
- 6 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.

- 7 Development shall not begin until 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
 - Sizing of features - attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing plans
 - Flood Risk AssessmentREASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.
- 8 Before any works begin on site a construction management plan must be submitted for approval as per the recommendations in the submitted Phase 2 :Great Crested Newts Report (Earth Ecology), Ecological Assessment Final & Biodiversity Management Plan Final (Wychwood Biodiversity Aug 15) as well as a ten year Ecological Management plan based on the Biodiversity Management Plan Final (August 15) which provides further detail to show who will be responsible for carrying out the proposed works including all monitoring work, details and the mechanisms to ensure the success of the proposed buffer zones and enhancements must be submitted for approval to the LPA. Once approved all the works must be carried out as per approved Construction Management Plan and the Ecological Management Plan and thereafter permanently maintained.
REASON: To ensure that Amphibians, Bats, Birds and their Habitats as well as Priority habitats such as water courses, wetlands and ponds are protected in accordance with the Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 as amended, in line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies and in order for the Local Planning Authority to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 9 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 10 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning

Authority before any external walls are commenced and thereafter be retained until the development is completed.

REASON: To safeguard the character and appearance of the area.

- 11 Notwithstanding details contained in the application, detailed specifications and drawings of all windows; external doors; eaves; 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.
- 12 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; minor artefacts and structure; retained historic landscape features and proposals for restoration, where relevant and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 13 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 14 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.
- 15 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
REASON: In the interest of improving connectivity in rural areas.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings, other than those expressly authorised by this permission, shall be construction.

REASON: Control is needed to preserve the unique setting of the ancient woodland and AONB

NOTE TO APPLICANT

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	I5/03128/OUT
Site Address	Land South Of High Street Milton Under Wychwood Oxfordshire
Date	21st October 2015
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Milton Under Wychwood
Grid Reference	426208 E 217877 N
Committee Date	2nd November 2015

Application Details:

Erection of up to 62 dwellings, landscaping including change of use, formation of footpath and creation of ecological enhancement area, and ancillary infrastructure and enabling works.

Applicant Details:

Sharba Homes Ltd
C/O Agent

I CONSULTATIONS

- | | | |
|-----|---------------------------|---|
| I.1 | One Voice Consultations | Transport
No objection subject to conditions
Archaeology
No objection subject to conditions
Education
No objection
Property
No objection subject to S106 |
| I.2 | WODC - Arts | Should this proposal be granted planning permission then the Council would favour the following approach:
A S106 contribution of £6,510 towards public art to enhance interpretation in public spaces, on site - particularly the ecological enhancement area - and in the vicinity of the site in order to enhance public information |
| I.3 | Ecologist | No objection subject to condition |
| I.4 | WODC Architect | No comments received to date. |
| I.5 | WODC Community Safety | No comments received to date. |
| I.6 | Environment Agency | No comments received to date. |
| I.7 | WODC Env Health – Uplands | No adverse comments. |

I.8	WODC Head Of Housing	No Comment Received.
I.9	WODC Landscape And Forestry Officer	No comments received to date.
I.10	Natural England	No objection
I.11	WODC Planning Policy Manager	No Comment Received.
I.12	WODC - Sports	£1,088 x 62 = £67,456 off site contribution towards sport/recreation facilities within the catchment. £818 x 62 = £50,716 for the enhancement and maintenance of play/recreation areas within the catchment.
I.13	TV Police - Crime Prevention Design Advisor	No comments received to date.
I.14	Thames Water	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. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
I.15	WODC Env Services – Waste Officer	No comments received to date.
I.16	Parish Council	Milton Parish voted in favour of the application at their most recent meeting.
I.17	Adjacent Parish Council	Bruern Parish object to the proposal.
I.18	Adjacent Parish Council	Shipton-under-Wychwood Parish Council wishes to object to this application on the grounds set out in our objection to the previous

Application No 15/00197/OUT, copy attached and below. The current application does not address those concerns. In particular we believe the stress on the local infrastructure, in particular the extra traffic that will be generated is grossly understated. We believe the pinch points at the school and the Co-op will be a source of danger and congestion which has not been addressed. The availability of public transport is also misrepresented. The County Council is already proposing to reduce public transport services to the Wychwoods and the proposed development will make a bad public transport situation worse.

If for any reason the Planning Authority is minded to grant the application we would wish a Section 106 agreement to be in place to fund the parking and traffic management measures that will be necessary.

1.19 Cotswolds
Conservation Board

In conclusion for the reasons given before, the development of this site will have a negative impact on the character and special qualities of the AONB which has the highest status of protection. The Board fully accepts this is a living and working countryside where local needs housing should be met on appropriate sites and at an appropriate scale. However, the Board does not consider 62 dwellings on this site meets with those aims. In this case the level of harm is too great whilst need can be met in some other way. The conservation and enhancement of the AONB is a matter of public interest and this development fails to meet the requirements of Paragraphs 115 and 116 of the NPPF. The development also fails the environmental role of the NPPF in terms of what constitutes sustainable development.

2 REPRESENTATIONS

2.1 334 letters of objection have been received in respect of this application and are summarised as follows:

Principle

2.2 It is against the principles of planning adopted by West Oxfordshire District Council, namely the National Planning and Policy Framework (paragraphs 109, 115 and 116), the adopted local plan policies (BE2(e),(f),BE4,NE1,NE3,NE4) and emerging local plan policies OS2,H2,EH1, and BC1. These policies are designed to protect us from development which has a detrimental impact on the landscape character.

It is outside village boundary and is not infill development.

The development is not sustainable and the analysis upon which the sustainability is based in the application is flawed in a number of ways, viz there is no bus service to Kingham station, the village does not have a florist or a delicatessen, Go Ride no longer operate a bus service in the village and Shipton station was closed in 1965.

Will make the village a town.

Will increase population by unacceptable amount.

Will cause unacceptable strain on services.

Infrastructure woefully inadequate.

Developers propose connecting to sewerage system that is already at capacity.

Milton has absorbed more than its fair share of housing.

Milton residents already tolerated the Paddocks development, they are alert to further subterfuge.

Landscape

- 2.3 The development encroaches on the AONB, protected by law and the NPPF.
The development is on elevated land.
Loss of valuable agricultural land.
This development will extend the man-made boundary and take valuable agricultural land.

