

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 31st May 2016**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

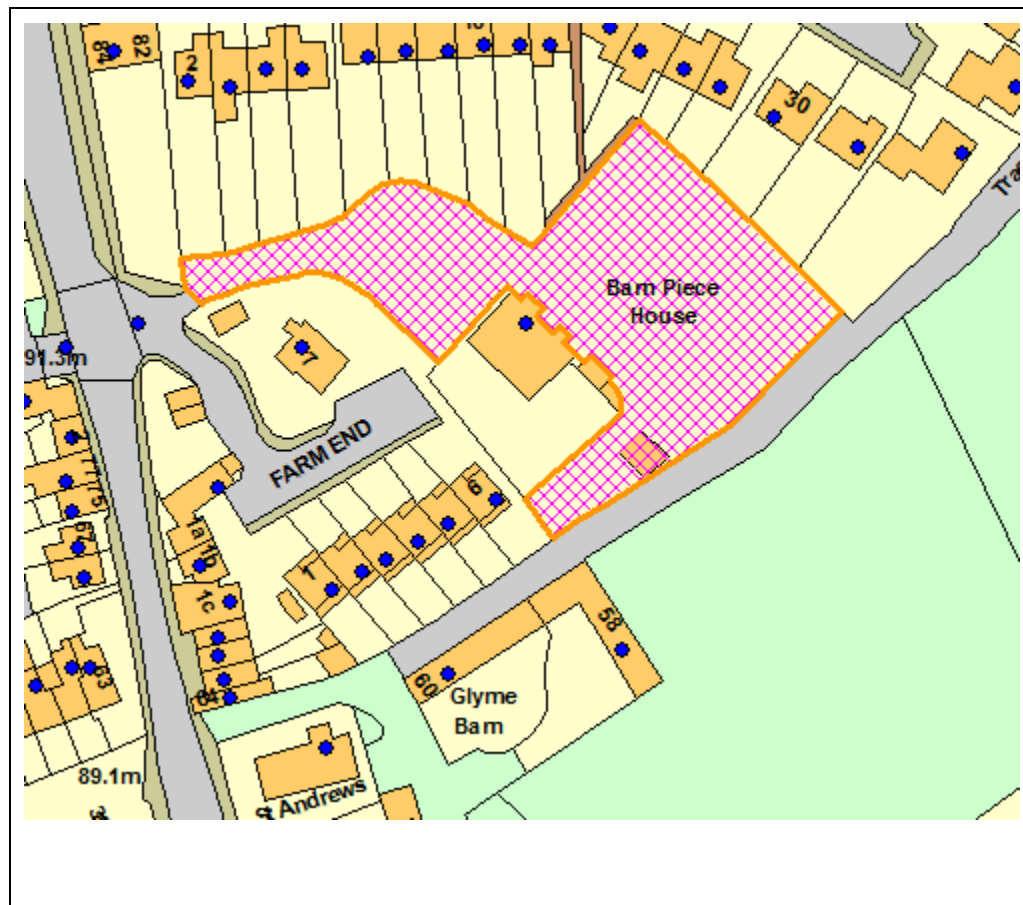
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

<b>Application Number</b>	<b>Address</b>	
15/04147/FUL	<a href="#">80 Manor Road, Woodstock</a>	3
16/00342/RES	<a href="#">Willowbrook Radford, Chipping Norton</a>	13
16/01133/FUL	<a href="#">Town Hall Market Place, Woodstock</a>	20
16/00937/S73	<a href="#">Cotswolds Club Chipping Norton, Southcombe</a>	25
16/00939/FUL	<a href="#">Land East Of 26 The Slade, Charlbury</a>	30
16/00965/FUL	<a href="#">50 The Square, Great Tew</a>	42
16/00966/LBC	<a href="#">50 The Square, Great Tew</a>	49
16/00967/FUL	<a href="#">Gyles Farm, Deddington Road, Great Tew</a>	52
16/00968/LBC	<a href="#">Gyles Farm, Deddington Road, Great Tew</a>	60
16/00969/FUL	<a href="#">Lower Grove Ash Farm, Iron Down Hill, Great Tew</a>	64
16/00970/LBC	<a href="#">Lower Grove Ash Farm, Iron Down Hill, Great Tew</a>	75
16/00971/FUL	<a href="#">Land At New Garden, Ledwell Road, Great Tew</a>	81
16/01318/FUL	<a href="#">Elmstead, Crawborough, Charlbury</a>	96
16/01140/FUL	<a href="#">The Bull Inn Sheep Street, Charlbury</a>	108
16/01141/LBC	<a href="#">The Bull Inn Sheep Street, Charlbury</a>	112

Application Number	I5/04147/FUL
Site Address	80 Manor Road Woodstock Oxfordshire OX20 1XL
Date	18th May 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock
Grid Reference	444194 E 217203 N
Committee Date	31st May 2016

### Location Map



#### Application Details:

Demolition of two outbuildings. Erection of 3 detached dwellings and associated works including provision of parking and vehicle manoeuvring.

#### Applicant Details:

DJ Leslie  
c/o JPPC

## I CONSULTATIONS

- I.1 Parish Council Strongly Object for the following reasons:
- i) Over-development of the site
  - ii) part violation of the Conservation Area
  - iii) It is too tall
  - iv) There are concerns about ancient buildings such as the old 'calving' shed and trees.
- 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.
- No objection subject to
- G36 parking as plan
  - G31 drive/parking space etc specification
  - G47 SUDS sustainable surface water drainage details
- I.3 WODC Architect The four proposed new dwellings are all sizeable, with fairly sprawling footprints, and whilst the site isn't small, they do tend to feel somewhat shoehorned in. You may have concerns about amenity, although from our point of view the forms do seem to work together, and the density is not too outrageous. The designs are in the more contemporary idiom, with cladding and with some sizeable areas of glass, which makes a refreshing change from the usual vernacular pastiche - although the massing is largely duo-pitched and traditional, which brings comfort. In my view, this is largely supportable, although as already noted there are concerns about prominence in the longer views across the valley from the south. Of course, the existing modern development to the north of the site already features in these views, although this is low-lying and less glassy. Also, note that information on the external materials is somewhat limited - the application form says 'mainly stone', and refers to the elevations, but the elevations are not annotated.
- I.4 WODC Drainage Engineers A safe access / egress needs to be considered due to the susceptibility of Manor Road to pluvial flooding.
- Soakaways should be designed to withstand a minimum of 1 in 30 + 30% cc event. The site drainage should be designed to contain all surface water resulting from all storm events up to and including the 1 in 100 year + 30 % climate change event.
- An exceedence plan for flow routes above the 1 in 100+30% event shall be submitted with the proposal. The routes through the development should be based on proposed topography with flows being directed to the highway. Flow routes through areas in private ownership will not be permitted.

## 1.5 Ecologist

The submitted ecology report Preliminary Bat survey, emergence survey & walk over survey by four acre ecology ltd dated 01/02/2016 found evidence of bats (7 soprano pipstrelle and brown long eared bats) in the main house which is now to be retained but no evidence in the garage or to the buildings on site. The survey also recommended a precautionary approach to the low potential for reptiles and included a working method statement to ensure the clearance works do not harm reptiles or any other species such as hedgehogs or amphibians although they are thought to be unlikely to be present on the site.

The report also identified enhancements that could be achieved for bats and hedgehogs and the importance of retaining the boundary trees and habitats.

The proposed retention of trees in drawing no 1507 006 shows how the sites boundaries can be retained and enhanced for biodiversity.

If all the recommended mitigations are implemented, the development will not cause any harm to bats, reptiles, hedgehogs or birds, and therefore the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the NPPG are met.

Habitat Reg tests required: YES - Bats all roosts & flight paths retained so the three habitats are met

Draft recommendation: No objection subject to conditions

## 2 REPRESENTATIONS

A total of 7 objections have been received in relation to the original application for 4 dwellings and a further 4 objections received in relation to the amended proposals for 3 dwellings, these are summarised below:

- The siting of the dwellings would degrade the rear aspect of the existing dwellings in Westlands Way.
- The development would have a negative impact on privacy, light and sense of space of the properties on Westland Way. The properties would ruin the currently open views and have a negative impact on property resale prices.
- The proposed access road is not wide enough.
- The proposals would be an overdevelopment of the site.
- The building work would cause excessive noise and disturbance.
- The development would have a detrimental impact on the character of the area.
- The development would create more traffic onto the A44 at a narrow and dangerous point in the road.
- The design of the buildings is modern and out of keeping with the character and feel of Manor Farm, which is to the south of the site and is constructed from Cotswold Stone.
- The proposed height of plot 4 is excessive, intrusive and out of keeping with the surrounding

buildings.

- The building described as the 'rubblestone car port' is an original farm storage building and should not be removed as it forms part of the area's history.
- The south elevation of Plot 4 would overlook Manor Farm.
- Three additional houses would place a burden on the capacity of existing drains.
- Plot 3 is 7 metres from the boundary of 32 Westland Way, which would be overlooked. The design of plot 3 is bulky and the mass of roof would be dominant and cause overshadowing of the garden of this property.
- No building works should be included in the Conservation Area.

Ms Gale raised concerns about the impact on the existing access to Farm End, the design aspects of the proposed dwellings and the impact of the development on the capacity of the existing sewers.

Mr Williams states that there are errors in the site plans with regards to the curtilage boundary of 82-84 Manor Road and the Conservation Area boundary.

The Woodstock Action Group (WAG) objects to the above referenced planning application on the bases of the following:

1. WAG fully supports the Woodstock Town Council's rejection of this application by resolution at its Tuesday 26 April 2016 meeting to strongly oppose it under WODC planning policy BE2 as being an overdevelopment of the site, part violation of the conservation area, it is (structures) too high, and concerns about the ancient buildings i.e. the old "carving" shed and also about impact upon trees.
2. Policy BE2 Quality of Development and Impact Upon the Area: The application fails to respect the existing scale, pattern and character of the surrounding area. It also fails to create or retain a satisfactory environment for people living close to the site. It does not enhance or protect existing features of importance ex., the "rubblestone" farm storage building.
3. BE3 (d) The development will have a significant hazardous impact on the A44 highway network specifically exiting the proposed site.
4. BE4 The proposed development will result in the loss or erosion of the distinctiveness of the settlement, the visual amenity and character of the locality.
5. BE5 The Woodstock designated conservation area will be encroached upon and this will do little, if anything, to enhance or preserve its appearance and character.
6. BE10 The demolition or conversion of an unlisted vernacular building or buildings in the conservation area will impact upon the appearance of the setting.
7. H2 General Residential Development Standards.  
The proposals for additional buildings will have the effect of eroding the character and appearance of the surrounding area and adversely affect features of some historical importance and setting.
8. T1 Traffic Generation-Extremely Dangerous Exit from Site  
If nothing else, this planning application should be rejected because it will increase the number of private vehicles, in addition to delivery and postal vans, trash lorries and visitors entering and exiting this rutted, pocked narrow road where two vehicles are unable to pass. But the critical point is when exiting onto a blind curve on the very busy A44 to make a left turn toward Woodstock town centre the driver must ease the front of the vehicle onto the highway at least as far as the driver's seat in order for him/her to see if the road is clear to exit. This is an extremely hazardous manoeuvre. HGVs come rushing down the

hill from the north toward Woodstock and the potential for a serious accident is a daily traffic lottery.

For this reason alone, this application should not even be considered.

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

The development would be consistent with the scale, character and appearance of existing development in the locality. It would not harm the heritage interests of the Conservation Area. The type of housing shown is appropriate for the area.

Having regard to the location of the fenestration and the distances between the proposed dwellings there would be no material adverse impact on the privacy or amenity of their occupants. The access and parking provision would be appropriate for this form of development and would not impact adversely on the safety and convenience of users of the public highway. Appropriate landscaping will be provided to aid the amenity and biodiversity of the area.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

H2 General residential development standards

H7 Service centres

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH7NEW Historic Environment

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

### **5 PLANNING ASSESSMENT**

#### Background Information

- 5.1 The application seeks approval for the erection of three detached dwellings on land adjacent to a large detached dwelling 80 Manor Road, Woodstock. The present application has been amended on officer's advice to exclude a further dwelling previously proposed close to the vehicular entrance to the site. Alterations have also been made to the proposed layout and a minor reduction of 0.5 metres made to the height of Plot 4. The site lies on the edge of Woodstock and the southwestern section of the site lies within the designated Conservation Area. The site is reasonably well contained within the existing built form and views to the site from the North, East and West are greatly restricted. A footpath lies to the south of the site which is not a public right of way, although this is open to and used by members of the public.
- 5.2 The site consists predominantly of domestic curtilage space with a large grass lawn. A grass meadow lies to the south of the site and an open area of agricultural land is located to the east of the site behind a hedgerow and area of boundary screening. Housing in the immediate area consists of a mix of suburban 1960's two and three storey developments at Westland Way to the North of the site and at Farm Close to the South West. Manor Road consists of 18th and 19th century vernacular stone cottages. Barn Piece house is a large two storey dwelling of an

unusual design consisting of two gables and a mix of facing red brick and render. The site is currently accessed via a gravel access track onto Manor Road.

- 5.3 The proposed development consists of a small cul-de-sac of three dwellings with associated amenity space. The existing property Barn Piece House would be retained. The proposed dwellings would be of a contemporary interpretation of a traditional rural dwelling style and would be constructed predominantly from stone with the first floor sections clad in timber.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
  - Design, scale and siting
  - Impact on Conservation Area setting
  - Highways
  - Residential Amenity

#### Principle

- 5.5 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date.
- 5.6 Paragraph 49 requires that policies relating to the delivery of housing should not be considered in date if the local authority cannot demonstrate an adequate five year supply of housing. The Councils overall position on housing land supply is at present is unclear as a five figure is yet to be established. The Local Plan Inspector in his initial comments made following the first phase of the Local Plan inquiry held late last year suggested that further work will have to be carried out to establish an exact figure, or alternatively the Council could adopt a higher figure of 660 units per year. West Oxfordshire District Council at present claims to be able to demonstrate a five year housing land supply in line with a delivery figure 525 houses per year, however the Local Plan inspector has indicated that the figure will sit within a range of 525-660 units and it is therefore unclear where the Council currently stand in terms of a precise figure for housing delivery, and whether the Council can currently meet this requirement.
- 5.7 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2, given the existing situation it is considered that minimal weight can be attached to these location based policies.
- 5.8 Notwithstanding the Councils position on five year housing land supply, the proposals are considered to be consistent with the Councils location based housing development policies. Woodstock is listed as a service centre in existing Local Plan Policy H7 and emerging Local Plan Policies OS2 and H2. Policy H2 of the Councils emerging plan allows for new housing to be development on undeveloped land within or adjoining the built up area of services centres within the district, providing this is consistent with the general principles of development outlined in section 3 of Policy H2, as well as the relevant provisions of the existing and emerging



Local Plans. The site is relatively well contained, within the existing built form and development exists to the North and West of the site. The principle of new residential development on the site has been established to a degree as a proposal for a single detached dwelling was approved on the site in 2008(08/0335/P/FP) with permission extended in 2011. Although the proposals are for an increased number of dwellings officers consider that the site is capable of supporting three dwellings. The site is a sustainable location in close proximity to a range of local services, facilities and local bus links.

#### Siting, Design and Form

- 5.9 The proposed dwellings are of a contemporary design and evidently differ from the dwelling design typically associated with the Woodstock Conservation Area. The immediate area of Woodstock is predominantly suburban in character, with the exception of more historic vernacular development, which runs parallel to Manor Road. The immediate street scene in Westland Way and Farm End adjoining the site consists of 1960's and 1970's non-vernacular residential development. The design of the proposed dwellings incorporates some traditional characteristics in terms of form and the use of stone materials; however the general design approach is contemporary which is reflected in the prominent use of glazing on the rear elevations of plots 3 and 4. Officers consider that this approach is acceptable in the immediate context of the surrounding area and site.
- 5.10 With the exclusion of plot 1 and the amendments made to increase the separation distance between plots 2 and 3 officers consider that the general layout and density proposed is acceptable. The dwellings are relatively high, although it is noted that the properties would sit below the adjacent three storey townhouses in Farm Close.
- 5.11 The development is set back considerably from Manor Road and the proposed dwellings would not be visible in the immediate street scene. The site plan indicates a significant quantity of screening along the North and Eastern boundaries, which help to limit the visibility of the development. There are views towards the site from the open fields and meadows to the south. As the site is well contained within the existing built form, the development would assimilate fairly well with the existing line of dwellings running from Farm End to Westland way and would not therefore appear unduly prominent in the local landscape setting. A detailed landscaping plan is requested by condition.
- 5.12 The majority of development is located outside the designated conservation area, although the whole scheme would be considered to be within the immediate setting of the conservation area. Owing to the lack of visibility of the dwellings and the development being largely hidden from the immediate street scene in Manor Road, officers do not consider that the development would result in harm or less than substantial harm to the character of the conservation area. The stone outbuilding currently used as a car port is vernacular in its design and character and representations received suggest that this was a historic agricultural building. The building has evidently undergone significant alterations including the removal of the front of the building and the addition of a flat roof. With the alterations made the original character of the building has significantly deteriorated officers are of the opinion that the buildings contribution to the conservation area is not significant to the extent that the removal of this building would result in harm or less than substantial harm to the character and setting of the Conservation Area.

### Highway

- 5.13 The proposed development would be served by the existing point of access onto Manor Road, which would be re-surfaced and widened. The existing access is considered to be suitable and with the enhancements suggested, officers consider that the proposals would not be detrimental to highway safety or amenity. No objections have been raised by OCC Highways officers with regards to the suitability of the access road or access point onto the A44. Adequate parking spaces are proposed for all three dwellings.

### Residential Amenities

- 5.14 Officers consider that the siting of plots 2 and 3 would not be significantly overbearing in relation to the existing dwellings to the North in Westland Way as an adequate separation distance is maintained between the rear of these properties and the rear curtilage of the adjacent dwellings in Westland Way. Around 18-20 metres distance is retained between the proposed plots 2 and 3 and these neighbouring dwellings. The proposed dwellings should not result in substantial loss of light or overshadowing to the rear aspect of these properties.
- 5.15 The amendments made to the orientation and positioning of plot 3 and 4 are substantially beneficial to the amenity of potential future occupants of the properties in ensuring a greater degree of separation is contained and an additional area of useable amenity space being created for plot 3. In addition the removal of plot 1 from the plans means a further area of shared amenity space is made available for the three proposed dwellings.
- 5.16 The existing tree cover limits the quality of the existing amenity space of plots 2 and 3, although it is indicated that some of the existing trees in the rear curtilage of plot 2 would be removed. Officers consider that this would probably enhance the amenity for future occupants of this dwelling. A large section of the usable amenity space of plot 3 is covered by existing trees, which are not indicated to be removed, it is however accepted that an adequate quantity of usable amenity space would be allocated for this property.
- 5.17 The glazed south elevation of plot 4 including the rear windows and balustrade would be located approximately 21 to 22 metres from the windows of a neighbouring converted barn. The distance between the rear windows of plot 4 and the side windows of this dwelling is deemed to be acceptable. There is unlikely to be substantial overlooking in general from plots 2 and 3 to the adjoining properties in Westland Way, although attaching obscure glazing in two first floor windows of plot 3 and one first floor window of plot 2 is considered necessary. To prevent overlooking into the rear windows of Barn Piece House it is considered necessary that the first floor side windows of Plot 4 should be fitted with obscure glass.

### Conclusion

- 5.18 Officers consider that in the context of the site and its immediate setting that the proposed design, scale and siting of the dwellings proposed would be appropriate and would not adversely impact on the setting of the conservation area. Given the amendments made officers are of the opinion that the development gives adequate regard to the amenity of present occupants of the adjacent properties in Woodlands Road and Farm End and future occupants of the proposed development and would not compromise highway safety and amenity. As such the development is considered to be compliant with Existing Local Plan Policies BE2, BE5 and H2 and Emerging Local Plan Policies OS2, OS4, EH1 and H2.

## **6 CONDITIONS**

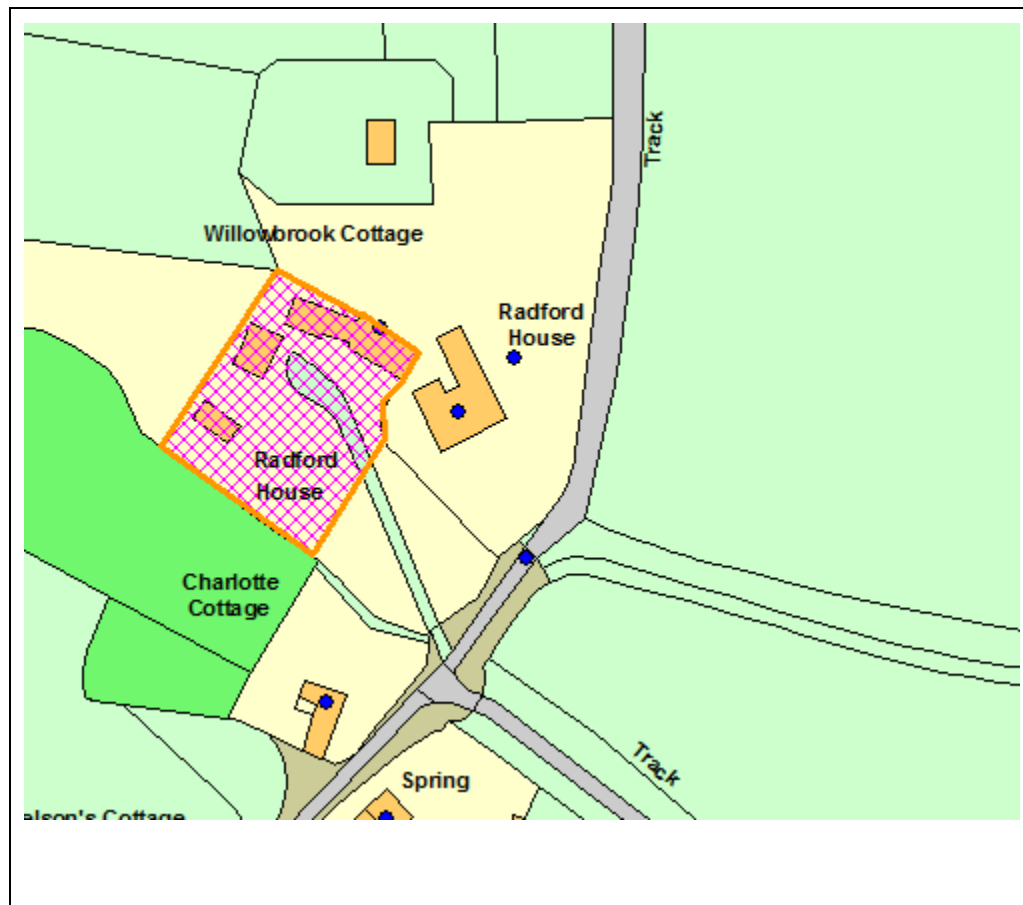
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 08/04/16;.  
REASON: The application details have been amended by the submission of revised details.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 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 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.
- 5 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.
- 6 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 7 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

- 8 All of the development works must be carried out as per the recommendations and the working method statement in section 7 of Preliminary Bat survey, emergence survey & walk over survey by Four Acre Ecology Ltd dated 01/02/2016 to include enhancements for bats and boundary habitat retention as illustrated on drawing no 1570 006. All mitigation & enhancement works must be completed before the new dwellings are first brought into use and all enhancements must be permanently maintained thereafter.  
REASON: To ensure that birds & bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 9 Notwithstanding the information provided on the approved layout plan, details of all walls and fences around each plot and on the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. Such walls and fences shall be erected before occupation of the associated dwellings hereby approved and thereafter be retained.  
REASON: To ensure that in the interests of privacy and visual amenity a high standard of boundary treatment is provided.
- 10 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.  
REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any other order revoking and re-enacting that Order with or without modification) no development permitted under Class A to E of Part 1, Schedule 2 shall take place.  
REASON: To preserve the character and appearance of the area
- 12 Before first occupation of the buildings hereby permitted the first floor windows of the east and west side elevations of plot 4; the first floor window of the west, side elevation serving the bathroom of plot 3; the east side elevation windows of plot 3, serving both bathrooms and the smaller window of bedroom 2 of plot 3; shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.

