

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 5th September 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***

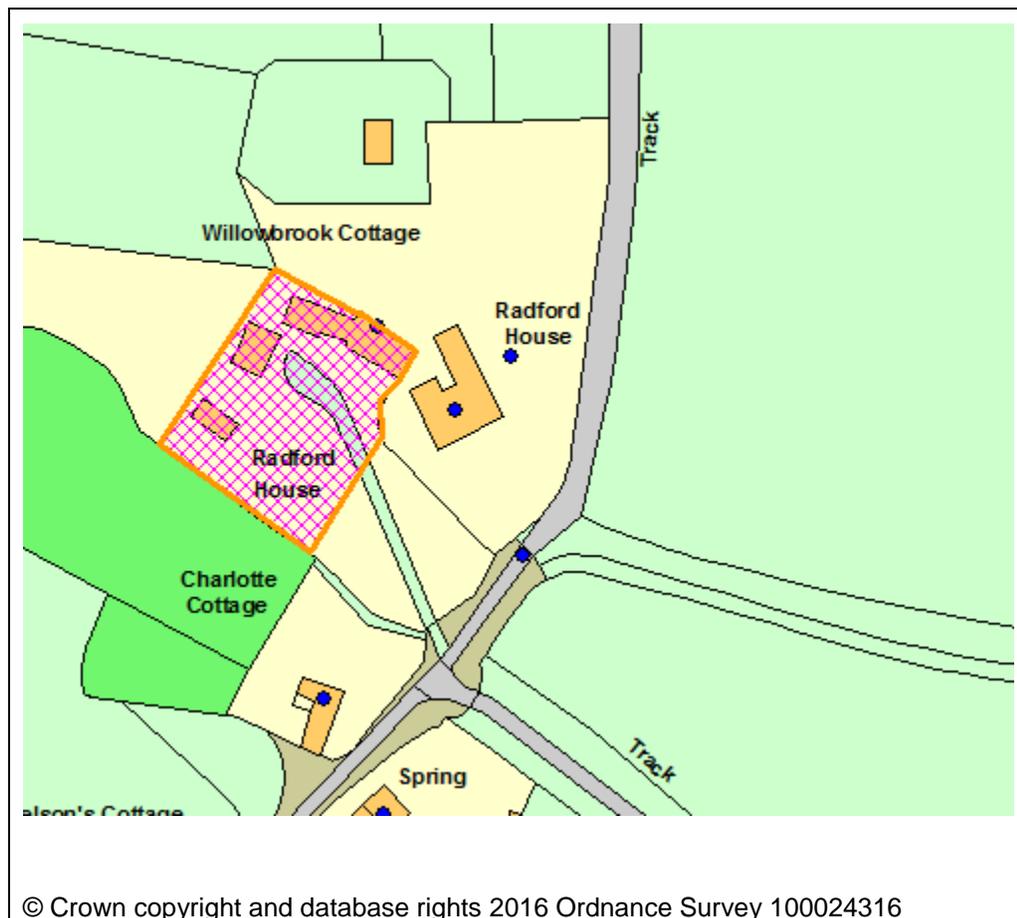
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	I6/00342/RES
Site Address	Willowbrook Radford Chipping Norton Oxfordshire OX7 4EB
Date	22nd August 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	440983 E 224123 N
Committee Date	5th September 2016

### Location Map



#### Application Details:

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

#### Applicant Details:

Palladian Properties Ltd

## I CONSULTATIONS

### I.1 WODC Drainage Engineers

The bifurcation headwall has been resited further upstream as suggested, which one of residents requested. A swale with bunding is now proposed for exceedance flows, although at this stage there is no indication of height, construction or tie-in details of the bund at the property boundary. This would be required at detailed design stage if the application is given approval.

A limited discharge of 2.5 l/s has been proposed from the site if conditions are not suitable for infiltration and attenuation is necessary. Presumably this will be via a connection into one of the 600mm dia culverts, with just exceedance flow from the new development joining the swale? If soakaways are possible, we would expect all surface water to be contained on site for all events up to 1 in 100 year + 30 % climate change, with exceedance again joining the swale.