Transport

- 2.4 There is a station at Shipton under Wychwood with no direct train to London in the morning.
The bus service is currently under review and will be severely reduced or discontinued completely. This means that all travel to work journeys will be by car.
Effect on already unacceptable levels of traffic congestion will be serious inconvenience to all road users.
Will make a "Rat run" Of Frog Lane, The Sands and Jubilee Lane
62 dwellings would easily add upwards of 80 cars to the morning traffic.
Already have problems parking in the High Street.
Will result in more lorries and transporters.
Will increase use of Upper Milton Lane which is windy and narrow.

Employment

- 2.5 There are limited work opportunities in the village. The development does not include any community benefits. The proposal is not substantially different from 15/00197/OUT which was unanimously rejected by the Planning Officer and Councillors in June 2015.

Parish Council meeting

- 2.6 The following comments have been received but are not material to the determination of this planning application:

Please note that the Milton under Wychwood Parish Council refused to take account of the public views politely expressed at their meeting on 16 September 2015, voted with no discussion or explanation of rationale and did not reflect the views of the meeting or those expressed through your own comment facility for planning applications. There was no expression of support at the meeting. The recently elected chairwoman is a known supporter of this development.

- 2.7 MUWAG (Milton u Wychwood Action Group) have submitted a report prepared by a Town Planner and a Landscape Architect which is available to view online but the executive summary is as follows:

A thorough review of the outline planning application for up to 62 dwellings on land south of the High Street, Milton under Wychwood has been undertaken. Based on that review, it is the opinion of MuWAG that planning permission should be refused on a number of material planning grounds:

This proposal is not materially different to the previous application on this site (15/00197/OUT), just eight houses fewer and minor modification of the access. The reasons for refusal of the previous application apply similarly to this scheme.

The development would have an unacceptable impact on AONB which is not sufficiently outweighed by exceptional circumstances in the public interest, as required by the NPPF.

The development itself is not sustainable, most significantly owing to limited local employment opportunities and associated benefits to the local economy and a lack of sustainable transport. As such, the presumption in favour of sustainable development does not apply.

Development outside the settlement boundary would be contrary to local planning policy which seeks to protect the nature and character of traditional villages such as Milton under Wychwood, whose layout, form and relationship with the surrounding landscape are an integral part of the character of the AONB designation.

The development would represent an uncharacteristic and obtrusive urban extension to the village that cannot not be happily integrated into the existing built form. The proposed scheme lies on the highest ground in the village visible over a wide area within the AONB.

The high quality landscape around Milton under Wychwood is an irreplaceable and valuable resource. Tourism is a major part of the local economy, with thousands of tourists coming throughout the year to visit this outstanding Cotswolds landscape. Inappropriate development such as this will have a detrimental impact on tourism and the local economy.

On the basis of WODC's latest housing supply calculations (February 2015), the District has a 5 year land supply. As such, the applicant's argument that the lack of housing land constitutes exceptional circumstances no longer applies.

The applicant's assessment of alternative sites is flawed on a number of grounds and should not be taken into consideration as part of the determination of the application.

The village does not benefit from sustainable transport provision capable of supporting a major development of this size, and the addition of up to 62 new dwellings would significantly increase the number of private car journeys on roads that are already congested and subject to road safety concerns.

Eight representation of support have been received and are summarised as follows:

Principle

- 2.8 I write in support of the application. Not only to enable those who have grown up in the village (or the surrounding areas) the opportunity to remain but also to enable children of the families to put down their own roots should they choose too.

Like every other village in the country, Milton needs to provide for the future and grow not stagnate. There are no other suitable sites in Milton, and the minor technical reasons for refusal that hindered the last scheme appear to have been overcome.

People need homes to live in - fact. Brown field sites should be a priority - fact. Where there are no brown field sites, then we have to use, well, fields.....

The Quart Pot has been vacant for quite a while now. A vibrant village pub would be a real asset to the community. Increased population in the village would contribute to the viability of the

pub. I wonder if there is anyway the developer could make a financial contribution to the reinstatement of the pub?

Housing

- 2.9 The only thing I worry about is the cost of the houses, with house prices being so high around the village it is so difficult for first time buyers to get on the property ladder so the houses would need to be reasonably priced, it would also be fantastic if some of them were part buy part rent.

Offer continued support for a very much needed housing development that will not only provide affordable housing for local people but will also complement an already diverse and thriving village that needs continued influx of younger people to ensure a future for the village and richly enhance its community.

The building of the houses will of course be noisy and irritating I am certain, but the end results should enable people to get onto the property ladder and to live where they wish to. I feel this development will benefit the local community, especially young people who wish to stay in the village.

Our village has grown fourfold in the last century - it is a modern village that has a history of providing for housing need for each generation, not one dedicated to preserving itself in aspic as others are trying to do - we have no right to be denying the next generation of their housing need.

This is a national crisis repeated at a local level everywhere including Milton.

Transport

- 2.10 The additional population inhabiting this development could help to support improvements in public transport. Buses and Trains from the Wychwoods are limited and continue to decline such that with no regular direct bus to either Witney or Chipping Norton that for most people living without a car is not viable.

I would like local people to be encouraged not to use their cars but to use public transport. For this to be viable for most people buses need to be more frequent, and run later into the evening, to Kingham, Charlbury and Chipping Norton, and more trains to stop at Shipton for travel into Oxford, and indeed London.

The entrance has been moved, as and far as I am aware that was the only thing that was preventing approval last time.

School

- 2.11 The school has the opportunity to grow, as does the catchment Secondary school. It seems ironic that the ONLY villages that provide free buses to Burford School is considering not increasing the village population. If the council wish the schools to thrive and remain the fabulous quality that they are then then need students to teach. Not everyone can afford to pay the ludicrous bus fare (approximately £600 per year) to attend the school that they live in catchment for Wychwood Primary School is currently undersubscribed. Additional population would bring funds and additional facilities to our school.

Parish Council meeting

- 2.12 The following comments have been received but are not material to the determination of this planning application:

I wish to highlight that the attitudes of those attending the recent Parish Council meeting are far from acceptable and at times were bordering on abusive and intimidating. It is important to highlight that a Parish Council Committee is formed through a democratic process and as such councillors are given the right to speak freely and vote on behalf of the members of the Parish. This is "NIBMY" behaviour at its worst - those that have benefitted in the past choose to prevent opportunities for those seeking to embrace a secure future, not only for themselves and their families but also the village community as a whole.