Application Number	I6/00342/RES
Site Address	Willowbrook Radford Chipping Norton Oxfordshire OX7 4EB
Date	18th May 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Enstone
Grid Reference	440983 E 224123 N
Committee Date	31st May 2016

**Location Map**



**Application Details:**

Erection of replacement dwelling and detached double garage (appearance and landscaping).

**Applicant Details:**

Palladian Properties Ltd  
C/o Agent

## **I CONSULTATIONS**

- I.1 WODC Drainage Engineers According to the EA flood maps, the site lies within Floodzone I, at a very low risk of fluvial flooding. It is shown as being susceptible to 1 in 1000 year surface water flooding. A watercourse runs through the middle of the site. There is a history of the site and surrounding land flooding and Condition 3 of the Decision Notice for 13/0321/P/OP specified, in addition to the submission of a full surface water drainage scheme, that a flood mitigation strategy be submitted to address the existing situation.
- I.2 Parish Council Enstone Parish Council unanimously objects to this planning application on the grounds of the high risk of flooding in this area and that the reserved matters associated with the outline planning permission 13/0321/P/OP have not been addressed.
- As stated in the planning application 13/0321/P/OP, the scale of the proposed property is out of proportion compared to the Grade II listed buildings on either side of the proposed property.
- I.3 WODC Architect No Comment Received.
- I.4 WODC Landscape And Forestry Officer No Comment Received.
- I.5 Ecologist Having looked at the submitted documents, which include the 'landscape scheme' I would like to make the following comments the position of the replacement house is less than 4m from the stream which has potential to pollute the watercourse or damage the associated habitats. If the position of the house has already been agreed we need to put in place a prevention of pollution scheme of which they will need to submit further details. If the position has not been agreed then we need to ask it to be moved away from the watercourse to reduce the potential impacts and a scheme to show how the associated watercourse habitats will be enhanced and protected from this proposed development.
- They also proposed removal of two trees have they been assessed for bat roosts and what replacement trees are planned as none are shown.
- The wildflower meadow is welcomed but we need to know the proposed species composition to assess its biodiversity gain.

## **2 REPRESENTATIONS**

A total of eleven letters of objection have been received in relation to this application. The main objections are summarised below:

- Measures have not been proposed to address the issues of flooding. There are no mentions of any proposed mitigation measures.
- The proposed pond would be useless as a flood mitigation measure.
- A sympathetic building is required in this location.
- The proposed landscaping does not address the flood risk.
- The applicant's statement that the dwelling cannot be seen from the road is inaccurate.
- No details are given about the proposed wildflower meadow.
- The roof plans submitted are inaccurate.
- The scale of the dwelling is not subservient to Radford House as required.
- Without enlarging the culverts at the gateways to Radford House and Willowbrook then the driveway of Radford House will continue to be flooded.
- The top half of the stream has not yet been dredged and is causing flooding.
- The proposed dwelling would not be subservient to Radford House.

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

Considering the proposed landscaping of the site initially, it is set within an existing mature garden and wider landscape. The proposals do not seek to alter that significantly, two trees at the site frontage are proposed to be removed to allow an area of visitor parking to be provided to the front of the site. Otherwise the driveway will be resurfaced with suitable gravel and an area of new cottage flower garden surrounded by low box hedging will be provided to the front of the new dwelling. The remainder of the site will remain as grass.

Turning to the appearance of the dwelling, it is proposed to be built in coursed local Cotswold stone under a natural slate roof. The windows will be off white painted wooden sashes and a reclaimed brick detail on the chimneys. The front door would be painted wood and the dormer windows would have the cheeks and front finished in render. Rainwater goods would be black powder coated aluminium. The architecture is the same as that shown at the outline stage, with pitched roofs and a traditional vernacular design.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 NE1 Safeguarding the Countryside  
 NE3 Local Landscape Character  
 BE8 Development affecting the Setting of a Listed Building  
 NE7 The Water Environment  
 NE13 Biodiversity Conservation  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 EH1NEW Landscape character  
 EH2NEW Biodiversity  
 EH5NEW Flood risk  
 EH6NEW Environmental protection  
 EH7NEW Historic Environment  
 H2NEW Delivery of new homes

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application seeks approval for the outstanding reserved matters of landscaping and appearance for the erection of a replacement dwelling at Radford. Outline approval was granted by committee in 2013 for the principle of a replacement dwelling on the site, alongside the layout, scale and means of access (13/0321/P/OP). The site currently consists of a two storey stone cottage located close to the boundary of a Grade II listed dwelling, known as Radford House. The remainder of the site consists of an open area of cleared land with a small stream running through the centre of the site up to the adjoining highway and associated culvert. The plans show a red line area around a section of the site containing the existing dwelling and the position of the proposed replacement dwelling. The remainder of the adjacent land is included in a blue line area which contains the means of access and siting of the proposed landscaping and intended upstream drainage.
- 5.2 Outline approval is in place for the siting of a dwelling located in a central position in the site located relatively close the stream which runs through the site. An approved means of access serves the dwelling from the adjoining lane. The existing two storey dwelling would be demolished as part of this application. The design submitted matches the indicative design submitted as part of the outline application. A two storey stone dwelling is proposed which extends to a height of 9 metres to the roof ridge.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Design and external appearance of the dwelling
  - Landscaping
  - Drainage

### Principle

- 5.4 The principle of a replacement dwelling in the location proposed has been deemed acceptable as part of the previous outline application.

### Siting, Design and Form

- 5.5 The siting of the dwelling remains as previously approved. The outline consent includes scale and an indicative dwelling design was submitted at outline stage which matches the design submitted for the present reserved matters application.
- 5.6 The matter for consideration is the external design of the dwelling. The proposed use of natural stone and is considered to be appropriate in the context of the immediate area and would be in keeping with the adjoining properties Charlotte Cottage and Radford House and the building features traditional detailing and fenestration design. Officers consider that the proposals respond reasonably well to the character of the immediate area and the design would not detract from the setting of the adjoining Grade II listed Radford House



### Landscaping

- 5.7 Landscaping is considered within this application as a reserved matter. The site is located on the edge of Radford and is adjacent to an area of attractive open countryside, although the site is not within a designated area of landscape value. The site previously contained an orchard which has since been cleared and the site currently consists mainly of open space which at present is visually unattractive. To improve the appearance of the site and to offset the additional visual impact of the proposed dwelling, a comprehensive landscaping scheme is required.
- 5.8 The application proposes some improvement works forward of the dwelling involving the planting of low hedges and flower gardens. The application proposes the retention of existing trees adjacent to the boundary with Radford House, although no new tree planting is proposed. The key landscape improvement is the planting of a wildflower meadow on the opposite side of the stream to the proposed dwelling. This area of the site consists of unattractive open land on the site of the former orchard. The proposed meadow would evidently improve the visual appearance of the site and is ecologically beneficial, however further details of the proposed planting and future management of this space would be required by condition.
- 5.9 In general the proposed landscaping would improve the visual appearance of the site which is currently neglected although the submission of detailed and comprehensive landscaping would be required by condition prior to the commencement of development.

### Residential Amenities

- 5.10 Officers previously considered that the scale and siting of the dwelling would not detrimentally impact on the amenity of the nearest neighbouring properties Radford House and Charlotte Cottage. No floor plans are provided with the application so it is not possible to determine the use of the proposed rooms within the property, however elevation drawings indicate that there would be no first floor side windows in the north elevation facing Radford House. It is not considered that the proposed dwelling would result in any excess overlooking or loss of privacy to either Charlotte Cottage or Radford House, therefore a condition requiring the fitting of obscure glass would not be deemed necessary.

### Flood Risk

- 5.11 The site is within an area identified as being at a low risk of flooding; therefore a statutory flood risk assessment would not be required. The site has however got an identified history of flooding and drainage problems associated with the stream running through the centre of the site and the culverts running alongside the adjacent highway. This has resulted in the significant build-up of surface water on the site and the flooding of the adjacent highway and neighbouring properties. There are substantial concerns amongst local residents that the erection of a dwelling on the site would increase water runoff and exacerbate the existing flood risk.
- 5.12 The issue of flood risk and drainage was considered as part of the outline consent granted and a condition was attached requesting the provision of a surface water drainage scheme and flood mitigation strategy. The provision of this information is not required as part of the reserved matters application as a statutory obligation, however it was suggested as an informative that these details should be submitted as part of the landscaping element of the reserved matters application.

- 5.13 The wider area of the site indicated within the blue line area of the location plan contains an extensive area of land to the west of the proposed dwelling, which is upstream from the site. It is considered essential that drainage works are required upstream from the site including attenuation measures to reduce discharge downstream and prevent flooding on site and the flooding of adjacent properties. Were appropriate drainage measures to be provided in the western section of the site then the development could be considered to be beneficial in reducing flood risk the immediate area downstream. In order to limit the risk of potential flooding a condition is recommended requiring the submission of the details of a comprehensive upstream drainage plan, within the western area of the blue line site plan prior to the commencement of development.

### Conclusion

- 5.14 The application seeks approval for two remaining reserved matters, landscaping and appearance. The general design of the property is traditional and keeping with the character of the immediate area and would be consistent with Policies BE2 and H2. An indicative landscaping scheme has been submitted which is deemed to be acceptable in principle and officers are satisfied that with the provision of further details by condition that the site could be adequately landscaped. Likewise with the provision of comprehensive upstream drainage, officers are of the opinion that the scheme would be of benefit in alleviating existing problems associated with flooding on site.

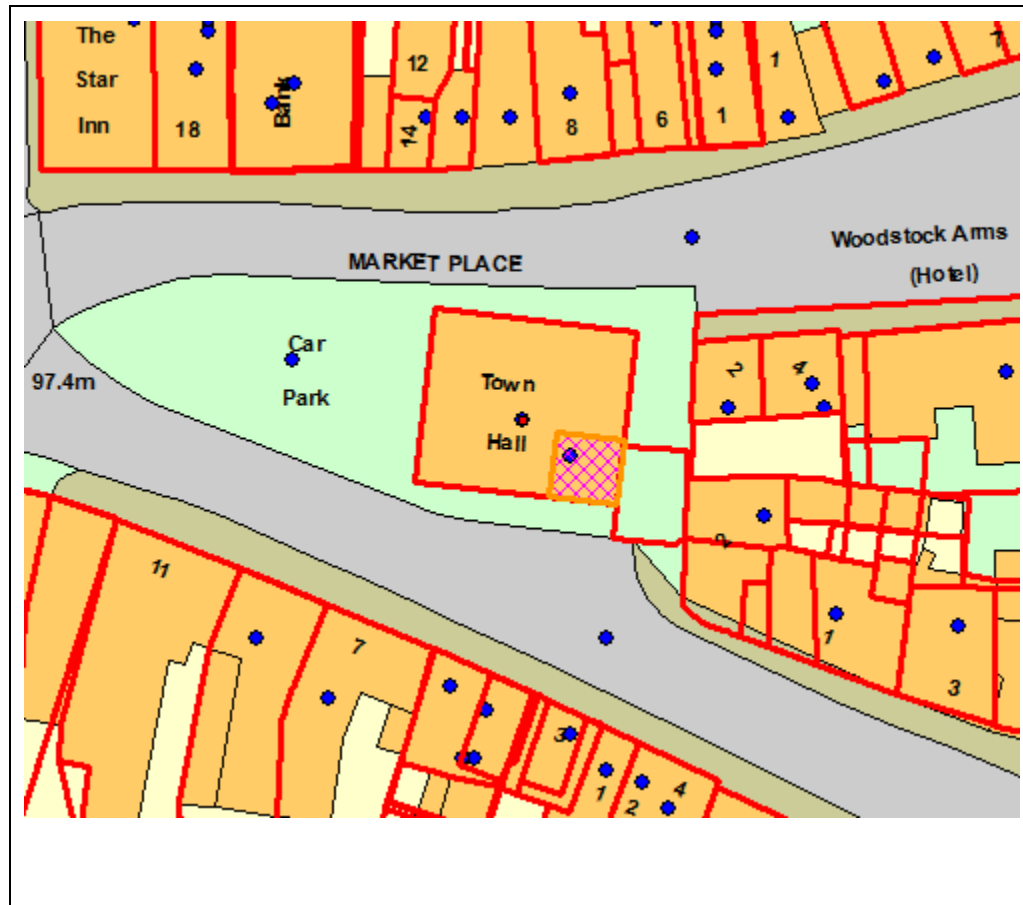
## **6 CONDITIONS**

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference I3/0321/P/OP; or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all windows and doors; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 5 The 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 The means of access between the land and the highway as shown in the blue line area shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 7 A scheme of hard and soft landscaping for the house (which for the avoidance of doubt will need to include land beyond the red line site boundary in the blue line site boundary) shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any other order revoking and re-enacting that Order with or without modification) no development permitted under Class A to E of Part 1, Schedule 2 shall take place.  
REASON: To preserve the character and appearance of the area
- 9 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The submitted drainage scheme shall include details of flood mitigation measures to be contained within the area of the site outlined in blue. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

Application Number	I6/01133/FUL
Site Address	Town Hall Market Place Woodstock Oxfordshire OX20 1SL
Date	18th May 2016
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Woodstock
Grid Reference	444471 E 216739 N
Committee Date	31st May 2016

**Location Map**



**Application Details:**

Change of use from retail to physiotherapy clinic.

**Applicant Details:**

Mrs Lisbeth Nesbitt  
Woodstock Physio  
Mill Lane Cottage  
Mill Lane  
Lower Heyford  
OX25 5PG

**1 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 | Do not wish to comment   |

**2 REPRESENTATIONS**

- 2.1 17 Letters of objection have been received in relation to this application, these are summarised below:

- The unit should be used for retail rather than a clinic which does not require a town centre location.
- The building would be better used as a coffee shop/creperie which would attract more people into the Town Centre.
- Woodstock has already lost several retail spaces which is of local concern. There is demand for small retail spaces such as this in Woodstock.
- A number of objections state that a café/food use would be preferable.
- Alexandra Sopilnik commented that she had applied for the unit to run a new creperie, coffee outlet, smoothie bar and ice cream parlour. It is considered that the building should be used for a small independent business such as this. (11/1200/P/FP) for a change of use. It is suggested that the change of use of this unit would set a precedent for the change of use of further retail units in the Town Centre.

- 2.2 A letter of objection has been received from the Woodstock Action Group (WAG) this is included in full below:

1. History of the issue: There is evidence to show that the Woodstock Town Council, at a meeting in 2011, did object to Planning Application 11/1200/P/FP requesting a change in use from a retail shop to use by a solicitor's firm.  
The WODC Planning Department supported the town council's objection and rejected the applicant's planning application on the grounds that it must stay a retail outlet. Nothing material has changed since then and similar grounds exist for the rejection of the present application for change of use of a former retail enterprise to that of a physiotherapy clinic. (A1 to D1)
2. Policy SH1: There has no demonstrated need nor market research of need for a physiotherapy clinic in Woodstock's Town centre, whereas, there has been strong ad hoc formal representational objections by residents to the siting of a clinic in place of retail usage at this site.

3. Policy E6- Town Centres (Emerging Local Plan 2031):  
The loss of retail shops in town centres, ex. Woodstock needs to be robustly resisted by the District Council. In the present case, this proposal for the alternative use of a former retail shop will not contribute positively to the function, vitality and tourist trade footfall of Woodstock's town centre. There is a concentration of single usage "clinic types" e.g., Radiance Unlimited- medical cosmetic treatments; Enhance - facial and body massages and The Woodstock Chiropractor & Yoga Studio.  
This proposed application, if approved, would mean four similar type usages all in close proximity of each other. We believe that this would affect the vitality and variety of patronage usage in the town centre.
4. National Planning Policy Framework (NPPF):  
Recognising the town centre is the heart of the community; this proposal will not enhance policies to ensure its viability, vitality, variety and tourist appeal.  
The town council has not made clear which commercial uses will be permitted in the town centre.  
This proposal will not promote customer and consumer choice, specifically tourists, or the diversity of retail and will not reflect the town centre's individuality.  
It will also limit the number of retail sites available and impact adversely on local tourist trade in the town centre. Further afield, residents of surrounding villages will look elsewhere for more diversified retail availability thus impacting on other retail units.
5. Tourism: Tourism is essential to the viability and livelihood of Woodstock's retail centre. We do not envision tourists coming into the town to be interested in visiting a physiotherapy clinic.
6. Woodstock Town Council's Response to 16/01133/FUL: Misleading: The one sentence response by the Woodstock Town Council, viz., "RESOLVED that the Woodstock Town Council wishes to make no comment about this planning application." is misleading in that there was no such resolution and no such proposal. A motion to object (to the application) was seconded and fell 3 to 4 with one abstention. The only thing that the WTC "resolved" was the result of the named vote; the outcome being neither a resolution to comment, nor a resolution to make no comment.  
This subtlety could very well sway a planning officer's decision on this application.
7. Conclusion: The Woodstock Action Group (WAG) argues that this planning application be rejected outright in favour of a retail business on this Town Hall site.

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

- 3.1 A letter of support has been received from Woodstock Town Council (who are present owners of the property). The letter states that letting the A1 retail unit has proved unsuccessful and the location of the property is better suited to a business that does not rely wholly on footfall within Woodstock. Mrs Nesbitt has an existing client base and we feel she would prove to be more successful in the property than a retail business.

### **4 PLANNING POLICIES**

EW2NEW Eynsham-Woodstock sub-area  
BE2 General Development Standards  
SH3 Changes of Use in Town Centres  
E6NEW Town centres

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1. The application seeks approval for a change of use of an existing A1 Retail premises to a D1 use namely a physiotherapy clinic. The premises in question are a small, currently vacant retail unit contained within the Grade II listed Woodstock Market Hall at Market Place in Woodstock Town Centre. No alterations are proposed to the interior or exterior of the Grade II listed building.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key consideration of the application is: Principle of Development

### Principle

- 5.3 Woodstock unlike other larger settlements in the district does not have a defined primary or secondary shopping frontage, although the site is clearly located within the Town Centre of Woodstock as identified in figure 9.16 of the Councils Emerging Local Plan. Existing Local Plan Policy SH3 guards against the change of use of Existing premises to shops in Woodstock Town Centre, where this would result in the permanent loss of a dwelling, the loss of retail to other uses is not specifically mentioned, although Policy SH3 actively encourages a mix in Town Centre uses.
- 5.4 Policy E6 and EW2 of the Councils Emerging Local Plan however mentions specifically that the loss of shops in Woodstock should be resisted. Where the loss of shops or other town centre uses are proposed contrary to this policy it will need to be demonstrated through a robust marketing exercise that the premises are not capable of being used for alternative uses which positively contribute to the function, viability and vitality of the Town Centre.
- 5.5 Although a primary and secondary shopping frontage has not been defined in Woodstock, the premises are in a key position in the Town Centre. The proposed D1 use is not typical of a town centre use and would not actively add to the vitality of the Town Centre, partly as the proposals would result in the loss of the existing shop frontage. Given the location of the retail unit on a main shopping frontage in the Town Centre it would be required that the applicants demonstrate that the retail unit is not viable for a retail or alternative town centre use in accordance with Policy E6; this would involve conducting a marketing exercise.
- 5.5 The existing retail unit is small and officer's correspondence with the letting agent for the property reveals that the previous retail operations were not profitable which is why alternative uses have been considered for the unit. Representations made in respect of this application suggest however that there has been interest in the unit for retail and other Town Centre type functions including A3 (café/restaurant) uses.
- 5.6 Although it is suggested that the previous retail uses have not previously been financially viable there is no evidence to suggest that this is due to the size or quality of the retail unit. There is inadequate supporting information to suggest that the site has been marketed as a retail function or alternative Town Centre use, or any information suggesting that there is no interest in a continued retail use of the site or other town centre use.

- 5.7 Officers therefore consider that the change of use is inadequately justified in accordance with Policy E6 of the Councils emerging plan and the loss of a retail function to a non-town centre use would fail to contribute to the vitality of Woodstock Town Centre.

Siting, Design and Form

- 5.8 No design alterations are proposed as part of this application.

Highway

- 5.9 The proposed change of use is unlikely to have any additional impact on highway amenity or parking requirements.

Residential Amenities

- 5.10 The proposed change of use would have no additional impact on residential amenity.

Conclusion

- 5.11 Officers consider that there is inadequate supporting information or evidence of marketing to suggest that the existing premises are not viable for a continued retail use or alternative Town Centre use. As such the development would be contrary to Policy E6 and EW2 of the Councils Emerging Local Plan and Paragraph 23 of the NPPF.

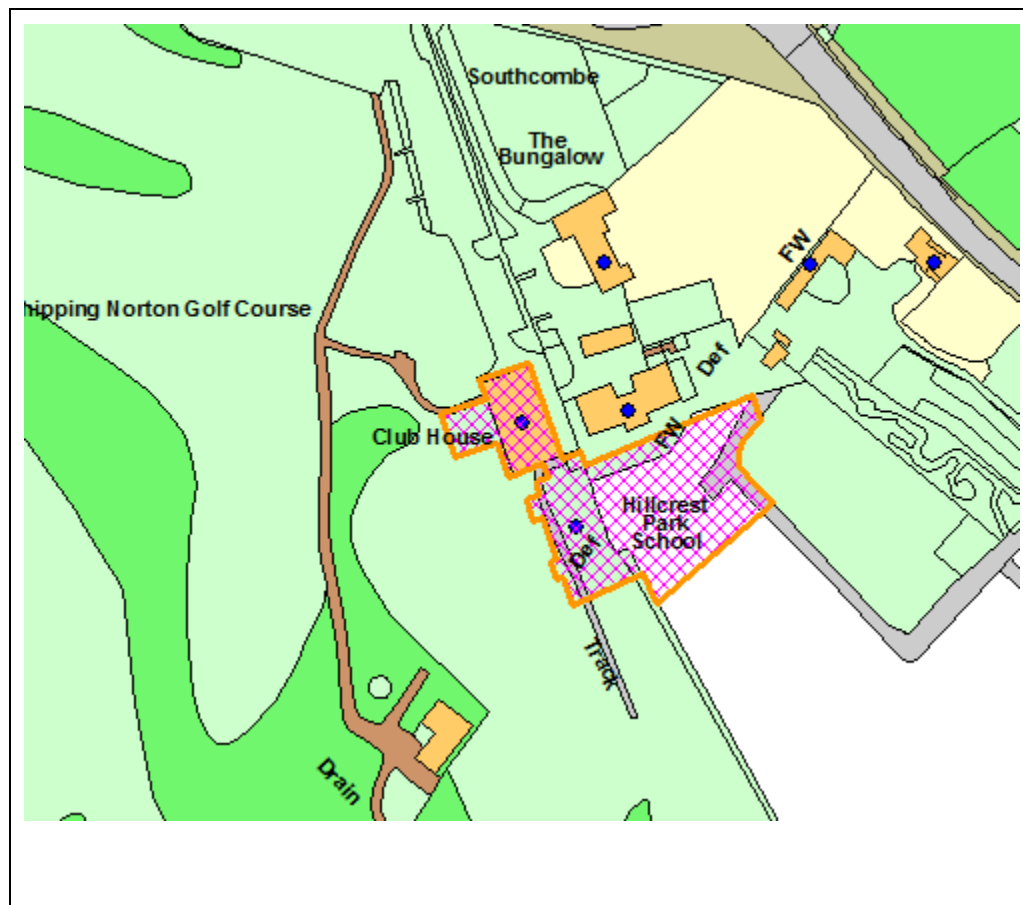
**6 REASONS FOR REFUSAL**

The proposed change of use from A1 (retail) to a D1 use would result in the loss of a town centre use and would fail to complement or enhance the vitality of Woodstock Town Centre. It is also inadequately justified through marketing that the property is not viable for being used or redeveloped for retail or other Town Centre use, as such the proposals would be contrary to Policies E6 and EW2 of the West Oxfordshire Emerging Local Plan 2031 and Paragraph 23 of the NPPF.



