

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 30th November 2015

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Application Number	I5/03299/OUT
Site Address	Land North Of Milton Road Shipton Under Wychwood Oxfordshire
Date	30th November 2015
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood
Grid Reference	427271 E 218150 N
Committee Date	30th November 2015

Application Details:

Erection of 5 New Dwellings and School/Community car parking area

Applicant Details:

Mr & Mrs Sammy Simson
Mill Hill Barn
Woodway Road
Sibford Ferris
Banbury
Oxon
OX155DA
United Kingdom

Additional Representations:

I Additional representation from Sammy Simson (Applicant)

In reference to your report, I must raise fundamental concerns about the points being raised.

I. The application would lead to a loss of an important area of open space between Milton-under-Wychwood and Shipton-under-Wychwood.

Planning Assessment 5.2 is incorrect and will require amendment.

It is obvious there is already NO separation distance between the villages of Shipton-under-Wychwood and Milton-under-Wychwood to the South West of our site.

You cannot lose something that has already been lost.

A small brook does not form the ONLY informal boundary. A very real boundary is formed by the parish boundary far to the South West of the site.

This already heavily developed and built up area of Shipton ends in a coalescence of Milton and Shipton to the South West of the site.

It does not end with Castle Bank which is far to the East.

5.3 Is incorrect.

North of the site, a large agricultural barn has been in existence since the post-war period, with an updated use as a biomass centre and office in 2013.

A previous stone building outline is also evident.

Another building once existed on the site, as is evident from older parish maps. Never before identified or discussed during any application or appeal).

5.6 The site is an edge of settlement site.

Yes Shipton is a medium sized village, classed as a medium sized village within the existing local plan and development assessed in accordance with the relevant local plan policy H6. This permits a). Infilling b). Rounding off of the settlement boundary and c). Conversion of appropriate existing buildings.

However, the extent of development on the south side of Shipton Road, goes past Milton service station and its associated buildings and includes 2 further houses.

This is well within the development line, going up to the village boundary with Milton. Our own proposal does not go so far.

This is clearly INSIDE the built up area of Shipton-under-Wychwood. This has never been adequately addressed.

(We also have a large island creating the perception of separation at the front in line with the garage, but still to the east of the bulk of development).

Therefore, with other evidence provided, it follows that our site is well within the line of this built up area.

There must also be a case to answer in regards "infilling" in accordance with part a) of existing local plan H6.

In regards to house quantity, I refer you to existing development within Shipton at Milton Services and the surrounding area to the south and west of our site.

It must be said that this plot on the other side of the road and further to the South West has been allowed to be extensively developed. This constitutes a large commercial garage, with approximately 5 associated buildings, a large house, garage forecourt, and associated carport. There is also another large house close to Shipton Road and another carport abutting from Milton. This house is still within Shipton. The dwellings pay council tax coming under Shipton although the address is claimed to be Milton. At one point, the boundary appears to go over this house, which is both in Milton and Shipton!

However, on our site, PERCEPTION of settlement coalescence within Shipton is avoided by retention of land to the west of the site. This constitutes an island, stream, large verge, hedges, trees and a widened road between the edge of the site and Milton-under-Wychwood. This is the edge of settlement, which has NEVER been developed.

5.7 You have stated that this is a CLEARLY outside the built up area of Shipton-under-Wychwood, and officers do not consider that the proposals represent a rounding off of the settlement boundary in accordance with part b) of the existing Local Pan Policy H6.

You go on to point out the extent of development on the south side of Shipton Road, stating that development goes up to Milton service station.

It actually continues past Milton Service station and includes 2 further houses.

I must again state, this is clearly INSIDE the built up area of Shipton-under-Wychwood. This has never been adequately addressed.

This is to the south and west of our site.

The following is also true:

A post-war barn and an OFFICE are to the north of our site, and the proposal site is well within the linear development of that barn and OFFICE.