I hope the Planning Committee will be as philanthropic as the Parish Council have been in the face of the selfish and gratuitous objectors.

I know a silent majority who do not object to this scheme and a large number of the younger generation are too frightened to support such a scheme in the face of the objections, and I am glad that the Parish Council has the courage to support these people in need.

I am appalled at the tactics of actions groups in the village to press gang so many gratuitous nimby objections which only serve to force our children out of the village and protect the soaring house prices of residents - it is these objectors who are selfish and greedy, not the developers.

3 APPLICANT'S CASE

- 3.1 The following supporting documents have been received with this application and are available to view online.

- 3.2 The Planning Statement is summarised as follows:

Barton Willmore LLP has been instructed by Sharba Homes Ltd to prepare and submit an outline planning application for the construction of up to 62 residential dwellings on Land South of High Street, Milton-under-Wychwood. The application follows the refusal of a previous outline application for up to 70 dwellings in June 2015. An appeal against the previously refused application has now been lodged with the Planning Inspectorate. This application seeks to overcome the previous reasons for refusal and the Applicants are seeking to work pro-actively with the District Council to secure permission at a local level.

The emerging Local Plan (Part 1) specifically identifies a need for housing to come forward within the Cotswolds Area of Outstanding Natural Beauty. Indeed, the AONB 'washes over' a large proportion of the district and additional housing is required to enhance and sustain these communities. The Site is located within the Burford - Charlbury sub-area which is currently expected to deliver 800 dwellings over the emerging plan period. The draft Plan has recently been submitted to the Inspectorate. The Inspector has raised significant concerns with regard to a potential shortfall in housing numbers, so this figure should be seen as a minimum which may increase. It is therefore considered inevitable for additional housing to come forward within the AONB as part of the emerging Local Plan; it is simply a case of the quantum and location.

However, there are very limited opportunities within the Cotswolds AONB which are both available and suitable for residential development. Whilst the Burford - Charlbury sub area contains five settlements which are regarded by the Council as sustainable enough to accommodate more than just local housing need and these are all washed over by the AONB,

and there are limited opportunities for logical extensions in these settlements which would not lead to significant landscape, heritage or highways harm.

A review of these settlements has been undertaken as part of this application, outlining Milton-under-Wychwood as the most sustainable location for development which has the greatest capacity for change. For example it is the only large settlement within the Burford - Charlbury sub-area which does not also contain a Conservation Area. Furthermore, when the neighbouring settlement of Shipton-under-Wychwood is taken into consideration, Milton-under-Wychwood is considered within the Council's emerging Local Plan's evidence base to be as sustainable as some Service Centres (regarded by the adopted Local Plan as the most sustainable location for development outside Witney, Carterton and Chipping Norton). The development will provide up to 31 market and 31 affordable dwellings which will contribute towards meeting the Council's housing requirement. Given that the Council's adopted Local Plan only accounts for development up to 2011 and there is currently a five year shortfall in housing supply (in the Applicants view), as required by the National Planning Policy Framework, there is a critical need for housing to come forward within the district in the short-term. In terms of the Site itself, a detailed Landscape and Visual Impact Assessment (LVIA) has been submitted alongside the application which identifies that the proposed development can be integrated within the context of the existing urban area and will not adversely affect the natural beauty of the landscape and countryside of the Cotswolds AONB. Furthermore, the application site and receiving environment have the capacity to accommodate the proposals. The LVIA addresses previous concerns raised by the District Council in respect of localised landscape harm. Additional landscaping is proposed in land outside of the red line but under the control of the Applicants. This additional landscaping has been agreed with Officers and their landscape consultant and a post-refusal meeting where adequate measures to address the reasons for refusal were discussed and agreed.

The proposals will not result in significant harm to the landscape character or visual environment and, as such, it is considered that the proposed development can be successfully integrated into this location.

The proposed development is considered to comply with relevant national policy guidance in relation to major development within the AONB (paragraph 115 and 116 of the Framework) and therefore the presumption in favour of sustainable development should be engaged. The scheme is considered to represent a sustainable form of development which complies with the 'economic', 'social' and 'environmental' threads set out in paragraph 7 of the Framework. Given that the proposed development accords with each strand of sustainable development, it is considered that the proposals should be regarded as acceptable with or without a five year supply. The proposals will aid towards the Framework's objective to 'boost significantly' the supply of housing in a manner which meets the strategic aims of the adopted and emerging development plan

It is therefore respectfully requested that outline planning permission is granted, subject to appropriate conditions and justified contributions.

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
 NE4 Cotswolds Area of Outstanding Natural Beauty
 NE13 Biodiversity Conservation
 NE15 Protected Species
 T1 Traffic Generation
 T2 Pedestrian and Cycle Facilities
 T3 Public Transport Infrastructure
 H2 General residential development standards
 H6 Medium-sized villages
 H11 Affordable housing on allocated and previously unidentified sites
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS3NEW Prudent use of natural resources
 OS4NEW High quality design
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH4NEW Decentralised and renewable or low carbon energy development
 EH6NEW Environmental protection
 T1NEW Sustainable transport
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 H4NEW Type and mix of new homes
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1. This application seeks outline consent for the principle and access only. It is for up to 62 dwellings, landscaping including change of use, formation of footpath and creation of ecological enhancement area, earthworks to facilitate surface water drainage and all other ancillary infrastructure and enabling works. The site is currently 4.5 hectares of agricultural land to the west of the village and it is within the Cotswolds AONB. There are residential properties to the northwest and northeast of the site, agricultural land to the southeast and southwest. The application has been advertised as a departure from the Local Plan.
- 5.2. A previous application 15/00197/OUT for up to 70 houses was refused at Uplands Sub Committee on 3rd June 2015 and it is now at appeal. Members visited Milton under Wychwood to view the site on 26th March 2015. It was viewed from the High Street, the garden of the property adjacent to the north east corner, Upper Milton and the road from Upper Milton back to the A361 where it meets Fiddlers Hill.
- 5.3. Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
 - Principle
 - Landscape Impact
 - Highways