Application Number	I6/00937/S73
Site Address	Cotswolds Club Chipping Norton Southcombe Chipping Norton Oxfordshire OX7 5QH
Date	18th May 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Chipping Norton
Grid Reference	433566 E 227051 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Non compliance with condition 6 of planning permission 14/0344/P/FP to allow retention of marquee for a further five years.

**Applicant Details:**

Mr N/A N/A  
Cotswold Golf Club  
London Road  
Chipping Norton  
Oxfordshire  
OX7 5QH

**I CONSULTATIONS**

- 1.1 Town Council The Town Council state that the marquee will no longer be temporary as it has already had permission for at least five years. The Town Council insist that only one year's permission is granted so that the owner actually gets on with the extension to the golf club as previously approved.

**2 REPRESENTATIONS**

- 2.1 No letters of representation have been received.

**3 APPLICANT'S CASE**

- 3.1 It is noted that the Town Council request that planning permission should only be granted for a further 12 months but that they do not raise any material planning considerations.
- 3.2 Temporary planning permission is being sought for a further 5 year period in order to allow the hotel and associated events to become established. Whilst the hotel is trading successfully, it has only been operating for 8 months and it is not possible to forecast with any certainty how the hotel will perform in the long term. Furthermore, it is not clear how the Premier Inn development, currently under construction within Chipping Norton, will impact upon the hotel at the Golf Club.
- 3.3 The National Planning Policy Framework provides a supportive context for tourism related development at paragraph 28.
- 3.4 On the basis that no further concerns have been raised, the Golf Club would be grateful if the Council could support this application for the retention of the marquee for a further 5 year period.

**4 PLANNING POLICIES**

E7 Existing Businesses  
E1NEW Land for employment  
BE2 General Development Standards  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
BE19 Noise  
EH1NEW Landscape character  
EH6NEW Environmental protection  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The application seeks to vary the condition to allow for the continued siting and use of the functions marquee for a further 5 years.
- 5.2 It is brought to Committee as the Town Council has requested the approval be for 1 year only.

### Background Information

- 5.3 The application relates to a site located in the open countryside but set amongst a cluster of other uses including Hillcrest School, a car sales garage and a small number of residential properties. The site is not within the Cotswold AONB.
- 5.4 The marquee is located immediately adjacent to the existing club house and measures 15 x 15 metres with a maximum height of 5.7 metres.
- 5.5 The original consent (ref: 13/1719/P/FP) for the marquee allowed the structure for 1 year. This was extended for a further 2 years under planning permission ref: 14/0344/P/FP.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
1. Justification for extension of time.
  2. Impact on the AONB Landscape
  3. Impact of continued use on residential amenity

### Justification for Extension of Time

- 5.7 An application for a permanent extension to the Club House to provide a new Function Suite was approved in November 2014 (ref: 14/1159/P/FP). Design amendments to the scheme were approved in May 2015 (ref: 15/00434/FUL). This has not been constructed and as such the applicant has set out the reasons for the extension of time in Section 3 of this report.
- 5.8 The applicant refers to paragraph 28 of the NPPF which make reference to supporting sustainable leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The NPPF seeks to support economic growth in rural areas, particularly the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. Furthermore, adopted Local Plan Policy E7 recognises that in a rapidly changing economic world, businesses have to adapt and adjust to changing economic circumstances. The policy seeks to support proposals for the expansion of existing established businesses adjoining the existing premises that are commensurate with the scale and character of the locality. This is reiterated by emerging Local Plan Policy E1.
- 5.9 The committee report prepared for the 2014 extension of time noted that officers considered that the 3-4 years requested by the applicant was a significant period of time for such a structure to be in place. The officer recommendation at that time was to approve for a further two years whilst acknowledging it could be renewed if Members were so minded in the future.

- 5.10 In discussion with the Business Development Officer and having regard to the NPPF and adopted and emerging Local Plan policies which seek to support business development in the district, Officers are of the opinion that on balance an extension of time is considered acceptable.

#### Impact on the surrounding landscape

- 5.11 The officer delegated report for the original consent (ref: 13/1719/P/FP) noted that the proposed marquee was not an ideal addition in this location. It confirmed the site as being in the open countryside and the nature of the marquee being something which would not normally be seen in this location. However, whilst this was acknowledged as being the case, officers were satisfied that the site was relatively concealed and not prominent in the wider landscape. Two years on, officers consider the site remains concealed and with the marquee now in situ, it is confirmed as not being prominent in the wider landscape.
- 5.12 On this basis, officers are of the opinion that the marquee would be acceptable on a further short term basis. This would allow for the Golf Club to undertake functions to support its viability but would protect the visual quality of the area in the long term. As such, with a condition requiring the removal of the structure after five years, the development is not considered unduly harmful to the character and quality of the landscape.

#### Impact on Residential Amenities

- 5.13 In your officer's opinion, the site is in a reasonably tranquil location and any noise disturbance in this area could be of nuisance to neighbouring properties. Whilst this is the case, the nearest private residential property is located 160 metres away and only the residential school located closer at 50 metres away. There have been no complaints received regarding functions at the site.
- 5.14 The previous approvals for the marquee use have been subject to a condition stating that no amplified music shall be played in the marquee other than between the hours of 11:00am and 11:00pm Mondays to Sundays and at no time on Bank Holidays, Good Friday or Christmas Day. Officers are of the opinion that with this condition applied again, there would be no undue harm to residential amenity of the nearest residential property.

#### Conclusion

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

## **6 CONDITIONS**

- 1 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.

- 2 That no amplified music shall be played in the marquee other than between the hours of 11:00am and 11:00pm Mondays to Sundays and at no time on Bank Holidays, Good Friday or Christmas Day.  
REASON: To safeguard living conditions in nearby properties.
- 3 The car parking areas shown on the approved plans shall be retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 4 The use hereby permitted shall be discontinued and the land restored to its former condition within five years of the date of this decision.  
REASON: The use is only justified by the special and temporary need for the development and would not be acceptable on a permanent basis due to the poor sound insulation and resulting impact upon neighbours and the impact upon the character of the area.



## **I CONSULTATIONS**

- I.1 Town Council Objects on the following grounds:  
1) Can action be taken regarding the potential for further development?  
2) Highway safety.  
3) There would be benefit in promoting discussions with the developer, Town and District Councils to consider local housing needs.  
4) The private drive is inadequate.  
5) Precedent for further development.  
6) Request that if permitted there are S106 payments for local facilities.  
7) Question whether there is sufficient infrastructure to support this proposal.
- I.2 OCC Highways No objection subject to conditions.
- I.3 Thames Water No objection
- I.4 WODC Landscape And Forestry Officer No Comment Received.
- I.5 Ecologist No objection subject to condition.

## **2 REPRESENTATIONS**

- 2.1 32 objections have been received from local residents referring to the following matters:
- (i) Impact on highway safety - vehicular and pedestrian
  - (ii) Increase in traffic movements, noise and demand for parking
  - (iii) Inadequate means of access on private drive - restricted width, visibility, and construction. Potential damage to properties and trees because of restricted width. Difficulties with large vehicles and deliveries.
  - (iv) Impact on surface water drainage and potential contamination of water supply
  - (v) Impact on privacy and overlooking. Difference in levels increases prospect of overlooking and the development being overbearing
  - (vi) Loss of light and view
  - (vii) Impact on AONB, landscape and encroachment into countryside.
  - (viii) Impact on Conservation Area.
  - (ix) Impact on ecology. Submitted ecological assessment inadequate
  - (x) Inappropriate unauthorised use of adjoining land.
  - (xi) Reduction in property value
  - (xii) Prospect of further development on adjoining land in the future
  - (xiii) The proposal for five units avoids financial contributions and affordable housing and could lead to piecemeal development
  - (xiv) Inappropriate development of greenfield land as opposed to brownfield and loss of green space
  - (xv) Loss of trees
  - (xvi) Impact on users of nearby nature reserve.

- (xvii) Poor layout and too many houses proposed.
- (xviii) No details of treatment to boundaries of adjoining properties
- (xiv) Diverse housing stock needed in Charlbury
- (xv) Development would not be infilling or rounding off

## 2.2 Charlbury Conservation Area Advisory Committee

The proposed estate would extend the urban edge of Charlbury on its eastern side. Its principal impact would be in views from the well-used public footpaths through the Blenheim nature reserve and along the higher ground to the south east of the town. While members felt that this could be satisfactorily mitigated by careful landscaping and tree planting, there were inconsistencies between the sketch Master Plan in the Landscape Appraisal and Design report and site plan 66:JG:CH:2016. Clarification of the landscaping was needed. The Committee regretted that the proposed development would not provide any of the affordable housing needed in Charlbury and deplored the recent proliferation of small estates of large houses which exploited a planning loop-hole to avoid such provision.

## 2.3 CPRE

There are reports of damage to the site due to inappropriate storage of materials and plant and vehicular movements. If it is the case, the resultant compromised ecological value should not be used as an argument for approval. The submitted ecological survey is limited. A more in depth study should be required.

## 2.4 One expression of support has been received which was not qualified with any comments.

# 3 APPLICANT'S CASE

## 3.1. The proposal is for a small, high quality development of 5 dwellings which will adjoin and round off existing housing development at The Slade. The key elements of the design are summarised as:

- The dwellings have been set back away from existing dwellings and limited in height to 1.5 storeys so as not to be overbearing
- Development is located outside the root zones of the mature lime trees on the western boundary - enabling these important trees to be retained.
- The access drive is located such that it is not directly opposite any of the existing dwellings, so as not to create any issue of glare from cars exiting at night. The turning head and improved visibility at the B4022 will be of benefit.
- The building designs and materials reflect the local vernacular and Conservation Area.
- The dwellings are arranged in a loose grouping with space for planting and views through - avoiding presenting a line of houses as recommended by planning officers.
- A native hedge and groups of specimen trees to the south of the development will filter and soften views from across the minor valley and provide a positive contribution to the character of the area, setting of the settlement, Conservation Area and AONB.

## 3.2 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits and planning permission should be granted without delay.



## 4 PLANNING POLICIES

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
NE13 Biodiversity Conservation  
NE15 Protected Species  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE4 Cotswolds Area of Outstanding Natural Beauty  
NE6 Retention of Trees, Woodlands and Hedgerows  
BC1NEW Burford-Charlbury sub-area  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH5NEW Flood risk  
H2NEW Delivery of new homes  
H4NEW Type and mix of new homes  
H7 Service centres  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5. PLANNING ASSESSMENT

- 5.1 The proposal relates to part of a parcel of agricultural land which lies to the east of existing housing at The Slade, and south of other housing accessed off The Slade. Whilst the land ownership extends to the bottom of the minor valley to the south, and east into open countryside, only the upper part of the land is proposed to be developed. At present the land as a whole is divided with a post and rail fence running north-south. The northern boundary is formed by a hedge, and there is a row of mature lime trees to the western boundary. A public footpath runs in an east-west direction in the minor valley.
- 5.2 The site is within the Cotswolds AONB and Charlbury Conservation Area.
- 5.3 The scheme would provide 5 detached dwellings.

### Background Information

- 5.4 There does not appear to be any relevant planning history associated with the application site itself other than the following.  
W92.0471 - Change of use of calf rearing shed to joinery workshop & storage area (part retrospective) - approved 04/06/92
- 5.5 The modern housing development to the north is understood to date to the 1990s and one plot, Wisteria House, was approved in 2007.  
Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

## Principle

Siting, design, form and impact on the character of the area

Residential amenities

Highways

Open space and Ecology

SI06 contributions

## Principle

- 5.6 The site is located immediately adjacent to the existing urban edge of Charlbury. The town has a wide range of local amenities, including primary school, shops, post office, doctor's surgery, community facilities, employment and railway station. It is accordingly one of the more sustainable settlements in the District.
- 5.7 Charlbury is recognised as an appropriate place for some new development under both adopted Policy H7 and emerging Policy OS2. Policy H7 allows for development representing infilling or rounding an extension of the settlement into the countryside. However, at present, because the Council is not able to demonstrate a 5 year supply of land for housing, under paragraph 49 of the NPPF, Policy H7 is considered out of date.
- 5.8 The emerging Local 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.
- 5.9 Although the site is acknowledged to be greenfield, relatively few previously developed sites come forward in the district and it is necessary to consider greenfield sites in sustainable locations. This is recognised in emerging Policy H2 where development may be allowed on undeveloped land within or adjoining the built up area where it is necessary to meet housing needs and is consistent with the criteria of the policy and other policies in the plan. The sub-area of Burford-Charlbury is washed over by the AONB designation and this is not considered necessarily to be an impediment in principle to development in this locality.
- 5.10 The site is significantly visually contained by established housing and landscape features, although it would be visible from the public footpath approximately 150m to the south and in longer range views where another footpath further south crosses higher ground. The site is not considered to be particularly prominent in the wider landscape of the area, and the development would be seen in the context of existing housing in this part of Charlbury.
- 5.11 Given the site's relationship to the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and development here is acceptable in principle.

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

- 5.12 The proposed houses would be arranged in a cul-de-sac with access taken from the existing private drive that joins The Slade. All the units would be detached with garages.

- 5.13 The design of the buildings draws on vernacular influences. They would be 1.5 storey, but with varying features such as projecting gables, porches and dormers.
- 5.14 Each unit would have more than adequate outside space and an appropriate balance between built form, roads/parking, and garden areas is achieved. Existing landscaping will be retained where possible.
- 5.15 The provisions of paragraph 115 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB. The topography of the area and presence of large numbers of mature hedgerows and trees in the landscape in all directions around the site, mean that it has no real visual presence beyond its immediate setting. It is therefore considered that there would be no material harm to the AONB in this location. The proposal would not be considered major development and accordingly paragraph 116 of the NPPF does not apply.
- 5.16 The site lies within the Charlbury Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 5.17 The site is not visually prominent in the wider area, and benefits from a significant sense of enclosure, largely created by existing development to the north and west and a substantial backdrop of trees when viewed from the south and east. The site's relationship with the existing urban edge has a bearing on its suitability for development. The site is not formal open space and does not represent an important gap, or perform a particular function in the area. Although the development would represent significant change, this is not necessarily the same as harm. On balance, given the characteristics of the site and its relationship with the existing urban edge, it is considered that the development would not be materially harmful to the Conservation Area and its character would be preserved.
- 5.18 In the terms of NPPF paragraph 134, the benefits of the scheme in delivering new housing in a sustainable location would outweigh any less than substantial harm arising from the scheme.
- 5.19 The proposal is considered to comply with WOLP Policies BE2, BE5, NE4, and H2, as well as emerging plan policies OS2, H2, EH1 and EH7.

#### Residential amenities

- 5.20 The layout provides for appropriate privacy distances to be achieved between dwellings within the site. There would therefore be no unacceptable overlooking. The rear elevation of Plot 1 would be approximately 29m away from the rear elevation of No.26 The Slade and slightly off-set providing an appropriate privacy distance. The rear elevation of Plot 2 would be approximately 26m from the rear of No.24 The Slade, but would face towards the gap between No.24 and No.26 rather than directly at the rear elevation. This is also an appropriate relationship. Plot 5 would have its gable elevation facing towards the existing properties to the north, with no principal first floor windows. The distance between of approximately 20m is acceptable in this regard. The difference in levels between the site and properties in The Slade is noted. However, the distances achieved between buildings and main windows adequately takes account of this.

- 5.21 An appropriate area of garden would be available for each new unit, and general amenity would therefore be catered for. The space between dwellings and aspect of existing properties is such that there would be no unacceptable loss of light to properties within or adjoining the site. Loss of a private view or reduction in property values are not material planning considerations.

#### Highways

- 5.22 There is a good range of local facilities within walking distance of the site. However, for most employment, secondary education and higher order services, residents would need to travel out of Charlbury.
- 5.23 Charlbury benefits from a railway station and regular bus services, linking the town to Witney, Chipping Norton and Woodstock.
- 5.24 The proposal is for vehicular and pedestrian access to be taken via the existing private drive that joins The Slade. The Highways Officer raises no objection to this arrangement, although the restricted width adjacent to a tree on the drive is noted.
- 5.25 The highway at The Slade is subject to on-street parking in a long lay-by on its east side. This lay-by runs across the opening to the private drive and accordingly there would be the possibility of obstruction or reduced visibility arising from parked cars. It is therefore recommended by the Highways Officer that a "build-out" is marked on the street either side of the access to discourage parking in close proximity to the access. This can be addressed by condition.
- 5.26 Parking is provided at two spaces per dwelling, which is within maximum parking standards. Additionally houses have garages.
- 5.27 Concern has been raised that further development could come forward in the future on land adjoining the application site. However, it is understood that a more intensive use of the existing access would not be supported by the Highways Officer. It would therefore be necessary for any applicant to look for an alternative means of access which would be a significant constraint.

#### Open Space and Ecology

- 5.28 The submitted ecology report Phase One Habitat Survey (Windrush Ecology March 16) found no evidence of any protected species using the site. The survey identified that the site was comprised of improved grassland and some small areas of tree and shrub planting. The report identified that some of the boundary habitats such as the tall lime trees had the low potential to support bats.
- 5.29 Enhancements are recommended in the form of the planting of a native hedgerow and trees on the site, using integral bat and bird boxes and low lux lighting and retaining the mature limes.
- 5.30 If all the recommended mitigations are implemented by way of condition, the development would not cause any harm to bats, reptiles or birds, and therefore the proposal would comply with WOLP Policies NE13 and NE15 and emerging Local Plan Policy EH2, as well as the NPPF.

- 5.31 An arboricultural report was submitted and the existing lime trees are to be retained. A tree protection plan can be conditioned to ensure that the trees are appropriately protected during construction.

#### Drainage

- 5.32 No objection is raised by Thames Water in relation to waste water infrastructure or water supply.
- 5.33 The site is in Flood Zone 1 and at low risk of flooding. A sustainable surface water drainage scheme will be required by condition.
- 5.34 Whilst the concerns of residents regarding surface water drainage are noted, a sustainable drainage system should lead to no greater impact as regards run-off compared to existing conditions.

#### SI06 contributions

- 5.35 As the proposal is for only 5 dwellings, the scheme would not attract a requirement for financial contributions or affordable housing.
- 5.36 There has been suggestion locally that this is a deliberate ploy by the applicant to avoid making contributions, and that a proposal for additional development may come forward in the future. However, Officers consider that the number of dwellings is constrained by the shortcomings of the access, and a requirement for a low density of development with gaps between buildings in the interest of reducing visual impact and protecting the landscape context and character of the area.

#### Conclusion

- 5.37 The WOLP is time expired and the Council is now moving forward with a revised plan up to the year 2031. The proposal is consistent with the need to deliver windfall housing on suitably located sites within the Burford-Charlbury sub-area.
- 5.38 The siting, design and form of the development are acceptable with reference to the constraints of the AONB and Conservation Area.
- 5.39 There would be no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.40 The highways constraints are noted but the development would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally.
- 5.41 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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 The external walls shall be constructed of 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. The external walling shall be constructed in accordance with the approved panel.  
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers, rooflights, external doors, chimneys, flues, porches, eaves, verge and garage doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 No dwelling shall be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.  
REASON: To ensure that a usable parking area is provided and retained.
- 7 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 dwelling to which those spaces relate and shall thereafter be retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 8 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.

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

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

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.

- 10 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.

- 11 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.

REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.

- 12 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

- 13 Before first occupation of any dwelling all bathroom/WC window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 14 All site works, including site clearance shall be carried out in accordance with the recommendations in Section 5 of the Phase One Habitat Survey (Windrush Ecology.com Dated March 2016). This shall include the submission of details to the Local Planning Authority of integral bat and bird boxes in each dwelling and in the retained lime trees, and new tree and hedgerow planting. All mitigation and enhancement works so approved in writing by the Local Planning Authority must be completed before the dwellings are first brought into use and must be permanently maintained thereafter.  
REASON: To ensure that birds and bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, in line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including saved policy NE13 and emerging Local Plan Policy EH2, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 15 Notwithstanding the submitted details, prior to commencement of the development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: the retention of existing trees and hedges as shown on the approved plans; the planting of additional trees, hedgerow and shrubs; details of all planting areas and plant species, numbers and sizes; all proposed boundary treatments and means of enclosure; surfacing materials; and any mounding. The scheme shall have been fully implemented as approved by the end of planting season immediately following completion of the development or the development being brought into use, whichever is the sooner. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
- 16 No development (including site works and clearance) 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'. The scheme shall have first been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 17 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 Charlbury Conservation Area.



18 Prior to commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that each dwelling can connect to and receive a superfast broadband service (>24mbs). The connection will either be to an existing service in the vicinity (in which case evidence from the supplier that the network has sufficient capacity to serve the new premises as well as means of connection must be provided) or a new service (in which case full specification of the network, means of connection and supplier must be provided). The Council will be able to advise developers of known network operators in the area.

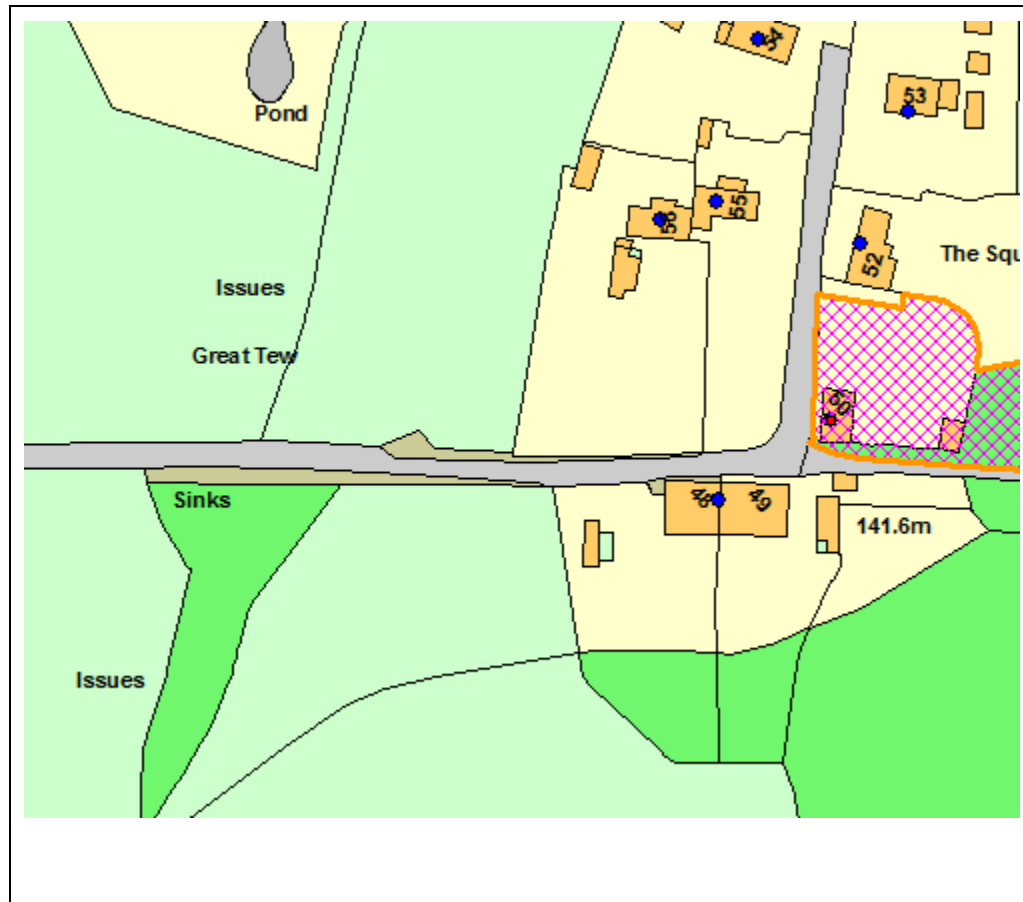
REASON: In the interest of improving connectivity in the District.

19 No floodlighting or other form of external lighting, including street 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.

Application Number	I6/00965/FUL
Site Address	50 The Square Great Tew Oxfordshire OX7 4DA
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Great Tew
Grid Reference	439801 E 229284 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Partial restoration, rebuilding and extension of existing cottage to form single residential unit with associated landscaping.

