

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 1st August 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)

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Application Number	I6/01239/FUL
Site Address	The Dragon Inn 152 High Street Burford Oxfordshire OX18 4QU
Date	20th July 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425097 E 212109 N
Committee Date	1st August 2016

**Location Map**



**Application Details:**

Conversion (including single storey in-fill extension) of existing derelict outbuilding to create additional holiday let together with associated storage shed. (Part retrospective).

**Applicant Details:**  
Rick And Sally Lockyer  
The Dragon Inn  
152 High Street  
Burford  
Oxon  
OX18 4QU

## **I      CONSULTATIONS**

### **I.1      WODC Architect**

Opinion: The outbuilding in question is (or was) not in great condition, although it is part of an interesting linear group, and I would judge that it is, nonetheless, worthy of retention and conversion, if this can be achieved without comprising the character. And they do seem to be working pretty much with the existing forms - with the original envelope preserved, and with new joinery fitted into existing openings. I think it may have been possible to save at least some of the original roof structure, although that opportunity seems to have been lost - and there is no doubt that much of it was indeed beyond repair. There would also be a new single storey element, although this would replace decrepit and unsympathetic existing structures. I have no problems with the general principle of this, but, like the existing adjoining structures, the roof would be laid to a pitch that is too low for any traditional roofing material - including the proposed slates and plain tiles. Note that the minimum pitch for slates is 22.5 degrees, and the minimum pitch for plain tiles is 35 degrees - whereas here we have around 10 degrees. They may just get an interlocking tile to work at this low pitch, which doesn't seem to have been considered. I also find the change in roofing material at the mid-point to be somewhat strange, and fussy too. So, they need to explain: a) how they will get the proposed roofing materials to work at this low pitch; b) why they are changing roofing material at the mid-point. I note that there would also be a new storage shed at the end of the plot, which would be tucked behind the boundary wall, and which would be of no great size. There are no great problems with this except that, again, they have slates laid at too low a pitch - again, around 10 degrees.

Recommendations: Seek clarification on the roofing to the low pitches. When satisfactorily resolved, consents, (partly retrospective) should be given with: condition E17 for matching works; condition E12 for demolition only where shown; condition D124 for a sample of the roof slates and/or tiles; condition D23 for recessed window and door frames (min 75 mm); condition D21 for external joinery details (including details of the rooflights), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with details of the proposed timber and the proposed treatment.

- I.2 Parish Council We fully agree with the enforcement notice therefore do not approve of this application.
- I.3 OCC Highways No reply at the time of writing.
- I.4 Ecologist No objection subject to conditions

All of the development works must be carried out as per the recommendations in section 6 of the Bat Survey (Abricon 2nd December 2015). All mitigation & enhancement works must be completed before the Outbuilding is first brought into use for holiday lets and all mitigation and enhancements must be permanently maintained thereafter.

In order to fully comply with this condition details of the enhancements for bats and birds must be confirmed in a letter 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), 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.

## 2 REPRESENTATIONS

- 2.1 Ian Brown has written in respect of the application. In a summarised form his comments are as follows:

I wish to register my objection to the increased roof height of at least 0.5 metres to the "derelict building" at the back of The Dragon Inn 152 High Street Burford.

I am concerned that again the applicant is developing a very sensitive site and grade II listed buildings without apparently obtaining proper planning approval. I am also concerned about other planning issues detailed below.

### Roof Height

I first contacted you on 19 February 2016 to register my concern about the increased roof height and you allocated an enforcement reference 16/00047/PENF for 'Alleged unauthorised works to raise the roof height of a listed building (non-compliance with approved details submitted under 15/02672/FUL)'. From the two photos I attached to my email dated 19 February (which show the original roof height and the new roof height) one can estimate accurately that the new roof is at least 0.5 metres higher than the old roof. I attach the photos again for reference.

It is interesting to note that the drawing HSB/42 contained in the retrospective planning application does not include any dimensions / heights.

### Planning Issues

As you are aware the first retrospective planning application for this property stated on the plans this "derelict building" was to remain as existing.

Reference "Listed Building Alterations - there are alterations to interior and Exterior" - applicant stated "NO". There are alterations.

Reference Question 4 "Materials - Rainwater Goods" - applicant stated upvc gutters and downpipes. Shouldn't these be cast iron due to being a grade II listed building?

Reference Question 6 "Assessment of flood risk" - I would appreciate details of the soakaway to cater for 5 holiday lets.

Work has continued on the derelict building since the enforcement notice was issued, and the intended use of the building has changed from "A room with a washing machine and ping pong table in for the guests to use" to "additional holiday let" accommodation.

Mr Brown has also provided a timeline of correspondence between himself and WODC relating to the retrospective works which includes the following:

On 14 March I was informed that: WODC had been advised that the intended use of this building will be ancillary to the 4 holiday lets on the site. e.g. A room with a washing machine and ping pong table in for the guests to use. WODC advised the applicants that this required a change of use application for this proposed use.

WODC had made the applicants very aware that this is a very sensitive site and grade II listed and they needed to write to WODC prior to any works being undertaken so WODC can advise if an application is required.

On 7 April I was advised that WODC had asked the agent to remind his client that undertaking any unauthorised works to a listed building is a criminal offence and all works, if any are being undertaken or plan to be undertaken, must cease immediately until an application for any works has been approved.

On 13 April WODC advised me that George Mynehan, who is the investigating officer dealing with this case had been in contact with Mr and Mrs Lockyer and they have confirmed that they only have one builder employed on the site at present to clean up the debris and remove old concrete and bricks etc. from the site.

2.2 Mr I R W Moore of 6 Sweeps Lane has commented as follows:

Yet again the builder is getting away with planning rules putting in a retrospective application and getting the ok for something he has already done;

Why can't you fine him as he is running rings around the planning process and getting away with it.

2.3 John A Kimberley , Chairman of the Burford Charity Trustees has commented in a precised form as follows:

No yellow notices were posted at Sweeps Lane. We were notified by an undated letter posted to both the occupiers of 1 and 2 Sweeps Lane, the residents of which are elderly and rarely visit the High Street where the yellow notice was displayed;

The site is sensitive and all the work appears to have been carried out without approval;

Both Almshouses will lose amenity and the windows will directly overlook these properties and gardens and the quiet enjoyment of their gardens is at risk;

A new built up garden area will increase noise levels;

Concerned about the increased parking that an additional holiday let will generate.

2.4 John Bayliss of Old Ropery Cottage, 5 Sweeps Lane has commented in a precised form as follows:

I have been very unhappy with the way this matter of the applicant totally ignoring the Listed Property and Building Conditions has been handled, particularly as I was advised that the developers have a previous record with WODC of not adhering to proper procedure methods.

2.5 **The agent acting for the applicants has responded to a representation made in respect of the applications as follows (the agents response is in bold italics and the comments made in the representation are not.**

#### Roof Height

I first contacted you on 19 February 2016 to register my concern about the increased roof height and you allocated an enforcement reference 16/00047/PENF for 'Alleged unauthorised works to raise the roof height of a listed building (non-compliance with approved details submitted under 15/02672/FUL)'.  
*I do not know how it is possible to establish "accurately" an alleged height difference from two photographs and I am not even sure if the two photographs have been taken from exactly the same angle or viewpoint as there is much more of the wall in the foreground showing on the lower photograph than on the other.*

From the two photos I attached to my email dated 19 February (which show the original roof height and the new roof height) one can estimate accurately that the new roof is at least 0.5 metres higher than the old roof. I attach the photos again for reference.

**We also believe that when the upper photograph was taken, the original gable masonry had been taken down and although the ridge had been 'propped' temporally, with the removal of the main supports for the original purlins, it would have sagged slightly.**

**I have checked with the Applicant and the builders and have been assured that the timber roof was repaired and reinstated to its total original height of 21 feet.**

## Planning Issues

As you are aware the first retrospective planning application for this property stated on the plans this "derelict building" was to remain as existing.

When the previous Applications (15/02672/FUL and 15/02383/LBC) were submitted in September 2015, the Applicant had no plans for the development of the outbuilding and only started work on the repair and reinstatement of the barn when they became concerned with Health & Safety issues.

Reference "Listed Building Alterations - there are alterations to interior and Exterior" - applicant stated "NO". There are alterations.

**As I do not believe that the outbuilding is part of the Grade II listed building, "No" is the correct answer, the Application for Listed Building Consent only being required as the proposed remedial works will affect the listed building in its setting.**

Reference Question 4 "Materials - Rainwater Goods" - applicant stated upvc gutters and downpipes. Shouldn't these be cast iron due to being a grade II listed building?

**No comment**

Reference Question 6 "Assessment of flood risk" - I would appreciate details of the soakaway to cater for 5 holiday lets.

**The reference to "5 holiday lets" is irrelevant here, as the soakaway will only take rainwater run-off and, as there is no appreciable change in the area of roof being drained, there will be no increase in flood risk.**

Work has continued on the derelict building since the enforcement notice was issued, and the intended use of the building has changed from "A room with a washing machine and ping pong table in for the guests to use" to "additional holiday let" accommodation.

**Although Ian Brown refers to this in the text of his 14 March email to WODC, I do not understand where this description of "A room with a washing machine and ping pong table in for the guests to use" has come from but my 08 April email to the Council confirmed that all building work on site had ceased on 17 March 2016 with only the removal of rubble and overgrown vegetation from the rear of the plot via wheelbarrows to a skip at the front of the building continuing after that date.**

I attach texts of emails relating to this development and I have summarised the most important details below:

On 27 February Derek Cotterill informed WODC that work was continuing on the derelict property even although an enforcement order had been issued.

On 10 March I was advised the WODC enforcement team contacted the applicant and were informed that they are undertaking 'repair and maintenance' works to the building as it is derelict.



On 10 March I wrote to WODC to inform that work continues on the derelict building and sent WODC photos.

On 14 March I was informed that: WODC had been advised that the intended use of this building will be ancillary to the 4 holiday lets on the site. e.g. A room with a washing machine and ping pong table in for the guests to use. WODC advised the applicants that this required a change of use application for this proposed use.

WODC had made the applicants very aware that this is a very sensitive site and grade II listed and they needed to write to WODC prior to any works being undertaken so WODC can advise if an application is required.

**See my comments above as to where the description of "A room with a washing machine and ping pong table in for the guests to use" originated.**

On 7 April I was advised that WODC had asked the agent to remind his client that undertaking any unauthorised works to a listed building is a criminal offence and all works, if any are being undertaken or plan to be undertaken, must cease immediately until an application for any works has been approved.

**My 08 April email to the Council confirmed that all building work on site had ceased on 17 March 2016 with only the removal of rubble and overgrown vegetation from the rear of the plot via wheelbarrows to a skip at the front of the building continuing after that date.**

On 13 April WODC advised me that George Mynehan, who is the investigating officer dealing with this case had been in contact with Mr and Mrs Lockyer and they have confirmed that they only have one builder employed on the site at present to clean up the debris.

**See my comments above**

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

- 3.1 The creation of a new holiday let by a new single-storey infill and conversion of the existing outbuilding to involve structural repairs and improvements to safeguard what remains of the original structure due to years of neglect plus internal alterations and other renovations including new timber doors to a traditional pattern and traditional flush casement timber windows.

#### Historic and special architectural importance of the building

As can be seen from the site photographs, what remained of the original building was a dilapidated shell with the roof to the rear section having collapsed and with the corrugated metal roof to the front section being in a poor state of repair with damaged/missing areas of roofing and extensive dry rot and beetle damage to the remaining beams and purlins.

In addition, as all of the timber floors at First Floor level were missing and the few steel tie rods almost rusted through, the external walls were in danger of total collapse.

The proposed remedial work includes the introduction of a new steel frame to support a new timber floor at First Floor and with new tie rods and brackets to provide the required restraint to the external walls together with extensive repairs and remedial work to the existing external masonry and a totally new timber roof throughout.

As stated above the new internal layout has been designed to retain as much of the basic fabric of the existing building as possible with all new windows and doors being slotted into the existing openings.

In addition, the original external walls, terraced areas, and footpaths at the rear of the site are being repaired and refurbished to enhance the setting of the listed building.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE7 Alterations and Extensions to Listed Buildings

BE9 Change of Use of a Listed Building

TLC2 Use of Existing Buildings

TLC12 Protection of Existing Community Services and Facilities

SH3 Changes of Use in Town Centres

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application has been submitted following investigations in to a complaint that unauthorised works were being undertaken to a listed outbuilding to the rear of 152 High Street.

##### Background Information

**Determination of this application and the associated application for listed building consent were deferred at the last meeting in order for a Member site visit to take place.**

- 5.2 Planning permission and listed building consent were granted under 15/02672/FUL and 15/02673/LBC for a change of use of the building to 4 holiday lets. These permissions did not include conversion or alteration of an outbuilding the rear of the premises.

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

Principle;

Impact on the Listed Building and the Conservation Area;

Impact on the residential amenity of adjoining occupiers;

Impact on Highway Safety;

#### Principle

- 5.3 It is considered by Officers that the change of use of the outbuilding to a self-contained holiday let would be consistent with the policy objectives of both the existing and emerging the plan Local Plans with the holiday let use being complementary to existing uses in the town centre, particularly as Burford represents one of the key tourist destinations in the District.
- 5.4 Policy TLC2 of the adopted Local Plan covers proposals for the change of use / conversion of existing buildings to visitor accommodation. Such accommodation will be permitted provided:
- a) There is adequate off-street parking or other public parking available
  - b) The scale of proposals does not generate a level of activity which would have detrimental effect on the character or appearance of the area
  - c) The existing building should be capable of conversion to visitor accommodation without excessive alteration or rebuilding which would damage its character or setting.
  - d) The character and setting of the existing building is not damaged.
- 5.5 In respect of the other tests of policy TLC2 Officers consider that the scale of the development and the design modifications to accommodate the holiday let use will not result in unacceptable levels of harm to the character and appearance of the listed building and its setting. Further that the character of this part of the Conservation Area which can be glimpsed from 'Sweeps Lane' will be enhanced. In respect of off street parking and highway issues these are addressed in the relevant section of this report below.

#### Impact on the Listed Building and the Conservation Area;

- 5.6 Members will note that the Conservation Architects consultation response is generally supportive of the application advising that the building is part of an interesting linear group located within the Conservation Area worthy of retention and conversion. He does raise issues about the ability to use certain materials given the shallow roof pitches of a number of elements of the scheme but is not objecting just seeking clarification. Members will note that a condition is suggested to address this matter.
- 5.7 In light of the above the proposals for the rear of the site are considered to respect the character and appearance of the listed range and enhance the Conservation Area and thus are compliant with policies BE5, BE7 and EH7 NEW.