Residential Amenity
Other matters

Principle

- 5.4 Milton under Wychwood falls within the Burford - Charlbury sub-area as defined in the emerging Local Plan. The sub-area has an indicative housing requirement of 800 homes which is proposed to be met through a combination of homes already completed, existing commitments, SHLAA sites and windfall development. The windfall allowance is 400 homes and the proposed development would clearly make a significant contribution in this regard.
- 5.5 The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that the relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Applicants argue that West Oxfordshire does not have a five year housing land supply. Our most recent position statement claims that we do have a sufficient supply. However, the importance of maintaining a five year housing land supply should be taken into consideration in that it ensures local planning policies are given more weight and as therefore allows the Council more control over planning decisions. In order to enable the Council to maintain a robust five year housing land supply (including an appropriate buffer) 'it is important to ensure a continual supply of deliverable housing sites from appropriate sources including existing permissions, allocated sites, windfalls and sites identified in the Council's Strategic Housing Land Availability Assessment (SHLAA)'.
- 5.6 Milton-under-Wychwood is categorised as a Group B settlement in the West Oxfordshire Local Plan 2011, in recognition of the services and facilities available within the village. No sites are allocated for development in the settlement and Policy H6 of the adopted Local Plan only permits new residential development where it would constitute infilling, rounding off within the existing built up area or the conversion of appropriate existing buildings. The Council's settlement sustainability report published in 2014 ranks the District's settlements based on the availability of services and facilities and access to larger settlements via sustainable modes of transport.
- 5.7 Milton-u-Wychwood is ranked as the 14th most sustainable settlement in the District, with neighbouring Shipton-under-Wychwood ranked slightly higher in 9th. Community services and facilities are easily accessible by sustainable means to residents in both Milton and Shipton. It is reasonable to assume therefore that residents will draw on services, facilities and employment opportunities in both settlements and as such, the suitability of Milton-under-Wychwood as a location for new residential development should be considered in light of this. Considering the settlements in this way elevates their ranking due to the availability of healthcare, education, employment, retail without undue reliance on private transport to higher order settlements.
- 5.8 The scale of growth proposed in the planning application is considered acceptable for a settlement of this size with the necessary services and facilities to support day to day activities. There are currently 777 dwellings in Milton-u-Wychwood with a population of approximately 1,648. A development of 62 dwellings would represent an expansion of less than 10% in the overall number of dwellings.
- 5.9 The application would deliver 50% of the scheme as affordable housing. The Council's Enabling Officer has commented that there is a local need for affordable housing and would welcome this

additional provision in the Wychwoods. The affordable units would be secured by legal agreement. It is considered to be in compliance with Policy H11 of the adopted Local Plan.

Landscape impact and the AONB

- 5.10 The site is located within the Cotswolds AONB so is sensitive in its very nature, situated as it is within an area designated for its high landscape quality. The site falls within the Upper Evenlode Valley landscape character area with a semi-enclosed clay wolds landscape character type.
- 5.11 The West Oxfordshire Landscape Character Assessment 1998 reiterates that the landscape in this location is one of outstanding quality and national significance. It is recognised that one of the principal factors potentially threatening landscape quality in this area is the suburbanisation of rural settlements and roads. Semi enclosed clay wolds (large scale) landscapes are visually sensitive and it is necessary to ensure that any development is closely integrated with existing buildings or within a strong landscape structure.
- 5.12 The south-western edge of Milton under Wychwood presents a relatively hard urban edge with a weak landscape structure. There are also long distance open views to the south west of the site beyond Upper Milton.
- 5.13 The proposed development would represent an expansion of the built form and the landscape and visual impact of development requires careful consideration. It is apparent from the revised design and access statement that the proposed development will include significant additional screening (hedgerow reinforcement and planting of hedgerow trees) along the boundaries to mitigate the impact of the development in views from the south and west. Furthermore, development has been pushed back onto the lower park of the site so although on rising ground, it is on the lower part of the site and follows the contours of the site. When considering the previous application the concern was that the planting was not sufficient to offset the urbanising effect of the development in this location. However, Officers are satisfied that the increased planting in the north west and south western corners will help assimilate the development into the existing settlement, particularly as the built form extends no further than existing development on the High Street to the North and east on Jubilee Lane and will be read wholly in the context of existing development.
- 5.14 Policies NE3 and NE4 of the adopted Local Plan aim to protect the landscape character of the District and the AONB. Development should not be permitted where it would harm the local landscape character of the District. The conservation and enhancement of the AONB should also be given great weight in determining applications. This is reiterated in the NPPF paragraph 116 which highlights the need to assess:
The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 5.15 The AONB Conservation Board have maintained their objection to the proposal on the grounds that it constitutes inappropriate major development in the AONB. However, Officers consider that the applicant has addressed the need for the development.

- 5.16 In terms of the need for the development, as outlined previously the development of this site would make a significant contribution to the 400 dwelling windfall requirement for the Burford-Charlbury sub-area. Whilst the Council is currently able to demonstrate a 5-year housing land supply, suitable and available sites should be given favourable consideration.
- 5.17 In terms of the scope for developing elsewhere, whilst the Council's SHLAA has identified a number of opportunities within the Burford - Charlbury sub-area, these are relatively limited. Although Milton-under-Wychwood is regarded as one of the more sustainable rural settlements, it is heavily constrained by the Cotswolds AONB which washes over the whole of the village. There are no parts of the village that lie outside of the AONB and as such, it could reasonably be argued that there are very few, more suitable, alternative sites outside the AONB.
- 5.18 In terms of the detrimental impact on landscape, Officers consider that the increased landscape buffer will help mitigate the impact, the proposal includes additional recreational opportunities for the village in the form of the ecological area and the additional footpaths.
- 5.19 Officers consider that the proposal is therefore in accordance with Local and National policies.