**Applicant Details:**  
Mr Nicholas Johnston  
New Road  
Great Tew  
Oxfordshire  
OX7 4AD

## **I CONSULTATIONS**

- |     |                                  |  |
|-----|----------------------------------|--|
| I.1 | Parish Council                   | No reply at the time of writing  |
| I.2 | WODC Building<br>Control Manager | No Reply at the time of writing.   |
| I.3 | Ecologist                        | No Reply at the time of writing.   |
| I.4 | WODC Drainage<br>Engineers       | SUDS to be used as indicated on application form.  |
| I.5 | 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. No objection subject to:<br>- G36 parking as plan<br>- G11 access specification   |
| I.6 | Historic England                 | The principle of rebuilding a dwelling on this site is supported given the historic precedent for a house here. Given that the survival of the listed building is limited to a single gable wall there is little point in trying to recreate the lost building with any degree of accuracy. The proposed scheme uses traditional materials and detailing and maintains a similar form to the surrounding cottages so should fit into its context reasonably well providing that the detailing is good enough. The incorporation of the surviving gable into the new end wall does look a bit contrived and may pose maintenance difficulties in the future as weathering the joint between old and new may prove tricky. It would be better to fully incorporate the surviving fabric into the new gable wall if possible. Any grant of planning permission and listed building consent should be conditional on an archaeological recording of the existing building to recover its ground plan.<br><br>Recommendation<br><br>We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice |

## **2 REPRESENTATIONS**

- 2.1 No representations received at the time of writing.

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

- 3.1 The applicant's case is supported by a 'Design and Access Statement' and a 'Heritage Statement' which can be found on the Council's website. The proposal is outlined in the 'Background Information' section of this report.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE7 Alterations and Extensions to Listed Buildings  
BE8 Development affecting the Setting of a Listed Building  
EH7NEW Historic Environment  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

- 5.1 This application is to re-instate a former C17 dwelling, the only remnant of which is the south gable wall. The ruin is Grade II listed and located within the Great Tew Conservation Area.
- 5.2 The site has a residential use being originally built and occupied as a dwelling from mid to late 1700's until a fire caused the loss of the majority of the fabric in the mid-20th Century.
- 5.3 The proposal is to re-instate the dwelling to a single family house, largely on the same footprint as the original building, of a traditional vernacular form and materials and incorporate the remaining south gable as an archaeological remnant, integrating it with the extended and restored house. This is considered the best way to safeguard the Grade II listed asset. The re-instatement of the No.50 would allow 'The Square' to be a complete cluster of dwellings as originally designed and built in the 1700's prior to the re-arrangement of village roads.
- 5.4 Parking to serve the dwelling will be provided on site.
- 5.5 This application is part of a suite of applications at Great Tew due to be considered on this Schedule. The application for the New Gardens is accompanied by a legal agreement which will secure monies to fund a schedule of essential works to safeguard the listed structure at 50 The Square as a precursor to any subsequent redevelopment of the site.

#### Background Information

- 5.6 There is no planning history related to this site.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

#### Principle

- 5.8 Given the historical context of the site and more importantly the listed status of the 'ruin' which was formerly a dwelling prior to it being fire damaged, the principle of rebuilding a dwelling on the site to incorporate the gable end wall is considered acceptable in policy terms; in particular those relating to listed heritage assets and the desirability of sustaining and enhancing the significance of the asset and putting them to viable uses consistent with their conservation. Members will note that in respect of 'principle', Historic England are supportive of rebuilding a dwelling on the site.

#### Siting, Design and Form

- 5.9 In your officers opinion the design details, siting, scale and materials of the proposed restoration and rebuild are sympathetic to the site's historical context. The proposed scheme uses traditional materials and detailing and is of a similar form and scale to the existing dwellings that surround the site. In your officers opinion the incorporation of the surviving gable into the new end wall will provide a visual historical reference to the listed 'ruin'. It is proposed to reference this further by way of display board/plaque interpreting the historic use of the site.
- 5.10 Bearing the above in mind, the application is considered by Officers to preserve the character and appearance of the Conservation Area and the architectural integrity of the listed structure.

#### Highway

- 5.11 County Highways has raised no objections to the proposal subject to conditions.

#### Residential Amenities

- 5.12 The house is designed and oriented in such a way that it respects the residential amenity of the neighbouring properties.

#### Conclusion

- 5.13 In light of the above planning assessment Officers consider that the proposal is acceptable on its planning merits subject to conditions relating to safeguarding the listed 'ruin' on the site during and post implementation of the development, removal of permitted development rights for extensions, outbuildings and alterations, materials, highway matters, landscaping, means of enclosure and details of the historic interpretation of the site.

## **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 development a fully detailed programme/schedule of works essential for the safeguarding of the listed structure/s incorporating the following matters shall

be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the planning permission hereby approved :

- A) Grubbing out, cutting down and removal of vegetation;
- B) Temporary stabilising/ propping of the listed gable end wall;
- C) Underpinning of the retained listed gable end wall;
- D) Repair to the external and internal faces of the retained gable end wall;
- E) Means to protect the structure during the course of implementing the building works from collapse/damage;
- F) Recording of all architectural elements and salvaged remains of the former dwelling;
- G) Permanent weather proof finish to the top of the gable end wall.

REASON: To safeguard the listed structure during and post implementation of the planning permission.

- 4 No demolition or other works shall be undertaken on the site other than those agreed in the Schedule referred to under condition 3 of this planning permission unless prior approval has been granted by the LPA in consultation with Historic England.  
REASON: In the interests of the listed heritage asset.
- 5 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 alterations including porches or roof extensions or outbuildings other than those expressly authorised by this permission, shall be constructed.  
REASON: Control is needed in the interests of the character and appearance of both the listed heritage asset and the Conservation Area.
- 6 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.
- 7 The roof of the building 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 and in the interests of the listed heritage asset.
- 8 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors and rooflights at a scale of not less than 1:20 with sectional details at not less than 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

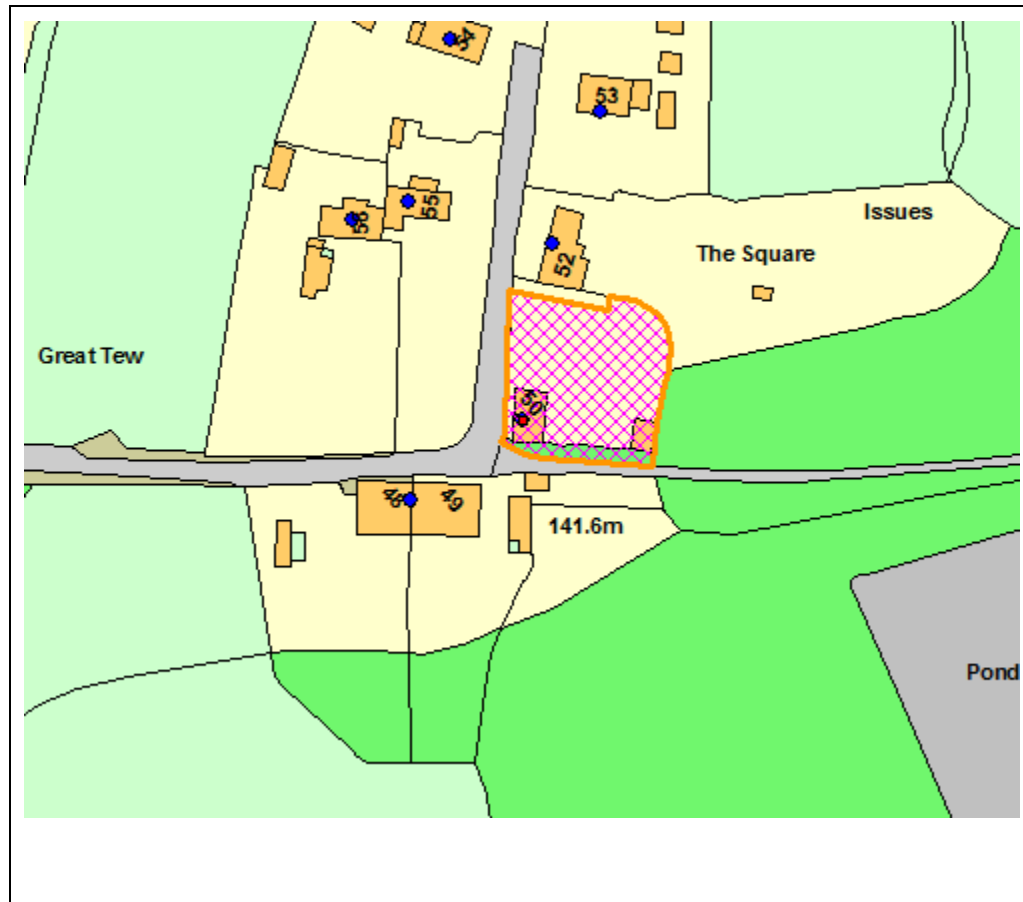
- 9 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 10 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.
- 11 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 Conservation Area.
- 12 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme 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 ensure the safeguarding of the character and landscape of the area during and post development.
- 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 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.  
REASON: To safeguard the character and landscape of the area and in the interests of the setting of the listed heritage asset.

- 15 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.  
REASON: To safeguard the character and appearance of the area and because details were not contained in the application.
- 16 Details of the following shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in full prior to first use and retained as such thereafter.  
(i) details of a display board interpreting the historic use of the site  
REASON: In the interests of the listed heritage asset.



Application Number	16/00966/LBC
Site Address	50 The Square Great Tew Oxfordshire OX7 4DA
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Great Tew
Grid Reference	439801 E 229284 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Partial restoration, rebuilding and extension of existing cottage to form single residential unit with associated landscaping.

**Applicant Details:**  
Mr Nicholas Johnston  
New Road  
Great Tew  
Oxfordshire  
OX7 4AD

## **I CONSULTATIONS**

- I.1 WODC Architect No reply at the time of writing
- I.2 Parish Council No reply at the time of writing
- I.3 Historic England The principle of rebuilding a dwelling on this site is supported given the historic precedent for a house here. Given that the survival of the listed building is limited to a single gable wall there is little point in trying to recreate the lost building with any degree of accuracy. The proposed scheme uses traditional materials and detailing and maintains a similar form to the surrounding cottages so should fit into its context reasonably well providing that the detailing is good enough. The incorporation of the surviving gable into the new end wall does look a bit contrived and may pose maintenance difficulties in the future as weathering the joint between old and new may prove tricky. It would be better to fully incorporate the surviving fabric into the new gable wall if possible. Any grant of planning permission and listed building consent should be conditional on an archaeological recording of the existing building to recover its ground plan.

Recommendation

We urge you to address the above issues, and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

## **2 REPRESENTATIONS**

- 2.1 No representations received

## **3 APPLICANT'S CASE**

- 3.1 See report under 16/00965/FUL

## **4 PLANNING POLICIES**

BE5 Conservation Areas  
BE7 Alterations and Extensions to Listed Buildings  
BE8 Development affecting the Setting of a Listed Building  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

5.1 See report under I6/00965/FUL

### Background Information

5.2 See report under I6/00965/FUL

## **6 CONDITIONS**

1 The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3 Prior to the commencement of development a fully detailed programme/schedule of works essential for the safeguarding of the listed structure/s incorporating the following matters shall be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the planning permission hereby approved :

A) Grubbing out, cutting down and removal of vegetation;

B) Temporary stabling/ propping of the listed gable end wall;

C) Underpinning of the retained listed gable end wall;

D) Repair to the external and internal faces of the retained gable end wall;

E) Means to protect the structure during the course of implementing the building works from collapse/damage;

F) Recording of all architectural elements and salvaged remains of the former dwelling;

G) Permanent weather proof finish to the top of the gable end wall.

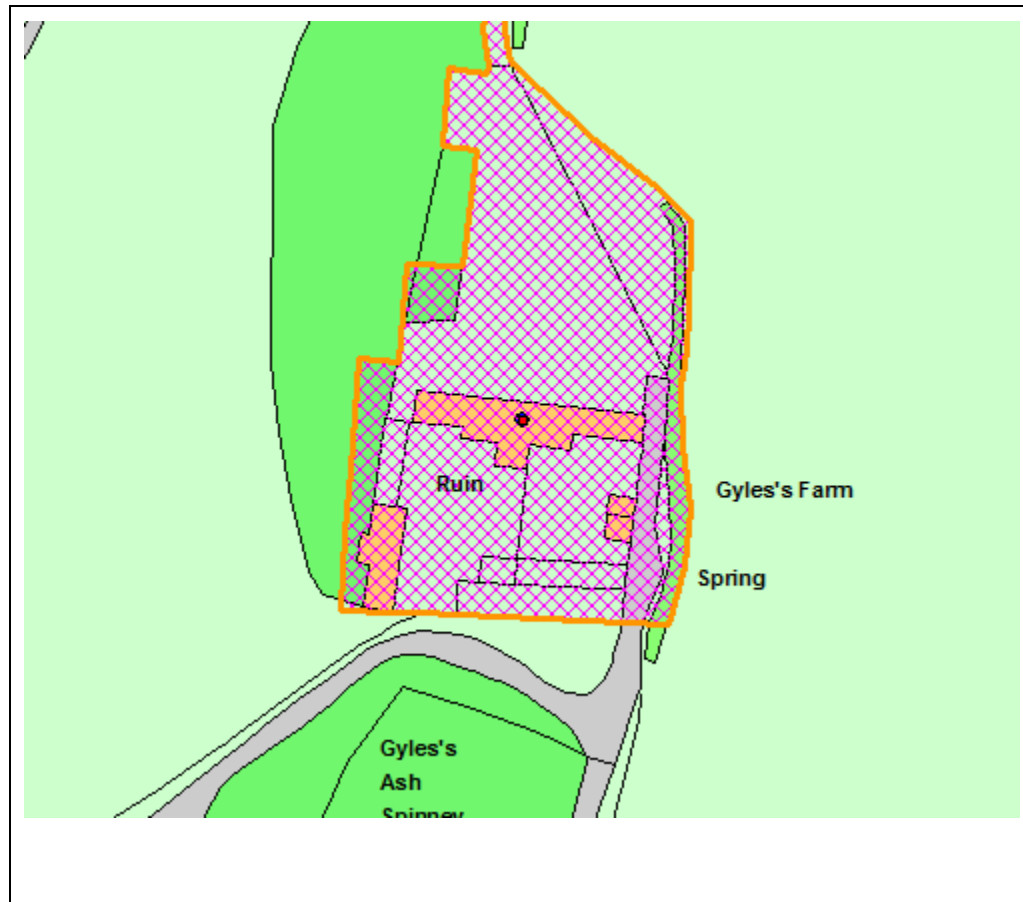
REASON: To safeguard the listed structure during and post implementation of the planning permission.

4 No demolition or other works shall be undertaken on the site other than those agreed in the Schedule referred to under condition 3 of this planning permission unless prior approval has been granted by the LPA in consultation with Historic England.

REASON: In the interests of the listed heritage asset.

Application Number	I6/00967/FUL
Site Address	Gyles Farm Deddington Road Great Tew Oxfordshire
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Great Tew
Grid Reference	440132 E 231204 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Restoration, partial rebuilding and alteration of redundant range of farm buildings to create single residential unit with ancillary garage block and staff flat. Associated landscaping.

**Applicant Details:**  
Mr Nicholas Johnston  
Estate Office  
New Road  
Great Tew  
Oxfordshire  
OX7 4AH

## **I CONSULTATIONS**

- 1.1 Parish Council No reply at the time of writing
- 1.2 Historic England I recognise that domestic conversion is likely to be the only way to secure the future of this collection of buildings. In terms of form and massing the proposals are sensitive and retain the character and appearance of the farmstead. The way in which the barn is not left open as far as possible and windows would not be inserted is also good. I do have concerns about the fenestration of the refurbishment of building A1 and the new building A7. This looks very domestic and compromises the agricultural character of the farmstead. In order to get the best possible outcome here I suggest that the applicant is encouraged to revisit the arrangement and detailing of the fenestration and come up with something that looks more agricultural and less house-like.
- 1.3 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.  
  
No objection
- 1.4 WODC Drainage Engineers No objection subject to a condition in respect of SWD details.
- 1.5 Ecologist No reply at the time of writing

## **2 REPRESENTATIONS**

- 2.1 No representations received.

## **3 APPLICANT'S CASE**

- 3.1 The application is accompanied by a Design and Access Statement an Arboricultural Impact Assessment, a Bat Survey, a Heritage Statement and a Landscape Statement. These documents can be accessed on the Council's website.

The D&A Statement advises in a precised form as follows:

The proposal is to convert this range of buildings into a single-family dwelling house. Such a use, represents the best way to safeguard this important Grade II Listed asset, whilst fully respecting

and enhancing its setting and surrounding landscape. The Estate's policy, wherever possible, is to retain ownership of converted properties to enhance and strengthen its economic well-being and to avoid fragmentation.

The Estate will maintain ownership by way of either a long leasehold interest or straight rental, consistent with other large properties on the Estate such as Cottenham Farm, Roundhill Farm and Lower Park Farm.

It would appear that Gyles's Farm was built in a single phase, as a model farm, in the period 1810 - 1830. The buildings have deteriorated gradually as their practical use diminished from the 1960's. It was at this point that farmland began to be taken back in hand and the farming enterprise centralised at Court Farm. Up to this point the buildings were in continuous use since initial construction. Figures 1 & 2 show extracts from the Ordnance Survey of 1881 and 1900 wherein the building footprint remains largely unchanged.

The plan is to restore the main courtyard buildings largely on the same footprint, thus preserving a building group that has existed unchanged for almost two hundred years.

The overriding aim has been to bring about a conversion that outwardly reflects as closely as possible the form and appearance of the original buildings. Where new elements have been introduced these have a logical, well thought out and historically readable form.

The Heritage Assessment comments and concludes as follows:

- 3.2 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF goes on to explain in paragraphs 133 and 134 the differences between 'substantial' harm and 'less than substantial' harm, advising that any harm should be justified by the public benefit of a proposal.

The Planning Practice Guidance also seeks to provide a clearer understanding of what constitutes 'public benefit'; as it is the public benefit that flows from a development that can justify harm, always ensuring also that considerable weight and importance is given to the desirability to preserve the setting of listed buildings in weighing the public benefits against the harm. It states (paragraph 020):

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

It explains that public benefits can include heritage benefits including: sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; securing the optimum viable use for a heritage asset.

In respect of the NPPF guidance outlined above the farmstead is an important group of buildings evidencing the involvement of J. C. Loudon and his farming practices of the early C19th. Its historic significance is increased by the survival of a contemporary drawings of the complex has significance beyond its intrinsic merits as an important part in the history of the Estate though, with buildings that were intended to be clear architectural statements in their own right. The attention to detail and the quality of some of the stonework is evidence of these architectural ambitions. Although it is well concealed within the folds of the landscape it is nevertheless one of the largest of the outlying farmsteads on the estate house is one in which its history and part of its interest lies in its various phases of change, coinciding with key decision made by The Great Yew Estate.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H4 Construction of new dwellings in the open countryside and small villages

BE7 Alterations and Extensions to Listed Buildings

NE13 Biodiversity Conservation

NE15 Protected Species

NE3 Local Landscape Character

EH1NEW Landscape character

EH7NEW Historic Environment

EH2NEW Biodiversity

OS2NEW Locating development in the right places

OS4NEW High quality design

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application is for the restoration, partial rebuilding and alteration of redundant range of farm buildings to create a single residential unit with ancillary garage block and staff flat. The range of buildings are Grade II listed and, according to the listing, form an important part of the farm landscape developed by JC Loudon c.1810, and developed by the Boulton family.
- 5.2 This application is part of a suite of applications at Great Tew due to be considered on this Schedule. The application for the New Gardens is accompanied by a legal agreement which will secure monies to fund a schedule of essential works to safeguard the listed buildings at Gyles Farm as a precursor to any subsequent redevelopment of the site.
- 5.3 The significance of the heritage asset the subject of this application is outlined in the 'Applicant's Case' section of this report.

##### Background Information

- 5.4 The site is located within the West Oxfordshire District, South of the B4031 from Chipping Norton to Deddington, around two miles north of the village of Great Tew, within a total site area of around 2 acres.

- 5.5 The site was built in the early 19th century, probably by the Boulton family under the direction of MR Boulton. The site has become dilapidated in recent years but the majority of buildings survive in their original form apart from the farmhouse which is now completely lost. The site was last occupied in the late 1960's, when the modernisation of agriculture, the centralisation of farming enterprises at Court Farm and the expansion of in-hand farming practices rendered Gyles's farm unviable and redundant as a model farm.
- 5.6 The site is not in a Conservation Area and lies outside of the Cotswolds Area of Outstanding Natural Beauty.

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 and Impact on Heritage Assets

- 5.7 Given the historical context and background of the site in terms of Gyle's Farm as a 'model farm' on the Great Tew Estate, whilst the former cottage is derelict, a residential element is inherent to the sites recent history. Further, given that the former farm buildings to be converted and extended are both Grade II listed. Great weight needs to be given to their conservation, as heritage assets are irreplaceable. In this regard Officers consider that the proposals for the site will clearly deliver public benefits by reducing the risk of the heritage assets falling further into a state of disrepair and securing the optimum viable use (that being a single residential unit). These public benefits are considered to outweigh any low level of harm resulting from the extension and rebuild elements of the proposals.

#### Siting, Design and Form

- 5.8 In your officers opinion the siting, scale and materials of the proposed restoration and rebuild across the site are sympathetic to the site's historical context and landscape setting. This view is confirmed in Historic England's response. However, at the time of writing there are a number of the detailed design matters that your Officers have concerns about particularly in respect of the very domestic character of the fenestration proposed and the failure to utilise some of the existing features of the barns in situ. It is anticipated that these concerns will be discussed with the applicant's prior to Members considering the application allowing for the submission of amended details to seek to address the concerns before the date of the Sub Committee.
- 5.9 In the interests of safeguarding the listed buildings during and post implementation of a grant of planning permission a condition is recommended that requires prior to the commencement of development a fully detailed programme/schedule of works essential for the safeguarding of the listed structures to be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the planning permission.
- 5.10 The garden and lawn areas serving the development have been carefully considered to ensure that the residential curtilage serving the use is contained using existing landscape features and will not appear as an urban intrusion to the detriment of the rural character and appearance of the open countryside location.



### Highway

- 5.11 The County Highways officer has raised no objection to the access and parking arrangements serving the site. Your Officer's however, having accessed the land for the purpose of the site visit, consider that an access ramp would significantly improve vision onto the B4031. A condition in respect of a ramp detail is recommended accordingly.

### Residential Amenities

- 5.12 Given that the site is located some distance from any other houses there are no residential amenity issues arising from the application.

### Conclusion

- 5.13 In light of the above planning assessment, subject to the receipt of amended drawings to address the detailed design matters raised by Officers prior to the date of the Sub Committee meeting, the application is recommended for conditional approval.