The major issue we are still going to have is the capacity and fall of the downstream watercourse, with the new 600mm culverts outfalling perpendicular into it on the east side of the road. The road crossing itself will need OCC approval and the practicality of laying 2 x 600mm culverts will depend on the clearance to road surface, presence of utilities, fall of pipes, depth of ditch etc, none of which have been investigated fully yet. As identified, the roadside ditch will need regarding and deepening and there is still the issue of the 90 degree bend where it turns to follow the bridleway going eastwards opposite Radford House. Any maintenance works to this watercourse are the responsibility of the adjacent riparian landowners, but they are not obliged to carry out any improvement works for the benefit of this planning application. One of them I understand spends most of the year abroad. The other landowner has confirmed to me he is willing to let the developer carry out works on his behalf if he approaches him, but cannot give him permission to work on the side of the watercourse that is not his responsibility. Without improvement works being made to the watercourse there is still the likelihood that it will surcharge, as it will still have the same volume of water coming into it (actually slightly more if a restricted discharge from the new development is necessary), which would be pouring out through the new pipes at a faster rate than before. It would also be better if the 600mm culverts could discharge into watercourse on the corner of the bridleway, to avoid the 90 degree bend, as long as they do not encroach on the land owned by Radford House.

As we are aware, the flooding situation at this location has been in existence for some time. If the development is not given planning permission they will remain, but if it is granted there will be some attempt to overcome them. However, at this stage it is difficult to

approve the latest proposals without further investigations being carried out, i.e. with OCC, utilities and landowners to confirm that the proposals are practical. If the watercourse is not of a size or condition to accept the water being discharged into it at a faster rate it will surcharge and the flood risk to properties will remain or may actually increase. I would summarise therefore that, although I appreciate the developer is making attempts to address the residents' concerns, the success of the proposals depends much on the results of discussions that are still to be had by the developer with others, regarding works beyond the site boundary.

I.2 Parish Council Enstone Parish Council unanimously objects to this planning application on the grounds of the high risk of flooding in this area and that the reserved matters associated with the outline planning permission 13/0321/P/OP have not been addressed.

As stated in the planning application 13/0321/P/OP, the scale of the proposed property is out of proportion compared to the Grade II listed buildings on either side of the proposed property.

I.3 WODC Architect No Comment Received.

I.4 WODC Landscape And Forestry Officer No Comment Received.

I.5 Ecologist Having looked at the submitted documents, which include the 'landscape scheme' I would like to make the following comments the position of the replacement house is less than 4m from the stream which has potential to pollute the watercourse or damage the associated habitats. If the position of the house has already been agreed we need to put in place a prevention of pollution scheme of which they will need to submit further details. If the position has not been agreed then we need to ask it to be moved away from the watercourse to reduce the potential impacts and a scheme to show how the associated watercourse habitats will be enhanced and protected from this proposed development.

They also proposed removal of two trees have they been assessed for bat roosts and what replacement trees are planned as none are shown.

The wildflower meadow is welcomed but we need to know the proposed species composition to assess its biodiversity gain.

## 2 REPRESENTATIONS

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

- Measures have not been proposed to address the issues of flooding. There are no mentions of any proposed mitigation measures.
- The proposed pond would be useless as a flood mitigation measure.
- A sympathetic building is required in this location.
- The proposed landscaping does not address the flood risk.
- The applicant's statement that the dwelling cannot be seen from the road is inaccurate.
- No details are given about the proposed wildflower meadow.
- The roof plans submitted are inaccurate.
- The scale of the dwelling is not subservient to Radford House as required.
- Without enlarging the culverts at the gateways to Radford House and Willowbrook then the driveway of Radford House will continue to be flooded.
- The top half of the stream has not yet been dredged and is causing flooding.
- The proposed dwelling would not be subservient to Radford House.
- The headwall, proposed in the previous drainage scheme should be moved further upstream as the existing water course across the road from Radford House would be inadequate to take the outlet and if there is a backup of water, this will flood Radford House. Upstream attenuation would be preferable.
- The twin pipes will reduce resistance to flow from the upstream watercourse, accelerate it, and thereby more frequently exceed the capacity of the downstream watercourse. The flooding at Radford house could worsen.
- Serious consideration should be given to devising flood storage, with some form of hydro-brake, as far upstream as possible within the Willowbrook site. The vast majority of the catchment lies still further upstream