Highways

- 5.20 The principle change in respect of highways is that the access has moved to the west of the site away from The Cottage. The following comments have been made by the County Council as Highway Authority:
- 5.21 The application proposes an appropriate form of vehicular access and is considered acceptable subject to detail and technical approval via Section 278 agreement. The access will require extension of the speed limit with amendment of the relevant traffic order and relocation signage and provision and deletion of road-markings.
- Pedestrian access is proposed separately to the vehicular access at the North West corner of the site. This is acceptable subject to detail which should include appropriate links to existing pedestrian network via dropped crossings etc. Provision should be in accordance with guidance of Inclusive Mobility.
- The Transport Statement presents trip generation estimates in comparison to measured existing traffic flows and concludes that the surrounding road network will be able to accommodate the development traffic. The trip generation appears to be underestimated. However reference to more realistic trip generation rates from the TRICS database indicates that the conclusion remains sound.
- The TS addresses locally raised concerns about rat running by presenting the results of a registration plate matching survey. The results demonstrate that rat running on residential streets does occur, but is not substantial.
- 5.22 The site is remote from the strategic public transport network. There is an infrequent local bus service to Burford, which would be unsuitable for new residents to make journeys to work. There is a rail station 2km distant at Shipton, but there are only 2 trains per day giving a very restricted opportunity to travel by train to Oxford. This would be a car-dependent development.
- Bus service 33 connects Milton-under-Wychwood with Burford, five times per day. This offers some opportunity to access facilities in Burford, as well as providing a connection for the Stagecoach 233 bus to Witney. The 33 bus service is at risk of being discontinued as a consequence of the significant reduction in the Council's revenue resources. Whilst it would be

possible to cycle to Shipton station which is 2 km away, there is an extremely limited train service, effectively a single train to Oxford at 0740 and two return trains from Oxford, at 1731 and 1850.

There is a supplementary rail bus service to Charlbury station, operating two peak morning journeys eastbound and four evening journeys westbound. Again, this rail bus service is highly vulnerable for withdrawal as a consequence of reductions in the Council's revenue budget. Hence, the scope for the new residents making their journey to work by public transport is extremely limited, and there is a high probability that these opportunities will diminish rather than improve.

- 5.23 This development will not have a direct impact of the public rights of way network as there are no routes that run across the area of land in question. However the applicant does propose to provide a new public right of way to link in with the existing network to the south. There is no information which details what will be provided for this path. It does however appear to be surfaced from the design drawing provided. If a new surfaced path is to be provided the design and specification would need to be agreed with the Countryside Access team.
- 5.24 Given the above views, officers consider that the application has been robustly considered and is in accordance with Policy BE3 and Emerging Policies T1, T2 and T3.

Residential Amenities

- 5.25 It is considered that there is sufficient space on site to avoid impinging on the amenities of any of the properties to the east and most of the properties to the north and any issues could be designed out at reserved matters stage.
- 5.26 The previous application was considered to have a detrimental impact on "The Cottage" which Officers and Members considered would be directly affected by the proposed new access into the site. As the levels differ between the High Street and the site the access would slope down to meet the High Street and The Cottage would potentially have headlights shining through its windows as cars approached. This application has relocated the access 15m to the west, further away from The Cottage so the undesirable impact of headlights affecting the street facing windows is much less likely and therefore it is considered that reason for refusal no. 2 of 15/00197/OUT has been addressed.
- 5.27 The proposal is considered to accord with policies BE2, H2 of the adopted local plan and OS2 and OS4 of the Emerging Local Plan.

Other matters

Drainage

- 5.28 The application site is within Flood Zone 1 which has the lowest flood risk, but due to the size of the site it was accompanied by a Flood Risk Assessment. Therefore the Environment Agency were consulted and they have commented that they have no objection to the scheme and have suggested a condition to ensure that the measures set out in the Flood Risk Assessment are carried out.
- 5.29 Thames Water were consulted and also have raised no objection subject to a surface water condition which has been attached to the recommendation.

- 5.30 OCC as water authority have also commented that the proposal is acceptable subject to the requirements of a surface water drainage condition which has been attached to the recommendation. The proposal is therefore considered to comply with local and national policies.

Ecology

- 5.31 The plans shown in the ecology report show some well-designed ecological enhancements ponds, wetland areas, windflower meadows which illustrated all the recommendations. The re-submitted landscape plan 5435/LM01 Rev N shows that additional woodland copse planting is planned which will clearly be an additional biodiversity gain. Whilst this is an outline application the plan clearly shows the identified habitats can be retained but the drawings will have to be a condition of the planning permission to ensure protection of these priority habitats and the enhancements provided.
- 5.32 If all the recommended enhancements and mitigation are incorporated & implemented, the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the habitat regulations and NPPG are all met.

S106 contributions

- 5.33 Several contributions have been sought if permission is to be granted.
- 5.34 OCC have requested £12,233.20 towards libraries with a £500 monitoring fee.
- 5.35 WODC Leisure Services have requested £76,160 off site contribution towards sport/recreation facilities within the catchment and £57,260 for the enhancement and maintenance of play/recreation areas within the catchment.
- 5.36 WODC Art have requested a S106 contribution of £6,510 towards public art to enhance interpretation in public spaces, on site - particularly the ecological enhancement area - and in the vicinity of the site in order to enhance public information.
- 5.37 This would total £152163.20. Further to the financial contributions, the 50% affordable housing and the ecological mitigation area would be secured by legal agreement. It is understood that the Parish Council are preparing a statement and Members will be updated at committee if further requests are received.

Conclusion

- 5.38 The proposal is considered to have overcome the previous officer concerns regarding the landscape impact, the residential amenity and the S106 package.
- 5.39 The scale of the development has reduced, the proposal now follows more closely the contours of the land and has an increased landscape belt to help assimilate it into the landscape, and it is no longer considered to have a detrimental impact at local level or from medium distances.
- 5.40 The impact on the amenity of The Cottage has been resolved by the relocation of the access point onto the site.