## **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 development a fully detailed programme/schedule of works essential for the safeguarding of the listed structure/s incorporating the following matters shall be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the listed building consent hereby approved
- A) Grubbing out, cutting down and removal of vegetation;
  - B) Temporary stabilising/ propping of all of the listed and curtilage listed buildings and structures within the site;
  - C) Any works of permanent stabilisation or underpinning of the retained listed and curtilage listed buildings and structures;
  - D) Repairs to the external and internal faces of the retained fabric of all of the listed and curtilage listed buildings within the application site area;
  - E) Means of protecting all of the listed and curtilage listed buildings during the course of implementing the building works from collapse/damage;
  - F) Recording of all architectural elements and salvaged remains contained within the site to include timbers, windows, glazing, roof tiles, etc
  - G) Renovation and repair of salvaged items with a view to maximum retention and re-use of these historic architectural elements within the approved scheme.
- REASON: To safeguard the listed structure during and post implementation of the planning permission

- 4 No demolition or other works shall be undertaken on site other than those agreed in the Schedule referred to under condition 3 of this listed building consent unless prior approval has been granted by the LPA in consultation with Historic England.  
REASON: In the interests of the listed heritage assets.
- 5 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.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows (including cills and heads), external doors and glazed screens at a scale of not less than 1:20 with sectional details at a min of 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the listed buildings
- 8 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
- 9 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing buildings in accordance with a sample panel which shall be erected on site prior to the commencement of development and approved in writing by the LPA and retained on the land until the development is completed.  
REASON: To safeguard the character and appearance of the area and in the interests of the architectural integrity of the Listed Buildings.
- 10 The self-contained annexed accommodation hereby approved shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as separate dwellings.  
REASON: A separate dwelling in this location would be contrary to the housing policies of the adopted and emerging local plans and the NPPF
- 11 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.  
REASON: To safeguard the character and landscape of the area and the setting of the range of listed buildings.
- 12 Notwithstanding the application details the development hereby approved shall not be first occupied until a plan indicating the positions, design, materials, type and timing of provision of

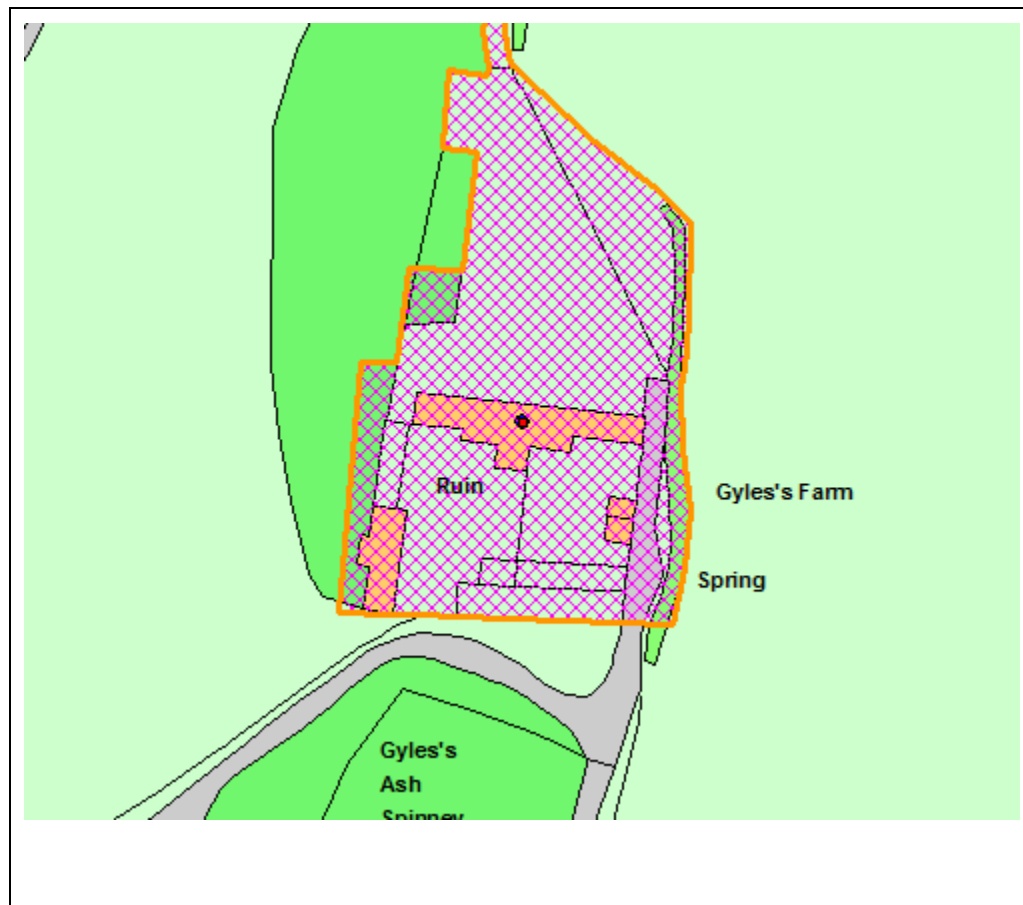
boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area and the setting of the range of listed buildings.

- 13 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area
- 14 Notwithstanding the application details a detailed scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme 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 ensure the safeguarding of the character and landscape of the area during and post development.
- 15 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.
- 16 Prior to first occupation of the development hereby approved the access track serving the site shall be surfaced and lit in accordance with details to be first submitted to and approved in writing by the LPA and retained as such thereafter.  
REASON: In the interests of the visual character and appearance of the open countryside location.
- 17 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority to include a ramped detail to the highway and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwelling hereby approved.  
REASON: To ensure a safe and adequate access.

Application Number	16/00968/LBC
Site Address	Gyles Farm Deddington Road Great Tew Oxfordshire
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Great Tew
Grid Reference	440132 E 231204 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Restoration, partial rebuilding and alteration of redundant range of farm buildings to create single residential unit with ancillary garage block and staff flat. Associated landscaping.

**Applicant Details:**

Mr Nicholas Johnston  
Estate Office  
New Road  
Great Tew  
Oxfordshire  
OX7 4AH

**1 CONSULTATIONS**

- 1.1 WODC Architect No Reply to date
- 1.2 Parish Council No reply to date
- 1.3 Historic England See report under 16/00967/FUL

**2 REPRESENTATIONS**

- 2.1 No representations received.

**3 APPLICANT'S CASE**

- 3.1 See report under 16/00967/FUL.

**4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings  
BE8 Development affecting the Setting of a Listed Building  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

**5 PLANNING ASSESSMENT**

- 5.1 See Report under 16/00967/FUL.

Background Information

- 5.2 See Report under 16/00967/FUL.

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:

See Report under 16/00967/FUL.

**6 CONDITIONS**

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

- 3 Prior to the commencement of development a fully detailed programme/schedule of works essential for the safeguarding of the listed buildings incorporating the following matters shall be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the listed building consent hereby approved :

A) Grubbing out, cutting down and removal of vegetation;

B) Temporary stabilising/ propping of all of the listed and curtilage listed buildings and structures within the site:

C) Any works of permanent stabilisation or underpinning of the retained listed and curtilage listed buildings and structures;

D) Repairs to the external and internal faces of the retained fabric of all of the listed and curtilage listed buildings within the application site area;

E) Means of protecting all of the listed and curtilage listed buildings during the course of implementing the building works from collapse/damage;

F) Recording of all architectural elements and salvaged remains contained within the site to include timbers, windows, glazing, roof tiles

G) Renovation and repair of salvaged items with a view to maximum retention and re-use of these historic architectural elements within the approved scheme.

REASON: To safeguard the listed structure during and post implementation of the planning permission.

- 4 No demolition or other works shall be undertaken on site other than those agreed in the Schedule referred to under condition 3 of this listed building consent unless prior approval has been granted by the LPA in consultation with Historic England.

REASON: In the interests of the listed heritage assets.

- 5 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 listed buildings

- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows (including cills and heads), external doors and glazed screens at a scale of not less than 1:20 with sectional details at a min of 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

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

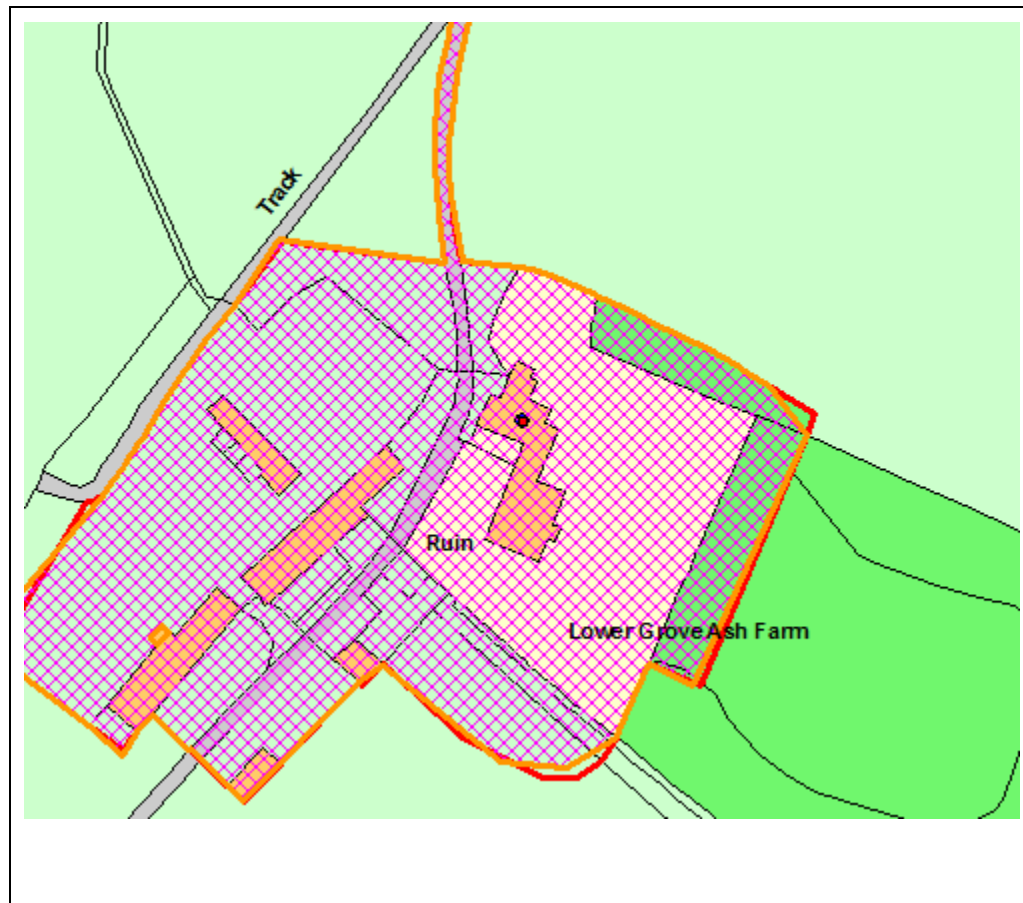
- 7 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

- 8 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
- 9 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing buildings in accordance with a sample panel which shall be erected on site prior to the commencement of development and approved in writing by the LPA and retained on the land until the development is completed.  
REASON: To safeguard the character and appearance of the listed buildings.

Application Number	I6/00969/FUL
Site Address	Lower Grove Ash Farm Iron Down Hill Great Tew Chipping Norton Oxfordshire OX7 4DH
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Sandford St Martin
Grid Reference	441227 E 230997 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Restoration, partial rebuilding, alteration and extension of existing farmhouse. Restoration, partial rebuilding and alteration of redundant range of farm buildings. Change of use to form self-contained ancillary accommodation, pool and utility buildings. Associated landscaping.



**Applicant Details:**  
Mr Nicholas Johnston  
Estate Office  
New Road  
Great Tew  
Oxfordshire  
OX7 4AH

## **I CONSULTATIONS**

- |     |                         |   |
|-----|-------------------------|---|
| I.1 | Parish Council          | No reply at the time of writing   |
| I.2 | WODC Architect          | No reply at the time of writing   |
| I.3 | OCC Highways            | The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.<br>No objection  |
| I.4 | WODC Drainage Engineers | No Comment Received.  |
| I.5 | Ecologist               | Having looked at all the submitted documents including the Bat Survey Report Windrush Ecology Oct 15 it is obvious that due to the lack of roofs the likelihood of bats is low however the potential for crevices has also been addressed by the ecology report with a recommend precautionary approach and suggested integral enhancements that could be achieved. |

As such If all the recommended mitigations are implemented, the development will not cause any harm to bats or birds, and therefore the policy and guidance requirements of Policies in the Local Plan, the NPPF (including section 11) and the NPPG are met.

No objection subject to condition

Draft conditions: All of the development works must be carried out as per the recommendations in section 6 of the Bat Survey (Windrush ecology Oct 15) this shall include creating integral features for bats in the buildings. All enhancements must be completed before the farmhouse and outbuildings are first brought into use and permanently maintained thereafter.

In order to fully comply with this condition, photos of the completed enhancements shall be submitted to the LPA.

Reason

To ensure that birds & bats and their roosts are protected in accordance with The Conservation of Habitats and Species

Regulations 2010, the Wildlife and Countryside Act 1981 as amended, In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policies & In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 1.6 Historic England We recommend that planning permission granted for this application. The proposals represent the most appropriate way of conserving this heritage asset and in our view the heritage requirements of the NPPF have been met. The issue of exactly how much of the fabric of the farmhouse it is possible to retain still needs to be resolved. We appreciate that this cannot be done until works start. Therefore either the grant of listed building consent needs to be withheld until the condition of the structure is better understood or made conditional on this issue being addressed to the Council's satisfaction. Whichever way the Council choose to address this we would like to be consulted again when further information is received.

## **2 REPRESENTATIONS**

- 2.1 No representations received.

## **3 APPLICANT'S CASE**

The application is supported by a Design and Access Statement, a Heritage Statement, a Bat survey and a Landscape Assessment.

The D&A Statement advises in a precised form as follows:

The proposal is to restore alter and extend the original farmhouse and convert the range of farm buildings into ancillary use, accommodation all as single dwelling houses.

Important Grade II Listed asset, whilst fully respecting and enhancing its setting and surrounding landscape. The Estate's policy, wherever possible, is to retain ownership of these properties to enhance and strengthen its economic wellbeing and to avoid fragmentation.

The Estate will maintain ownership by way of either a long leasehold interest or straight long term rental, consistent with other large properties on the Estate such as Cottenham Farm, Roundhill Farm and Lower Park Farm.

The planned uses of the individual building blocks are as follows:

- Block A - Main house; single residence
- Block B - Single bedroom suite ancillary to main house
- Block B2 - Open store
- Block B3 - Part open store, part self-contained household staff accommodation
- Block C1-C4 - Pool building ancillary to main house
- Block D - Workshops, energy centre and general storage
- Block E - Carport

The building has existed unchanged in the landscape since the end of its evolutionary period. Much has been written and recorded about the uniqueness and importance of this tract of rural landscape. Although not in the Cotswolds AONB, the Estate is part of the northern Landscape Character Area of Ironstone Valleys and Ridges.

The overriding aim has been to bring about a conversion that outwardly reflects as closely as possible the form and appearance of the original buildings. Where new elements have been introduced these have a logical, well thought out and historically readable form.

The vehicular access is taken south off the B4031 Deddington Road, from Chipping Norton to Deddington, around two miles north of the village of Great Tew. Access is via an agricultural track on slightly sloping ground but once at the site the access is on broadly level ground.

On-site parking provision has been incorporated showing more than adequate provision for the site.

Given the use as single dwelling, it is considered that in the wider sense, transport network implications are not affected by the proposal.

The Heritage Assessment comments and concludes as follows:

The National Planning Policy Framework in Annex 2 defines significance as:

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

and defines the setting of a heritage asset as:

'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Conservation principles, policy and practice seek to preserve and enhance the value of heritage assets. With the issuing of the National Planning Policy Framework (NPPF) in March 2012 the Government has re-affirmed its aim that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The NPPF goes on to explain in paragraphs 133 and 134 the differences between 'substantial' harm and 'less than substantial' harm, advising that any harm should be justified by the public benefit of a proposal.

The Planning Practice Guidance also seeks to provide a clearer understanding of what constitutes 'public benefit'; as it is the public benefit that flows from a development that can justify harm, always ensuring also that considerable weight and importance is given to the desirability to preserve the setting of listed buildings in weighing the public benefits against the harm. It states (paragraph 020):

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

It explains that public benefits can include heritage benefits including:

sustaining or enhancing the significance of a heritage asset and the contribution of its setting;

reducing or removing risks to a heritage asset;

securing the optimum viable use for a heritage asset

In respect of the NPPF guidance outlined above the house is one in which its history and part of its interest lies in its various phases of change, coinciding with key decision made by The Great Tew Estate. These proposals represent another chapter in that history, and another significant decision for the Estate. The farm buildings have survived better than the house (which for many farming enterprises is not untypical with any maintenance funds being spent on protecting the farm's produce and livestock rather than the occupants of the dwelling). The house is an important component of the working farm and its position on the edge of the farmyard, but not quite part of it, fits a particular typology for organised farmsteads. Evidence survives on site and in photographic evidence to show what once existed. The nature and extent of rebuilding will be determined by practical considerations and the viability of the whole project. Survival of existing fabric that can be retained will provide physical evidence of the farmhouse's history, rebuilding will preserve aesthetic value and contribution as part of a group of buildings.

#### Landscape Assessment

The landscape assessment advises as follows:

The landscape proposals are based firmly on the historical structure and agricultural character of the site. The scheme draws on the wonderful setting and views over an unspoilt rural landscape. The mature trees are retained, the gardens to the east and south of the house restored, and the orchard supplemented where the old trees have died. The drive follows its existing alignment, with the parking and turning area to the west of the house.

## **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H4 Construction of new dwellings in the open countryside and small villages

BE7 Alterations and Extensions to Listed Buildings  
NE13 Biodiversity Conservation  
NE15 Protected Species  
NE3 Local Landscape Character  
EH1NEW Landscape character  
EH7NEW Historic Environment  
EH2NEW Biodiversity  
OS2NEW Locating development in the right places  
OS4NEW High quality design

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application proposes the restoration, partial rebuilding, alteration and extension to an existing farmhouse and a range of outbuildings on the land. The redeveloped site will be one planning unit consisting of a dwelling, a number of ancillary buildings providing garaging and workshop facilities, a pool house, ancillary living accommodation and garden land to serve the residential use with associated landscaping. An existing unmade track serving the site is to be upgraded.
- 5.2 Lower Grove Ash Farm is an isolated farmstead with its origins in the 17th century. It is primarily of significance as part of the Great Tew estate, which is remarkable for its group of early 19th century model farms. J. C. Loudon, the prolific horticultural and landscape writer, who established a small horticultural college at Tew in 1809 and took over the tenancy of Tew Lodge Farm around the same time. Through his influence a number of farms, including Lower Ash Grove, were built or rebuilt to conform to the latest agricultural practices. At lower Ash Grove this involved constructing a new granary, shelter sheds and barns in a regular arrangement around a farmyard close by the pre-existing farmhouse, which was probably extended around the same time. As model farms of the period go it is an ambitious, being relatively small. What is remarkable about Great Tew is that a coherent group of separate farmsteads all built by the same landlord in a relatively short space of time survive. Aesthetically the farmstead is also very successful: the granary is a particularly handsome building in its own right and as a group the farmstead is an attractive landscape feature.
- 5.3 The listed farmhouse is of significance in its own right as a good example of a 17th century building in the local vernacular. Though its derelict state diminishes its significance enough remains to allow an understanding of its plan form and it was, and has the potential to be, an attractive building. It is now in very poor condition. The roof and floors have collapsed and parts of the walls are structurally unsound. The precise condition of the walls is difficult to determine as it is not considered safe to examine them in detail at present. Urgent action is clearly necessary if it is to have a future.
- 5.4 The 'Applicant's Case' section of this report outlines the proposals in greater detail.
- 5.5 This application is part of a suite of applications at Great Tew due to be considered on this Schedule. The application for the New Gardens is accompanied by a legal agreement which will secure monies to fund a schedule of essential works to safeguard the listed and curtilage structure at Lower Grove Ash Farm as a precursor to any subsequent redevelopment of the site.

### Background Information

- 5.6 The application site is located south of the B4031 from Chipping Norton to Deddington, around two miles north of the village of Great Tew, within a total site area of around 5 acres.
- 5.7 The site was first built in the mid-17th century and enlarged and further altered through the 18th and 19th Centuries respectively. The farmhouse has become dilapidated in recent years but the majority of farm buildings survive in their original form. The site was last occupied in the late 1960's, when the modernisation of agriculture, the centralisation of farming enterprises at Court Farm and the expansion of in-hand farming practices rendered Lower Grove Ash unviable and redundant as a model farm.
- 5.8 The site is Grade II Listed with both the farmhouse and granary the subject of two separate listings. It is not in a Conservation Area and lies outside of the Cotswolds Area of Outstanding Natural Beauty.
- 5.9 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle and Impact on Heritage Assets

- 5.10 Given that the dwelling on the site was last in use in the 1960's and there has clearly been no intervening use, the residential use of the farmhouse is considered by Officers to subsist and thus, the principle of restoration, extension and rebuilding of the listed farmhouse and ancillary buildings for residential purposes is considered housing policy compliant. Further, given that both the farmhouse and granary are Grade II listed buildings great weight should be given to the assets conservation as heritage assets are irreplaceable. The proposals for the site will clearly deliver public benefits by reducing the risk of the asset falling further into a state of disrepair and securing the optimum viable use. These public benefits are considered to outweigh any low level of harm resulting from the extension and rebuild elements of the proposals.

### Siting, Design and Form

- 5.12 In your officers opinion the design details, siting, scale and materials of the proposed restoration and rebuild across the site are sympathetic to the site's historical context and landscape setting.
- 5.13 In the interests of safeguarding the listed buildings and curtilage listed buildings during and post implementation of a grant of planning permission a condition is recommended that requires prior to the commencement of development a fully detailed programme/schedule of works essential for the safeguarding of the listed structures to be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the planning permission.
- 5.14 The garden and lawn areas serving the development have been carefully considered to ensure that the residential curtilage serving the use is contained using existing landscape features and will not appear as an urban intrusion to the detriment of the rural character and appearance of the open countryside location.

### Highway

- 5.15 The County Highways officer has raised no objection to the access and parking arrangements serving the site. Your Officer's however, having accessed the land for the purpose of the site visit, consider that an access ramp would significantly improve vision onto the B4031. A condition in respect of a ramp detail is recommended accordingly.

### Residential Amenities

- 5.16 Given that the site is located some distance from any other houses there are no residential amenity issues arising from the application.

### Conclusion

- 5.17 In light of the above planning assessment the application is recommended for conditional approval with conditions based on the following:

A fully detailed programme of works to be approved by the LPA prior to the commencement of development to include amongst other things, the removal of vegetation, temporary stabilisation of buildings, underpinning, recording, salvage and renovation of historic fabric, means of protection of the buildings during the implementation of building works to ensure against collapse:

Material approval, including sample panels;  
No demolition unless prior approval given;  
Removal of PD rights;  
Hard surfacing;  
Landscaping;  
Ancillary occupations;  
SWD;  
Means of enclosure;  
Ecology  
Construction of access ramp.  
Detailed 1:20 and 1:5 drawings of windows, doors etc.

## **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 development a fully detailed programme/schedule of works essential for the safeguarding of the listed structure/s incorporating the following matters shall be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the listed building consent hereby approved  
:

A) Grubbing out, cutting down and removal of vegetation;  
B) Temporary stabilising/ propping of all of the listed and curtilage listed buildings and structures within the site;  
C) Any works of permanent stabilisation or underpinning of the retained listed and curtilage listed buildings and structures;  
D) Repairs to the external and internal faces of the retained fabric of all of the listed and curtilage listed buildings within the application site area;  
E) Means of protecting all of the listed and curtilage listed buildings during the course of implementing the building works from collapse/damage;  
F) Recording of all architectural elements and salvaged remains contained within the site to include timbers, windows, glazing, and roof tiles  
G) Renovation and repair of salvaged items with a view to maximum retention and re-use of these historic architectural elements within the approved scheme.  
REASON: To safeguard the listed structure during and post implementation of the planning permission.

- 4 No demolition or other works shall be undertaken on site other than those agreed in the Schedule referred to under condition 3 of this listed building consent unless prior approval has been granted by the LPA in consultation with Historic England.  
REASON: In the interests of the listed heritage assets.
- 5 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.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows (including cills and heads), external doors and glazed screens at a scale of not less than 1:20 with sectional details at a min of 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.
- 8 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.
- 9 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing buildings in accordance with a sample panel which shall be erected on site prior to the commencement of development and approved in writing by the LPA and retained on the land until the development is completed.



REASON: To safeguard the character and appearance of the area and in the interests of the architectural integrity of the Listed Buildings.

- 10 Other than the restored farmhouse, the self - contained accommodation in the ancillary ranges hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as separate dwellings.

REASON: A separate dwelling in this location would be contrary to the housing policies of the adopted and emerging local plans and the NPPF.

- 11 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 other than that expressly authorised by this permission, shall be constructed

REASON: Control is needed in the interests of the setting of the group of listed buildings

- 12 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.

REASON: To safeguard the character and landscape of the area and the setting of the range of listed buildings.

- 13 Notwithstanding the application details the development hereby approved shall not be first occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.