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

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

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

### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 NE1 Safeguarding the Countryside  
 NE3 Local Landscape Character  
 BE8 Development affecting the Setting of a Listed Building  
 NE7 The Water Environment  
 NE13 Biodiversity Conservation

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1NEW Landscape character

EH2NEW Biodiversity

EH5NEW Flood risk

EH6NEW Environmental protection

EH7NEW Historic Environment

H2NEW Delivery of new homes

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

## **5 PLANNING ASSESSMENT**

### Background Information

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

### Principle

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

### Siting, Design and Form

- 5.6 The siting of the dwelling remains as previously approved. The outline consent includes scale and an indicative dwelling design was submitted at outline stage which matches the design submitted for the present reserved matters application.
- 5.7 The matter for consideration is the external design and appearance of the dwelling. The proposed use of natural stone is considered to be appropriate in the context of the immediate area and would be in keeping with the adjoining properties Charlotte Cottage and Radford House; the proposed building is relatively traditional in terms of its character. Officers consider that the proposals respond reasonably well to the character of the immediate area and the design, with some additional landscaping would not detract from the setting of the adjoining Grade II listed Radford House.
- 5.8 Officers note the informative attached to the previous application stating that the proposed dwelling should appear subservient to Radford House. It is noted however that the scale of the dwelling has been previously consented and that this reserved matters application relates specifically to the design and external appearance of the dwelling. It is also noted that the outline consent was accompanied by indicative drawings which match those submitted with this reserved matters application. Outline consent has been granted for a dwelling of a sizeable scale and whilst the dwelling is not fully subservient to Radford House officers consider that the dwelling design is acceptable, which is the specific matter for consideration within the reserved matters application. The provision of additional landscaping will help the unit to assimilate into the context.

#### Landscaping

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

### Residential Amenities

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

### Drainage and Flood Risk

- 5.13 The site is within an area identified as being at a low risk of flooding; therefore a statutory flood risk assessment would not be required. The site has, however an identified history of flooding and drainage problems associated with the stream running through the centre of the site and the culverts running alongside the adjacent highway. This has resulted in the significant build-up of surface water on the site and the flooding of the adjacent highway and neighbouring properties. It has been identified that there are issues with the capacity of the adjacent culvert in particular a pinch point between the stream and culvert, which is a 300mm pipe adjacent to Charlotte Cottage, which is inadequate in terms of scale and its capacity to take the flow of water at time of high discharge. This has resulted in the historic flooding of this property. There are substantial concerns amongst local residents that the erection of a dwelling on the site would increase water runoff and exacerbate the existing flood risk.
- 5.14 The issue of flood risk and drainage was considered as part of the outline consent granted and a condition was attached requesting the provision of a surface water drainage scheme and flood mitigation strategy. The provision of this information is not required as part of the reserved matters application as a statutory obligation, however it was suggested as an informative that these details should be submitted as part of the landscaping element of the reserved matters application.
- 5.15 As a means of mitigating the existing issues of flooding, officers and members have requested the submission of a comprehensive drainage strategy. Officers and the Councils Drainage engineer initially considered that the flooding issues could be addressed by reducing discharge levels along the stream and through the associated culvert, by some form of upstream attenuation. The feasibility of providing such a scheme has been explored with the applicants and the Councils drainage engineer. The Councils drainage engineer has advised that providing an effective and achievable means of upstream attenuation would in the context of the site be unrealistic, both practically and financially and requiring this would probably be deemed unreasonable. The Councils drainage engineer has advised that due to the high levels of discharge, any upstream attenuation pond or similar would have to be of a significant scale and even if constructed may not be effective. Due consideration is also given to the fact that the immediate problem with regards to the level of discharge is an existing one, and the applicants would only be required to mitigate the impact of the development proposed and the additional surface water runoff arising from a replacement dwelling.
- 5.16 The applicants have submitted a revised drainage strategy which attempts to address the existing flooding concerns on site. These are primarily reducing the level of discharge through the