A solar farm is to the north of the barn. This is subject to rates, and is in Shipton.

A sewage works is to the North West, and is Milton.

A stone building footprint existed between the site and the barn during the post-war period.

Another building existed on the site earlier than the post war period. (Please refer to your own old Parish maps, it was adjacent to Castle Bank next door).

Again, please cast your view South and South West of our site. Development continues to the West of Milton Service Station to the South West, not up to. It includes those several houses.

The principles of part 3 of policy H2 require that new housing development should form a logical compliment to the existing scale and pattern of development.

Our site is within the same pattern that was discussed with previous planning officers. Notably, that the size of the properties should reflect the other properties on the street in form and scale and be of a separate nature. In any event, this is subjective. All could be decided under reserved matters it is only the principle we are trying to establish.

Therefore, with other evidence included, surely it follows that our site is within this built up area?

Our site does not necessarily constitute a total buffer zone as some development has taken place in the past. It is not completely undeveloped space.

Therefore, it follows that there should also be a case to answer in regards "rounding off" in accordance with part b) of existing local plan H6.

Settlement coalescence within Shipton is avoided by retention of land to the west of the site. This constitutes an island, stream, large verge, hedges, trees and a widened road between the edge of the site and Milton-under-Wychwood. This is the edge of settlement, which has NEVER been developed.

However, the green buffer zone at the front is designed to be beefed up under reserved matters as required. Note the use of recycled plastic to retain the perception of a field. Ecology notes that it could lead to an improvement. Would be happy to add bat boxes, bird boxes and increased landscaping to significantly improve this under reserved matters.

This would significantly contribute to a green buffer zone sensitively dealing with Part 3 of the emerging local plan Policy H2 is therefore a consideration, avoiding the coalescence and loss of identity of separate settlements.

5.8 Can be decided under reserved matters.

5.9 Requires rewording. Strongly disagree. I will argue strongly and conclusively against this point.

The area to the south is developed land. That is it.

You cannot state that "this land is an open space without physical structures and forms part of the open land between the 2 settlements."

It is just a school playing field.

Substantial development has occurred to the east and west of this and does not form a gap. You must amend this to reflect this truth. This is misleading.

I appreciate that you have at least mentioned "by definition this land is developed" That should be that.

The non-existent distance between Shipton and Milton to the south west means that coalescence has occurred. This cannot be disputed if one looks at a Parish boundary map.

This is the truth at the heart of the matter. What you are actually arguing against is further coalescence occurring. But first you must accept that coalescence has already occurred. This is our point which may have great implication if we need to go to appeal. There is much evidence to support this.

5.10 A prime concern with the site is that it is in a sensitive area. Both Parish Councils are minded that development could lead to settlement coalescence.

We are also concerned by this sensitive situation and have sought to mitigate against it.

However, it is again undeniable that settlement coalescence has already occurred in the post-war period at Milton Service Station and the home of its owner.

This is to the south west of our site.

As you point out in 5.11 " The nature of the site and immediate area has not changed since this appeal was dismissed in 2008" Then it certainly holds true that this is also the case (supported by definitive Parish boundary maps) that the earlier 1998 Landscape Appraisal by Atlantic Consultants, independently commissioned by WODC, is also true.

On Page 39 of this document, it describes the PAIRED SETTLEMENTS OF SHIPTON AND MILTON -UNDER-WYCHWOOD.

On Page 97 it notes: NO VISIBLE BREAK BETWEEN SHIPTON AND MILTON.

According to the latest definitive Parish and Electoral maps, Milton Service Station and its associated home is actually still in Shipton-under-Wychwood.

The boundary adjoins tightly to a property in Milton, before crossing tight to the property west of the garage and the owner's home.

Therefore settlement coalescence and post war erosion has already occurred. The villages are joined.

The Wychwood school playing fields are to the south of our site. They are simply part of the school.

They are not the village boundary. This is on the other side of Milton services and the home of its owner.