REASON: To safeguard the character and appearance of the area and the setting of the range of listed buildings.

- 14 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

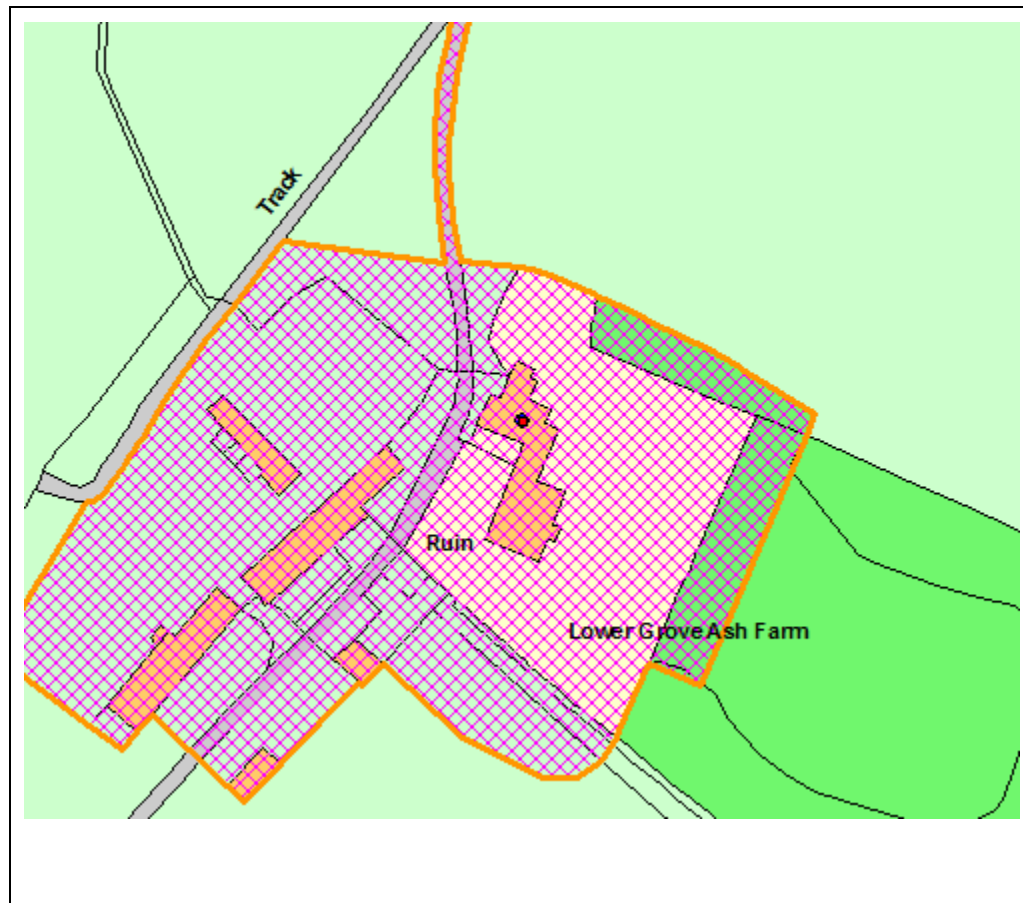
- 15 Notwithstanding the application details a detailed scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme 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 ensure the safeguarding of the character and landscape of the area during and post development.

- 16 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.  
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 17 Prior to first occupation of the development hereby approved the access track serving the site shall be surfaced and lit in accordance with details to be first submitted to and approved in writing by the LPA and retained as such thereafter.  
REASON: In the interests of the visual character and appearance of the open countryside location.
- 18 All of the development works must be carried out as per the recommendations in section 6 of the Bat Survey (Windrush ecology Oct 15) this shall include creating integral features for bats in the buildings. All enhancements must be completed before the farmhouse and outbuildings are first brought into use and permanently maintained thereafter. In order to fully comply with this condition photos of the completed enhancements shall be submitted to the LPA.  
REASON: To ensure that birds & bats and their roosts are protected.
- 19 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority to include a ramped detail to the highway and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwelling hereby approved.  
REASON: To ensure a safe and adequate access.

Application Number	I6/00970/LBC
Site Address	Lower Grove Ash Farm Iron Down Hill Great Tew Chipping Norton Oxfordshire OX7 4DH
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Sandford St Martin
Grid Reference	441227 E 230997 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Restoration, partial rebuilding, alteration and extension of existing farmhouse. Restoration, partial rebuilding and alteration of redundant range of farm buildings. Change of use to form self contained ancillary accommodation, pool and utility buildings. Associated landscaping.

**Applicant Details:**  
Mr Nicholas Johnston  
Estate Office  
New Road  
Great Tew  
Oxfordshire  
OX7 4AH

## **I CONSULTATIONS**

- |     |  |   |
|-----|--|---|
| I.1 | Ecologist                              | No objection subject to conditions.   |
| I.2 | WODC Env Services -<br>Engineers       | No reply at the time of writing.  |
| I.3 | OCC Highways                           | No objection.   |
| I.4 | WODC Landscape And<br>Forestry Officer | No reply at the time of writing.  |
| I.5 | WODC Architect                         | No reply at the time of writing.  |
| I.6 | Parish Council                         | No reply at the time of writing.  |
| I.7 | Historic England                       | <p>Lower Grove Ash Farm is an isolated farmstead with its origins in the 17th century. It is primarily of significance as part of the Great Tew estate, which is remarkable for its group of early 19th century model farms. J. C. Loudon, the prolific horticultural and landscape writer, established a small horticultural college at Tew in 1809 and took over the tenancy of Tew Lodge Farm around the same time. Through his influence a number of farms, including Lower Ash Grove, were built or rebuilt to conform to the latest agricultural practices. At Lower Ash Grove this involved constructing a new granary, shelter sheds and barns in a regular arrangement around a farmyard close by the pre-existing farmhouse, which was probably extended around the same time. As model farms of the period go it is unambitious, being relatively small. What is remarkable about Great Tew is that a coherent group of separate farmsteads all built by the same landlord in a relatively short space of time survive. Aesthetically the farmstead is also very successful: the granary is a particularly handsome building in its own right and as a group the farmstead is an attractive landscape feature.</p> |

The listed farmhouse is of significance in its own right as a good example of a 17th century building in the local vernacular. Though its derelict state diminishes its significance enough remains to allow an understanding of its plan form and it was, and has the potential to be, an attractive building. It is now in very poor condition. The roof and

floors have collapsed and parts of the walls are structurally unsound. The precise condition of the walls is difficult to determine as it is not considered safe to examine them in detail at present. Urgent action is clearly necessary if it is to have a future.

The proposals now submitted have been developed with input from both the Council's Conservation Team and Historic England and are for the restoration and extension of the farmhouse as a dwelling and the restoration of the farm buildings (including the listed granary) as ancillary accommodation. The restoration of the house will necessarily involve extensive rebuilding but the surviving elements of historical and architectural interest - the majority of the walls and chimneystacks surviving from early phases of the building - would be retained according to the drawings submitted (5/15/PL02 and 15/15/PL03). The extension would change the character of the building to an extent: rather than a relatively humble farmhouse it would become a substantial dwelling. However, the design and massing of the extension has been approached sensitively and thus we consider the harm to significance to be low. The proposals for the conversion of the farm buildings involve minimal loss of historical fabric or change to appearance, though there would inevitably be some harm as use as ancillary accommodation would entail a loss of agricultural character.

Paragraph 132 of the NPPF requires any harm to a heritage asset to be clearly and convincingly justified while paragraph 134 of the Framework requires any harm to be balanced against public benefits, including securing the optimum viable use for the heritage asset. In our opinion a single residence is the optimum viable use for the site. This would allow the farm buildings to retain more of their agricultural character than if they were converted into residences and provide a use for the farm house that would enable its restoration. It is accepted that in order create a dwelling with a rentable (or saleable) value that would justify the costs of restoration, and provide a house that could support the farm buildings in ancillary use, an extension of the scale now proposed is necessary. We are therefore content that the public benefits of the proposals firmly outweigh the low level of harm and probably represent the only practical way of saving this interesting group of historic buildings.

The only issue to be resolved is exactly how much of the fabric of the farmhouse it is possible to retain. At present the proposals are vague on this issue. This is unsurprising, given the difficulties in assessing its condition safely, and the need for the estate to have confidence in gaining planning permission before committing to the expensive undertaking of scaffolding and stabilizing the ruins we are content for this issue to be dealt with as a condition. It may be appropriate to delay granting listed building consent until this issue is resolved.

#### Recommendation

We recommend that planning permission granted for this application. The proposals represent the most appropriate way of conserving this heritage asset and in our view the heritage requirements of the NPPF have been met. The issue of exactly how much of the fabric of the farmhouse it is possible to retain still needs to be resolved. We appreciate that this cannot be done until works start. Therefore either the grant of listed building consent needs to be withheld until the condition of the structure is better understood or made conditional on this issue being addressed to the Council's satisfaction. Whichever way the Council chooses to address this we would like to be consulted again when further information is received.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.

## **2 REPRESENTATIONS**

2.1 No representations received.

## **3 APPLICANT'S CASE**

3.1 See report under 16/00969/FUL.

## **4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings

BE8 Development affecting the Setting of a Listed Building

EH7NEW Historic Environment

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

## **5 PLANNING ASSESSMENT**

5.1 See Report under 16/00969/FUL.

### Background Information

5.2 See Report under 16/00969/FUL.

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:

See Report under 16/00969/FUL.

## 6 CONDITIONS

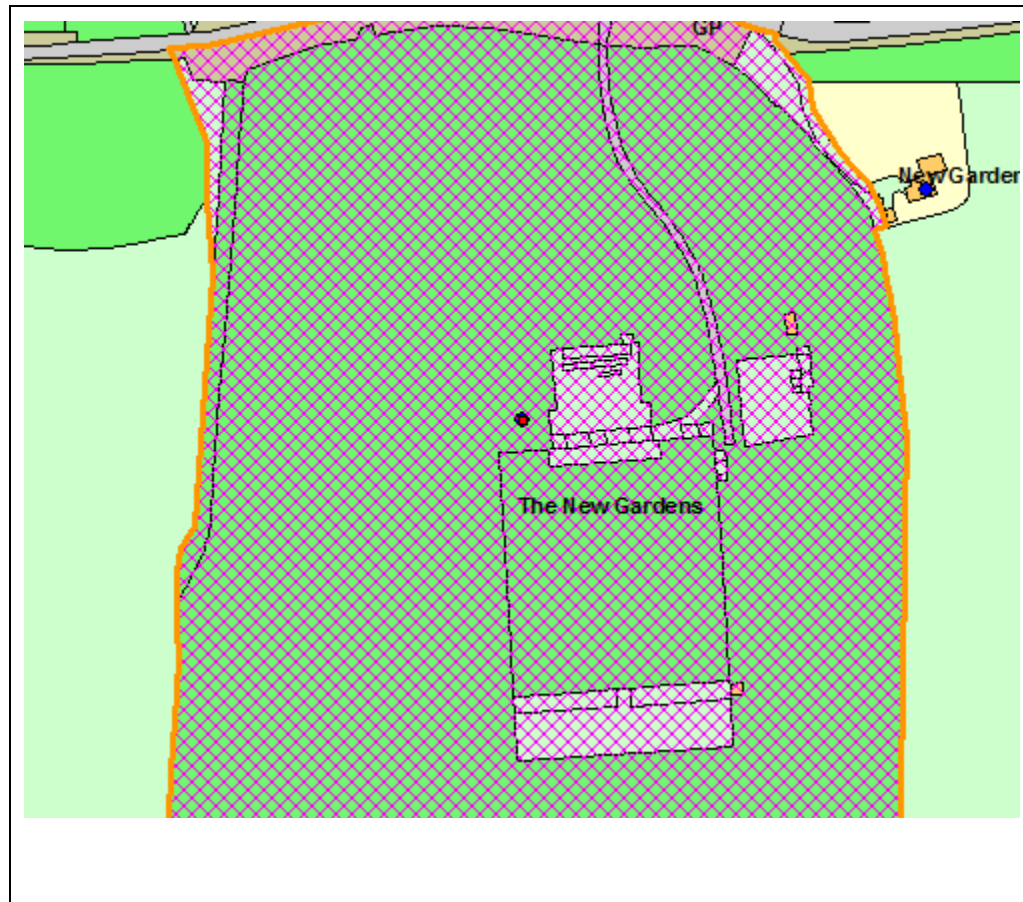
- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.  
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of development a fully detailed programme/schedule of works essential for the safeguarding of the listed structure/s incorporating the following matters shall be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the listed building consent hereby approved
  - A) Grubbing out, cutting down and removal of vegetation;
  - B) Temporary stabling/ propping of all of the listed and curtilage listed buildings and structures within the site;
  - C) Any works of permanent stabilisation or underpinning of the retained listed and curtilage listed buildings and structures;
  - D) Repairs to the external and internal faces of the retained fabric of all of the listed and curtilage listed buildings within the application site area;
  - E) Means of protecting all of the listed and curtilage listed buildings during the course of implementing the building works from collapse/damage;
  - F) Recording of all architectural elements and salvaged remains contained within the site to include timbers, windows, glazing, roof tiles
  - G) Renovation and repair of salvaged items with a view to maximum retention and re-use of these historic architectural elements within the approved scheme.REASON: To safeguard the listed structure during and post implementation of the planning permission.
- 4 No demolition or other works shall be undertaken on site other than those agreed in the Schedule referred to under condition 3 of this listed building consent unless prior approval has been granted by the LPA in consultation with Historic England.  
REASON: In the interests of the listed heritage assets.
- 5 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.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows (including cills and heads), external doors and glazed screens at a scale of not less than 1:20 with sectional details at a min of 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 7 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.
- 8 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.
- 9 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing buildings in accordance with a sample panel which shall be erected on site prior to the commencement of development and approved in writing by the LPA and retained on the land until the development is completed.  
REASON: To safeguard the character and appearance of the area.



Application Number	I6/00971/FUL
Site Address	Land At New Gardens Ledwell Road Great Tew Oxfordshire
Date	18th May 2016
Officer	Kim Smith
Officer Recommendations	Approve subject to Legal Agreement
Parish	Great Tew
Grid Reference	439729 E 228541 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Restoration of the walled garden to provide a restaurant, production garden, leisure facilities, the construction of 6 lodges, the provision of an underground car park and associated access and landscaping.

**Applicant Details:**  
Mr Nicholas Johnston  
Estate Office  
New Road  
Great Tew  
Oxfordshire  
OX7 4AH

## **I CONSULTATIONS**

I.1 Parish Council No Comment Received.

I.2 WODC Landscape And Forestry Officer No Comment Received.

I.3 Ecologist  
The submitted Ecology Report (Windrush ecology March 16) found no evidence of any European protected species using the site, but did find a badger sett (not a main sett) using the corner of the site. The survey identified that the site was comprised of Amenity grassland, tall ruderal and planted trees. The report identified that some of the boundary habitats such and trees had high ecological value and as such it was recommended that those trees were retained.

The report also identified enhancements that could be achieved for by planting of a native trees & shrubs on the site, using bat and bird boxes and low lux lighting and retaining the mature trees

The proposed retention of trees on the site and the planting of native trees is shown in drawing no I415L6 Rev C in the Landscape masterplan, with further details in the I415L7 Rec C.

The retaining of the majority of the trees on site as well as new shrub & tree planting will provide an enhancement for biodiversity. It was recommended that the badger sett may need to be closed during construction of lodge 6 but this should ideally only be during construction and then the badgers allowed to return. As recommended the inclusion of integral bat and bird boxes in the lodges would also provide an enhancement.

If all the recommended mitigations are implemented, the development will not cause any harm to bats, badgers or birds, and therefore the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the NPPG are met.

Habitat Reg tests required: NO

Draft recommendation: No objection subject to conditions

Draft conditions: All of the development works must be carried out as per the recommendations in section 7 of the Ecology Report

(windrush ecology.com March 16) this shall include badger mitigation, integral bat and bird boxes as well as the trees retained and new tree planting as illustrated on the Landscape drawings no 14 L7 & 6 Rev C15. All mitigation & enhancement works must be completed before the new lodges are first brought into use and all enhancements must be permanently maintained thereafter.

Before works begin on site a ten year landscape and ecological management plan shall be submitted for approval to the LPA to show how the ecological enhancements shall be created and maintained. Once approved all works will be carried out as per the approved plan.

Reason

To ensure that badgers, birds & bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, The 1992 Badger Act and In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

#### I.4 Historic England

In our previous advice (our letter of 6th May 2015 P00455086) our view was that the walled garden was worthy of preservation and restoration was clearly necessary, given its poor condition. This would require considerable investment. As third party or grant funding is unlikely to be forthcoming for this site a use that generates enough return to fund the garden's restoration and provided a sustainable use in the medium to long term is needed. Restaurant use as proposed looked likely to be the most sympathetic means of achieving this.

However, we also commented that the construction of eight lodges then proposed in what were formerly the slip gardens flanking the walled garden would cause a degree of harm as it would no longer be as easy to understand the purpose of this area (which formed an important element of the productive garden as a whole) and the sense of the garden's isolation, which contributes to its aesthetic charm, would be compromised. We were not convinced that the Applicant had made a case that this degree of harm was necessary in order to secure the future of the Walled Garden.

Prior to submission of this application I was given a copy of an outline business plan which demonstrated to my satisfaction that additional development was needed to ensure restoration was a commercially viable proposition, there is a sound justification for the amount of development proposed and the harm entailed, hence my comments to David Hunt quoted in paragraph 6.24 of the Planning Statement. However, this document does not form part of the current application. I think it important that the Council take their own view

on this matter, and thus have sight of this document. I appreciate that the business plan contains elements of commercial sensitivity and leave it to the Council's discretion as to whether these documents should be more publicly available.

It also needs to be considered whether the site has been deliberately neglected, in which case paragraph 130 of the NPPF states that the condition of the heritage asset should not be taken into account when making a decision. In this case my view is that the condition is the result of years of neglect, stretching back to the appointment of the Public Trustee as Executor of the Estate in 1914 rather than deliberate neglect by the current estate management in the hope of gaining a permission that would not otherwise be forthcoming.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

I.5	OCC Highways	No Comment Received.
I.6	WODC Planning Policy Manager	No Comment Received.
I.7	WODC - Tourism	No Comment Received.
I.8	WODC Drainage Engineers	Need to refer to OCC
I.9	OCC Rights Of Way Field Officer	No Comment Received.
I.10	WODC Architect	No Comment Received.
I.11	OCC Archaeological Services	<p>The New Garden is within a Grade II Registered Park &amp; Garden. There may be evidence of historic garden features within the garden that will require investigation in advance of the extensive redevelopment. The type of development proposed will have a significant impact upon any surviving features. Although there are no earlier archaeological features known within the garden there is evidence of cropmark features to the south and so the presence of archaeological features should not be discounted.</p> <p>Section 5.3 of the DBA states:            "On the site there is a high potential for archaeological remains associated with the layout of the kitchen garden and associated buildings. Archaeological work associated with the proposed</p>

development would be appropriate. This could take the form of a watching brief (or strip, map and record exercise for large areas of disturbance) in line with a Written Scheme of Investigation as a condition of planning permission".

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be undertaken in advance of development. This can be ensured through the attachment of suitable negative conditions:

I. 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 (2012)

- 1.12 The Garden History Society No Comment Received.
- 1.13 One Voice Consultations No Comment Received.

## **2 REPRESENTATIONS**

- 2.1 Mr Michael Elliot of Holliers House , Oxford has commented as follows:

The rebuilding of the houses on the estate has been fantastic, the new grain store amazing. Soho house I understood got permission (how?) on the back of local employment, most are on zero hour contracts so that is hardly helping the local economy. But all of these have led to an enormous amount of extra traffic not just in Great. Tew but in all the local villages, and most of the verges of the local roads are now in a dire state. An accident waiting to happen!

I therefore object to more houses, leisure facilities and more car parking being built which will only make the situation worse on the site of the old kitchen garden.

## **3 APPLICANT'S CASE**

The Planning Statement submitted with the application states as follows:

- 3.1 The proposed development is for the restoration of the mid-nineteenth century walled garden to provide a restaurant, production gardens, leisure facilities, the construction of 6 lodges, the provision of underground storage, site wide facilities and parking, associated access and landscaping at the New Gardens, Great Tew.
- 3.2 Soho House will operate the restaurant and gardens, both open to the public. The holiday lodges will be sold on a guest invest basis and put into the Soho House letting pool when not

being used. The leisure facilities are for the use of the lodge owners but with villagers and the primary school having access at specific times.

- 3.3 The underground facilities provide space for operational storage and parking. The restaurant could not operate without these additional facilities, none of which could be achieved by new above ground structures, therefore an element of basement provision is a necessity.
- 3.4 The development would yield essential capital for the Estate to reinvest in the restoration of its remaining dilapidated heritage assets, in particular Gyles' Farm, Lower Grove Ash Farm and 50 The Square, planning applications for which are being submitted to run simultaneously with this application. **A legal agreement would be attached to any grant of planning permission for redevelopment of the New Gardens which secures monies to fund a schedule of essential works to safeguard the listed structures at Gyle's Farm, Lower Grove Ash and 50 The Square as a precursor to any subsequent conversions.**
- 3.5 The development would provide significant diversified annual income for both the estate and farm as highlighted in the outline business model.
- 3.6 It is considered that the NPPF and local development plan policy provide a very supportive context for the acceptance of the proposed development as outlined within.
- 3.7 The heritage and landscape evidence presented, proposes that the application will lead to less than substantial harm to the Listed Park and Garden and presents significant public benefits of access to a currently private space and secures the optimum viable use, a commercial use that will support the Estate's diversification.
- 3.8 The revitalising of a long dormant asset and opening to the public far outweigh any adverse harm. The LIVA reports that the changes to landscape character result in a net benefit to landscape, historic, conservation and amenity interest. The potential harmful impacts of the development were considered low or negligible overall.

**A number of reports have been submitted to support the application. These can be found in full on the Council's website. A brief summary of the findings of these submissions are listed below:**

- 3.9 Heritage Assessment submitted with the application advises as follows in respect of the impact of the development on the Registered Park:
  - The proposals would introduce change in the way in which the asset and its setting is experienced. This change would be positive, though different from the present experience (as a derelict site);
  - The proposals will help secure the historical integrity of The Great Tew Estate;
  - The proposals would help to ensure the historical integrity of the Registered Park;
  - The proposals would secure the repair and restoration of the walled garden;
  - The proposals would improve public access to and understanding of the history and role of the New Gardens and thus would enhance enjoyment of those that visit.
- 3.10 The detailed desk based Assessment undertaken by John More Heritage Services concludes that the evidence indicates that no known pre-post-medieval archaeology will be affected by the proposal;

3.11 The **Transport Statement** submitted with the application concludes as follows on the key highway issues of physical access design and impact of traffic movements:

- The proposed access complies with current design guidance (2.4 x 214 visibility in both directions);
- The proposed development will generate modest levels of traffic during highway peak hours. The development's peak traffic generating hours will occur during times when the highway network is generally quiet; lunch-times, evenings and weekends. The development will therefore not place a significant burden on the capacity of local highways during critical peak times;

3.13 The **Arboricultural Assessment** concludes as follows:

10 trees are proposed for removal to facilitate the development, all of the trees are Category C providing little in the way of visual amenity. It is proposed the losses will be mitigated through a landscaping scheme which includes significant tree in the areas of the tree losses.

3.14 **Survey and Structural Approach to Conservation and Heritage Report:** there are two structural survey reports, one relating to the condition of the existing structures at the application site (Abington Consulting Engineers) and the second critically evaluating the structural approach to conservation and heritage (Oxford Consulting Engineers). The latter provides for an assessment on the siting of the subterranean car park to avoid trees and other planting, and the existing gardens walls and associated buildings.

3.15 The **Flood Risk Assessment** report submitted with the application concludes that the proposed development complies with the requirements of the Sequential Test set out in the NPPG. It also concludes that surface water will drain to soakaways and that this will prevent flood risk to adjacent land and property.