existing 300mm pipe and pinch point adjacent to Charlotte Cottage; and preventing further flooding of the adjacent Radford House. The scheme proposes a set of twin 600mm twin pipes, the position of which has been amended to a position further upstream. In times of high discharge where the existing capacity is exceeded, the water will overflow the weir wall into the 600mm twin pipes, reducing discharge along the stream and through the existing pinch point, reducing flooding of Charlotte Cottage.

- 5.17 Members previously raised concerns that, whilst the proposals would prevent flooding at Charlotte Cottage, the scheme would exacerbate flooding of Radford House owing to the exit position of the twin pipes near the curtilage boundary of Radford House. The proposed headwall has been moved further upstream from its previous position, with a swale with bunding now proposed for exceedance flows, although the height of the bunding would have to be agreed at condition stage if the development were to be approved. The Councils drainage engineer has suggested that the feasibility of the proposed scheme is largely dependent on a range of factors which are yet to be investigated including clearance to road surface, presence of utilities and the depth of the ditch. The laying of the pipes under the highway would additionally need approval from OCC. Officers would require the resolution of these outstanding issues by condition, prior to the commencement of development on site however officers would be of the opinion that a scheme in the manner proposed, if workable would help to address the existing issues of flooding and would provide some form of betterment.

#### Conclusion

- 5.18 The application seeks approval for two remaining reserved matters, landscaping and appearance. The general design of the property is traditional and keeping with the character of the immediate area and would be consistent with Policies BE2 and H2. Officers consider that with the submission of a feasible drainage scheme in a similar manner to what is proposed would provide betterment and help to address existing issues of flooding on the site and adjacent properties. The indicative landscape is considered by officers to be adequate, subject to the provision of further landscaping, particularly in the north east of the site.

## **6 CONDITIONS**

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference I3/0321/P/OP; or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials. The external walls of the dwelling shall be constructed from natural stone and a sample panel shall be erected on site and shall be approved in writing by the Local Planning Authority.  
REASON: To safeguard the character and appearance of the area.