#### Impact on the residential amenity of adjoining occupiers;

- 5.8 In making this planning assessment Officers have considered the impact of the proposal on the adjoining occupiers and those living along Sweeps Lane. In your Officers opinion, 5 holiday lets is likely to generate less noise and disturbance than the former restaurant use which comprised visiting members of the public, staff living on site and a commercial kitchen.
- 5.9 In terms of the physical works and openings to the building, the key impact is considered to be the potential perceived overlooking of a sitting out area of the garden serving 154 High Street

from a first floor bathroom window which is located approximately 7 metres away. In order to address this issue a condition is recommended that this casement window be obscure glazed and fitted with a limited opening mechanism to allow for ventilation only.

- 5.10 Officers are also aware that concerns have been raised regarding the impact of the perceived raising of the main ridge of the outbuilding on properties at 1 and 2 Sweeps Lane, the gardens of which directly abut the site and of increased noise and disturbance associated with the holiday let use on the quiet enjoyment of their gardens.
- 5.11 In terms of the physical works to the building in your officers opinion by virtue of its design and siting neither of these properties will be unacceptably overlooked nor will any changes to the ridge have an unacceptable overbearing impact. In terms of noise and disturbance from the garden area serving the holiday let use this impact needs to be considered within the context of the impact of noise and disturbance from the former commercial use of the property and the fact that the four holiday lets approved under 15/02672/P/FP and presently under construction, will use this area of land as garden. In your Officers opinion, given this background context it is difficult to argue that the use of the land by a further holiday let use will result in 'material' harm to the occupiers of 1 and 2 Sweeps Lane which outweighs the tourism and heritage benefits from the proposals for the former derelict outbuilding.

#### Highway Issues

- 5.12 In respect of parking provision County Highways raised no objection to the application for 4 holiday lets on the grounds that the proposals were unlikely to create a material increase in the demand for parking compared to the former commercial use of the property. Whilst a formal response from Highways has not been received at the time of writing this report it is anticipated that given the technical response to the earlier application that it is unlikely that the addition of a further 2 bed holiday let on the site will generate an objection from Highways.

#### Conclusion

- 5.13 In light of the above assessment this part retrospective application is recommended for conditional approval with conditions imposed which seek to address both the historic context of the site and the residential amenity of adjoining occupiers.

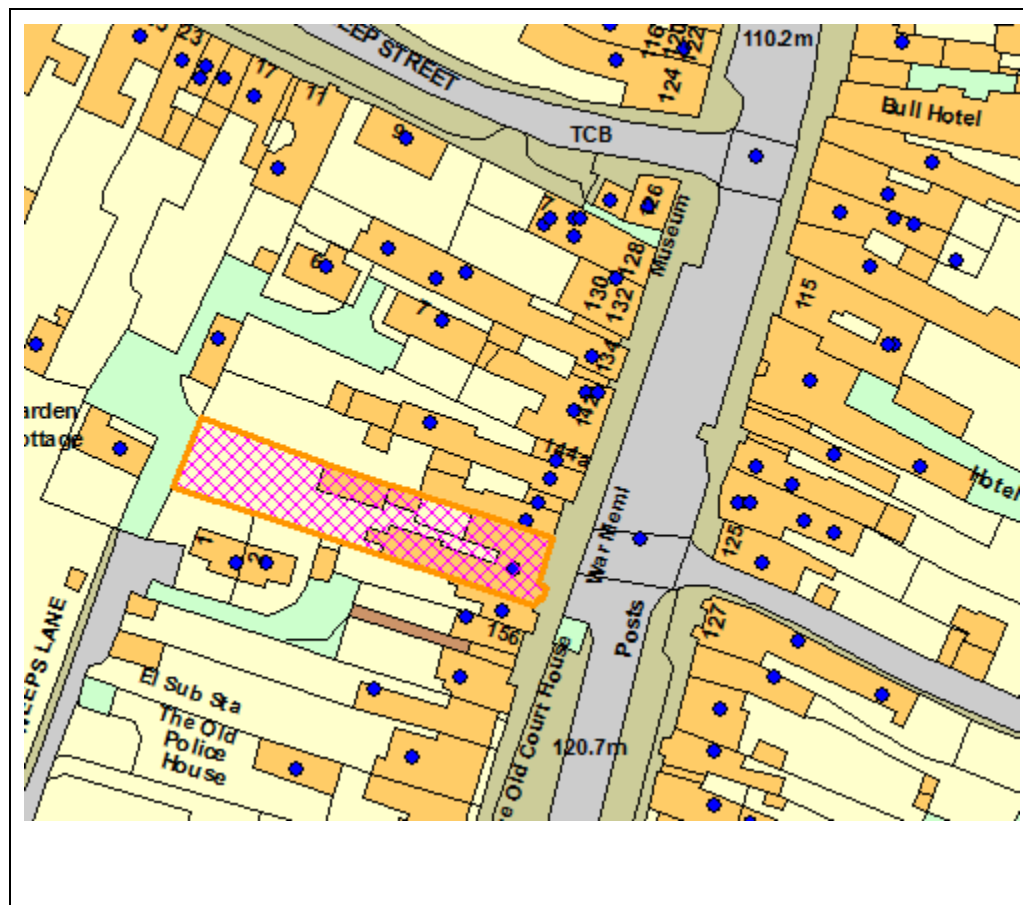
## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the application details the roof(s) of the building(s) and storage shed hereby approved 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 and retained as such thereafter.  
REASON: To safeguard the character and appearance of the listed building and it's setting.

- 4 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 or as agreed in writing by the LPA.  
REASON: To preserve the architectural integrity of the Listed Building.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery (including details of rooflights 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: In the interests of the architectural character and appearance of the listed building.
- 6 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 4 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.  
REASON: The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations other than those expressly authorised by this permission, shall be constructed.  
REASON: Control is needed in the interests of residential amenity.
- 8 Before first occupation of the building hereby permitted the first floor window serving the bathroom shall be fitted with obscure glazing and fixed with a limited opening in accordance with details to be first approved in writing by the LPA and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent property.
- 9 All works must be carried out as per the recommendations in section 6 of the Bat Survey (Building inspection and Ground level tree assessments) by abricon updated 2nd December 2015. All mitigation and enhancement works must be completed before the holiday let is first brought into use and permanently maintained thereafter. In order to fully comply with this condition a letter with photographs showing the enhancements must be submitted to the LPA.  
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 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 Notwithstanding the proposals for the formal garden and terraced area outlined on drawing HSB/02 submitted with the application the land to the rear shall be informally laid out as a communal area to serve the holiday let use on the site and retained as such.  
REASON: In the interests of the residential amenity of the adjoining occupiers.

Application Number	I6/01240/LBC
Site Address	The Dragon Inn 152 High Street Burford Oxfordshire OX18 4QU
Date	20th July 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	425097 E 212109 N
Committee Date	1st August 2016

### Location Map



### Application Details:

Conversion (including single storey in-fill extension) of existing derelict outbuilding to create additional holiday let. (Part retrospective).

**Applicant Details:**  
Rick And Sally Lockyer  
The Dragon Inn  
152 High Street  
Burford  
Oxon OX18 4QU

## **I CONSULTATIONS**

### **I.1 WODC Architect**

Opinion: The outbuilding in question is (or was) not in great condition, although it is part of an interesting linear group, and I would judge that it is, nonetheless, worthy of retention and conversion, if this can be achieved without comprising the character. And they do seem to be working pretty much with the existing forms - with the original envelope preserved, and with new joinery fitted into existing openings. I think it may have been possible to save at least some of the original roof structure, although that opportunity seems to have been lost - and there is no doubt that much of it was indeed beyond repair. There would also be a new single storey element, although this would replace decrepit and unsympathetic existing structures. I have no problems with the general principle of this, but, like the existing adjoining structures, the roof would be laid to a pitch that is too low for any traditional roofing material - including the proposed slates and plain tiles. Note that the minimum pitch for slates is 22.5 degrees, and the minimum pitch for plain tiles is 35 degrees - whereas here we have around 10 degrees. They may just get an interlocking tile to work at this low pitch, which doesn't seem to have been considered. I also find the change in roofing material at the mid-point to be somewhat strange, and fussy too. So, they need to explain: a) how they will get the proposed roofing materials to work at this low pitch; b) why they are changing roofing material at the mid-point. I note that there would also be a new storage shed at the end of the plot, which would be tucked behind the boundary wall, and which would be of no great size. There are no great problems with this except that, again, they have slates laid at too low a pitch - again, around 10 degrees.

Recommendations: Seek clarification on the roofing to the low pitches. When satisfactorily resolved, consents, (partly retrospective) should be given with: condition E17 for matching works; condition E12 for demolition only where shown; condition D124 for a sample of the roof slates and/or tiles; condition D23 for recessed window and door frames (min 75 mm); condition D21 for external joinery details (including details of the rooflights), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale and with details of the proposed timber and the proposed treatment.

### **I.2 Parish Council**

We fully agree with the enforcement notice therefore do not approve of this application.

## 2 REPRESENTATIONS

2.1 See report under 16/01239/FUL

## 3 APPLICANT'S CASE

3.1 See report under 16/01239/FUL

## 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 See report under 16/01239/FUL

### Background Information

**Determination of this application and the associated application for planning permission were deferred at the last meeting in order for a Member site visit to take place.**

5.2 See report under 16/01239/FUL

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:

The impact of the proposed works on the architectural character, integrity and appearance of the listed heritage asset

### Architectural Character, Integrity and Appearance of the Listed Heritage Asset

5.3 Members will note that the Conservation Architects consultation response is generally supportive of the application advising that the building is part of an interesting linear group located within the Conservation Area worthy of retention and conversion. He does raise issues about the ability to use certain materials given the shallow roof pitches of a number of elements of the scheme but is not objecting just seeking clarification. Members will note that a condition is suggested to address this matter.

5.4 In light of the above the proposals for the rear of the site are considered to respect the character ,appearance and integrity of the listed range and thus are compliant with policies BE5, BE7 and EH7 NEW.

### Conclusion

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

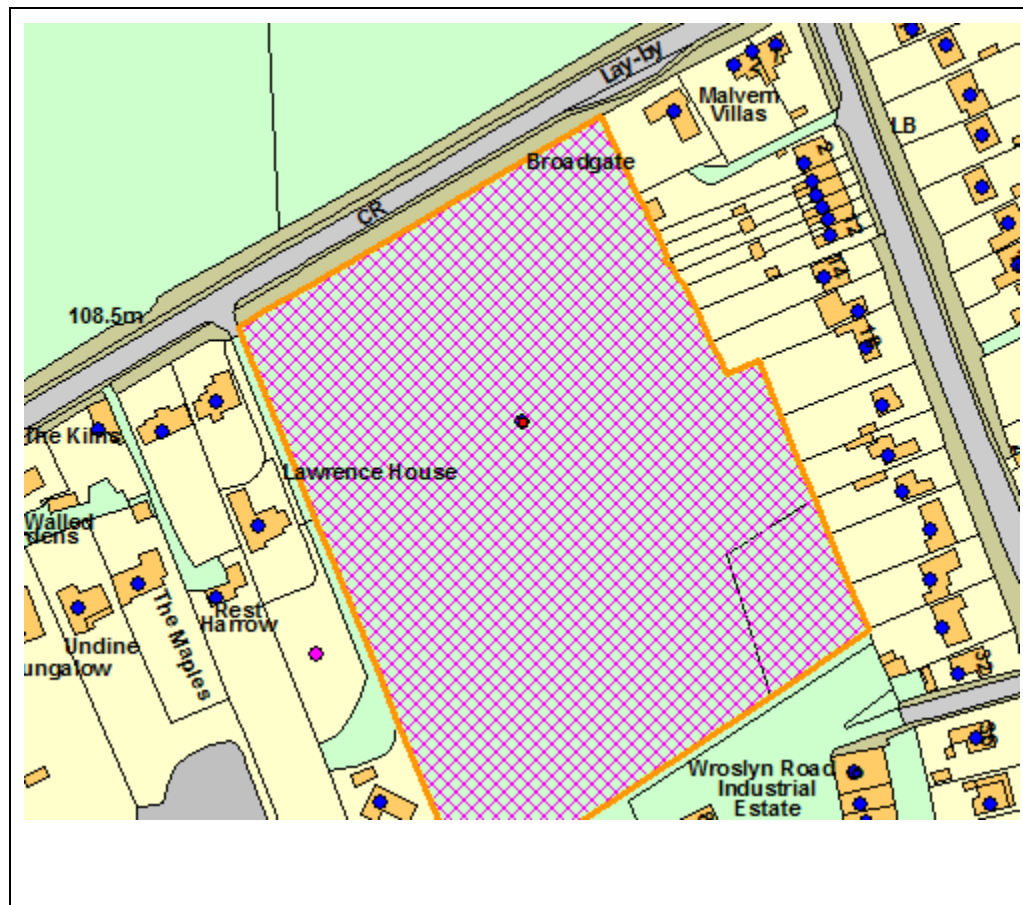


## **6 CONDITIONS**

- 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 Notwithstanding the application details the roof(s) of the building(s) and storage shed hereby approved 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 and retained as such thereafter.  
REASON: To safeguard the character and appearance of the listed building and it's setting.
- 4 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 or as agreed in writing by the LPA.  
REASON: To preserve the architectural integrity of the Listed Building.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery (including details of rooflights 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: In the interests of the architectural character and appearance of the listed building.

Application Number	I6/01353/OUT
Site Address	Land Between Wychwood House And Malvern Villas Witney Road Freeland Oxfordshire
Date	20th July 2016
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Freeland Parish Council
Grid Reference	440709 E 213779 N
Committee Date	1st August 2016

**Location Map**



**Application Details:**

Outline application for residential development of up to 41 dwellings (means of access only)

**Applicant Details:**

Daniel Family Homes  
C/O Agent

## I CONSULTATIONS

### I.1 Parish Council

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

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

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

Councillors are very concerned that this proposed development will have a detrimental impact on the local area, especially in relation to access onto the A4095 which can already be difficult and dangerous at peak times. They also feel that the site access onto the A4095 is too close to the Wroslyn Road junction onto the A4095 which will be dangerous for cars trying to turn across the road.