3.16 **Ecology Report:** a Phase I Habitat Survey and bat and badger surveys have been undertaken. The reader is referred to the full report for the findings. In summary:

- The grassland and ruderal habitats within the site are considered to be of low ecological value;
- The mature and semi-mature trees within the site are a valued ecological feature, despite their age and diversity;
- No roosting bats were observed during the surveys and there is no evidence that bats are using the cellar chambers as a roost site.

3.17 The applicant's case concludes as follows:

This Planning Statement highlights and addresses the main planning issues and other material considerations and concludes that all relevant policy and guidance is met in this proposal for: the restoration of the walled garden at Great Tew to provide a restaurant, production garden, leisure facilities, the construction of 6 lodges and the provision of underground facilities to include storage and parking and associated access and landscaping.

On the matter of principle the scheme is acceptable further to meeting the primary assessment on Local Plan Policy TLC3 and NPPF para 28.

On the matter of heritage impact the application scheme is acceptable in meeting the relevant requirements of the NPPF and adopted Local Plan policy, specifically the relevant requirements of adopted Local Plan policy BE1 I concerning Parks and Gardens of Historic Interest.

On the matter of landscape impact the application scheme is acceptable in meeting the requirements of all relevant adopted and emerging Local Plan policy, specifically NE3 and NE6 of the adopted Local Plan.

On the matter of economic growth the Council must place significant weight on the need to support economic growth. This application is founded on the need to diversify the existing Estates operations from principally farming and quarrying. The commercial operation proposed will significantly add to the successful economic growth of the estate and the wider business community for the reasons stated in the planning application. The Estate welcomes the support from the local planning authority in assisting the emergence and adoption of the Estate Masterplan. This is first application to be advanced to the Council following the engagement with it on the Masterplan. This application is critical to the first phase in seeking to meet the objectives of the Masterplan: objectives that include the restoration of the New Walled Gardens as a key heritage asset through the delivery of a sensitive and viable conservation-led diversification scheme.

#### **4 PLANNING POLICIES**

BE10 Conversion of Unlisted Vernacular Buildings  
BE2 General Development Standards  
BE1 I Historic Parks and Gardens  
BE21 Light Pollution  
BE13 Archaeological Assessments  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
E4 Re-use of Vernacular Buildings  
TLC1 New Tourism, Leisure and Community Facilities  
TLC3 New Build Tourist Accommodation  
BE1 I Historic Parks and Gardens  
NE3 Local Landscape Character  
E2NEW Supporting the rural economy  
E4NEW Sustainable tourism  
OS2NEW Locating development in the right places  
T1NEW Sustainable transport  
OS4NEW High quality design  
EH7NEW Historic Environment  
EH1NEW Landscape character  
EH2NEW Biodiversity

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

#### **5 PLANNING ASSESSMENT**

Planning History



- 5.1 15/01041/FUL - Restoration of the walled garden to provide a restaurant, production garden, leisure facilities, the construction of 8 lodges, the provision of an underground car park and associated access and landscaping - Withdrawn

#### Background Information

- 5.2 This application relates to a site located in a hilltop location outside the main body of Great Tew. The site formerly operated as a formal walled garden serving the Great Tew Estate and is scheduled as part of the Historic Park and Garden associated with the Estate. It has not been used for a considerable period and is in a state of disrepair. The buildings on site are not listed but are clearly of historic significance as part of the history of the evolution of the country estate. The site lies outside the AONB but close to the Great Tew Conservation Area.
- 5.3 The application proposes re-use of the site as a restaurant along with 6 holiday lodges- essentially as a detached facility associated with the Soho House scheme further down into the valley to the South. As part of the scheme the walled garden will be restored and a new restaurant and productive garden (along with some leisure facilities) created within the walled enclosure. Car parking will be largely underground. The main change outside the site is that a series of new holiday lodges will be created in the former slip gardens that surround the walled garden. These will be landscaped. The lodges are required in order to provide a baseline demand for the restaurant and to generate the income to both undertake the restoration and the creation of the new facilities.
- 5.4 A similar but larger application was submitted last year but was withdrawn prior to determination when officers advised that the scale of harms of developing to the extent then proposed in a prominent and sensitive location was not justified by the benefits then proposed. Since that time your officers have been in extended negotiation to both reduce the extent of development, secure public benefits and most crucially require by way of a legal agreement that a substantial portion of the profits are re-invested in three currently derelict listed buildings elsewhere on the Estate in order to bring them back into economic use and a good state of repair. Those objectives have now been secured and the parallel applications seeking to ensure the restoration and reuse of the derelict listed buildings appear elsewhere on this agenda.
- 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 policies of the adopted and emerging local plan are both positive about tourism development that is consistent with maintaining the rural character of the area and where particular harms such as highway danger are not caused (TLC 1 adopted , E2 of the emerging Plan). Generally the policies seek re-use of existing structures and to limit the extent of new build (TLC 3, E4) and in that regard the restoration of the walled garden and use as a restaurant facility is considered wholly policy compliant and to represent the form of sustainable rural development encouraged by the NPPF. The more problematic issue is that of the lodges. Officers originally sought to have these removed entirely from the scheme, but have subsequently been convinced that they are both functionally and financially needed in order to make the restaurant a success. Functionally the lodges will provide an on-site clientele who are likely to use the restaurant facility even when demand from the general public may not be so

great and as such will enable it to remain staffed and open in off peak demand periods. Secondly, the income from the lodges helps to underpin the financial case for the restaurant and the expenditure required to restore the walled gardens. As such your officers have taken the view that if the degree of harms arising from their location in a sensitive area is outweighed by the extent of benefits then they can be considered acceptable in principle. These matters are explored later in this report.

### Heritage Impacts

- 5.7 The walled garden is not listed but is scheduled as part of the registered park and garden associated with the Estate. It sits outside but on the approach to the Conservation Area. Policy BE11 of the adopted plan and EH7 of the emerging Plan seek to conserve and enhance the character setting and context of such heritage assets. The site has not been used for a considerable period and has no current economic use. It has fallen into a poor state of repair. The conversion and re-use for the restaurant will secure both restoration and economic use in a manner that preserves (and indeed is heavily related to) its original function as a productive garden. More problematic is the siting of the lodges in the open "slip" gardens outside the walled garden. Historically these would have been used for the less tender planting and would have been retained largely open. The siting of the lodges in this open area and where they most affect the setting of the walled garden has thus been the subject of considerable debate. Ultimately Heritage England have concluded that "hiding" the lodges within the walled garden would be more problematic than locating them where currently proposed because developing the interior is so at odds with the original purpose of the open and sheltered space. The issue of harm to the setting did however still remain. Officers have therefore negotiated a multi-million pound investment programme into three listed buildings located on the Estate that are in a state of considerable disrepair and are at risk of being lost altogether. Of themselves the re-use of those assets is unlikely to generate sufficient profit to justify their restoration but the additional income generated on the back of allowing this proposal means that they can be restored and put to re-use. It is on this basis that Historic England and your officers now support the scheme in that the harm to the setting of the unlisted heritage asset/Registered Garden is outweighed by the physical restoration of the walled garden and in particular by the restoration of the three listed buildings and associated outbuildings.
- 5.8 With regards to other heritage assets the need for archaeological investigation can be met by imposition of a condition and the impact on the setting of the Conservation Area is considered to be neutral given the distance involved and existing and proposed planting on the intervening land.

### Landscape

- 5.9 This is a key issue and officers will be making extensive use of the application plans to identify the siting, design and landscaping of the proposed lodges. The site sits on a hilltop and can be viewed in a general sense from many miles away due to some characteristic giant redwood trees planted upon it. Views of the wall and garden surrounds are more limited and are restricted to periodic views from the B4022 Enstone/Tew road and in particular from the road passing to the north of the site and the access road to Soho House. In these views the existing wall is clearly visible and it can be assumed that the lodges will similarly be potentially visible. In response to concerns regarding the landscape impact the agent has reduced the number of units and has re-sited some of them to less intrusive locations. Further, the car park and servicing areas in association with the use are underground and thus not visible in the landscape. The locations of

the lodges are now considered optimal but there are still some further minor landscaping and design works that officers would wish to secure with a view to ensuring that the glazed areas of the new lodges are not overly intrusive as a result of sun glare or at night when illuminated. The recommendation for approval would be conditional upon securing these amendments whilst the legal agreement is being formalised.

#### Tourism and Employment

- 5.10 The site does not currently contribute to the local economy. The establishment of the restaurant will in itself create employment and will have spin offs in the local supply trades. Similarly servicing the lodges will create employment and the residents of the holiday lodges are likely to spend income in the local pubs and tourist attractions - albeit that the extent of spend may pro rata be less than lodges with less on site or on hand facilities. The facility at Soho House is running at close to full capacity with substantial economic benefits to the local economy and it is likely that as a related spin off to that facility this will reinforce/underpin that economic benefit. Additionally the related applications to restore the walled gardens and other listed buildings are likely to generate additional construction and building trade employment opportunities. These benefits all weigh in favour of the scheme.

#### Ecology

- 5.11 There are not considered to be any particular ecological constraints associated with the development and the landscaping scheme offers the opportunity to enhance wildlife and biodiversity on site.

#### Neighbourliness

- 5.12 There is one cottage located to the east of the site but given the low key nature of the proposed uses and the separation distances involved the impact on residential amenity is not considered such as would justify refusal.

#### Highways

- 5.13 At the time of agenda preparation the views of OCC as Highway Authority have yet to be received. However in that they did not object to the last proposal it is considered unlikely that they will be objecting to this scheme. A verbal update regarding this aspect will be given at the meeting.

#### Legal Agreement

- 5.14 As advised earlier in this report key to the acceptability of this scheme is to ensure that the stated benefits are delivered in a timely fashion as a means to offset any residual concerns regarding the visual and heritage impacts of the proposed scheme. In that regard the Heads of Terms proposed are as follows:

1. Requiring the developer to secure a loan to cover the costs of the development and enabling developments within 1 year of the consent and seek to complete all works within 3 years
2. Not to start works on this scheme until the loan is secured
3. To implement the scheme as approved and maintain the walled garden and landscaping

4. To permit the Great Tew school at no charge to use the swimming pool on Tues and Thurs between 1pm and 3.30pm
  5. To permit villages to use the leisure facilities at no charge (consent may be withdrawn at owners discretion)
  6. To undertake the detailed schedule of works to the 3 listed buildings - Gyles Farm, Lower Grove Ash Farm and 50 The Square
  7. To only use the lodges as holiday accommodation
- 5.15 Subject to these Heads of Terms being worked up into a formal agreement this is considered to satisfy the requirement to ensure that the stated benefits are delivered.

### Conclusion

- 5.16 This application relates to a prominent open countryside site where the setting of an unlisted heritage asset will be affected and where new build (housing) development would not normally be allowed. However the lodges proposed are reduced in number to the amount the applicants advise is needed to ensure the functional and financial viability of the restaurant use and the use of the site as a restaurant and productive gardens is the optimum use as far as that heritage asset is concerned. The scheme has been carefully designed and with some minor elevation and landscaping tweaks it is considered that the impact can be substantially reduced. Critically the approval of this scheme will be a mechanism to provide a cash injection that will fully fund the restoration of the fabric of three derelict listed buildings on the Estate which otherwise is not likely to be financially viable. This "enabling" element is considered sufficient to outweigh the harms and with the other employment, tourism and social benefits secured by way of the legal agreement conditional approval is recommended (subject to the final comments of OCC as Highway Authority).

## **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 development a fully detailed programme/schedule of works essential for the safeguarding of the listed structure/s incorporating the following matters shall be submitted to and approved in writing by the LPA and the said approved safeguarding works shall be carried out in full in the implementation of the listed building consent hereby approved :
  - A) Grubbing out, cutting down and removal of vegetation;
  - B) Temporary stabling/ propping of garden wall enclosure and attached structures within the site;
  - C) Any works of permanent stabilisation or underpinning of the retained garden wall and attached structures;
  - D) Repairs to the external and internal faces of the retained garden wall and attached structures;
  - E) Means of protecting the retained garden wall and attached structures during the course of implementing the building works from collapse/damage;

- F) Recording of all architectural elements and salvaged remains contained within the site  
REASON: To safeguard the non- listed heritage asset during and post implementation of the planning permission
- 4 No demolition or other works shall be undertaken on site other than those agreed in the Schedule referred to under condition 3 of this planning permission unless prior approval has been granted by the LPA.  
REASON: In the interests of the non- listed heritage asset
- 5 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the non- listed heritage asset.
- 6 Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.  
REASON: To safeguard the character and landscape of the area and the setting of the range of listed buildings.
- 7 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 (2012)
- 8 Following the approval of the Written Scheme of Investigation referred to in condition 1, 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 (2012).
- 9 All of the development works must be carried out as per the recommendations in section 7 of the Ecology Report (windrush ecology.com March 16) this shall include badger mitigation, integral bat and bird boxes as well as the trees retained and new tree planting as illustrated on the Landscape drawings no 14 L7 & 6 Rev C15. All mitigation & enhancement works must be completed before the new lodges are first brought into use and all enhancements must be permanently maintained thereafter.  
Before works begin on site a ten year landscape and ecological management plan shall be submitted for approval to the LPA to show how the ecological enhancements shall be created and maintained. Once approved all works will be carried out as per the approved plan.  
REASON: To ensure that badgers, birds & bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside

Act 1981 as amended, The 1992 Badger Act and In line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies including EH2 and saved policy NE13 and In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 10 That part of the development to be constructed of natural stone shall be constructed of natural stone of the same type, colour and texture and laid in the same manner as the stone used in the existing walled structure in accordance with a sample panel which shall be erected on site prior to the commencement of development and approved in writing by the LPA and retained on the land until the development is completed.  
REASON: To safeguard the character and appearance of the area and in the interests of the architectural integrity of the non- listed heritage asset.
- 11 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
- 12 Notwithstanding details contained in the application, detailed specifications and drawings of all the windows (including cills and heads), external doors and glazed screens at a scale of not less than 1:20 with sectional details at a min of 1:5 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 13 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 and the non- listed heritage asset.
- 14 Notwithstanding the application details no part of the development shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and retained thereafter.  
REASON: To safeguard the character and appearance of the area
- 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), extensions, alterations or outbuildings other than those expressly authorised by this permission, shall be constructed  
REASON: Control is needed in the interests of the character and appearance of the area.
- 16 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme 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.

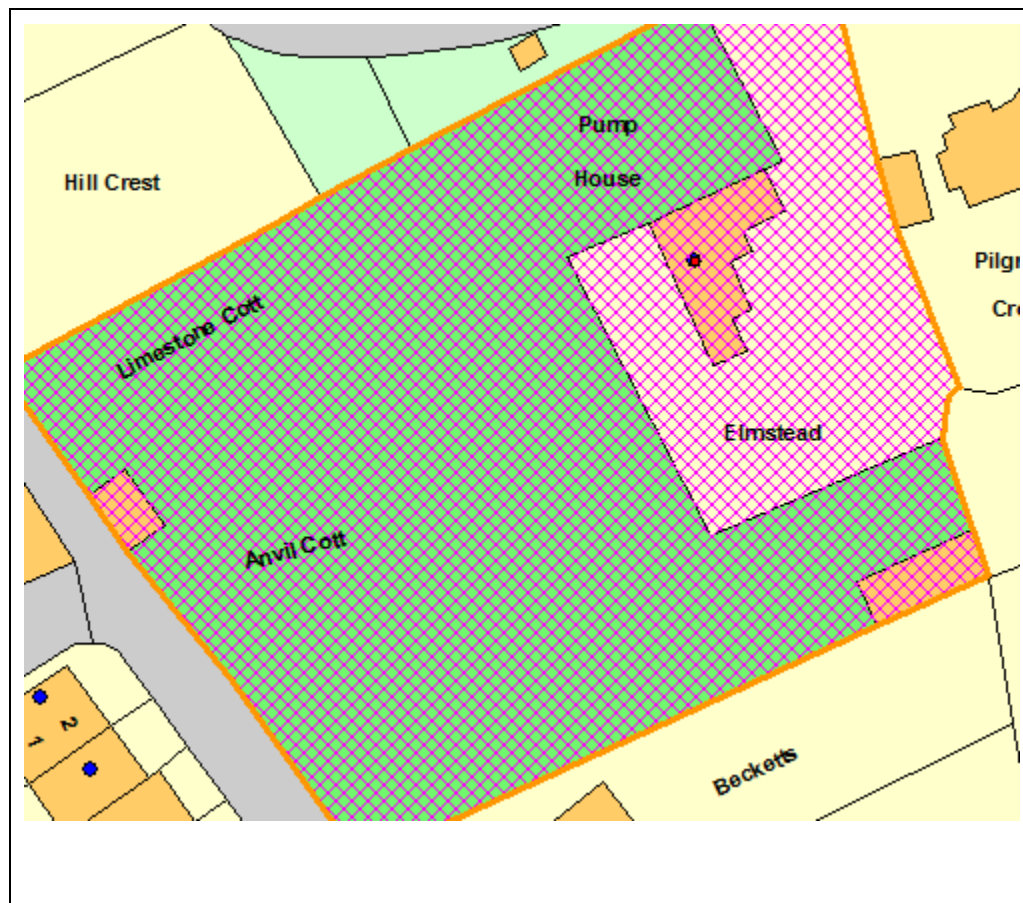
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

- 17 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.

Application Number	I6/01318/FUL
Site Address	Elmstead Crawborough Charlbury Chipping Norton Oxfordshire OX7 3TX
Date	18th May 2016
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury
Grid Reference	435943 E 219484 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Erection of four dwellings and garages to including one self-build unit, alterations to existing dwelling and access onto Pooles Lane.



**Applicant Details:**

Brown And Porter  
Charlbury Property Company  
2 Eastcote View  
Pinner  
HA1 5AT

**I CONSULTATIONS**

- I.1 WODC Architect No Comment Received.
- I.2 WODC Drainage Engineers  
The proposed surface water drainage system/s should be designed in accordance with BRE365 to accommodate up to and including a 1 in 30 year + 30% CC storm event. However, the site must contain surface water for all return periods up to and including the 100 year + 30 % CC storm event. Therefore, it is a recommendation that the proposed surface water drainage system/s is/are designed to accommodate up to and including a 1 in 100 year storm event + 30 % CC, otherwise the site would need to flood itself.
- We welcome the use of Rain Water Butts as a source control measure.
- A drainage plan will need to be submitted, showing the location, Form and sizing of the proposed surface water drainage system/s.
- An exceedance plan must be submitted, showing the route At which surface water will take, if the proposed surface water drainage system/s were to over capacitate and surcharge. This must however have no profound effect on any neighbouring, private property or land.
- If any shared/communal SuDS are proposed, then we will require the applicant to confirm in writing who will own/be responsible for maintaining these.
- I.3 OCC Highways No Comment Received.
- I.4 Ecologist  
Having looked through all the submitted documents including the Extended Phase one habitat survey and Preliminary Bat Survey (Four Acre Ecology Ltd 28/11/15) which found no evidence of bats in the buildings to be removed but found evidence of a brown long eared roost in the main house which as I understand it is to remain (with the roofs unaltered).
- A low Potential for reptiles was also identified and as recommendations included working under a working method statement for clearance of the site, and enhancements are shown in the drawings as such it can be concluded that:-  
If all the recommended mitigations are implemented, the development

will not cause any harm to bats, reptiles or birds , and therefore the policy and guidance requirements of Policies in the Local Plan, the NPPF (including section 11) and the NPPG are met.

Draft recommendation: No objection subject to condition

- |     |  |  |
|-----|--|--|
| 1.5 | WODC Landscape And Forestry Officer      | No Comment Received.   |
| 1.6 | Environmental Health (Public Protection) | I have seen the above referenced planning application during review of the parish consult and see that it is under consideration. Our records indicate that the proposed development site may be in the vicinity (approximately 40m) of a former kiln and area of unknown filled ground. Consider attaching a contamination condition.   |
| 1.7 | Parish Council                           | <ul style="list-style-type: none"><li>-The design and access statement shows the proposed houses in line with "Becketts", which is not reflected in some of the other drawings.</li><li>- We support the contribution to a 20 mph traffic order and ask that signs be included for the Town Centre.</li><li>- We prefer the houses to be aligned with "Becketts"</li><li>- The proposals are an improvement on the previous plan.</li><li>- Can section 106 payments be required for community facilities.</li><li>- The Town Council would like to be involved with officers to discuss the developers relevant planning gain to benefit the local community.</li></ul> |

## 2 REPRESENTATIONS

13 Letters of objection have been received in respect of these applications which are summarised below:

- The site is habitat to wildlife and building houses on this habitat would have a detrimental impact on the ecology of this site.
- The development would increase water runoff onto Pooles Lane causing flooding.
- The building would lead to the loss of a green space which provides an important contribution to the character of Charlbury.
- The proposed housing would not be affordable for local people.
- The outbuilding proposed to be removed provides an important contribution to the character of this part of the conservation area and should be retained.
- The proposed housing is large, bland and expensive and contributes to urban sprawl, whilst not providing housing for local people.
- 4 houses would be overdevelopment of the site and the number of houses should be reduced to 2.
- The development would increase traffic congestion and parking issues along Pooles Lane.
- Building 4 houses on this open space would be harmful to the Conservation area setting.
- The development would result in the removal of trees which add to the character of the area.
- The applicants assertion that water runoff would not be increased is challenged. There are no assurances that there is sufficient drainage provision to cope with the volume of water created by the new development. There has been historic sewage flooding in the area at Little Egypt Cottage.

I Letter of support has been received which is summarised below:

- The building of new family housing in Charlbury is welcomed.
- The amendments made are sensitive and address neighbours' concerns.
- Although the site an open space it is not public land and planning grounds do not include a right to a view.
- Careful attention has been paid to the design and repositioning of the houses which are sympathetic to the Conservation Area but meet the requirements of modern living. The use of natural Cotswold Stone is supported as is the intention to repair and retain the old dry stone wall boundaries.
- Each house will have two parking spaces, plus additional spaces for visitors.
- The controversial walkway has been omitted which will improve pedestrian safety.
- It is regrettable that the old Blacksmiths workshop cannot be retained but one has to balance pedestrian safety with the desire to preserve historical, but unlisted buildings.
- The developers approach to enhancing site ecology is supported.

The comments of the Charlbury Conservation Area Advisory Committee are included in full below:

The Committee had made detailed comments on the previous application for this site at its January meeting (see Annexe A). Some of these remained valid in respect of the new application while other concerns had been met wholly or in part. The omission of the pedestrian refuge and retention of the Pooles Lane wall on its existing alignment were welcomed, as was the setting back of the front houses from the lane. The new stone walls within the development, the modest re-alignment of the access road to make it less suburban in character and the use of stone rather than timber cladding on the rear parts of the houses were all seen as improvements. The application documents still appeared inconsistent in describing the roof materials: natural grey slates and Cardinal stone tiles in the D&A Statement; a mixture of slate and red clay tiles in the drawings. Members reiterated their strong preference for stone slate/tile with some Welsh slate as best reflecting the character of the Conservation Area.

Apart from regret at the loss of an important open area within the Conservation Area, the harm to the character of Pooles Lane from reducing the stone wall and demolishing the stone outbuilding remained the Committee's key concern. Both made a substantial contribution to the character of this attractive and historic lane, the former road from Charlbury to Woodstock, as it leaves the Playing Close and winds down and uphill to reach open country at the edge of the town. The stone building was both a precious survival of the lane's semi-rural past and played an important psychological role in helping to slow traffic in the narrowest part of the lane. It was therefore particularly disappointing and ironic to see it and much of the stone wall sacrificed for visibility requirements that are not present elsewhere in the Conservation Area, including at the top of Bayliss Yard opposite. Members noted that a similar problem had recently been neatly solved at the Old Bakery development in Market Street by the use of a mirror and felt that this solution should be investigated. They also urged that renewed effort be made to find a creative solution which might allow the stone building to be used (with some modification) as the garage for Plot 4 by moving the house further east on the plot to take up part of the site of the proposed garage.

The lack of affordable housing was again deplored particularly on a site so close to local amenities including the Co-op and doctors' surgery.