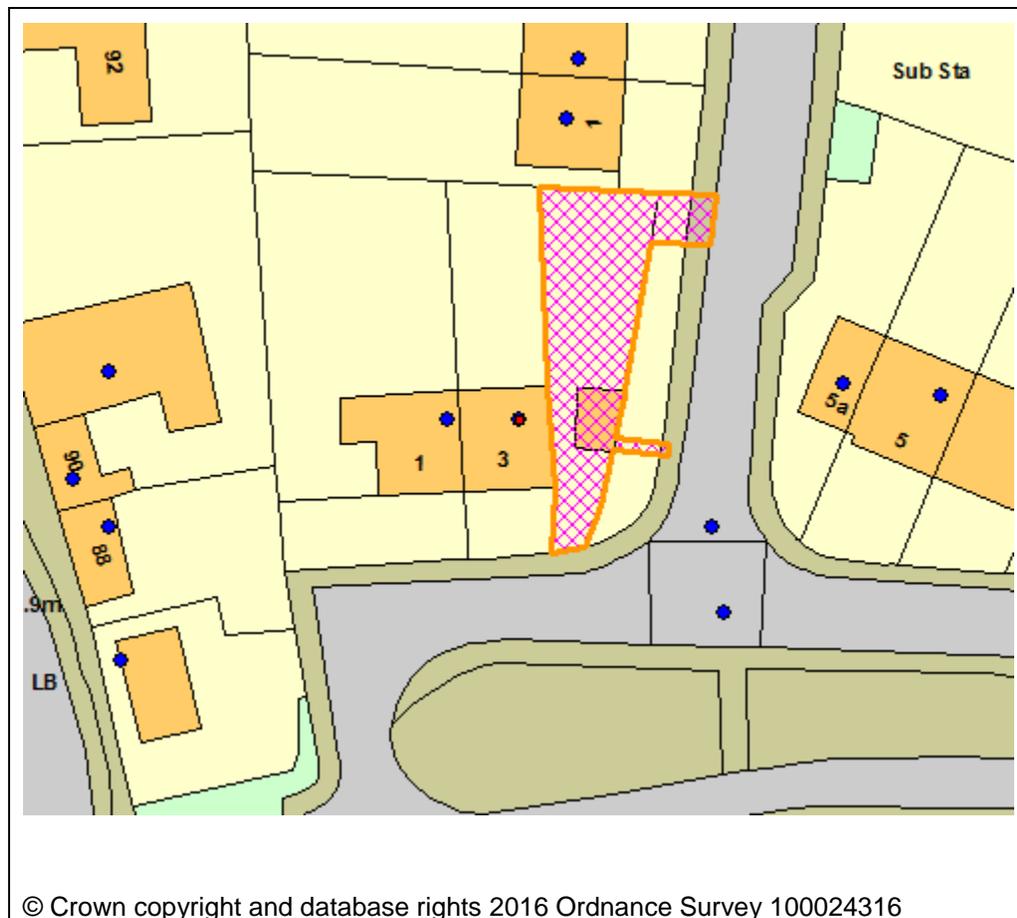
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all windows and doors; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 6 The means of access between the land and the highway as shown in the blue line area shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 7 Notwithstanding the submitted details a scheme of hard and soft landscaping for the house (which for the avoidance of doubt will need to include land beyond the red line site boundary in the blue line site boundary) and additional planting in the NE of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any other order revoking and re-anacting that Order with or without modification) no development permitted under Class A to E of Part 1, Schedule 2 shall take place.  
REASON: To preserve the character and appearance of the area
- 9 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The submitted drainage scheme shall include details of flood mitigation measures to be contained within the area of the site outlined in blue. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

10 Prior to the commencement of development details of a comprehensive drainage plan, including all proposed works to be carried out within both the red line and blue line site areas shall be submitted to the Local Planning Authority for approval. The proposals shall include a working method statement relating to the implementation of the proposed drainage and scheme any proposed works to connect any proposed drainage to the existing culvert shall be agreed with Oxfordshire County Council and the Local Planning Authority, prior to the commencement of development.

REASON: To ensure the development does not exacerbate the existing issues of flooding on site and flooding of the adjacent properties.

Application Number	I6/02055/FUL
Site Address	3 Westland Way Woodstock Oxfordshire OX20 1YG
Date	22nd August 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444150 E 217296 N
Committee Date	5th September 2016

### Location Map



### Application Details:

Erection of dwelling and creation of new access with two parking spaces for existing dwelling (amended)

**Applicant Details:**

Mr Craig Carter  
Budstar Ltd  
3 Hall Farm Close  
Spring Hill Lane  
Begbroke  
Kidlington  
Oxon  
OX5 1FW

**1 CONSULTATIONS**

- |     |                         |  |
|-----|-------------------------|--|
| 1.1 | WODC Drainage Engineers | Surface Water drainage condition.  |
| 1.2 | OCC Highways            | The proposed dwelling is 2 bed. How does the applicant justify the provision of only 1 parking space in this location ?<br><br>Amended parking plan submitted - No objection from Highway Officer.   |
| 1.3 | WODC Architect          | No Comment Received.   |
| 1.4 | Town Council            | Woodstock Town Council objects to the planning application 16/02055/FUL on the grounds that it is overdevelopment of the estate and that there is inadequate parking for these particular dwellings. |