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

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

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

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

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

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

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

"All development will be located where:

- 1) it forms a logical complement to the existing scale and pattern of development and/or the character of the area;
- 2) it protects or enhances the local landscape and the setting of the settlement/s;
- 3) it makes use of previously developed land where available, provided it is not of high environmental value (e.g. ecology) and the loss of any existing use would not conflict with other policies of this plan;
- 4) it does not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- 5) it can be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities."

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

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

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

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

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

Anyone living locally is more than aware that the A4095 is very severely congested heading from Witney towards Bladon in the morning peak hours. The cars are literally nose to tail crawling along at barely 10mph. If this new development of up to 41 houses has an estimated 2 cars per house (potentially more), this could mean another 82+ cars to enter onto the A4095 at Freeland. At peak hours in the morning and evening it is already difficult and often

dangerous trying to exit Freeland and turn right onto the A4095 towards Hanborough. With even more vehicles trying to access the A4095 from the proposed site, this will prove almost impossible and will inevitably result in residents taking more chances which could lead to an increased number of accidents.

A development of up to 41 homes will potentially include a proportion of family sized homes with school age children, and Councillors are concerned about the danger to children and young people due to the opening of the proposed site onto the busy main road that is the A4095. Due to the location of the site it is highly likely that most will need to drive to the local school, otherwise they will have a long walk along the A4095 and down Wroslyn Road, with a requirement to cross the road twice. Freeland Parish Council has already received complaints from residents regarding the parking problems around the school, and problems of cars driving too fast near the school. To allow this proposed development to go ahead would add to an already difficult problem and increase the dangers to the children.

It is also noted that in your Officer's Report from last year, it is highly likely that any children living in these new homes will not be able to attend the local village school in Freeland as it is operating at capacity, and therefore it is likely they will need to attend a school in a neighbouring village (most likely Hanborough Manor, although this is also operating at capacity). This will again impact on the traffic as it is highly likely they will have to drive to a neighbouring school, and it also means that the families who will potentially live there are not integrated into Freeland village at all. In fact it almost excludes them from the village completely as their children will not be able to go to their local schools.

At its May 2015 meeting Freeland Parish Council was presented with a petition signed by 271 residents who were all against the proposed development on site 269.

At their June 2015 meeting Freeland Parish Council developed a Planning Policy Statement that reads:

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

The Councillors believe that the proposed development on site 269 offers no overriding benefit to the village as a whole. Councillors are of the opinion that whilst there is an affordable housing element included in the proposals, the concerns raised do not outweigh the benefits that this application may provide.

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

I.2 Major Planning  
Applications Team

Should the LPA be minded to grant permission for this development the following would be required:

Section 106 agreement to contribute £1000 per additional residential

property towards the procurement of an improved bus service to/from Freeland Turn.

New bus shelter on the south side of the A4095: the applicant will need to consult with the parish council regarding the style of shelter and obtain their agreement towards the ongoing maintenance of the shelter, and to deliver the shelter as part of the S278 works. If this cannot be achieved then a contribution of £9,000 should be provided to cover the cost of installing and maintaining a shelter.

Section 278 arrangement for access arrangements a hard-standing area suitable for a bus shelter.

#### Access

Proposed access arrangements are the same as for 15/02135/OUT, including modifications we requested to the design after our original response and accepted. The impact of the additional 12 homes does not necessitate different arrangements. Although I do not fully agree with the discussion in the Transport Statement regarding the acceptability of a simple priority junction, I am satisfied that due to the traffic volumes, visibility, traffic speed and position of the access within the built up area, a right turn lane is not necessary even with the 12 additional dwellings. The access arrangements shown in 14.112-002A, submitted as part of the Transport Statement, are acceptable, though I require the bus stop hard standing area added to this.

#### Traffic impact

The Transport Statement does not discuss peak hour traffic impact. We did not comment on this for the smaller application but it is worth considering due to the increase in dwellings. Even with 41 dwellings, using typical trip generation for this type of location, the impact would be very modest. Flow along the A4095 is significantly tidal, reflecting the fact that most people are travelling to work to the east. The mini roundabout junction in Long Hanborough to the east is already over capacity. Peak hour traffic from this development could add 1 to 2% to eastbound A4095, which could not be seen as a severe impact, although it is part of a significant cumulative impact.

#### Public transport

The Transport Statement does not mention any public transport mitigation. In our previous response to 15/02135/OUT we requested a contribution of £1000 per dwelling towards a strategy to improve the Witney-Woodstock bus service, to operate more frequently with longer operating hours. We request the same (£1000 per dwelling) in relation to this application.

As with 15/02135/OUT, we also require a bus shelter and hard standing in the adjacent layby, to cater for westbound bus passengers.

#### Drainage

A drainage strategy has been provided. However, soakage/infiltration test results and drainage calculations are required, to prove that the strategy will function correctly. Permeable paving could be used on a greater area of the development, which would reduce surface water

run-off.

#### Archaeology

There are no known archaeological constraints on this site.

#### Education

Objection on primary education grounds. The catchment school, Freeland CE Primary School, cannot be expanded on its current constrained site. Hanborough Manor CE Primary is the preferred school to be expanded in this area, but no solution is yet in place enabling its expansion as it would require additional land to be made available.

When the previous application for this site was submitted, the County did not object on Education grounds, as at that time it was considered that a solution to expanding Hanborough Manor CE Primary was imminent; however, as the situation has not yet been resolved, an objection is now issued.

If this application is permitted despite our objection, or if this application is approved after the primary school site has been resolved:

£171,922 Section 106 required for the necessary expansion of permanent primary school capacity at Hanborough Manor CE Primary School.

At the time of writing WODC and OCC were in discussion regarding a potential phased approach to development given that 29 units have already been approved on this site.

#### I.3 WODC - Arts

A contribution of £4,410 towards public art to be used to enhance public amenity spaces off site in the village. The exact nature of the works to be determined in conjunction with the Parish Council.

The Parish Council is working to enhance public amenity and garden spaces in the village and a contribution from this site will enable the council to further their plans to develop their communal spaces in response to changes in population. The results will benefit all residents by enhancing communal spaces.

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

#### I.4 Wildlife Trust

No Comment Received.

#### I.5 Ecologist

Having looked through all the submitted documents and plans, including the two Ecology reports The Ecological Appraisal Rev 1 (April 2016) and the Great Crested Newt Survey (May 2015) both by

All Ecology), the main habitats identified are amenity and improved grassland species rich and species poor hedgerows and scattered boundary trees.

The majority of the land is improved grassland which is identified to be of low ecological value but the species rich boundary hedgerows with mature trees are identified as the most important habitats on site.

In addition the pond which is only 55m from the site was identified as an important breeding pond for Great Crested Newt (GCN) whilst it is accepted that the majority of grassland habitat on site does not provide sufficient cover for amphibians, the species rich hedgerows along the western and southern boundaries do. It is therefore a great shame that the 4m wide landscape buffer and the proposed new small woodland with bat and bird boxes on trees is along the eastern boundary.

Whilst this is an outline application the layout principle plan clearly shows the identified important boundary habitats can be retained but only as boundaries to the proposed new housing some which are close to the proposed new housing and therefore once in private ownership would be under pressure to be cut back and potentially trees removed.

Ideally the 4m landscape buffer should be along the western boundary to provide sufficient buffering for the species rich hedgerow and trees to be retained together with enhanced GCN habitat.

The Ecology reports make good recommendations which include the fact that two ponds will be created suitable for GCN which will provide an enhancement however they are clearly shown as Detention basins located for water storage in Drawing no D-10 & D12 and situated away from the western boundary with no green areas to connect them. This does not mean that areas could not be enhanced for use by amphibians but this needs to be shown.

Whilst it is fully accepted that this is an outline application as Drawings have been submitted to show the layout then it shows that the enhancements included whilst welcomed are not for the benefit of the breeding great crested newts unidentified close by or for the potential commuting or foraging routes for bats.

It is therefore recommended that the proposed layout is revised to at least show a 4m landscape buffer along the western and southern boundaries to protect and connect these areas with the proposed small woodland and areas of open water in the public open space. If the proposed layout plan can be revised to show the how the ecology recommendations as above can be incorporated then the following condition could be used.



If it could be demonstrated that all the recommended enhancements and mitigation could be incorporated & implemented, the policy and guidance requirements of Policies in the West Oxfordshire Local Plan, the NPPF (including section 11) and the habitat regulations and NPPG are all met.

1.6	WODC Drainage Engineers	No Comment Received.
1.7	WODC Community Safety	No Comment Received.
1.8	Environment Agency	No Comment Received.
1.9	WODC Env Health – Uplands	A precautionary condition regarding potential land contamination is required.  A condition regarding acceptable noise levels to the new residential properties is required.
1.20	WODC Head Of Housing	The need for affordable housing in Freeland remains constant. Therefore were this scheme to go ahead the council would be in a position to nominate applicants to each completed dwelling. Supports the application based on 50% affordable provision.
1.21	WODC - Sports	£1,088 x = £44,608 off site contribution towards sport/recreation facilities in Freeland. £818 x = £33,538 for the provision and maintenance of play facilities in Freeland
1.22	Thames Water	No objection
1.23	WODC Env Services – Waste Officer	No Comment Received.
1.24	WODC Legal And Estates	No Comment Received.

## 2 REPRESENTATIONS

2.1 Thirty eight objections have been received referring to the following:

- Detrimental impact on approach to the village.
- Inadequate infrastructure to support the development.
- Parish Council is against the development. Contrary to village statement opposing multi-dwelling development on greenfield sites unless it is of overwhelming benefit to the village.
- Increased traffic and highway safety.
- No discernable benefit to the village.
- Erosion of green space. The site is not previously developed land.
- Affordable housing not likely to go to Freeland residents.

- Impact on wildlife, including Great Crested Newts.
- The development cannot be considered infilling and rounding off and is contrary to WOLP Policy H6.
- SHLAA found the site to be unsuitable.
- Impact on landscape
- Public transport limited. Viability of transport options overstated.
- Flood risk and surface water problems.
- Potential overlooking
- Not a logical complement to the existing pattern of development and contrary to emerging Policy OS2.
- Air quality affected by congestion.
- Ecological reports inadequate and flawed.
- The number of dwellings could be increased at a later date.
- Noise and disturbance.
- Impact on foul drainage capacity. Lack of objection from Thames Water questioned.
- Not a suitable or sustainable location.
- Quality of life would be affected.
- Inadequate school capacity at Freeland and Long Hanborough.
- Inadequate capacity at local doctor's surgery in Long Hanborough.
- There are two horses buried in the field that will be disturbed by the development.
- No obvious benefit to Freeland.
- Proposed plan doesn't integrate different tenures of housing.
- Parking issues outside Hanborough School.
- Impact on character of the village.
- Affordable housing should be located in areas with good infrastructure.
- The village may become disconnected with a north -south divide.
- Numerous applications on same site a waste of time and resources.
- More houses could be built resulting in loss of green space on the site.
- Potential contamination on the site.
- Question integration of new residents.
- Question as to whether the developer will meet legal requirements for 41 houses.
- Site some distance from facilities and services in Long Hanborough.
- No need for circular road within the development and internal roads could be designed differently.
- Development not in keeping with surroundings and not appropriate in this location.
- Possible increase in local rates.
- Access should be taken from the south.

## 2.2 One letter of support has been received referring to the following:

- The development will be of benefit to the community.
- The scheme will introduce a good mix of properties.
- The scheme will add 20 affordable homes to supply.
- The development will swell the village logically and modestly.
- The development will generate increased interest in the business park adjacent, providing job opportunities locally.
- It will improve village infrastructure.
- It will add to play provision.

- Opportunity to incorporate wildlife corridors and encourage biodiversity.
- It will add to village community.
- It will encourage the continued provision of public transport.
- Traffic is steady and free-flowing on the A4095.

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

- 3.1 Freeland, considered as a sustainable location for development within the adopted development plan, has only provided one dwelling towards the District's housing supply since 2011. This is a clear underperformance given the accessibility to a range of facilities within the village and in other sustainable settlements nearby. The supply of brownfield land within the village has been exhausted and given the landscape/woodland constraints around the southern section of the village there does not appear to be any scope to expand. The only other available greenfield site considered through the SHLAA 2014 is undesirable given that it expands built form outside the settlement.
- 3.2 It is therefore clear that the proposed development site is the only realistic and sustainable option for residential development within Freeland, to meet the growing need for housing. An increase of 12 dwellings over the approved scheme (Ref - 15/02135/OUT) and the provision of 50% affordable housing on site is also a significant benefit weighing in favour of this scheme.
- 3.3 Given that the Local Plan is now operating outside of its coverage period up to 2011 and the fact that there has been no adopted housing requirement for the District since the revocation of the Regional Strategy, it is considered that saved Policy H6, which seeks to restrict housing, should be regarded as out of date in terms of Paragraph 49 of the NPPF. Notwithstanding this, it is considered that the development should be considered as "rounding off" the northern element of the village, with the brownfield requirement being out of date in NPPF terms.
- 3.4 The proposals have been prepared following the resolution to grant planning permission (Ref - 15/02135/OUT) and through consultations with the Council, the Parish Council and local residents. The applicant has listened to the comments made and designed the scheme accordingly. The revised proposals, using the same layout, now accord with local market signals.
- 3.5 We consider that this site provides the opportunity to deliver much needed new homes and open space. The site is suitable, available and development is achievable in the next five year period and is considered a sustainable location for development to meet the challenge of boosting significantly the supply of housing, a core requirement of the NPPF. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits: there are none in this case.
- 3.6 The proposal has been demonstrated to accord with relevant planning policy considerations and there are no material considerations that would suggest otherwise. It is therefore respectfully requested that planning permission is granted. We would urge the Council to adopt the proactive and positive approach to planning that the NPPF advocates and to grant consent for the development in light of the case made herein.

### **4 PLANNING POLICIES**

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

## 5 PLANNING ASSESSMENT

5.1 The proposal is an outline application for the erection of up to 41 dwellings on approximately 2.8ha of land with only access to be considered at this stage. A range of supporting information and an indicative layout have been provided. It is envisaged that the development would be a mix of 1.5 storey and 2 storey. The vehicular access would be from the A4095 to the north.