The point being; whereas the school playing fields provide the illusion of a gap between the parishes, it does not exist because of the post-war pairing at Milton Services and the home of its owner further to the West.

This is evident from the definitive parish boundary map enclosed. (All the 3 definitive and up to date maps depicted the same boundary line).

This has never been accurately addressed in previous applications by different parties or at any subsequent appeal. This is now highly relevant to this and previous applications. The 2008 appeal seems to not take into account the actual parish boundary or the fact that Milton Services and its sizable associated development, is still in Shipton. The point being, that this development having coalesced, means any new development would simply be infilling or rounding off that position on the Shipton side. See page 2, section 7. It also references the primary school field next to a stream. These do not contribute to a significant gap in development. The school playing field is just that, and should be defined as developed. The development to the west has eroded the gap to zero. Page 1, section 3. Finally, this will then have had a bearing on page 1, section 4. Policy H6.

No reference has ever been made to the 1998 Atlantic Consultant report, which may have had a significant bearing on this and other cases.

No reference has ever been made to the Parish Maps, which clearly show the 2 Parishes are joined.

No reference has pointed out that the gap is perceived only, and by definition the school playing fields are developed.

5.20 Visibility is not relatively restricted in both directions. This was not a view taken in the transport report. It possibly has not accounted for the to be built widened road. It is certainly within normal parameters. The council was informed and a tree mildly obstructing the view was cut down near to the stream some months ago. Perhaps this was not accounted for?

5.25 I repeat the points raised in 5.10 above.

5.26 If the points we raised are found to have substance, then we cannot agree with your conclusions in 5.26.

6.

I. Therefore we do not agree with your reasons for refusal.

You also make no allowance for the mitigation of circumstances which outweigh the developments impacts.

They are significant.

Also, we would be happy for a S106 to be drafted for the school so it could retain the right to the parking area in perpetuity. (under reserved matters).

We would also be happy for a S106 to be drafted so the school could connect to our biomass system and take all spare capacity. (under reserved matters).

We would be happy for a S106 to be drafted so a low carbon car club could be initially funded. (Under reserved matters).

2. We would ask that in light of your comments, we would ask for all matters to be reserved for future consideration.

Application Number	15/03132/FUL
Site Address	Shaven Crown Hotel High Street Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6BA
Date	26th November 2015
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood
Grid Reference	427837 E 217845 N
Committee Date	30th November 2015

Application Details:

Erection of detached dwelling and garage.

Applicant Details:

Mr & Mrs Mehrtens
C/O Agent

Additional Representations

I Letter of Objection received from Mrs Roberts:

The Applicant claims that, since we have moved the hotel bar to the front of the hotel, the use of road to the car park has been reduced. This is not true. The use of the bar has not been reduced and the rooms are continuously full. Before we took over it was more a pub whereas now the restaurant, bar and the rooms are four times busier than it used to be. This means that the use of the car park, and therefore the road leading up to it, is in use an awful lot more than it used to be. Our guests have to take their lives into their own hands every time they have to get on to the A361.

Application Number	I5/03848/FUL
Site Address	Snowdrop Cottage, 15 High Street, Shipton Under Wychwood
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Shipton Under Wychwood
Grid Reference	427700 E 217268 N
Committee Date	30th November 2015

Application details

Residential development of 5 dwellings and refurbishment and extension of existing cottage.

Applicant

Abbeymill Homes Ltd

ADDITIONAL REPRESENTATIONS

I Consultation responses

I.1 Shipton Under Wychwood Parish Council

Shipton-under-Wychwood Parish Council strongly objects to this application on the following basis:

- The development is too dense.
- Property 6 is over 3 storeys and would be intrusive on the neighbours and Court Close.
- The change of contour is not taken into account in the artist's drawings. The site is too overbearing on the neighbours.
- It is out of keeping with a countryside development.
- It provides no opportunity for young people/starter homes; the village cannot develop unless there is a mix of properties with affordable housing.
- Access is already difficult on Chapel Lane and Simon's Lane – a third access point would make matters worse.
- There is no provision for the loss of the post box.
- Other houses locally, have been restricted to 1 ½ storeys.