5.41 The proposal is therefore recommended for approval subject to the following conditions.

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 appearance; landscaping; layout; scale, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 A detailed plan of the access including amendments to speed limit signing and road markings shall be submitted to and approved in writing by the Local Planning Authority prior to development and the access shall be constructed in accordance with the approved plan prior to first occupation.
REASON: In the interest of Highway Safety.
- 4 A detailed plan of the pedestrian access to High Street shall be submitted to and approved in writing by the Local Planning Authority prior to development and the access shall be provided in accordance with the approved plan prior to first occupation.
REASON: In the interests of pedestrian safety.
- 5 A travel plan statement shall be produced in accordance with OCC guidance and submitted for approval to the Travel Plans Team at Oxfordshire County Council prior to first occupation.
REASON: In the interests of highway safety.
- 6 A residential travel information pack should be produced and submitted to the Travel Plans Team at Oxfordshire County Council for approval prior to first occupation.
REASON: In the interests of sustainability.
- 7 Before any works begin on site a Construction Method Statement (to include full badger mitigation details) and a Ten Year Ecological Management Plan based on all the recommended mitigation and enhancements in Section 6 of The Ecological Appraisal (Aspect Ecology Jan 15) as illustrated on the landscape master-plan no. 5435/LM01 Rev N and 3756/ECO4 shall be submitted for approval to the Local Planning Authority. Once approved all the works must be carried out as approved and thereafter permanently maintained.
REASON: To ensure that Bats, Birds, Badgers and their Habitats as well as Priority habitats water courses are protected in accordance with the Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 as amended. In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies and in order for the Local Planning Authority to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 8 Prior to any demolition and the commencement of the development, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.
- 9 Following the approval of the Written Scheme of Investigation referred to in condition 8, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.
- 10 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Hydrock ref. R/C14344/001.02) and the following mitigation measure detailed within the FRA:
I. All built development shall be located within Flood Zone 1.
The mitigation measures shall be fully implemented prior to occupation and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
REASON: To reduce the risk of flooding to the proposed development and future occupants.
- 11 Development shall not begin until 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
REASON: To comply with The Water Act 2010.
- 12 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the safety of occupiers of the proposed dwellings. (Policy BE1 of the adopted West Oxfordshire Local Plan 2011)
- 13 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.

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.
- 2 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.
- 3 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.
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	I5/03303/FUL
Site Address	Sunnyside Ditchley Road Charlbury Chipping Norton Oxfordshire OX7 3QT
Date	21st October 2015
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Charlbury
Grid Reference	436389 E 219983 N
Committee Date	2nd November 2015

Application Details:

Erection of four dwellings with associated landscaping and hard surfacing.

Applicant Details:

Mrs Enid Hill
C/O Savills
United Kingdom

I CONSULTATIONS

- I.1 Ecologist Not received at the time of writing.
- I.2 OCC Highways No Objection subject to Conditions set out below. On the basis of the information provided, Oxfordshire County Council as Local Highway Authority hereby recommends the District Authority to impose upon any planning permission they may grant the conditions set out below with regard to traffic and highway safety.
- I have noticed that the access road shown within the redline boundary of this application also lies within the redline boundary of the adjacent application that was recently approved for 6 dwellings. I am also aware that the Road Agreements Team are yet to enter into agreement to adopt the access with respect to the 6 dwellings. I would thus recommend that both applicants come to agreement on the ownership and construction of the access to rid any undue works that may arise as a result of this.
- I.3 Thames Water Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

- | | | |
|-----|------------------------------|---|
| I.4 | WODC Env Health – Uplands | There are no comments, conditions or objections for this application from this team. |
| I.5 | WODC Planning Policy Manager | No Comment Received. |
| I.6 | Parish Council | Not received at the time of writing. |
| I.7 | WODC Head Of Housing | <p>Having regard to those on the council's housing register, I can confirm that there in the region of 108 households who would qualify for affordable housing in Charlbury were it available. This number includes around 12 households with a local connection to Charlbury.</p> <p>Whilst an on-site provision in this instance would not be appropriate, nonetheless the council would welcome a contribution to the cost of providing affordable housing to meet identified need.</p> |
| I.8 | WODC Architect | <p>I suppose that filling in this generous site between the previously approved dwellings was pretty much inevitable at some point, with the same concerns that applied to the previous approval now strengthened - namely that this all tends to push the built line more solidly into the open countryside than did the previous, largely agricultural buildings on this site. Anyway, the usual safe, neo-vernacular aesthetic is again deployed here, with forms generally similar to those in the previously approved scheme, although the layout is perhaps slightly denser - which I think is probably OK here in the middle of the site. And I do note that, as before, the forms are one-and-a-half storied, and fairly low-lying. So, on balance, I think that this is acceptable, from our point of view.</p> <p>Recommendations: Give permission, with: condition D124 for a sample of the recon roof tiles; condition D119 for a sample panel of the artificial stone walling; condition D23 for recessed window and door frames (min 75 mm); condition D21 for external joinery details (including details of the dormers and roof lights), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with details of the proposed timber and the proposed treatment.</p> <p>Reasons: Appears compliant with policies BE2 and BE5.</p> |

2 REPRESENTATIONS

- 2.1 Four objections have been received referring to the following matters:
- (i) Impact on highway safety -Traffic survey not updated since previous application and continues to underestimate likely traffic.
 - (ii) Overdevelopment to the area.
 - (iii) No social housing provision.
 - (iv) High-end development proposed - making a total of 13 in the area.

- (v) Need for new housing accepted but do not wish to see the beauty of our local landscape further eroded so that expensive, rather than necessary, housing can be built.
- (vi) Impact on the hedgerow and wildlife - Cumulative development will affect the heritage value of the landscape and the associated wildlife, especially birds which congregate in this area. Throughout the winter and into late spring, local volunteers feed small farmland birds at various sites along Ditchley Road, part of the Wychwood Bird Aid Project to help farmland birds in severe decline. The Protected Species Report does not deal with winter feeding.
- (vii) The Ditchley Foundation has not been consulted even though Ditchley Road is the main access route to Ditchley Park.

3 APPLICANT'S CASE

- 3.1 This scheme closely follows principles established in approved scheme for adjacent land (LPA ref. 15/01563/FUL), in terms of amount, layout, appearance, scale. This previously approved scheme was supported by Officers and Members of the District Council.
- 3.2 This proposal takes due account of context and setting and will meet our clients requirement for an equally high quality development that will make a positive contribution to this part of Charlbury and add valuable residential accommodation without undue or detrimental impact on this part of Charlbury.
- 3.3 The provision of dwellings in this location would represent a sustainable form of development in a sustainable settlement with ranging facilities including post offices, food stores, primary school and local employment opportunities. The settlement also has access to a well serviced train station. The development therefore represents a sustainable form of development.
- 3.4 The proposed development including the landscaping scheme result in a development which would preserve the character of the Conservation Area and the wider AONB. The design, form, scale and massing of the dwellings is appropriate to the location and would enhance the local landscape character through the replacement of non-native species with more appropriate planting.
- 3.5 The development is considered to respect the relationship with neighbouring properties and would not be harmful to the amenity of those properties nearby.
- 3.6 The development would not give rise to any highway safety implications, nor would it be of harm to local ecology.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 BE6 Demolition in Conservation Areas
 BE21 Light Pollution
 NE4 Cotswolds Area of Outstanding Natural Beauty
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE13 Biodiversity Conservation
 H2 General residential development standards

H7 Service centres
 H11 Affordable housing on allocated and previously unidentified sites
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 H1NEW Amount and distribution of housing
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 T1NEW Sustainable transport
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH5NEW Flood risk
 EH6NEW Environmental protection
 EH7NEW Historic Environment
 BC1NEW Burford-Charlbury sub-area
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal relates to a parcel of land comprising a single 1.5 storey bungalow and outbuildings surrounded by semi-improved grassland to the north of the Ditchley Road, on the north eastern edge of the town of Charlbury. It is within the AONB and Charlbury Conservation Area.
- 5.2 The access to the site is via the internal road approved as part of the 'Land North of Ditchley Road' site ref: 15/01563/FUL.
- 5.3 The application has been brought before Committee Members for determination as an officer referral. The recent application referred to above on the adjacent site for the development of 6 dwellings was also decided by Committee Members.