5.2 The relevant planning history is as follows:  
W88/1255 - outline application for residential development (indicatively 69 units) and new vehicular access - refused 09/09/88  
W91/1576 - part residential development (25 units) and part business use (1.25 acres of land) and associated road works - refused 04/02/92  
W2002/0574 - residential development (2 detached dwellings) - refused 28/05/02  
15/02135/OUT - Outline application for residential development of up to 29 dwellings (means of access only) - approved 05/07/16  
15/02740/FUL - erection of 8 dwellings - withdrawn 08/09/15

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

Principle  
Siting, design and form  
Heritage  
Highways  
Trees, landscaping and ecology  
Drainage  
Residential amenity  
S106 matters

### Principle

5.4 The site is agricultural land, currently pasture, located to the north west of the village. It lies to the south of the A4095 and west of Wroslyn Road. To the south there is an industrial estate and to the west housing development. The surrounding development is predominantly modern, but there is older housing at Malvern Villas and 2 to 12 Wroslyn Road. None of the nearby buildings is listed. Freeland does not have a Conservation Area and the site is outside the AONB.

5.5 Freeland has a primary school, community building, pub, places of worship, playing field, employment and a bus service. It is recognised as an appropriate place for some new development under both adopted Policy H5 and emerging Policy OS2. Policy H5 allows for development representing infilling, but the proposed development would not conform with this policy given the site's size and relationship to existing development in this location. The emerging revised local plan Policy OS2 recognises Freeland as a "village" in the settlement hierarchy. Here, development which respects the village character and local distinctiveness, and would help to maintain the vitality of these communities will be allowed in principle. Following on from this there are a number of general principles that need to be applied to any form of development.

- 5.6 Emerging Policy H1 refers to the sub-area of Eynsham-Woodstock contributing 1,600 dwellings to the housing supply over the plan period to 2031. In Freeland, emerging local plan policy H2 allows for housing on undeveloped land within or adjoining the built up area, where the proposed development is necessary to meet identified housing needs and is consistent with a number of criteria, as well as other policies in the plan. Detailed considerations expressed in the policy will be assessed below. However, the principle is acceptable as the site does adjoin the existing settlement edge and unidentified housing sites are required to contribute to housing land supply.
- 5.7 Planning permission has been granted for the erection of up to 29 dwellings on the site under reference 15/02135/OUT. This therefore clearly establishes the principle that development of the site for housing is acceptable. This report will therefore focus on the merits of a scheme of 41 units as opposed to 29.

#### Siting, Design and Form

- 5.8 The submitted indicative layout shows that the general arrangement of development proposed is very similar to that previously approved. The front portion of the site, closest to the A4095, has the same layout and density of development previously considered, and a large area of landscaped open space is still provided under this plan. The key change is that on the southern portion of the site the density of built form is significantly increased with the substitution of detached houses with semi-detached and some terraced units.
- 5.9 It is indicated that the houses would be 1.5 storey and 2 storey although the house types are for future consideration as part of a subsequent reserved matters application. The design is likely to be inspired by vernacular forms and proportion, but no detailed elevations are available as part of the application.
- 5.10 Large areas of the site are to be set aside for open space with new tree planting, paths and settlement ponds to provide for surface water drainage.
- 5.11 The higher density of development on the southern half of the site would not be readily apparent from the A4095, and the visual impact of the proposal would be effectively the same as the 29 unit scheme. The layout provides an appropriate balance between open space and built form, and is still not high density in relation to the site area (15 dwellings per hectare), even with an increase in the number of units. It is considered that the retention of the hedgerow to the front, setting back of the development from the road and large areas being left undeveloped will substantially reduce any perception of an urbanisation of this part of Freeland.

#### Highways

- 5.12 There is an existing agricultural access onto the road. The new vehicular access would be positioned to the west of this and the existing access closed. Pedestrian access to the main road would be provided via pavements at both sides of the access.
- 5.13 The means of access is the same as the approved application and therefore its acceptability has already been established. No objection is raised by OCC in relation to vehicle movements and highway safety based on the assessment of the 41 unit scheme.

- 5.14 The development site is located adjacent to the Witney-Woodstock bus service 233. A strategy exists to improve this bus service to operate more frequently with longer operating hours, and a S106 contribution of £1000 per additional dwelling will be sought.
- 5.15 A pair of bus stops (Freeland Turn) is located very close to this development site either side of the A4095. An informal pedestrian crossing is located to the east of the junction with Wroslyn Road to assist bus users accessing the stop on the north side of the A4095. There is no shelter at the bus stop on the south side of the A4095. A S106 contribution of £9000.00 will therefore be sought towards the procurement, installation and on-going maintenance of the new shelter. The developer will be required to liaise with the Parish Council regarding the style of shelter to be procured, also its location, given the proximity of an existing residential property.
- 5.16 The site is well located to offer realistic and convenient opportunities for residents to travel by non-car modes. Facilities and services in Long Hanborough are located approximately 1 mile away and there is a footway along the length of the A4095 between Freeland and Long Hanborough. It is not considered that the proposal would have a severe impact on the operation of the highway network in this location. The proposal complies with WOLP Policy BE3, bullet point 9 of emerging Policy H2 and emerging Policy T1.

#### Trees, Landscaping and Ecology

- 5.17 The site currently has a significant numbers of trees and hedgerow to its periphery. With reference to the submitted arboricultural report and tree protection plan, all but one of the trees would be retained. An immature elm on the site frontage would be taken out but this would not be of significant detriment to the visual amenity of the area. The indicative layout shows that the development can be accommodated without encroaching into the root protection areas of any retained trees. Subject to conditions in relation to retention of trees and tree protection measures the proposal would be acceptable in maintaining these existing landscape features.
- 5.18 A full landscaping scheme would be required at the reserved matters stage and the combination of retained trees, new planting and boundary treatments is envisaged to provide appropriate screening and features that will assimilate the development into the local character of the village. This would accord with WOLP Policy NE6 and bullet point 6 of emerging Policy H2.
- 5.19 The submitted Ecological Appraisal identified most of the site as improved grassland/amenity grassland. There is a species rich hedgerow with trees to the west boundary and part of the south boundary. A species poor hedge is present along the north boundary and is primarily hawthorn. Cypress hedge is present along part of the south boundary and a cypress windbreak forms part of the south boundary.
- 5.20 A short section of the hedge to the north boundary will need to be removed to provide the access but this would not be detrimental to the overall ecology of the site. Other hedgerow would be retained. The indicative plans show that the development would not encroach into the peripheral areas of most value to wildlife.
- 5.21 The Council's consultant ecologist has assessed the information provided. An outline mitigation strategy has been submitted to show how harm to the Great Crested Newts which may use the boundaries of the site will be avoided. However, a detailed method statement and management plan will need to be submitted by condition. The ecological value of the site will be increased by

the introduction of new landscaping, tree planting and settlement ponds. If all the recommended enhancements and mitigation are implemented, the policy and guidance requirements of the Local Plan, NPPF, and the three habitat regulations will be met.

#### Drainage

- 5.22 The site is in Flood Zone 1 and therefore at low risk of flooding. It would not therefore be reasonable to resist the development on flood risk grounds.
- 5.23 A number of objections have referred to surface water drainage issues in heavy rainfall and some ingress of surface water into the foul drainage system on occasions.
- 5.24 No objection is raised by Thames Water in relation to the capacity of the foul system. In terms of surface water, the development would incorporate sustainable drainage and it is considered that localised flooding under certain conditions would not be exacerbated by the proposal.
- 5.25 Subject to approval of a sustainable drainage system, it is considered that the proposal would be acceptable when assessed against Policy EH5 of the emerging Local Plan and the NPPF. It would also be consistent with bullet point 10 of emerging Policy H2.

#### Residential Amenity

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

#### Affordable housing

- 5.31 WOLP Policy H11 requires contributions to affordable housing at a rate of up to 50% on unallocated sites. The emerging review plan Policy H3 introduces an approach on large scale schemes whereby the district is divided into zones where different proportions of affordable housing will be sought. In the case of Freeland the requirement would still be 50%. The

Council's Housing Enabling Officer has commented that there is a need for affordable housing in this location and the delivery of 50% affordable is supported in principle.

- 5.32 A number of objectors have suggested that the affordable housing will not necessarily go to people local to Freeland and therefore this should not be considered a benefit to the local community. However, the provision of affordable housing is a Council objective across the District and it would be allocated in accordance with the Council's criteria. Officers consider that delivery of affordable housing is a key benefit of the scheme and it would comply with WOLP Policy H11 and emerging policy H3.
- 5.33 The affordable housing provided would need to be tenure blind in terms of its design but does not necessarily need to be spread throughout the development. Affordable housing providers often prefer their properties to be grouped together for ease of maintenance.

#### Infrastructure

- 5.34 There is anecdotal suggestion from objectors that local services and facilities will be put under strain as a result of this proposal.
- 5.35 Oxfordshire County Council has been consulted and advises that Freeland CE Primary School is operating at capacity and is on a small site. The school cannot absorb any additional pupil numbers physically unless additional site area can be provided. Additional pupil places would more probably need to be created at Hanborough Manor CE Primary School, in the nearby area, if it is not feasible at Freeland.
- 5.36 In conjunction with two separate planning applications at Long Hanborough (14/1102/P/OP Church Rd and 14/1234/P/OP and 15/03341/FUL at Witney Road) the capacity of Hanborough Manor CE Primary School would be capable of increasing its capacity as a result of the relocation of the nursery and provision of more playing field space off-site from the school at Riely Close. However, until such time as this additional capacity is delivered, OCC objects as additional pupils arising from the proposed development at Freeland could not be accommodated in the local schools. At the time of writing Officers are working with OCC and the applicant to find a suitable mechanism that could introduce a phased approach to the development of the site, whereby the already permitted 29 units could be constructed and occupied, but the remainder could not be occupied until such time as additional school capacity had been provided. Members will be updated at the meeting as to progress on this matter.
- 5.37 A contribution of £1000.00 per additional dwelling towards improved bus services to and from Freeland is required, as well as £9000.00 towards the cost of procuring, installing and maintaining a new bus shelter on the south side of the A 4095.
- 5.38 In accordance with CIL regulations, other OCC contributions cannot be secured as part of this development.
- 5.39 A contribution of £4410.00 towards public art to be used to enhance public amenity spaces off site in the village will be required. The exact nature of the works is to be determined in conjunction with the Parish Council. It is understood that the Parish Council has some plans to enhance public amenity and garden spaces in the village. In accordance with the NPPF and the National Planning Practice Guidance the Council can contribute to the improvement of the Cultural Wellbeing of the District by implementing such programmes and projects. Furthermore



the Council supports public and private sector organisations, community groups, local residents' groups and individuals with the delivery of and their engagement with such schemes.

- 5.40 £1,088 x = £44,608 off site contribution towards sport/recreation facilities in Freeland. A contribution of £818 x = £33,538 for the provision and maintenance of play facilities in Freeland.
- 5.41 The capacity of the doctor's surgery in Long Hanborough is acknowledged to be an issue locally and there is a need to increase capacity to meet demand and NHS recommendations on size. Additional housing is likely to increase demands on the Long Hanborough surgery as this is the closest to the site, but residents would have the option of registering with another practice, albeit that this may be less conveniently located. This matter would not warrant refusal of the application. However, by way of context, a planning appeal on land in Long Hanborough (14/1234/P/OP) was allowed on 04/07/16 which includes provision for a new doctors' surgery. It is therefore envisaged that in due course the shortfall in health care provision in the locality will be addressed.

#### Other matters

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

#### Conclusion

- 5.44 The application is seeking outline planning permission with only means of access to be considered at this stage, although some matters of detail, such as the intention regarding the retention of trees on the site, have been submitted as part of the proposal.
- 5.45 The principle of development in this location is acceptable with regard to emerging Local Plan Policies OS2 and H2, and the sustainable development objectives of the NPPF. Planning permission has previously been approved for the development of up to 29 dwellings on this site.
- 5.46 The means of vehicular access to the A4095 and new pedestrian footways are not objected to by the Highways Officer. It is considered that there would be no significant impact on highway safety and details of the provision of parking within the site can be resolved at the reserved matters stage. Accordingly the proposal is considered to comply with adopted Local Plan Policy BE3 and emerging Local Plan Policy T1.
- 5.47 There is no objection from Thames Water and sustainable drainage will be included as part of the development at the reserved matters stage.
- 5.48 There would be no unacceptable impact on residential amenity, based on the indicative layout.
- 5.49 The indicative layout, and plans for the retention of trees and new landscaping, indicate that a scheme for 41 dwellings can be comfortably accommodated on the site without significant

detriment to the character and appearance of the area. A condition is included to require details of siting, scale and external appearance at the reserved matters stage.

- 5.50 Impacts of the development as regards social infrastructure can be addressed through a legal agreement. However, the position on education is not yet resolved, and Members are therefore requested to authorise Officers to continue to negotiate the means by which the school capacity issue can be resolved. For example, 29 of the units could be delivered, consistent with the existing consent, and the remaining 12 phased in some way to allow additional educational capacity to be in place before these units are occupied. Such arrangements would require additional condition(s)/legal agreement.
- 5.51 Appropriate mitigation for protected species, and appropriate mitigation and enhancements for wildlife can be secured by condition. The overall ecological value of the site would be enhanced compared to the current improved grassland that covers most of the site.
- 5.52 Insofar as relevant to this outline application, the proposal complies with adopted Local Plan (2011) Policies BE2, BE3, BE4, BE13, NE3, NE6, NE13, H2, H3, H11, T3, and T8. The proposal is also consistent with emerging Local Plan (2031) Policies OS1, OS2, OS4, OS5, H1, H2, H3, H4, T1, T3, T4, EH1, EH2, EH5, EH6, and EW2. The scheme would also fulfil the sustainable development objectives expressed in the NPPF, subject to a satisfactory legal agreement.

## **6 CONDITIONS**

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;  
and  
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the layout, appearance, scale, and landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
REASON: The application is not accompanied by such details.
- 3 The development shall be carried out in accordance with plans \*\*\*. The reserved matters submission shall be in general accordance with these plans as regards layout and landscaping. All buildings shall be no more than 2 storey.  
REASON: For the avoidance of doubt as to what is permitted.
- 4 Prior to commencement of the development, details of the junction between the proposed road and the highway and associated highway works, including widened footway, dropped kerbs and bus stop hard standing area have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the junction and highway works have been constructed in accordance with the approved details.  
REASON: In the interests of highway safety.