The application is contrary to WODC's Local Plan policies:

BE2 - General Development Standards

NE4 - Cotswolds Area of Outstanding Natural Beauty

H2 - General Residential Development Standards

H5- Villages

H11/12 - Affordable Houses

1.2 Environmental Protection

The planning statement submitted with the application indicates that a redundant farm yard with a large range of stone and block work agricultural sheds and a vacant farmhouse. Given the former use, potential for contamination to be present and the proposed residential end use please consider adding the following conditions to any grant of permission. I understand that this application is nearing the end of the application process so please let me know if there is any issue with this request.

1. No development shall take place until a desk study (including site walk over) has been produced to assess the nature and extent of any contamination, whether or not it originates on site, the report must include a risk assessment of potential source pathway receptor linkages. If potential pollutant linkages have been identified a site investigation assessing the nature and extent of contamination will be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority.

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

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

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

Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF

1.3 Landscape and Forestry Officer

The loss of the conifer screens is no loss in terms of the overall character of the CA. Has some reservations about trees T3 and T4 adjacent plot 1 (outside site area) but not such that it justifies a reason for refusal.

1.4 Ecology

The additional information showing the bat loft above a garden store answers a lot of my original concerns, however as some further details are still needed I would therefore recommend the following condition:-

Before works begin on site a detailed method statement for bats and a mitigation plan for reptiles based on the recommendations in section 6 of the Ecological Survey (Philip Irving August 2015) and illustrated in the drawing titled Bat Loft Proposal for residential development at Simons lane must be submitted for approval to the LPA. Once approved all works will be carried out as per the approved method statement and plan and all mitigation permanently maintained thereafter.

Reason: To ensure that Bats, Birds and their Habitats 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 Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

2 Representations

2.1 Three additional letters has been received objecting on the following grounds:

The site had a previous application for a single house refused in 1989 as it was contrary to Policy H7 of the Local Plan. The current proposal is for 5 new houses and the refurbishment of the existing derelict building on the same site. I consider that it does not accord with current policy as set out in the Local plan and the Emerging future Local Plan and is still contrary to Policy H7.

The site wraps around the back of the Old Till House to the north and borders three old residential buildings to the south. The proposal would involve significant intrusion from an amenity aspect and loss of character of the surrounding area.

The scheme has not had regard to the historic nature of the immediate surrounding area, which is in a Conservation area, part of a designated Area of Outstanding Natural Beauty (Policy NE4) and part of the Landscape Character Area of the Upper Evenlode Valley.

It is not sympathetic to the character of the area. This is a very historic part of the village with the High Street having The Smithy, The Old Bakehouse, The Old Beerhouse, The Old Forge Cottage, the Old Malthouse, the Old Chapel and the Old Laundry. Some of the buildings on the High Street are Listed. It will have an impact on the existing rich heritage of the area. It does not respect its surroundings (clause 2.23 of the Local Plan)

It does not take account of the Settlement Hierarchy because of its size and location to the character of the immediate settlement (Local Plan clause 2.20).

Under policy BE2, it does not respect the existing scale, pattern and character of the surrounding area and, in Local Plan clause 3.13, will be inappropriately prominent. It will also adversely affect the quality of life for people in the area (Chapel Lane) and the Old Till House. With the removal of the high vegetation behind the Old Till House and on the north boundary, the views from the High Street will be significantly impaired for many years.

The historic buildings will be dominated by the new development and new planting will not be able to effectively shield the development. Under clause 3.15, it does not fit into its surroundings.

Under Policy BE1, the proposal should not be permitted because it would create an adverse environmental impact.

It is overdevelopment of the site.

It will have serious impact on the local views.