Background Information

- 5.4 The planning history associated with this site/surrounding site of relevance is as follows:
 - W82/1365 - Change of use from storage to holiday accommodation - approved 18.02.1983.
 - W88/0137 - Change of use from holiday accommodation to permanent residential - refused 24.03.1988.
 - W96/1770 - Use of sunnyside as an independent holiday cottage (non-compliance with conditions 4 & 5 of planning permission w1365/82) - approved 05.02.1997
- 5.5 Planning approval has recently been granted on the adjacent site ref: 15/01563/FUL - Demolition of existing range of single storey sheds and erection of six dwellings with associated access, parking and landscaping - approved 08.09.2015.
- 5.6 Three new dwellings have recently been constructed on land adjoining the site at 32 Elm Crescent and the neighbouring Broadstone Farm is currently undergoing a programme of substantial extensions.

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

Principle

Siting, Design and Impact on the character of the area

Residential Amenities

Highways

Trees, Landscaping and Ecology

Principle

- 5.8 The site is located immediately adjacent to the existing urban edge of Charlbury. The town has a wide range of local amenities, including primary school, shops, post office, doctor's surgery, community facilities, employment and railway station. It is accordingly one of the most sustainable settlements in the District.
- 5.9 Charlbury is recognised as an appropriate place for some new development under both adopted Policy H7 and emerging Policy OS2. Policy H7 allows for development representing infilling or rounding off, but the proposed development would not conform to this policy because the site would represent an extension of the settlement into the countryside (albeit the site would be infill on the basis that the recent permission for 6 dwellings was commissioned). However, the emerging revised plan Policy H1 refers to the sub-area of Burford-Charlbury contributing 800 dwellings to the housing supply over the plan period to 2031. Although the precise locations for new housing within the sub-area have not been defined, it is expected that the larger settlements of Burford and Charlbury will be the focus for new development and will deliver significant numbers of windfalls. The site is not identified in the SHLAA, but this does not necessarily mean that the site is unsuitable for housing development.
- 5.10 The development proposed is effectively a replacement dwelling and a net gain of three dwellings within the curtilage of the existing dwelling. Relatively few previously developed sites come forward in the district and it is necessary to consider sites such as this in sustainable locations.
- 5.11 The site is within the Cotswold AONB designation, but this is not considered a significant impediment in principle to development in this locality.
- 5.12 The site is well screened by existing trees and hedgerow, much of which would be retained. The site is not prominent in the wider landscape of the area, and the development would be seen in the context of existing housing to the rear of the site and, on the basis that the development fronting Ditchley Road comes forward, will be predominantly screened by this. On the basis that the former does not come forward, the site would remain well screened by existing vegetation along Ditchley Road.
- 5.13 Given the site's relationship to the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and development here is acceptable in principle.

Siting, Design and Form

- 5.14 The site is rectangular in shape and would be bordered by the existing housing development to the north and enclosed by the recently approved 6 dwellings on all other sides, on the basis this comes forward.
- 5.15 The detached units draw on vernacular forms with the use of traditionally proportioned windows, gables, dormers, etc., comprising 1.5 storey units. The design reflects the surrounding approved dwellings and would be more in keeping with the character of this part of Charlbury than most of the existing modern housing in this location, including bungalows in close proximity.
- 5.16 As with the surrounding site, the preference for materials would be for natural local stone for the walls, however, it is accepted that on the basis that there are examples of the applicant's developments elsewhere in the district that use a type of reconstituted stone which is acceptable and that the materials match the surrounding development, those proposed here are considered acceptable. Samples of all walling and roofing materials, however, will be required to be agreed by condition.
- 5.17 The site is within the AONB and Charlbury Conservation Area, but neither of these designations would preclude the development proposed in principle. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 5.18 The site is not visually prominent in the wider area, and benefits from a significant sense of enclosure created by mature hedges and trees around the periphery. The site's relationship with the existing urban edge has a bearing on its suitability for development. The site is an existing residential curtilage and is therefore not publically accessible. It does not represent an important gap, or perform a particular function in the area. Officers recognise that the development would represent significant change. However, change is not necessarily the same as harm. On balance, it is considered that the development would bring about some environmental improvements and produce a scheme that is in keeping with the built form elsewhere in the Conservation Area. In your Officers' view the development would not be harmful, and the character of the Conservation Area would be preserved.
- 5.19 The proposal is considered to comply with WOLP Policies BE2, BE5, BE6, NE4, and H2, as well as emerging Local Plan policies OS2, OS4, H2, EH1 and EH7.

Residential Amenities

- 5.20 None of the proposed dwellings would be sited in close proximity to neighbouring dwellings and there would consequently be no material loss of light or a sense of any of the buildings being overbearing. There is no development forward of the existing building line.
- 5.21 The distances between the proposed dwellings and existing dwellings are sufficient to avoid unacceptable overlooking and impacts on privacy.
- 5.22 The dwelling at Broadstone Farm is located some 50m to the south east of the site boundary and would not be impacted upon.

- 5.23 Within the site, all of the proposed dwellings would have acceptable interfaces. The relationship between the footprint of buildings, garden areas and open space is entirely appropriate. Overall the proposal is considered to comply with WOLP Policies BE2 and H2, and emerging Local Plan Policy H2.