- 5 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.
- 6 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of highway safety.
- 7 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- i The parking of vehicles for site operatives and visitors
  - ii The loading and unloading of plant and materials
  - iii The storage of plant and materials used in constructing the development
  - iv The erection and maintenance of security hoarding including decorative displays
  - v Wheel washing facilities
  - vi Measures to control the emission of dust and dirt during construction
  - vii A scheme for recycling/disposing of waste resulting from demolition and construction works.
  - viii Hours of operation
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 8 Prior to the occupation of any dwelling on the site, a travel information pack shall be submitted to and approved in writing by the Local Planning Authority and thereafter distributed to all new residents of the development.  
REASON: To promote the use of non-car modes of travel.
- 9 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.  
REASON: To safeguard the safety of occupiers of the proposed dwellings.
- 10 Prior to commencement of development, including site clearance, an ecological method statement and management plan for Great Crested Newts based on the recommendations contained in Section 6.0 of the "Great Crested Newt Survey" dated May 2015 by All Ecology and Section 4.0 of the "Ecological Appraisal (Revision 1)" dated April 2015 by All Ecology shall be submitted to and approved in writing by the Local Planning Authority. The approved method statement and management plan shall be fully implemented in accordance with an agreed timetable and mitigation works shall be retained thereafter.  
REASON: To ensure that birds and Great Crested Newts and their habitat are protected in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, in accordance with the NPPF, West Oxfordshire Local Plan 2011, emerging review West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

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

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

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

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

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

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

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

14 The development shall be carried out in accordance with the "Report on the impact on trees of proposals for development at Witney Road, Freeland, Witney, OX29 8HG" dated 22nd March 2016 by John Cromar's Arboricultural Company Limited, including all recommended tree protection measures. The tree protection fencing shall be erected prior to the commencement

of development and retained until the completion of the development unless otherwise agreed in writing by the Local Planning Authority.

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

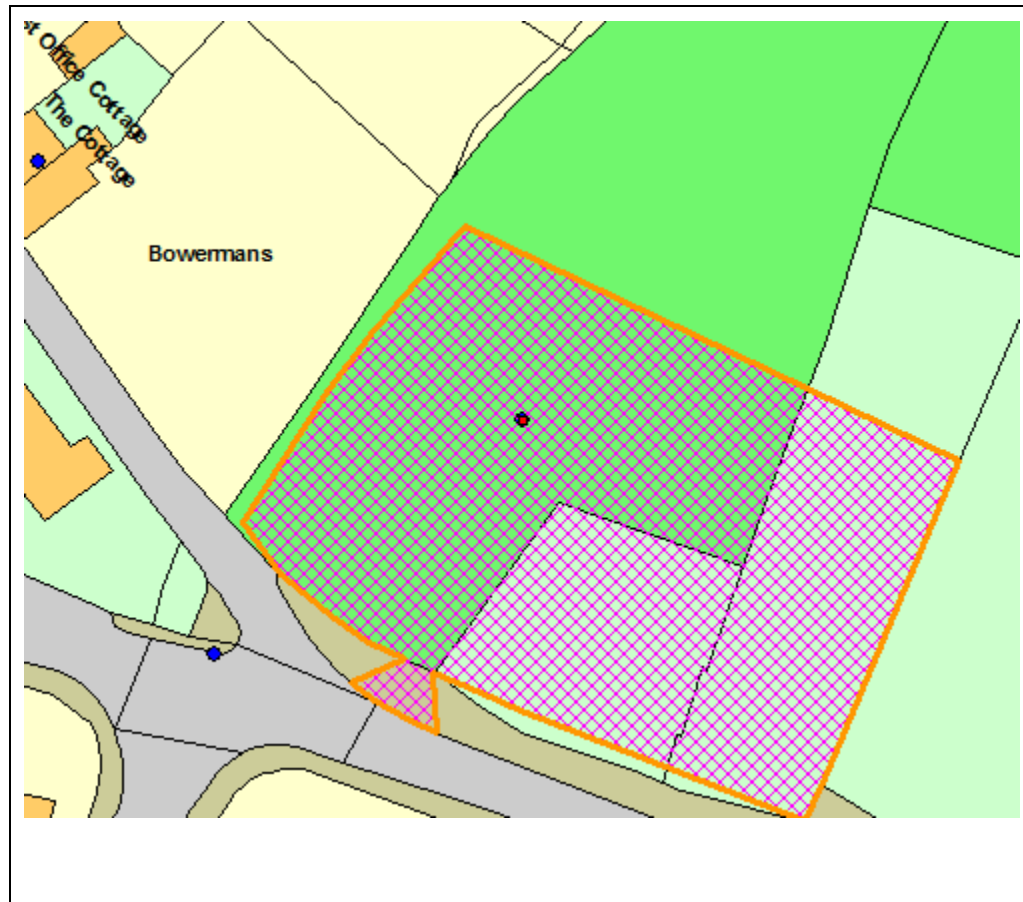
- 15 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.  
REASON: In the interest of improving connectivity in the District.

NB Council will be able to advise developers of known network operators in the area.

- 16 The reserved matters submission shall have regard to the potential for noise arising from the A4095 and the industrial area to the south of the site. A scheme for mitigating the impact of that noise based on a rating assessment under BS 4142:2014 (method rating and assessing industrial and commercial sound) shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings so affected are occupied.  
REASON: To ensure the creation of satisfactory living conditions in the dwellings.

Application Number	I6/01566/FUL
Site Address	Land North Of Gas Lane And Ascott Road Shipton Under Wychwood Oxfordshire
Date	20th July 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427959 E 217796 N
Committee Date	1st August 2016

### Location Map



#### Application Details:

Erection of detached dwelling with associated access and landscaping works

#### Applicant Details:

Mr Vince O'Brien  
C/O Agent

## **I CONSULTATIONS**

- I.1 WODC Architect No objection.
- 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 etc specification
  - G47 SUDS sustainable surface water drainage details
- I.3 Thames Water No Comment Received.
- I.4 WODC Drainage Engineers Full surface water drainage condition.
- I.5 Parish Council Shipton Parish Council has no objection in principle with the development of this site for residential use on the basis that the final design of any such dwellings would be sensitive to needs of the location. In the past year the PC has seen an application for three dwellings and one for a single dwelling. Either proposal could be acceptable with appropriate design treatment. Against that background the PC finds the current application strange in that it makes poor use of the available land and the design concept appears at first sight as an attempt to evoke decaying sheds of a bygone era. If this is the intention it should be done with greater subtlety and the majority of the treatment should be undertaken in local stone. The PC urges a return to previous design concepts which have generally been favourably received.

## **2 REPRESENTATIONS**

- 2.1 Four letters of objection received (two from the same household), summarised as follows:
- **Incorrect Plans:** The location plan is incorrect in 2 places. Magpie Alley should be 1 (Kath's Cottage), 2,3 and 4. The plot of land marked Bowerhams, is the garden for the Old Post Office. Bowerham, is situated between Ascott Road and Gas Lane.
  - **Highway Safety:** The proposed entrance to the site is not the original entrance to the Old Till Works. The proposed one is situated where turning right out off, or left into Gas Lane requires a wide circle, and this would be a danger to the users of Gas Lane and the rear access to properties in Church Street.
  - **Design & Materials:** The Old Till Works were wooden sheds. The proposed timber clad building is completely out of keeping with the village, which is situated in a Conservation Area. Most of the buildings are of Cotswold stone, or stone manufactured to resemble it.
  - **Precedent:** Development of the remainder of the plot, and the field adjoining the proposed development.

- Flooding: The site is very wet and prone to flooding. Trots Brook has already been culverted under Courtlands, and floods over Chapel Lane, even during the Summer months. Building here would only exacerbate this.
- Affordability: The property proposed does not appear to be of a size, and eventual price, to be affordable to local people. Smaller lower cost properties are needed to encourage local people to stay.
- SHLAA: Council's 2014 assessment of the site did not consider the site favourably for development.
- Impact on the Conservation Area.
- Guarantee required that the rest of the site will not be built on.
- No evidence of housing need in Shipton.

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

- 3.1 Discussions were held with officers at the Council, including the Conservation Officer, following the withdrawal of the recent planning application and it was concluded that the principle of development on this site could be deemed acceptable and that a physically low-key structure (possibly single storey, converted outbuilding) would be a more appropriate form of development on the site. The scheme that forms this application has been devised following detailed discussions with Officer's and it is considered that the scheme proposes a low-key structure as suggested.
- 3.2 Despite the planning history on the site, the significant change in emphasis in national policy terms means that development on this site will result in a development within a sustainable location which will help to support the existing range of services and facilities available within the immediate locality.
- 3.3 The proposed layout and house design propose a development which respects and reinforces the character of the area and special character of the Conservation Area. The application site is located within an established residential area and will not extend development into the surrounding open countryside. The area of road which runs along the front of the site is clearly within the residential context of the village as it falls within the area lit by street lighting which will normally only be found within a settlement rather than open countryside.
- 3.4 With regard to the issue of precedent, each site must be considered on its own merits and therefore development on this site will not result in a precedent being set which could cumulatively harm the over-riding character and appearance of the surrounding area.
- 3.5 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic and social benefits through the provision of much needed housing. There are no significant adverse environmental impacts and the proposal offers the future maintenance of the site to ensure it continues to make a contribution to the overall character and appearance of the Conservation Area.
- 3.6 There are, therefore, no significant and demonstrable adverse impacts which outweigh the benefits of the proposal.



## **4 PLANNING POLICIES**

H6 Medium-sized villages  
H2NEW Delivery of new homes  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
NE4 Cotswolds Area of Outstanding Natural Beauty  
NE15 Protected Species  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH7NEW Historic Environment  
T1 Traffic Generation  
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 a 0.175ha parcel of land to the north of Ascott Road, Shipton-Under-Wychwood.
- 5.2 The site has been vacant for a number of years and it has mainly been left unmanaged and is currently in an overgrown and unkempt state. Historical maps show that the site formally housed a large detached building which formed the former Till Works, and was located adjacent to the Gas Works. This was located towards the front of the site and was demolished in the 1980's. There is no public access to the site.
- 5.3 The application site is located towards the east of the village centre, facing onto Ascott Road. To the south of the site, on the opposite side of Ascott Road, lies residential development at Courtlands Road and Sinnels Field. To the west are the rear gardens of the properties in Church Fields and Gas Lane. To the north east are a number of larger residential properties sited within large plots, including the Grade II Listed Old Vicarage.
- 5.4 The site is within the Cotswolds AONB and is within Shipton-Under-Wychwood Conservation Area.
- 5.5 The scheme would provide a 3-bed dwelling, an attached garage and two parking spaces.
- 5.6 The application has been brought to Committee as a result of the Parish Council's opposition to the design of the scheme.

### Background Information

- 5.7 There is substantial planning history associated with the application site. A planning application was submitted in December 2014 for the proposed erection of a single detached dwelling with an associated garage. This application was subsequently withdrawn on the 26th January 2015 following comments received from the Council's Conservation Officer and the Parish Council.

- 5.8 A revised application was prepared to address the concerns regarding the original scheme and this was submitted in February 2016, but subsequently withdrawn in order for further design amendments to be made.
- 5.9 These recent applications follow on from a number of historical applications, the most recent of which was determined over 14 years ago in 2002 (W2002/1788). The application was refused and appealed with the reasons for refusal detailed below. Whilst policy has developed in relation to the first reason (discussed further below), the Inspector concurred with the second reason for refusal and the assessment of this scheme is now whether this particular proposal is deemed acceptable in terms of the impact on the visual amenity and Conservation Area.
1. The proposal would not compromise acceptable rounding off, in that the development would not form a logical complement to the existing pattern of development. As such the proposal would be contrary to Policy H6 of the West Oxfordshire Local Plan.
  2. The proposal would erode the character and harm of the visual amenity of an important area of open space which contributes to the wider character and appearance of this part of the Shipton under Wychwood Conservation Area, and would be likely to set an undesirable precedent for other similar sites where the cumulative resultant scale of development would erode the character and environment of the area.
- 5.10 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
  - Design, layout and impact on the character of the area
  - Residential amenities
  - Highways
  - Ecology
  - Drainage
- Principle
- 5.11 A number of facilities exist within the settlement including a local village shop, post office, primary school, doctor's surgery and a number of public houses. Shipton railway station is also located within the village and this provides a link between London Paddington and Hereford stations.
- 5.12 Shipton is recognised as an appropriate place for some new development under both adopted Policy H6 and emerging Policy OS2. Policy H6 allows for development representing infilling or rounding off, but the proposed development would not conform with this policy because the site would represent an extension of the settlement into the countryside. However, 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 H6 is considered out of date.
- 5.13 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.

- 5.14 The emerging Local Plan Policy HI 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 but larger villages like Shipton can also accommodate residential development.
- 5.15 The site has been included in the Council's Strategic Housing Land Availability Assessment SHLAA (June 2014) wherein the assessment concluded that it is considered that residential development in this location would have a harmful impact on the character and setting of the village. Notwithstanding this, following consideration of a former workshop on site, the sites vacant overgrown state and change to policy through the emerging Local Plan and the NPPF, the Conservation Architect reviewed the position and has looked favourably on the provision of a low-key single dwelling, of a workshop appearance.
- 5.16 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.

#### Design and Layout and Impact on the Character of the Area

- 5.17 As referred to above, the scheme has been amended following withdrawal of previous schemes in order to establish an inward facing, single storey workshop form. The design proposes a lower-key structure, (both in terms of overall height and massing) and now proposes a single storey dwelling. It is considered that this form and scale of development replicates the general character of development that would have historically been found on site in the form of the workshop.
- 5.18 The site is located within the Cotswolds AONB and so is sensitive in its very nature. It is within an area designated for its high landscape quality however this is not considered necessarily to be an impediment in principle to development in this locality. 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. This particular site is within a built-up area and therefore the impact of the single dwelling on the wider AONB landscape is minimal.
- 5.19 The site lies within the Shipton-Under-Wychwood 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".
- 5.20 The site is acknowledged to be a sensitive site, on the edge of the settlement. The site's relationship with the existing urban edge has a bearing on its suitability for development. The site is not formal publicly accessible open space and does not represent an important gap, or perform a particular function in the area.
- 5.21 Although the development would represent significant change, this is not necessarily the same as harm. Given the characteristics of the site and its relationship with the existing urban edge to

the north, west and opposite to the south, it is considered that the development would not be materially harmful to the setting of the Conservation Area and its character would be preserved.