In conclusion, while the Committee acknowledged with some regret that the principle of development on this site appeared to have been accepted and welcomed the improvements on the previous scheme, it could not support the current application until greater efforts had been made to satisfy safety needs without sacrificing the stone building and wall which contribute so significantly to the character of this part of the Conservation Area.

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

The proposal proposes unique and individually designed properties which reflect the local vernacular, enhance the character and appearance of this part of the Charlbury Conservation Area and minimise impact on heritage assets. The removal of the outbuilding currently on the site is justified in terms of the significant public benefits to highway safety.

The proposed houses offer a mix of sizes as well as a self-build opportunity for a long standing local resident. The dwellings have been fully informed by their context and which:

- Is modest in scale, of a height lower than surrounding property
- Minimises its impact on heritage assets through a design which reflects the existing street pattern
- Minimises the impact on neighbouring property, through careful siting, height and scale of buildings
- Sympathetically mixes different building styles from the public vernacular frontage to a more contemporary rear elevation, using locally appropriate, natural and high quality materials.
- Produces a mixture of dwelling sizes with sufficient parking off street.
- Makes provision for wildlife and biodiversity
- Facilitates significant highway benefits for the area as a whole.

Through careful design, every effort has been made to ensure the special architectural, historic and environmental character and appearance of the Conservation Area and setting of listed buildings will be preserved in accordance with local and national policies.

In accordance with the national policy special regard must be given to the conservation of heritage assets and this must also be weighed against the public benefits of the proposal.

The proposal will have a number of benefits including the provision of much needed housing in a sustainable location, high quality design, economic benefits including the employment of local builders and tradesman, and facilitating reduced traffic speeds along Pooles Lane.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
BE6 Demolition in Conservation Areas  
H2 General residential development standards  
H7 Service centres  
NE13 Biodiversity Conservation

NE4 Cotswolds Area of Outstanding Natural Beauty  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH2NEW Biodiversity  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks approval for the erection of four dwellings, two detached and two semi-detached properties as well as associated access and amenity space. The proposals additionally involve making alterations to extend the existing dwelling on the site known as Elmstead. The application is a resubmission of a previous withdrawn application (16/0039/FUL) which was also for the erection of four dwellings. Amendments have been made to the position of the three dwellings facing Pooles Lane, alongside changes to the landscaping, access design and the materials proposed.
- 5.2 The site in question consists of a detached two storey white rendered dwelling known Elmstead and an extensive area of side front, side and rear domestic curtilage space associated with this property. The site lies in a central position in Charlbury, within the designated Conservation Area. Existing access to Elmstead is via a narrow gravel road known as Crawborough; it is proposed that plot one would be accessed via Crawborough with the further three dwellings including Elmstead accessed via a new driveway onto Pooles Lane, a narrow lane to the south west of the site. The existing site consists mainly of undeveloped domestic curtilage space, with grass and some large trees to the edge and centre of the site. The site contains ancillary barn outbuildings including one vacant stone outbuilding which faces Pooles Lane in a relatively prominent position in the street scene. A two metre high dry stone wall fronts the site along Pooles Lane; this would be retained up to a height of 1 metre.
- 5.3 All four new dwellings would be constructed from Cotswold Stone. Plots 2, 3 and 4 would face Pooles Lane with Plot 1 facing Crawborough Terrace. The proposed dwellings fronting Pooles Lane have been pulled back roughly in line with an adjacent dwelling known as Becketts with a greater separation distance retained between the proposed dwellings and existing cottages opposite in Pooles Lane.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
  - Design, Scale and siting of the development
  - Impact on the Conservation Area setting and character
  - Highways

### Principle

- 5.5 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date.
- 5.6 Paragraph 49 requires that policies relating to the delivery of housing should not be considered in date if the local authority cannot demonstrate an adequate five year supply of housing. The Councils overall position on housing land supply is at present is unclear as a five figure is yet to be established. The Local Plan Inspector in his initial comments made following the first phase of the Local Plan inquiry held late last year suggested that further work will have to be carried out to establish an exact figure, or alternatively the Council could adopt a higher figure of 660 units per year. West Oxfordshire District Council at present claims to be able to demonstrate a five year housing land supply in line with a delivery figure 525 houses per year, however the Local Plan inspector has indicated that the figure will sit within a range of 525-660 units and it is therefore unclear where the Council currently stand in terms of a precise figure for housing delivery, and whether the Council can currently meet this requirement.
- 5.7 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2, given the existing situation it is considered that minimal weight can be attached to these location based policies. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. The site in question is located in the centre of Charlbury is sited close to a range of services, facilities and public transport links including Charlbury Railway Station and is considered to be a sustainable location for new residential development and Policy H2 of the emerging West Oxfordshire Local Plan permits development on undeveloped land within services centres such as Charlbury. There is additionally a self-build dwelling proposed on the site, the principle of which is supported within emerging Local Plan Policy H5.

#### Conservation Area

- 5.8 The site exists as an area of open space in the relatively unbroken streetscene of Pooles Lane, which consists largely of vernacular cottages positioned in a linear layout along the western side of the road. The development of four dwellings on the site would clearly result in the loss of this area of open space. The loss of this space needs to be assessed in terms of its overall contribution to the character of the Charlbury Conservation Area as well as whether the design of the development proposed on the site is reflective of the Conservation Area character. Paragraph 137 of the NPPF states that Local Authorities should look for new development opportunities within Conservation Areas and proposals which preserve elements of the setting and make a positive contribution should be supported. Paragraph 138 requires that an assessment should be made as to the contribution of a building or element to the significance of a Conservation Area and whether development therefore constitutes substantial or less than substantial harm under paragraphs 137 and 138 of the NPPF. The vernacular stone outbuilding facing Pooles Lane is subject of removal as part of this application and consideration must therefore be given to the contribution of this feature to the character of the Conservation Area, as well as the general contribution of the area as an open space.

- 5.9 Policy BE4 of the existing Local Plan specifies that development should not result in the loss of an area of open space, which provides an important contribution to: The distinctiveness of a settlement; and the visual amenity or character of a locality. The existing domestic curtilage space is inaccessible to the public; therefore the contribution of the space is exclusively in a visual sense in terms of breaking up the immediate built form and maintaining a degree of openness in a relatively dense area of Charlbury. The sites present function as domestic garden space does not itself add significant value to the conservation area setting and development of this space is not considered to constitute harm to the Conservation Area setting in line with Policy BE4 of the existing Local Plan.
- 5.10 The application proposes the removal of a small stone barn fronting the streetscene in Poole Lane. This building is of a vernacular appearance and is an attractive feature within the streetscene of Pooles Lane. The removal of this building is necessitated in order to enhance visibility to the right from the proposed access, whilst also enabling proposed Plot 4 to front Pooles Lane in a manner consistent with the existing linear built form along Pooles Lane. Were the building to remain in place there would be virtually no visibility to the right, which would likely compromise highway safety and amenity. The building is of a traditional design and character, however its precise value and contribution to the character of the Conservation Area is not considered to be of such significant importance that the removal of this building would constitute substantial harm to the character of the Conservation Area. It is considered on balance that that the public benefits of the scheme would outweigh the loss of the outbuilding. The section of dry stone wall originally proposed to be removed as part of the previous application would now be retained, to a height of 1 metres this would ensure that the enclosed narrow nature of the lane would remain, which is a distinctive feature of Pooles Lane and this part of the Conservation area.

#### Design, Scale and Siting

- 5.11 Plots 2, 3 and 4 are laid out in a linear form fronting the adjoining street scene in Pooles Lane. The layout is generally reflective of the existing pattern of development in Pooles Lane which consists of stone cottages facing the highway in a linear pattern. The immediate street scene in Pooles Lane consists predominantly of terraced 19th century vernacular stone cottages although the dwellings immediately to the south are of a more modern design and are constructed from Bradstone materials. The street scene in Crawborough is considerably more varied and consists of vernacular stone dwellings, alongside modern rendered bungalows. The proposed dwellings would be set back to a greater degree than previously proposed to better retain a greater degree of privacy for the occupants of the dwellings opposite on Pooles Lane, this also retains a greater degree of openness and prevents enclosure of the street scene.
- 5.12 The proposed dwellings would be of a relatively vernacular design and would be constructed predominantly from Cotswold Stone and would be consistent with the appearance of the stone cottages in the immediate streetscene in Pooles Lane. The proposed heights of the dwellings fronting Pooles Lane would be 7.5 metres to the roof ridge, which is higher than the dwellings opposite. Although given the setback position it is not considered that the scale of the buildings would appear overbearing in the immediate street scene. The design of the proposed garages is considered appropriate and the use of timber materials would be appropriate in the site context. The works to extend the existing dwelling, Elmstead are largely considered to be enhancements to the appearance of the property. The proposed lean-to single storey side extension is subservient to the main dwelling and the proposed use of natural stone and timber cladding is considered to be acceptable. Amendments made to the design of the proposed

access ensures that the development would appear less suburban in character and more consistent with the Conservation Area character.

### Highways

- 5.13 Dwellings 2, 3 and 4 as well as the existing dwelling known as Elmstead would be served by a new point of access onto Poole Lane a narrow 30 mph section of road. The proposed access would be located at the existing gateway adjoining the stone outbuilding fronting Pooles Lane. The section of Pooles Lane immediately adjacent to the site lacks a pedestrian footpath, but is a relatively well used through route by pedestrians. The proposed access point is located immediately adjacent to the site of the existing stone outbuilding fronting Pooles Lane. In order to achieve a safe means of access from the site it would be necessary to remove the outbuilding as visibility is severely restricted to the North West. The stone wall would be retained in its current position although a reduction in the height of the wall to 1 metre is necessitated by the need to provide sufficient visibility. It is considered that the access proposed would allow sufficient space for vehicles to manoeuvre into and out of the site safely and acceptable visibility splays would be achieved.
- 5.14 The site is likely to generate 32 additional vehicle movements along Pooles Lane daily and it is not considered that this level of traffic generation would compromise highway safety or amenity. Each dwelling would be served by sufficient off-street parking provision. The proposed access roads and parking areas provide sufficient space for vehicles to safely manoeuvre.
- 5.15 The previously proposed pedestrian refuge has been excluded from the current plans in order to retain the stone wall in its current position along Pooles Lane. Officers give consideration to the fact that the existing narrow nature of the lane naturally restricts vehicular speeds along Pooles Lane. Some concerns were additionally raised about the safety implications of the proposed refuge and the requirement for pedestrians to cross the road in order to use the refuge, as well as the creation of potential blind spots and concerns that vehicles would use the refuge as a passing space. A financial contribution towards a 20mph limit through Pooles Lane is proposed, which has been requested by OCC Highways officers, which would be obtained through a unilateral undertaking. Officers consider that the narrow nature of the lane together with the implementation of a 20mph limit would restrict vehicle speeds to an extent that a pedestrian refuge would not be required and the implementation of a lower speed limit would adequately offset the additional vehicular use generated by the proposed development.

### Residential Amenities

- 5.16 The amendments made to reposition plots 2, 3 and 4 greatly lessens the potential amenity impact on the properties opposite the site by reducing the degree to which these properties would be overlooked and the extent to which the development may appear overbearing. A separation distance of between 15 and 20 metres would be retained between the proposed dwellings and properties opposite in Pooles Lane. These properties would be fully compliant with the usual separation distances and as such the development would not result in loss of light to the front windows of the properties opposite. The separation distance between the front of plots 2, 3 and 4 and the properties opposite in Pooles Lane is considered adequate to maintain an acceptable degree of privacy for existing and future occupants. An acceptable degree of domestic amenity space is allocated for the scale of the dwellings proposed.



- 5.17 With the exception of roof-lights no first floor windows are proposed in the side elevations of plots 4 and 2 facing Wormwood Cottage and Becketts respectively. The position and orientation of plot 1 would ensure that this particular dwelling would not appear overbearing or overlook or overshadow the immediately neighbouring dwellings in Crawborough Terrace.

#### Ecology and Landscaping

- 5.18 The site is domestic garden curtilage and is of low ecological value. There is no objection to the loss of the existing trees on the site proposed to be removed; it is considered that these trees do not provide a substantial contribution to the immediate setting. It is considered that the indicative landscaping is acceptable and the scheme would involve the planting of more trees than are currently on the site. The proposals include a number of ecological enhancements including the provision of bat and bird boxes.

#### Conclusion

- 5.19 The amendments made represent a substantial improvement to the previously proposed scheme in terms of design, layout and treatment of the Conservation Area character, as well as providing the benefit of four market dwellings to meet local housing need. Although the site occupies a prominent and important position in the Conservation Area it is considered that the development generally responds well to the immediate setting.
- 5.20 The removal of the stone outbuilding facing Pooles Lane is not desirable although this is balanced against the challenges associated with achieving a safe and suitable means of vehicular access onto Pooles Lane. Officers consider that the development would not result in harm or less than substantial harm to the Conservation Area character and that on balance the proposals are considered emerging Local Plans and the relevant criteria of the NPPF.

## **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 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 The 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.

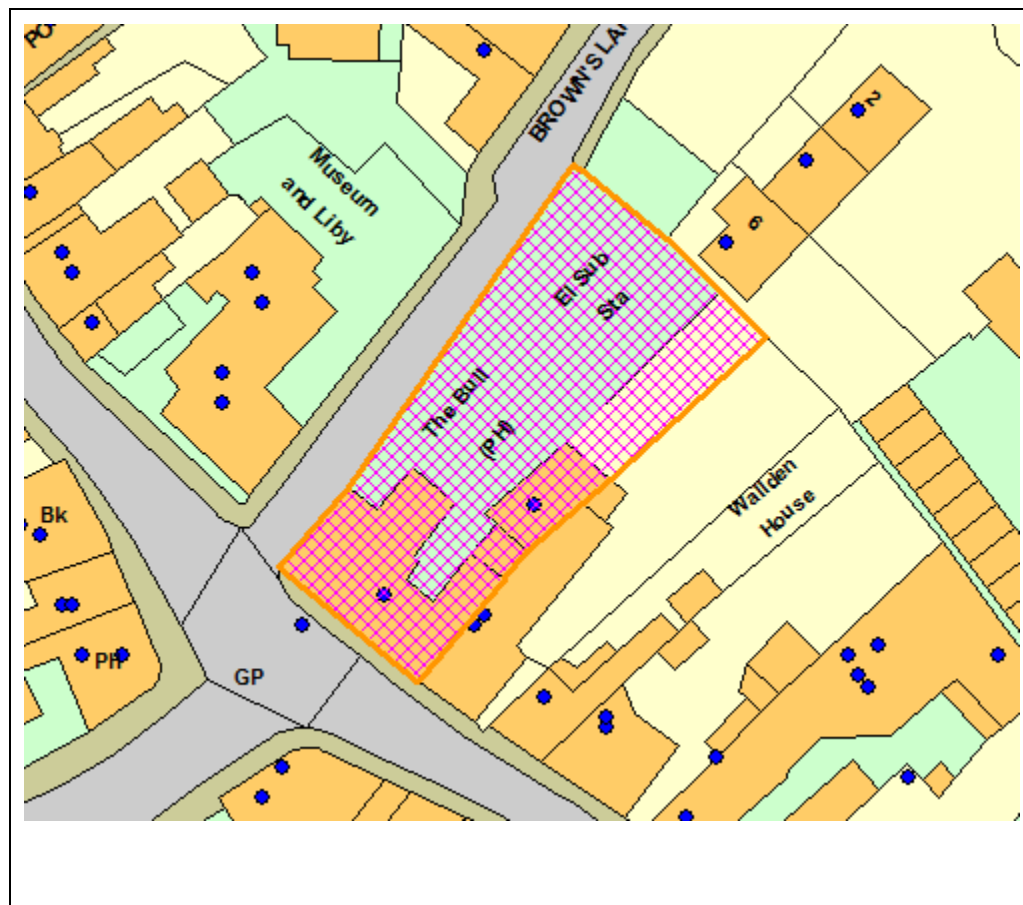
- 5 The means of access between the land and highway shall be drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: In the interests of highway safety
- 6 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.
- 7 No part of the development shall be occupied until the facilities for refuse bins to be stored awaiting collection have been provided in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.  
REASON: To safeguard the character and appearance of the area and in the interests of the convenience and efficiency of waste storage and collection.
- 8 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall 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.
- 9 The dry stone boundary wall fronting Pooles Lane shall be retained in part at a height of no less than 1 metre and any works to repair or make good the existing wall shall be constructed with matching natural stone materials.  
REASON: To protect the character and appearance of the Conservation Area
- 10 All of the development works must be carried out as per the recommendations in section 7 of the Extended Phase one habitat survey and Preliminary Bat Survey (Four Acre Ecology Ltd 28/11/15) which shall include the production of a working method statement to be submitted to the LPA for approval before works begin and enhancements such as integral bat boxes and birds boxes and native planting of trees and hedges illustrated on drawing I5025-P01-A . All enhancements must be completed before the new dwellings are first brought into use and permanently maintained thereafter.  
REASON: To ensure that birds & bats and their roosts are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981

as amended, In line with the National Planning Policy Framework (in particular section 11), Cotswold District Local Plan Policies & In order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

- 11 Prior to the first occupation of the dwellings the details of a provision towards a TRO to implement a 20mph speed-limit shall be secured via a Unilateral Undertaking (UU) with Oxfordshire County Council.  
REASON: To offset the impact of additional vehicular use of Pooles Lane and to improve highway safety and amenity in the immediate area
  
- 12 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.  
REASON: To prevent pollution of the environment in the interests of the amenity.  
Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

Application Number	I6/01140/FUL
Site Address	The Bull Inn Sheep Street Charlbury Chipping Norton Oxfordshire OX7 3RR
Date	18th May 2016
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Charlbury
Grid Reference	435744 E 219475 N
Committee Date	31st May 2016

### Location Map



### Application Details:

Extension of the existing kitchen extraction system to accommodate new filters required by current hygiene regulations (retrospective).



roof which has been successful to some extent in dulling down the functional appearance of this necessary addition.

- 3.4 Happily there was no requirement to raise the level of the vent which seems to be doing the job in its present position. Currently the kitchen and vent is exposed to Browns Lane however when the proposed and approved Pub garden is installed in the spring the opportunity will be taken to include some screen planting which will make the area less visible from the Lane and Garden.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks retrospective planning permission for the replacement of a kitchen extraction system on the rear elevation of the 17th century Grade II listed Inn. The listed building consent is being dealt with under reference 16/01141/LBC. The extraction system is 2.23m high, 0.52m wide and is positioned so it projects approximately 0.4m above the ridge height of the kitchen roof. The site sits within the Charlbury Conservation area, the Cotswold Area of Outstanding Natural Beauty and is in close proximity to a number of listed buildings positioned along Sheep Street, Browns Lane and Market Street.

##### Background Information

- 5.2 14/02293/OUT - Hybrid application for the change of use of The Bull Inn P.H. to a dwelling, retention of The Barn as a separate dwelling, and outline permission for the erection of one dwelling to the rear (layout and access). Alterations to boundary walls, access and car parking layout - REFUSED.
- 5.3 15/03626/FUL- Internal alteration including relocation of the bar, re-designed pub garden and car park and part change of use of the existing barn to form bedroom accommodation for the Inn- APPROVE.
- 5.4 15/03627/LBC- Internal and external alterations- APPROVE
- 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 principle of installing a kitchen extraction system is acceptable subject to the architectural integrity of the building being respected and the design and materials respecting the architectural character and appearance.

### Siting, Design and Form

- 5.7 This application has been the subject of discussions with the council's conservation architect. Given that this is an attractive Grade II listed property in a very prominent and sensitive location within the Charlbury conservation area which is highly visible from Browns Lane officers are of the opinion that the unusual design and scale of the unit has a detrimental impact on the visual character of the area from the street scene and fails to preserve or enhance the conservation area. Additionally, officers consider that the unit has a detrimental impact on the architectural character and appearance of the listed building. The public benefit of the installation is not considered to outweigh the harm to the listed heritage asset. Whilst officers consider this unit to be too large and unsightly this does not rule out the siting of an alternative unit, the previously sited unit was much smaller, lower and more discreet and wholly more appropriate and respectful of the visual amenity of the Charlbury Conservation area and architectural integrity of the grade II listed building.

### Highway

- 5.8 Highways matters are not relevant to the determination of this application.

### Residential Amenities

- 5.9 At the time of writing the consultation response has not yet been received from the Environmental Health team in respect of the impact of the extraction system on the neighbouring amenities. An update on this matter will either be given in the additional representations report or verbally at the meeting.

### Conclusion

- 5.10 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the retrospective development is unacceptable on its planning merits and therefore should be refused. If members are minded to refuse the application, given that it is retrospective the expediency of taking enforcement action in respect of the breach will need to be considered in due course.

## **6 REASON FOR REFUSAL**

By reason of its scale, siting, design and materials, the kitchen extraction unit, which has been installed on the rear elevation of the attractive and highly prominent Grade II listed building in the centre of the Charlbury Conservation area, appears as an alien and incongruous feature failing to either preserve or enhance the character and appearance of the Charlbury Conservation area. Additionally, by reason of its scale, siting, design and materials, the kitchen extraction unit fails to enhance or respect the special architectural appearance, character and integrity of the grade II listed building. As such, this application is considered contrary to policies BE2, BE5, and BE7 of the adopted 2011 WOLP, OS2, OS4, and EH7 of the emerging 2031 WOLP and relevant paragraphs of the NPPF.

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### Application Details:

Extension of the existing kitchen extraction system to accommodate new filters required by current hygiene regulations (retrospective).





- 3.4 Happily there was no requirement to raise the level of the vent which seems to be doing the job in its present position. Currently the kitchen and vent is exposed to Browns Lane however when the proposed and approved Pub garden is installed in the spring the opportunity will be taken to include some screen planting which will make the area less visible from the Lane and Garden.

#### **4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings

EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks retrospective listed building consent for the replacement of a kitchen extraction system on the rear elevation of the 17th century Grade II listed Inn. The planning permission is being dealt with under ref. 16/01140/FUL. The extraction system is 2.23m high, 0.52m wide and is positioned so it projects approximately 0.4m above the ridge height of the kitchen roof. The site sits within the Charlbury Conservation area, the Cotswold Area of Outstanding Natural Beauty and is in close proximity to a number of listed buildings positioned along Sheep Street, Browns Lane and Market Street.

##### Background Information

- 5.2 14/02293/OUT - Hybrid application for the change of use of The Bull Inn P.H. to a dwelling, retention of The Barn as a separate dwelling, and outline permission for the erection of one dwelling to the rear (layout and access). Alterations to boundary walls, access and car parking layout - REFUSED.
- 5.3 15/03626/FUL- Internal alteration including relocation of the bar, re-designed pub garden and car park and part change of use of the existing barn to form bedroom accommodation for the Inn- APPROVE.
- 5.4 15/03627/LBC- Internal and external alterations- APPROVE
- 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 principle of installing a kitchen extraction system is acceptable subject to the architectural integrity of the building being respected and the design and materials respecting the architectural character and appearance.

##### Siting, Design and Form

- 5.7 This application has been the subject of discussions with the council's conservation architect. Given that this is an attractive Grade II listed property in a very prominent and sensitive location within the Charlbury conservation area officers are of the opinion that the unusual design and

scale of the unit has a detrimental impact on the architectural character and appearance of the listed building. The public benefit of the installation is not considered to outweigh the harm to the heritage asset. Whilst officers consider this unit to be too large and unsightly this does not rule out the siting of an alternative unit, the previously sited unit was much smaller, lower and more discreet and wholly more appropriate and respectful of the architectural integrity of the Grade II listed building.

### Conclusion

- 5.8 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the retrospective development is unacceptable on its planning merits and therefore should be refused. If members are minded to refuse the application, given that it is retrospective, the expediency of taking enforcement action will need to be considered in due course.

## **6 REASON FOR REFUSAL**

By reason of its scale, siting, design and materials, the kitchen extraction unit, which has been installed on the rear elevation of the attractive and highly prominent Grade II listed building in the centre of the Charlbury Conservation area, appears as an alien and incongruous feature to the detriment of the architectural character and appearance of the grade II listed inn. As such, this application is considered contrary to policies BE7 of the adopted 2011 WOLP, EH7 of the emerging 2031 WOLP and relevant paragraphs of the NPPF.