It will take away an important area of open space that separates the historic High Street from the other part of the village to the east. Clause 3.17 says that existing and open spaces are to be considered of high value.

BE4 references where open space makes an important contribution to the distinctiveness of a settlement and the visual amenity or character of the locality. The open land that forms the majority of this site falls within this assumption of rejecting development. The open space has natural vegetation and a diversity of wildlife including the occasional Monkjack.

Clause 3.39 states that the built up areas of all settlements within the District are distinguished by "the unique relationship of the building to the greenery of open space and gaps in the street scene". "The disposition, density and outline of buildings in relation to the surrounding spaces are essential in creating a special character and significance for each hamlet village and town". BE5 says that every effort will be made to ensure the character and appearance of the Conservation Area is not eroded by the introduction of unsympathetic development proposals.

Clause 3.45 says that new buildings must "positively enhance the character and appearance of the Conservation Area" and clearly this application does not.

The Conservation Area is there to protect areas of special character and the old houses on the High Street, the Listed Buildings and the layout of the street have this special character. The form and layout of the buildings, the spaces between them, the influence of the historic street and the land use patterns with the relationship to historic buildings are considered to be important issues as referenced in clause 3.48.

In Policy BE8, clause 3.60 makes reference to the fact that the setting of a particular building "may be affected by development immediately adjoining and in some cases by development some distance away". I think this is the case with this application. The historic streetscape would be entirely ruined. Under NE3 it will harm the local landscape character of the District and so the application should be rejected.

It does not provide small affordable housing for the local community.

It is neither "infilling" nor "rounding off" under policy H6 (it is not a logical complement to the existing pattern of development and it will extend the settlement into the open countryside).

Plot 2 and 3 will dominate the adjoining houses on Chapel Lane and, because of the gradient, look directly into these houses both from the gardens and the houses.

Plot 2 will dominate the end of the historic High Street because of the height of the land at this point.

The vitality of Shipton Under Wychwood does not require this development.

Under policy BE3, the High Street does not have a continual pavement for pedestrians.

Traffic flow has to head north to the main road, as Simons Lane is a no through road and Chapel Lane is very narrow with tight corners. Street parking from visitors and from the Lamb Inn are already problematic and there would also be issues for cyclists. BE1 should apply where movement of people and vehicles are not satisfactorily accommodated.

The design is not the issue; it is the change to the character and amenity of the immediate area.

H2 says that General Residential Standards should "not erode the character and appearance of the surrounding area". This application would do this and "set an undesirable precedent for other sites where in equity, development would be difficult to resist and cumulatively the resultant scale of development would erode the character and environment of the area" and "adversely affect features of historical importance and their setting". If approved, this scheme would lead to further applications to build behind houses on the High Street on open land especially to the west.

Under H2, care should be taken to avoid over-development. Clause 5.39 recognises the dangers of the cumulative effects of small-scale residential development. "A single site in a village, if not developed for housing, may have only a marginal impact upon the character of the area. However, where there are other similar sites in the village and in other similar villages that are equally likely to come forward for development, the resultant impact could seriously erode the local character and environment".

Clause 5.41 goes on to say that a loss of privacy or a development which is "over dominating" will not be permitted and I consider this application falls within this clause. The number of buildings, their height and the gradient of the land make them over dominating.

There is no economic, social and environmental reason for this application to be regarded as Sustainable Development under the Emerging Local Plan (chapter 4).

NPPF says that development should "conserve and enhance the natural and historic environment". In clause 4.19 it goes on to say that development in villages "will be limited to that which respects the village character and local distinctiveness". This application does not.

Under Locating Development in the Right Places, OS2, this scheme does not logically complement the existing scale and pattern of development and/or the character of the area; does not protect and enhance the local landscape and the setting of the settlements; and involves a loss of an area of open space.

Consider that the Council should refuse this planning application as it is contrary to many of the policies and statements set out in the Local Plans.