- 5.22 In the terms of NPPF paragraph 134, the benefits of the scheme in delivering a new dwelling in a sustainable location would outweigh any less than substantial harm arising from the scheme.
- 5.23 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 and officers consider the new scheme overcomes the previous reasons for refusal with regard to impact on visual amenity and character and appearance of the Conservation Area.

#### Residential Amenities

- 5.24 An appropriate area of garden would be available for the new dwelling, and general amenity would therefore be catered for. The space between dwellings in the vicinity and the 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

- 5.25 There is a good range of local facilities within walking distance of the site. However, for much employment and higher order services, residents would need to travel out of Shipton.
- 5.26 Shipton benefits from a bus service, linking the town to Witney and Chipping Norton.
- 5.27 The proposal is for vehicular and pedestrian access to be taken via a single access point from Gas Lane. Parking is provided for two spaces, which is within maximum parking standards and a garage.
- 5.28 The Highway Officer confirms no demonstration of severe harm that would warrant the refusal of the planning application for reasons of highway safety and convenience. The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

#### Ecology

- 5.29 The submitted ecology report Phase One Habitat Survey (Windrush Ecology 2014) identified enhancements for biodiversity that could be achieved by planting of a native hedgerow and trees along the southern and eastern boundary and the provision of bat and bird boxes.
- 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.

#### Drainage

- 5.31 The site is in Flood Zone I and at low risk of flooding. The site is not deemed susceptible to surface or groundwater flooding and WODC Drainage Officer confirms that SUDS are feasible. A sustainable surface water drainage scheme will be required by condition.
- 5.32 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 or groundwater contamination compared to existing conditions.

### Conclusion

- 5.33 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.
- 5.34 The layout and access for the proposed dwelling is considered acceptable with reference to the constraints of the AONB and the need to avoid undue harm to the character and appearance of the Conservation Area.
- 5.35 The layout proposed would result in no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.36 The proposed dwelling would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally.
- 5.37 Retention and protection of trees, appropriate landscaping, and suitable mitigation and enhancements for wildlife can be secured by condition.
- 5.38 The application is recommended for approval in accordance with the policies referred to herein.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 All of the development works must be carried out as per the recommendations in Section 4 of the Phase One Habitat Survey (Windrush Ecology December 2014), this shall include integral bat and bird boxes and planting as illustrated on drawing no 023A. All mitigation & enhancement works must be completed before the new dwelling is 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.

- 5 The external walls of the dwelling shall be constructed with natural stone and timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 6 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details (including cladding), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale 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.
- 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 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 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 11 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. 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 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

- 12 The dwelling shall not 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.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development otherwise approved by Classes A, B, C or E of Part I of Schedule 2 of the Order other than that expressly authorised by this permission, shall be erected or carried out.

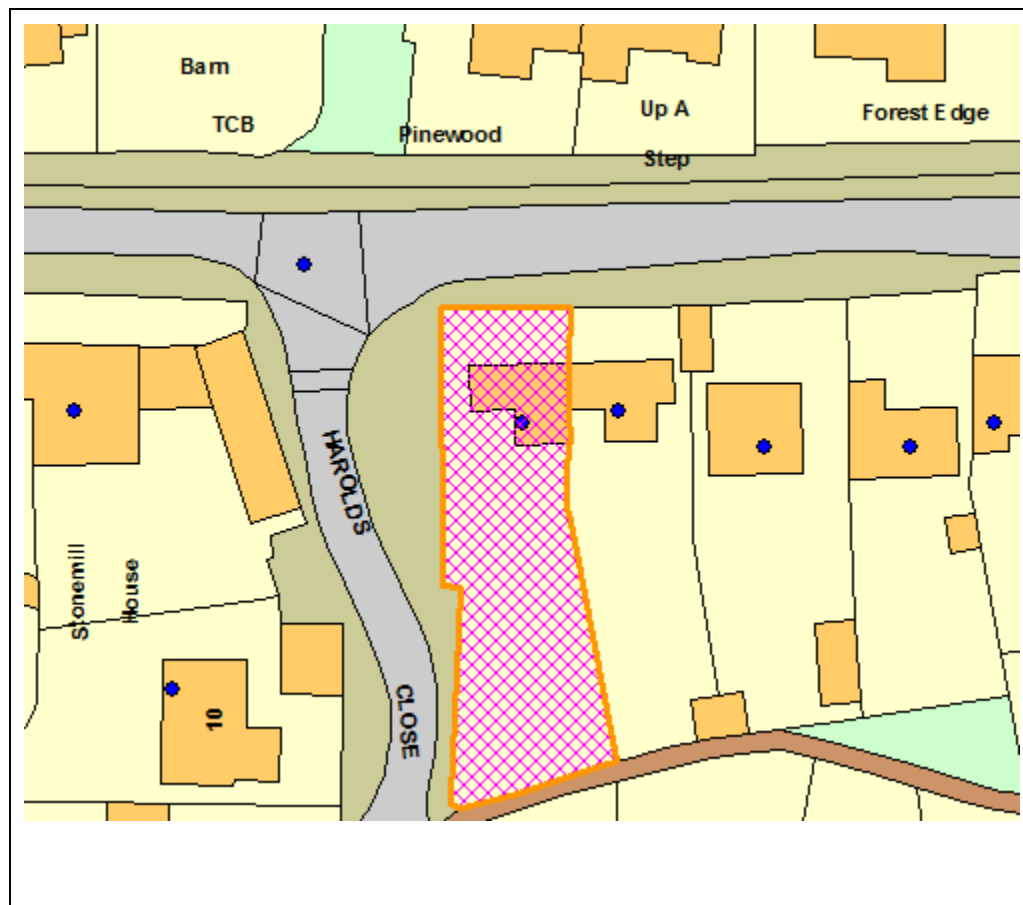
REASON: Control is needed to protect the residential amenity of adjacent properties and the character and appearance of the site in the Conservation Area.

#### NOTES TO APPLICANT

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 For avoidance of doubt, the extent of the domestic curtilage is as per the redline boundary on approved plan 001A. The remainder of the land shall remain 'natural' as detailed on approved plan 007A.
- 3 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 -Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
  - The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015

Application Number	I6/01819/HHD
Site Address	Glencott 88 Lower End Leaffield Witney Oxfordshire OX29 9QQ
Date	20th July 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Leaffield Parish Council
Grid Reference	432379 E 215463 N
Committee Date	1st August 2016

### Location Map



### Application Details:

Erection of two storey side extension and new replacement garage.



**Applicant Details:**

Mr Tim Seton  
Glencott  
88 Lower End  
Leafield  
Witney  
Oxfordshire  
OX29 9QQ

**I CONSULTATIONS**

- I.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.  
  
No objection  
  
NB the street nameplate will require to be located - WODC matter
  - I.2 WODC Architect                No Comment Received.
  - I.3 Parish Council                    No Comment Received.
- No third party representations.

**2 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
H6NEW Existing housing  
EH7NEW Historic Environment  
OS4NEW High quality design  
EH1NEW Landscape character  
NE4 Cotswolds Area of Outstanding Natural Beauty  
The National Planning Policy framework (NPPF) is also a material planning consideration.

**3 PLANNING ASSESSMENT**

- 3.1     The application is brought to Committee as the applicant is a member of staff.  
  
Background Information
- 3.2     The applicant seeks planning permission for the erection of two storey side extension and new replacement pitch roof garage.
- 3.3     Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Siting, Design and Form  
Impact on the character and appearance of the Conservation Area  
Impact on Residential Amenity

## 4 PLANNING ASSESSMENT

### Principle

- 4.1 The application site is a semi-detached period cottage on the main road through Leafield and within the Conservation Area.
- 4.2 The property has an existing detached garage to the rear of the site.

### Siting, Design and Form

- 4.3 The proposed extension to the side of the existing dwelling is subservient linear form with a gable end. There would be no adverse harm to the character and appearance of the Conservation Area given the proposed size and scale of the development and is considered acceptable in design terms.

### Residential Amenities

- 4.4 Due to the positioning of the proposed extension which is set away from neighbouring properties, officers do not consider that the proposal will result in harm to the neighbouring dwelling in terms of overlooking or loss of light. The proposed garage is also located at the rear of the site away from neighbouring properties and would not result in harm.

### Highways

- 4.5 OCC Highways have not objected to the scheme. Parking spaces to serve the existing dwelling are located at the rear of the dwelling.

### Conclusion

- 4.6 In conclusion, the application is recommended for approval in accordance with West Oxfordshire Local Plan policies BE2, BE3, BE5, H2 and emerging Local Plan policies OS2, EH7 and H6.

## 5 CONDITIONS

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

- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 5 The garage hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.  
REASON: A separate dwelling in this location would be unacceptable due to its relationship to the main dwelling and its neighbours.

Application Number	16/01870/FUL
Site Address	St Hugh Of Lincoln Hensington Road Woodstock Oxfordshire OX20 1JH
Date	20th July 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444819 E 216850 N
Committee Date	1st August 2016

### Location Map



### Application Details:

Proposed demolition of the existing Meeting Room. Extension to the Church and new Meeting Room (amended)

## **Applicant Details:**

Archdiocese Of Birmingham  
The Parish Of St Thomas More And St Hugh Of Lincoln  
The Presbytery  
142 Oxford Road  
Kidlington  
Oxon  
OX15 1DZ

## **1 CONSULTATIONS**

- 1.1 WODC Env Services – Engineers No Comment Received.
- 1.2 OCC Highways The surrounding road network is protected by a No Waiting Traffic Order and yellow lines. 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
- 1.3 Environmental Health (Public Protection) I am reassured that the building walls will be of a higher/ more robust mass and thus have greater sound insulation qualities than that which currently exists.  
  
I suggest the following condition to protect the noise sensitive residences fronting the west façade:  
  
'Where west facing windows are required they are to be of fixed lights/glazing'
- 1.4 WODC Env Health – Uplands No Comment Received.
- 1.5 Parish Council This is confirmation that Woodstock Town Council wishes to make no comment on this planning application. However, it notes that there is a large car park associated with this building and hopes, that in view of the shortage of parking in Woodstock, that this can be used for the best advantage for the town.

## **2 REPRESENTATIONS**

- 2.1 Three third party objections summarised as follows:
- Larger hall. Larger capacity. More noise from hall and car park. Mitigate by
    - requiring the hall and car park to be vacated by 10pm.
    - Placing notices asking users to leave the property quietly and refrain from loud music, slamming car doors, revving car engines and using car horns.
    - Requiring the windows on the west elevation (just behind the boundary with the Bear

- Close properties) to remain closed.
- Requiring users of the hall not to park in Bear Close.
- Requiring that the above should be conditions of hire of the hall.
- When car park is full, cars block Bear Close. Hensington Road has yellow lines.
- discrepancies on the drawings.
- Comparison with Stratford application which is modest and no increase in height from existing hall.
- Reduction in light to rear garden.
- Question why the need for high building - to accommodate stage or for acoustics?
- 88 car parking spaces required for the floorspace.
- Environmental impact - increased water use, energy.
- Congregation has not increased therefore why the need for hall double in size?
- Larger hall is reducing available parking area.

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

As per submitted Design and Access Statement with additional information submitted by email as follows:

3.1 The use of the Hall in the evenings which has been the norm for the last couple of years:

Bridge Club 7-10.00pm on Wednesdays  
Acoustic Trio 7-9.00pm on Thursdays  
Pilates & Exercise up till 9.00pm

3.2 In the last year there was only one young teenage party lasting until 9.30pm.

3.3 Once / twice a year the Hall is used overnight for mediation group.

3.4 The Hall is likely to be used for Receptions following a Christening or Funeral rather than Weddings.

3.5 It is not anticipated that the new Hall will be more intensively used than in the past and the Hall is almost never used past 9.00pm.

3.6 Regarding car parking: at the northern end of the site we have always shown 13 car parking spaces, at the southern end of the site there already exists space for 6 cars (space for 9 if double banked) plus a disabled space on the east side of the Church.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE19 Noise

BE3 Provision for Movement and Parking

OS4NEW High quality design

TLC1 New Tourism, Leisure and Community Facilities

EH7NEW Historic Environment

T4NEW Parking provision

E5NEW Local services and community facilities

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

## **5 PLANNING ASSESSMENT**

- 5.1 The application has been brought before Members of the Uplands Committee at the request of Councillor Cooper due to concerns over parking provision.
- 5.2 The applicant seeks planning permission for an extension to the Church and a replacement meeting room.
- 5.3 The application site comprises St Hugh of Lincoln Catholic Church and an existing detached meeting room with car parking.
- 5.4 The site is within the Conservation Area.

### Background Information

- 5.5 Pre-application advice has been sought in January 2016 and an application submitted but withdrawn to allow for design amendments and reconsultation.
- 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:

Principle  
Siting, Design and Form  
Residential Amenity  
Highways

### Principle

- 5.7 The existing site is occupied by a meeting room, used for various clubs and Church functions.
- 5.8 The existing meeting room is in poor condition and funding is available for a replacement building which includes a modern catering facility and disabled toilets and access throughout via a lift.
- 5.9 On the basis that the current use of the site is established, without use restrictions, officers consider the proposal acceptable in principle and would enable greater control over the use of the site.

### Siting, Design and Form

- 5.10 The proposed building has been amended following withdrawal of the first application and neighbour discussions.
- 5.11 The building measures 6.45 to the ridge of the meeting room. This taller element has been reduced in height by 500mm and pulled off the boundary 4m to avoid harm to residents in Bear Close by way of detrimental loss of light, overshadowing or appearing overbearing.

- 5.12 The smaller lean-to element accommodating the kitchen is located 1.1m from the western boundary with Bear Close dwellings and is 4.1m to the ridge. The existing building is located 1m from the same boundary and is 4.6m to the ridge.

#### Highways

- 5.13 Parking provision on site for 19 car parking spaces exists and 19 spaces are proposed to be retained.
- 5.14 The site is located walking distance from town centre car parking and as a local community facility, it is envisaged many people will walk to the site.
- 5.15 The Highway Officer notes the location, the use, the proposed floorspace provision and the parking provided and considers the 19 spaces to be sufficient and not detrimental to highway safety.