Highways

- 5.24 There is an existing means of vehicular access to the site which would be maintained. However, improvements to visibility will require the removal of some vegetation on either side where it joins Ditchley Road. The formalisation of the access road off Ditchley Road is to be done as part of the adjacent development.
- 5.25 A passing area on Ditchley Road has been agreed with OCC on the eastern side of the access point in the vicinity of the site.
- 5.26 Each dwelling will have off street parking of a minimum of 2 spaces, as well as a garage. Space for the storage of 2 bikes will be provided within the garages.
- 5.27 The Transport Assessment is dated 25th August 2015. The report considers the cumulative impact of the development with the adjacent approved development. The report concludes that the proposed development would not be harmful highway safety. The Highway Officer concludes that having assessed the information submitted, there are no objections to the proposed development.
- 5.28 The proposal is considered to comply with WOLP policy BE3 and emerging local plan policies T1 and T4.

Trees, Landscaping and Ecology

- 5.29 The site has heavy vegetation comprising broadleaf and coniferous trees to all boundaries.
- 5.30 The application includes a comprehensive arboricultural report which refers to trees to be removed and trees to be retained. The development requires the loss of one Leyland Cypress hedgerow which is deemed to have no arboricultural merit. The four trees proposed for removal, three 'low quality' and the fourth of moderate quality. The latter, a Beech tree, would be located within the footprint of the access to Plot 3. Although a Category B tree, it is considered to be a common species and is growing in a discreet location. Its loss can be mitigated through replacement planting.
- 5.31 The works to be carried out are considered acceptable and tree retention and appropriate tree protection measures can be conditioned.
- 5.32 An ecological report has been submitted which does not note any impediment to development in principle.
- 5.33 The desk study identified local records of two sites of special scientific interest (SSSI) and a number of local wildlife sites. The closest of these sites, Ditchley Road Quarry SSSI is approximately 300 metres away from the proposed development. Given the separation distance from any designations of conservation interest and the nature of the development, it is anticipated that there will be no negative impact.

- 5.34 Protected species records were provided by Thames Valley Environmental Records centre including great crested newt, grass snake, common lizard, several bat species, badgers, otter, water vole and schedule 1 birds. No protected species records occurred within 500 metres of the site and key records such as great crested newt were from locations greater than 1km from the site.
- 5.35 An extended Phase 1 Habitat Survey was completed 20th August 2015 in good weather conditions and there were no significant constraints to the assessment. The bat surveys were completed 21st August - 26th August 2015. Heavy rain was experienced on the 24th August and the survey completed 20 minutes early.
- 5.36 The habitat survey identified that the majority of the garden within the site comprises semi-improved grassland. There are four buildings on site, each assessed for roosting bats. Bat droppings were found in the loft space and a transient roost identified.
- 5.37 Based on the habitats on site and the records from desk study data and the findings of the field survey, the following recommendations are made:

(1) Habitat creation/mitigation: To compensate for the loss of semi-improved grassland and buildings, thereby damaging a transient bat roost, it is recommended that:

(a) the landscaping scheme for the development should incorporate the planting of native species of local provenance and species of benefit to wildlife;

(b) at least 4 bird boxes are provided; and

(c) 4 bat boxes and Habitat Roof Access Tiles are incorporated into the roof of each building.

These replacement features are considered to sufficiently mitigate the loss of the roost and as such the applicant's ecologist considers that the development is not of detriment to the maintenance of the population of the species.

(2) Bats: As the proposal includes demolition of the buildings and therefore a permanent roost loss, a European Species derogation license from Natural England will be required.

Further Surveys

(3) Reptiles: the grassland area should be mown and cleared under ecologist guidance and supervision. Woodpiles to be removed and checked by an ecologist.

(4) Birds: A nesting bird survey will be required if vegetation cannot be cleared outside of the season (March - August inclusive). If vegetation is required to be removed during these months there must be check of the vegetation carried out by and ecologist in advance of clearance and if nests are found these areas must be excluded from vegetation clearance works until nesting has concluded.

- 5.38 The Council's Biodiversity Advisor is yet to comment and any observations will be reported at the meeting.

- 5.39 Subject to compliance with conditions in relation to ecological management and mitigation, and the requirements of Natural England licencing, it is envisaged that the scheme would comply with WOLP Policies NE6 and NE13, and emerging local plan policies OS2, H2, EH1 and EH2.

Affordable Housing

- 5.40 There are in the region of 108 households on the housing register who would qualify for affordable housing in Charlbury (including around 12 households with a local connection to Charlbury). However, the scheme would not attract a contribution to affordable housing based on emerging Policy H3. Nevertheless, in light of the objections and the identified housing need in the area, the applicant has been requested to consider making a contribution to the cost of providing affordable housing in the District. Unfortunately, the applicant is not willing to make such a contribution and this would not constitute a reason for refusal.

Conclusion

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

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 external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.

- 4 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 5 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, external doors, garage doors, dormers roof lights, eaves, verge, ridge, chimneys, and flues at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before their installation. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 8 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 9 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 10 The development shall be carried out in accordance with the ecological recommendations contained in Section 5 of the Extended Phase I Habitat Survey and Protected Species Report V3 dated August 2015 by Lockhart Garratt. Details for the provision of bat and bird boxes within the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. Planting of native species-rich hedgerow or equivalent scrub and tree planting along boundaries and within the developed area shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. All details so approved shall have been implemented in full by the end of the planting season immediately following completion of the development or the dwellings being occupied whichever is the sooner.
REASON: To ensure biodiversity is protected and enhanced.
- 11 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.
REASON: To safeguard the character and appearance of the area and in the interests of protecting wildlife.
- 12 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 13 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas within the site curtilage, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.
REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
- 14 All hard-standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/ SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.
REASON: In the interests of highway safety and flood prevention and to comply with Government guidance contained within the National Planning Policy Framework.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to maintain the character and appearance of the approved buildings and the site in general because of its location in the Cotswolds AONB and Charlbury Conservation Area.

16 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.

17 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- I The parking of vehicles for site operatives and visitors
- II The loading and unloading of plant and materials
- III The storage of plant and materials used in constructing the development
- IV The erection and maintenance of security hoarding including decorative displays
- V Wheel washing facilities
- VI Measures to control the emission of dust and dirt during demolition and construction
- VII A scheme for recycling/disposing of waste resulting from demolition and construction works
- VIII Working hours during demolition and construction

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

18 I. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site.

Moreover, it must include:

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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".

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. .

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

REASON: To prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

- 19 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.