In order to accommodate six large new dwellings, the proposed houses would have to be sited very close to one another and, critically, to the site boundaries, which would necessitate the removal of a great many large mature trees. Although the trees themselves are not particularly good specimens and nor are they of native species, they nonetheless contribute collectively and significantly to the appearance and character of Shipton's conservation area. Their collective loss would, therefore, constitute a harmful impact to the heritage character and rural setting and appearance of this attractive Cotswold AONB village

Construction of six new dwellings, of which only two plus the garage block to a third unit would occupy the currently developed portion (28%) of the site, would represent a clear over-development of the site whereby virtually half of it would be occupied by either new buildings or roads. In a backland area that is not typically developed in any other immediate part of the village, the proposed development would represent an alien feature that would be contrary to NPPF national planning policy guidance, as set out in paragraphs 56

The development of Plots 3-6 on undeveloped green field land on a prominent edge to the conservation area and in AONB countryside would be harmful to the natural environment and to the built heritage setting of Shipton's conservation area and three nearby listed buildings – The Old Malthouse, 17 High Street and The Old Beerhouse, which are all directly opposite the site entrances.

The close proximity of such large new dwellings close to the site boundaries, coupled with such extensive tree removal, would be likely to cause direct overlooking of neighbouring properties and vice versa from those existing neighbouring properties towards the proposed new dwellings. This is of particular concern for The Old Chapel, whose property would be directly overlooked from Plot 3, as would those of the neighbours either side at Springside, Mulberry Cottage and The Old Laundry. Overlooking across such narrow distances (just 9-19m between windows with The Old Chapel; about 17m with Springside and 19-22m with Mulberry Cottage) would cause clear detriment to the residential amenities currently enjoyed by those property occupiers, as it would too for any occupier of Plot 3 being overlooked from the four dwellings to the south and their patios. Those patios all actually lie immediately alongside the intervening common boundary fence, so the proposed separation distances between the various patios would be as little as just 8-15m.

The sheer proximity and scale of the proposed dwelling on Plot 3 would cause an overwhelming massing impact upon The Old Chapel and also on the neighbouring properties of Springside, Mulberry Cottage and The Old Laundry; all three of which are at much lower slab levels. Their only private rear amenity space exists immediately along the common boundary with the application site. As such, the proposed development of Plot 3 would be contrary to NPPF national planning policy guidance and all the local Development Plan policies previously referred to.

2.2 Applicants response to representations

It has come to our attention that there are a few objections/ concerns raised by local residents and the Parish Council with the above submitted planning application. The comments are broadly comparable with each other and therefore we would like to take the opportunity to respond to these comments as follows:

1. Density

Based on the site area, we are proposing a density per hectare of 10 units, this particular figure is relatively low and reinforces the point the site has not been overdeveloped.

It is probably helpful to think of the development not in terms of 6 houses but as 8 smaller cottages, of which have been joined to form larger homes, as is often seen. The new properties are made up of 2 to 3 or more smaller elements and therefore follow the scale and rhythm of the Conservation area.

2. Contours

The floor and ridge heights are stepped to follow the natural contours of the site, as demonstrated on the annotated elevations and contour survey. The proportions of the buildings are in scale with those found in the Conservation Area.

We have taken the advice received from the Planning department, this has informed the development of the design from Concept through to Full Application to ensure the scheme blends with the local vernacular and respects the Area of Outstanding Natural Beauty.

3. Neighbouring Amenity

We have taken care to ensure that no habitable rooms look out over adjoining properties. The distance and relative orientation of the proposed houses is sufficient to prevent unacceptable loss of privacy, or loss of sunlight reaching gardens. The new homes will alter the view from existing properties, but this outlook will be an improvement with the maturing of new trees and hedgerows planted along the boundaries.

4. Plot 6

On reflection, we are hoping to keep neighbouring properties content with the proposal, and therefore examined the design for Plot 6. We propose to reduce the height of the roof over the rear wing by 800mm as per the enclosed plan.