#### Residential Amenity

- 5.16 The residential amenity impacts in terms of the scale of the building and its siting has been discussed above.
- 5.17 In terms of noise impact, this site is currently unrestricted in terms of hours of use. This application can be conditioned to ensure the use finishes by 11pm which officers consider an acceptable time based on similar uses, the location and the current unrestricted use. There have been no known complaints relating to the existing use.
- 5.18 The masonry construction of the new building will offer improved sound insulation over the existing timber constructed meeting room.
- 5.19 Noise from the kitchen extractor fan is not expected to be harmful. The applicant expects the fan to be set on a silent running pattern. The details of the extraction fan can be conditioned to ensure it is appropriate for its location.
- 5.20 In terms of overlooking, the scheme has been amended to omit a high level window on the north elevation. There would be no other opportunities for overlooking on the basis of window heights and existing boundary treatments. The applicant has agreed that the ground floor west facing windows can be fixed shut to limit noise.

#### Conclusion

- 5.21 On the basis of the above assessment, the proposed new extension and meeting room is considered acceptable and is recommended for approval, subject to conditions, in accordance with the policies listed.

## **6 CONDITIONS**

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

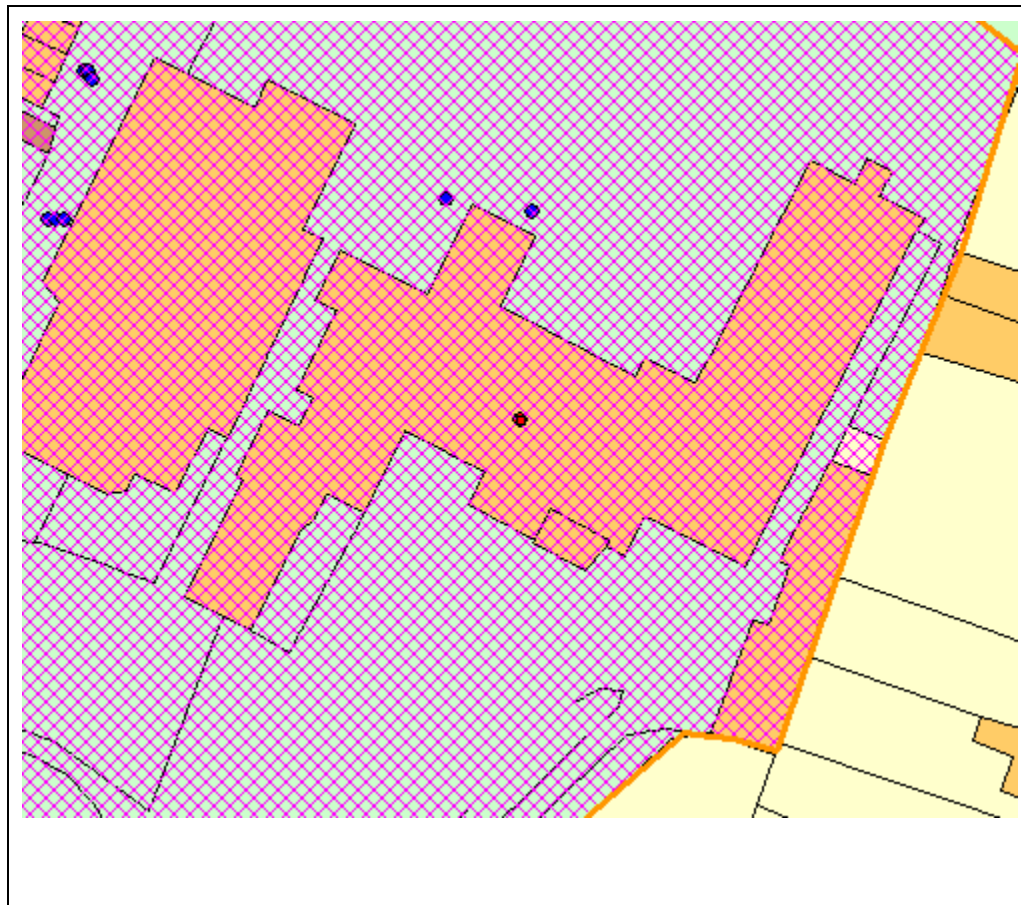


REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The use shall not take place other than between the hours of: -  
8am-11pm Mondays - Fridays  
8am-11pm Saturdays  
8am-11pm Sundays.  
REASON: To safeguard living conditions in nearby properties.
- 5 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.
- 6 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.
- 7 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.  
REASON: To safeguard the character and appearance of the area.
- 8 The building shall be so constructed as to provide sound insulation against internally generated noise (delete: of not less than dB(A)) with windows shut and other means of ventilation provided, to accord with BS. 8233:2014 'Guidance on sound insulation and noise reduction for buildings.  
REASON: To safeguard the character of the area and living/working conditions in nearby properties.
- 9 Noise levels at the site boundaries, measured at 1.2 metres above ground level, shall not exceed 42 dB(A) Leq (1 hour) during hours of permitted operation and 39 dB(A) Leq (1 hour) at all other times.  
REASON: To safeguard the character of the area and living/working conditions in nearby properties.

Application Number	16/01676/S73
Site Address	Penhurst School New Street Chipping Norton Oxfordshire OX7 5LN
Date	20th July 2016
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	431118 E 227247 N
Committee Date	1st August 2016

**Location Map**



**Application Details:**

Non compliance with condition 2 of planning permission 14/0754/P/FP to allow construction of smoking shelter (amended).

**Applicant Details:**

Mr Robert Sharratt  
1 High Street  
Windsor  
SL4 1LD  
Berkshire

**I CONSULTATIONS**

- 1.1 WODC Env Health – Uplands I am concerned that the proposed location of the smoking shelter could give rise to an unreasonable degree of impact on the amenity of neighbouring residential gardens, which back on to the care home development. The law is quite specific about how open (or 'un-enclosed') smoking shelters must be and I don't think mitigation/remedial measures per se are realistic or going to help. The issues around smoking shelters where they are too close to residential properties include odour or the smell of smoke (potentially actionable under the Environmental Protection Act 1990 if a commercial premises) and noise nuisance disturbance. There is no law which says you have to provide a shelter. The architect would consider other locations on the site.
- 1.2 Town Council The Town Council object to this planning application and ask why put the smoking shed close to a neighbourhood amenity (comments on original plans).
- 1.3 Parish Council No response received on amended plans to date
- 1.5 WODC Env Health – Uplands No response received on amended plans to date

**2 REPRESENTATIONS**

- 2.1 Seven letters of representation have been received objecting (to the original siting) on the following grounds:
- To say that it is for staff and visitors and not residents is disingenuous
  - Other Care Homes do not permit smoking on the premises at all
  - The siting and height of this shelter couldn't be more intrusive and unpleasant for neighbouring residents
  - It is impossible to gauge the noise nuisance of the smokers until and unless it is built and it is naive for the developers to suggest that it would not be used at unsociable hours
  - There seems to be no reason why this shelter, if it has to materialise, could be sited somewhere else.
  - A smoking shelter just over the wall could present not only an unpleasant atmosphere and potential noise nuisance but also a health hazard
  - The perils of passive smoking are well documented
  - The area and shelter are to be crammed into a space less than 5m wide abutting the boundary with properties in Diston's Lane

- The proposed siting of this shelter shows a complete lack of respect and consideration for the neighbours
- The applicant states 'there is a legal requirement to provide staff welfare and a designated smoking shelter' I am unaware of any such legislation indeed all recent legislation contradicts this

2.2 No comments received to date on amended plans.

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

3.1 The application is accompanied by a planning statement which can be viewed online.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE18 Pollution

OS4NEW High quality design

EH6NEW Environmental protection

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

### **5 PLANNING ASSESSMENT**

#### Background Information

5.1. The site is the former Childrens Home which was granted permission to demolish the majority of buildings on site and erect a care home and assisted living units. This application relates to the care home element which is a considerable way through construction.

5.2 Amended plans have been received relocating the shelter from the western boundary to the northern boundary. The amended consultation period expires 5th August. Cllr Saul has requested that the application come to committee on behalf of the residents of a neighbouring property.

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

Principle

Siting and neighbour amenity

#### Principle

5.3 The application seeks consent for amendments to the approved plans to include a smoking shelter.

5.4 The application is accompanied with the following statement:

'The care home has a requirement to provide staff welfare facilities and a designated smoking area. This area is not to be used by care home residents. There is no obligation for this designated smoking area to be covered or enclosed in such a way that would require a planning application.

However, the care home operator has taken the decision to create a covered structure to offer some weather protection which, under the smoke free legislation, needs to be 'substantially open'. The designated smoking area is located at the rear of the building with proximity to staff controlled external doors, and the smoking area is at a level below that of surrounding residential gardens and behind an existing 2m high stone wall. The mono-pitch roof is lower towards the boundary, and the rear of the structure will have a close boarded timber screen.

The structure will enhance welfare facilities for staff and will be typically used during the daytime between 10am and 5pm. Staff breaks are permitted at 10.30am for 15mins, 1pm for 30mins and 4pm for 15mins. Outside of these times, the smoking shelter will not be used. It can therefore be said that the usage will be infrequent and of short duration.'

- 5.5 Much has been made of the accuracy of the above statements in representations received from neighbours but in planning terms there is only a requirement to consider the siting and design and residential amenities.

#### Siting and Residential Amenities

- 5.6 The initial siting of the shelter was considered by environmental health officers to be unneighbourly so amended plans have been received showing the proposed siting on the northern boundary further from the properties in Distons Lane. The closest property is Iona and the shelter is 14m from the shared boundary and 20m from the closest part of the property, and is sited on ground 2m lower than the garden of Iona. The proposed shelter is a simple form, timber posts with a roof. It is not excessive in scale, 2.2m high at the highest point, 2.6m wide and 1.2m deep.
- 5.7 The proposal is also well screened by evergreen vegetation from the churchyard.
- 5.8 The proposal is considered to accord with policies BE2 General Development Standards and BE18 Pollution in that it is retaining a satisfactory environment for people living in the area.

#### Conclusion

- 5.9 The proposal is considered to accord with local plan policies. Delegated authority is requested to approve this application subject to no substantive issues being raised by the consultation period end on 5th August. This is requested because the overall expiry date for the application is prior to September committee.

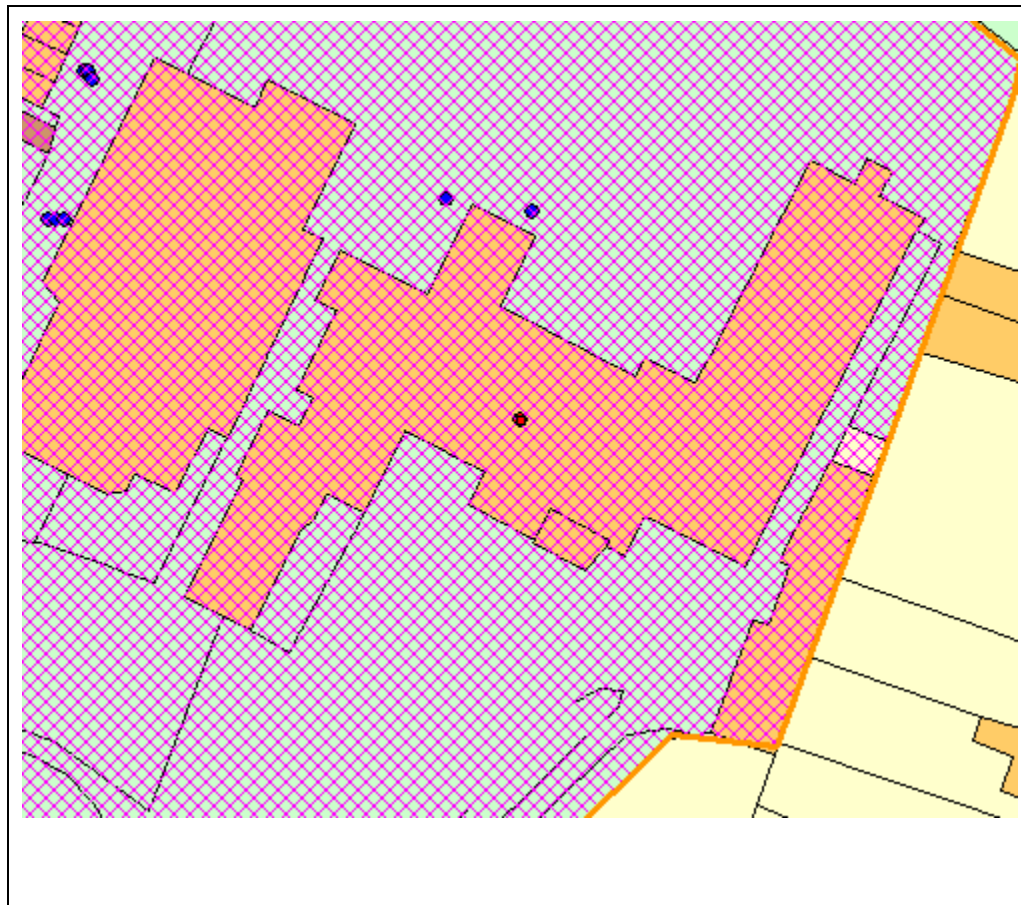
## **6 CONDITIONS**

- 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 8.7.16.  
REASON: The application details have been amended by the submission of revised details.
- 3 Other than the detailed changes approved the application the development shall be carried out in all respects in accordance with the plans, conditions and legal agreement as approved under application I4/0754/P/FP and subsequent non material amendments.  
REASON: The proposal is an amendment to the scheme already approved (I4/0754/P/FP).

Application Number	16/01677/S73
Site Address	Penhurst School New Street Chipping Norton Oxfordshire OX7 5LN
Date	20th July 2016
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	431118 E 227247 N
Committee Date	1st August 2016

**Location Map**



**Application Details:**

Non compliance with condition 2 (14/0754/P/FP) kitchen extraction units. Details of external plant.

**Applicant Details:**

Mr Robert Sharratt  
1 High Street  
Windsor  
SL4 1LD  
Berkshire

**I CONSULTATIONS**

- I.1 WODC Env Health – Uplands I have visited objectors previously and I asked for the current noise report. Suitable mitigation as proposed should limit the noise level. Conditions are needed to manage noise emissions and ensure implementation of mitigation:
- (i) Noise emissions attributable to the kitchen extract and condensers shall be limited to a level not exceeding a rating noise level limit (LAr) of 34 dB during daytime (07:00-23:00) and 20 dB during night time (23:00-07:00) 1m from the facade of the nearest noise sensitive receiver\*
  - (ii) A three sided acoustic screen shall be installed around the air condensers and an attenuator shall be fitted to the discharge side of the fan (located inside the roof void) as per the design specifications given in the Chipping Norton Care Home Ramboll Environment Noise Impact assessment report (9 May 2016) Project no. I620002149.
  - (iii) Noise emitted at any time from the condensers and extract shall not contain any discrete continuous note, ie. whine, hiss, screech, hum etc. or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) audible at 1m from the façade of any noise sensitive properties in the locality.
- Informative.
- \*The rating noise level limit shall be assessed based on guidance contained in BS.4142:2014 Methods for rating and assessing industrial and commercial noise.
- I.2 Parish Council The Town Council objects to this planning application due to noise levels and odours which would come from the extraction units. The units would be installed close to Distons Lane, again why close to a neighbourhood amenity?

**2 REPRESENTATIONS**

- 2.1 Six letters of objection to the proposals have been received from local residents. They are summarised as follows:

The kitchen vent appears to be an addition to the last application



Siting of the A/C units and kitchen vent are detrimental to residents of Distons Lane  
Site is large enough for these units to be placed elsewhere with less intrusion.  
Unacceptable noise levels  
Unreliable and misleading data on noise levels provided by application  
Plan out of date and doesn't show extensions to properties in Distons Lane

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

3.1 A noise statement has been provided with the application and is summarised as follows:

"Based on the noise data for the proposed plant, and the incorporation of mitigation in the form of attenuators/screens, the noise emissions from the proposed plant are predicted to fall below the noise rating limits during both daytime and night time periods. Therefore, no significant adverse noise impacts are predicted as a result of the proposed plant installation."

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE18 Pollution  
BE19 Noise  
EH6NEW Environmental protection  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### Background Information

5.1 The application seeks consent for revisions to the approved plans to include air conditioning units and a kitchen extract fan to the previously approved care home. The application was deferred from July committee for investigations into a revised location, and a neighbour noise report.

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

#### Siting and Form

5.3 The proposed AC units are to be positioned to the rear of the care home along the eastern boundary of the site. the units are to be housed in a small compound measuring 1.5m by 3m and the units themselves are 0.5m x 1m and 0.75m x 1.2m x 1.7m.

5.4 The units are considered to be sited in a logical position, and the compound has a solid acoustic barrier above 1.5m to reduce noise carrying (below 1.5m is a louvered screen to permit airflow to the units).

5.5 The kitchen extract unit is on the roof of the care home and is approximately 30m from neighbouring properties. It will not be obvious in any view points of the building.

- 5.6 The A/C and extraction units will be sited within 5m of future residents of the care home and it would therefore be in the applicants interests to maintain the units to their optimum to prevent detriment to their own residents.
- 5.7 The siting and form of the proposed units is considered to be acceptable.

#### Residential Amenities

- 5.8 Environmental Health were consulted on the application and they have concluded that the noise report is sufficient in its conclusions that the proposed units will not cause unacceptable levels of disruption to neighbours. To ensure that this is in perpetuity, a condition and an informative have been included in the recommendation.
- 5.9 The ground level is 0.75m lower than the rear gardens of properties in Distons Lane so the units will not be visible and this change in levels will also help to absorb any noise.
- 5.10 It is acknowledged that the plans submitted with the application may not have taken into account subsequent extensions to properties in Distons Lane, however the distances between the plant and the rear of the houses are still over 20m.
- 5.11 The noise report concludes that the units will not result in unacceptable levels of noise or disturbance to neighbours and our Environmental Health team concur with this conclusion. Officers have revisited the site since last committee and are of the opinion that the units are sited sufficiently far from neighbours so as not to cause unacceptable noise nuisance. Furthermore, it is not considered that there is a better site for the A/C unit.
- 5.12 Although it was raised as a reason to defer the application at July committee, no neighbour acoustic report had been received at time of writing this report.

#### Conclusion

- 5.13 Officers are minded, in the absence of any further substantive information being submitted, that the proposal is considered to accord with local plan policies BE2, BE18 and BE19 of the Adopted Local Plan and EH6 of the Emerging Local Plan.

## **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 (i) Noise emissions attributable to the kitchen extract and condensers shall be limited to a level not exceeding a rating noise level limit (LAr) of 34 dB during daytime (07:00-23:00) and 20 dB during night time (23:00-07:00) 1m from the facade of the nearest noise sensitive receiver\*

(ii) A three sided acoustic screen shall be installed around the air condensers and an attenuator shall be fitted to the discharge side of the fan (located inside the roof void) as per the design specifications given in the Chipping Norton Care Home Ramboll Environment Noise Impact assessment report (9 May 2016) Project no.1620002149.

(iii) Noise emitted at any time from the condensers and extract shall not contain any discrete continuous note, ie. whine, hiss, screech, hum etc. or distinct impulses i.e. bangs, clicks, clatters or thumps (that are repeated as part of normal operations) audible at 1m from the façade of any noise sensitive properties in the locality.

REASON: In the interest of residential amenities.

- 4 Other than the addition of the A/C unit and kitchen extractor hereby approved, the development shall be carried out in all respects in accordance with the extant permission, legal agreement and discharged conditions relating to this site.

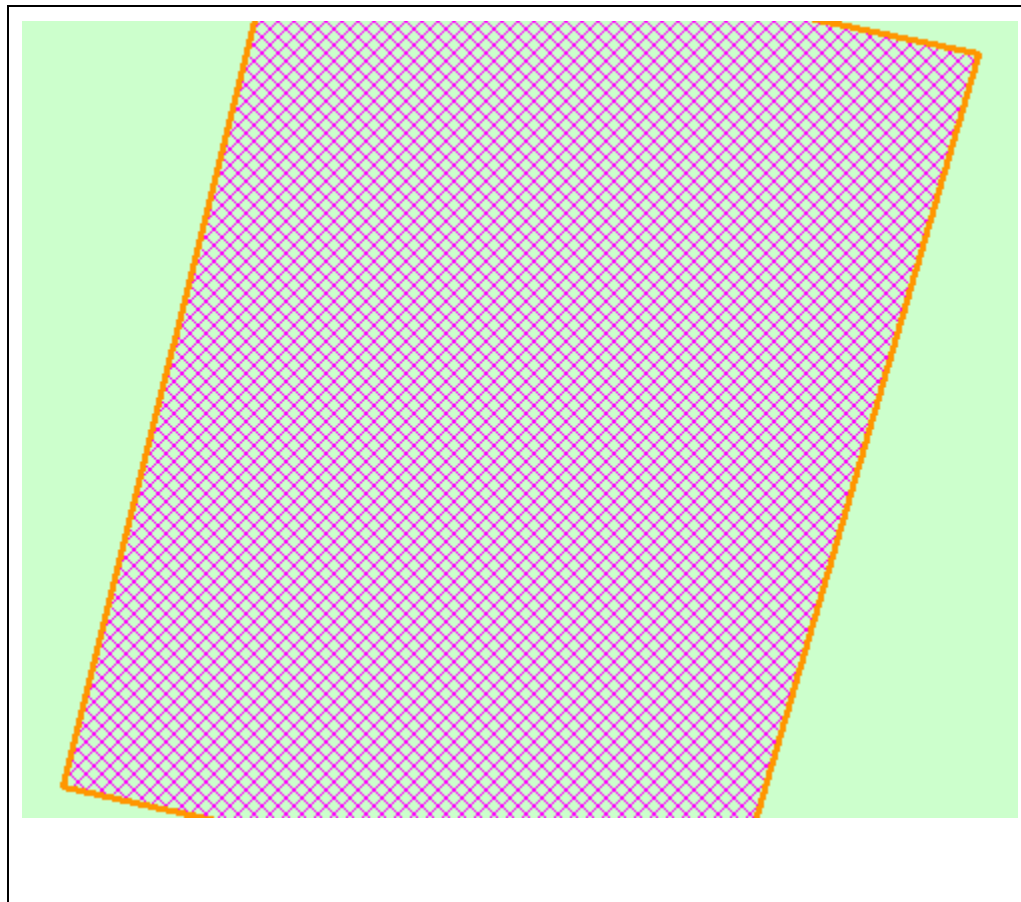
REASON: For the avoidance of doubt and as this is an amendment to the extant consent.

#### NOTE TO APPLICANT

The rating noise level limit shall be assessed based on guidance contained in BS.4142:2014 Methods for rating and assessing industrial and commercial noise.

Application Number	I6/01865/FUL
Site Address	Highfield Farm Laughton Hill Stonesfield Oxfordshire OX29 8DX
Date	20th July 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439095 E    217327 N
Committee Date	1st August 2016

**Location Map**



**Application Details:**

The installation of 1No. 15.0m high lattice tower with 6No. antennas, 2No. dishes and 2No. equipment cabinets within a chain-linked fenced compound.

## **Applicant Details:**

CTIL Ltd  
Building 1330  
Arlington Business Park  
Theale

## **1 CONSULTATIONS**

- 1.1 WODC Landscape And Forestry Officer No Comment Received.
- 1.2 Parish Council Parish Council objects to this application as we would prefer a design more sympathetic to the AONB. We understand that designs are available that look like trees and this would be more appropriate. Councillors suggest that the mast is moved to the other side to the trees where it would be hidden from sight. Councillors also request that the base is screened by landscaping or other means.

## **2 REPRESENTATIONS**

11 letters of objection have been received in relation to this application, the main objections are summarised below:

- The mast would be sited in the Cotswolds AONB and would not be camouflaged by trees or vegetation from the east, south or north. The height of the trees will be nowhere near the height of the mast.
- The surrounding trees are deciduous and would be bare for half of the year.
- There is an incorrect statement on the form that the development would not be within 3km of an airfield. There is an airfield 1km away at Oakfield Farm.
- The development does not comply with NPPF Para 42 – there is little problem with mobile networks in the area.
- Mobile phone masts are known to have a detrimental impact on individual's health and quality of life.
- The development would have a harmful impact on the adjoining landscape and AONB setting.
- A more sympathetic mast design would be appropriate. A camouflage mast design is an alternative.
- The development is close to a public right of way and would affect user's enjoyment of this location.

2 letters of support have been received, which are summarised below:

Stonesfield is a large village and needs better mobile phone coverage.  
The design is not objectionable, although better landscaping is needed to the east.

## **3 APPLICANT'S CASE**

Harlequin Group can confirm it has undertaken extensive Best Practice in its planning process and hopes that the additional 4G mobile coverage resulting in this development will be of an all-round benefit to the community as a whole.

The proposal avoids sensitive areas within the Stonesfield area and the mast height is the minimum requirement to fulfil the necessary provision of 4G mobile coverage to the surrounding area.

Harlequin Group appreciates the comments from West Oxfordshire District Council during the Pre-Application phase and believes the development satisfies the policies and procedures outlined in the Development Plan, Local Plan and other policies relevant to Telecommunications

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
BE17 Telecommunications  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
OS1NEW Presumption in favour of sustainable development  
EH1NEW Landscape character  
E2NEW Supporting the rural economy

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 a 15 metre high, 1 metre wide lattice antenna located in an isolated position around 1km to the west of Stonesfield within an elevated area of open countryside within the Cotswolds AONB. The development includes ground level equipment and fencing and associated landscaping.
- 5.2 The proposed antenna is required to improve 4G mobile coverage in the local area. The nearest neighbouring residential buildings at Lower Farm would be located more than 400 metres from the site. approximately 11 metres.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development  
Design, scale and siting  
Landscape and Visual Impact  
Amenity impacts

##### Principle

- 5.4 The development of new telecommunications infrastructure is supported within the provisions of Chapter 5 of the NPPF, and Policy BE17 of the Existing Local Plan and Policy E2 of the Emerging Local Plan. Works to improve network coverage within rural areas is deemed beneficial in terms of achieving economic growth and enhancing local communities particularly in

rural areas. The development would be substantially beneficial in enhancing 4G mobile coverage in a rural part of the district which would be of benefit to the local community. Officers consider that the principle of development is acceptable and socially and economically beneficial.

- 5.5 The site is located in a relatively prominent position at the top of a valley within the AONB. Paragraph 44 of the NPPF states that Local Planning Authorities should not impose a ban on new telecommunications development in certain areas including AONB areas; however the landscape and visual impact of the development is a key consideration in determining this application. The applicant has considered a number of other sites in less preferable locations, including three sites within the village of Stonesfield.

#### Siting, Design and Visual Impact

- 5.6 The development would be sited at the top of a small valley located around 1km to the west of Stonesfield. Presently there are relatively prominent views towards the site from the village and from an adjoining public right of way to the south of the site running adjacent to Highfield Farm. The mast would also be visible from an adjacent public right of way running parallel to the site.
- 5.7 The proposed antenna is of a relatively standardised design typical of telecommunications development. The height of 15 metres is not particularly high for such an installation and the applicant has suggested that the height and dimensions have been kept to a minimum in line with the operational requirements. Whilst the mast would be visible from the adjacent footpath and in longer views, given its location, the development would be sited adjacent to an existing established mature row of trees, which limits the visual prominence of the mast in terms of wider landscape views. Lower level planting is proposed adjacent to the base of the installation which would screen the ground level equipment and fencing. Officers consider that the proposed landscaping would adequately mitigate the visual impact of the mast in wider views and consider that the development would be compliant with Existing Local Plan Policy BE17 and Paragraph 43 of the NPPF.

#### Highways

- 5.8 The development would not impact on highway safety or amenity.

#### Residential Amenities

- 5.9 The development would be sited at least 400 metres from the nearest neighbouring residential dwelling. In terms of health impacts the applicant has provided a statement of the developments compliance with International radiation exposure guidelines (ICNIRP). Paragraph 46 of the NPPF states that Local Authorities should not determine telecommunication applications on the basis of health safeguards if the appropriate standards are met. Officers therefore consider that the development would not adversely impact on the amenity of nearby residents.

#### Conclusion

- 5.10 Officers consider that the development as proposed, whilst visible would be consistent with the relevant provisions outlined in Chapter 5 of the NPPF and Policy BE17 of the Existing Local Plan and that adequate steps have been taken to mitigate the landscape and visual impact of the development on the AONB setting.

## **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 17/06/16.  
REASON: The application details have been amended by the submission of revised details.
- 3 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.
- 4 Should the structure no longer be required for the purposes specified in this application, the antenna, associated ground level equipment and fencing shall be permanently removed and the land returned to its former condition.  
REASON: To safeguard the landscape character and visual amenity of the area