**2 REPRESENTATIONS**

- 2.1 Seven letters of representation have been received. The comments received can be summarised as follows:
- The development will result in a loss of the character of the estate - reduced number of open spaces (BE2).
  - This will set a precedent - 6 more sites could be developed.
  - Third similar corner development in recent years.
  - Erode the distinctiveness of the estate (BE4).
  - Should officers take account of the cumulative effect of developments on the estate?
  - Mature tree requires removal for access.
  - Increased traffic and parking issues.
  - Cramped development on a busy corner.
  - Unsatisfactory parking arrangement.
- 2.2 In addition to the above a petition has been received from the local residents. The petition, as received, is a typed version of the original signed petition and it has been signed by forty seven residents. The issues raised are the same as the above summary.

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

3.1 The Design and Access Statement can be viewed in full on the Council website however the key points are as follows:

- No overlooking.
- Sufficient off-street parking.
- Two similar developments nearby.

### **4 PLANNING POLICIES**

EW2NEW Eynsham-Woodstock sub-area  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
H2 General residential development standards  
OS4NEW High quality design  
H2NEW Delivery of new homes  
OS2NEW Locating development in the right places  
H7 Service centres

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 for consideration following an objection from the Town Council.

5.2 The application seeks permission for the erection of a one and a half storey dwelling with the first floor accommodation provided within the roof space. The site is located in a residential development on a spacious corner plot within the Barn Piece development. The application site is bounded south and east by the road serving the development and to the north and west by other residential properties.

#### Background Information

5.3 No.5a Westland Way is a very similar development which was granted approval by the Appeal Inspectorate. It was recommended for approval by officers at Uplands Committee and subsequently refused by Members. Essentially the Inspector agreed with officers, making the following assessment:

- Although on a corner site and in an area characterised by small incidental open spaces, including on other corners, the new building would not project out beyond the existing boundary wall to the side of no.5, albeit a little further forward. In such circumstances, I am satisfied that the very limited loss of openness around this corner would not be damaging to the overall character or appearance of the area. The proposal would however be consistent with the present grain of development in this part of the estate.
- The proposal would not therefore represent an overdevelopment of the site and future occupiers of both properties would have sufficient outdoor amenity space for normal domestic activities. In this respect also the scheme would therefore reflect the current character and appearance of the locality.

- The limited size of the new dwelling, as well as the matching materials, also help to ensure that it would sit comfortably alongside the existing building and comply with the scale, design, layout and other requirements of policies H2 and BE2 of the WOLP
- Local residents refer to current parking pressures in the locality, especially in the evenings and at weekends. However, the off street provision associated with this scheme would meet the Council's standards in the adopted WOLP 2011, as well as all the criteria of policy BE3 and is therefore acceptable. Provision and retention of the parking spaces can be controlled by condition. Therefore, this small new dwelling should not materially affect the current on street parking situation in the locality. I conclude on the second main issue that the living conditions of nearby occupiers would not be materially harmed by the proposed car parking arrangements.
- The proposal includes the introduction of dormer windows serving habitable rooms into first floor level rear roof slopes of the extended building and facing north towards properties along Marlborough Crescent. However, the relative levels and intervening distances of around 35m between buildings are such that no material loss of privacy would arise for occupiers. Moreover, the overlooking of rear gardens directly arising from no. 5 and/or the new dwelling would not be materially greater than that from other existing properties.

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

Principle  
Siting, Design and Form  
Highways  
Residential Amenities

Principle

- 5.5 At the present time, the Council's position in relation to 5-year housing land supply is that the Council is not able to demonstrate it has a five-year housing land supply. In light of this and also taking account of its relative age, your officers do not consider that significant material weight should be afforded to Policy H7 of the adopted Local Plan in the determination of this application.
- 5.6 Paragraph 14 of the NPPF is now engaged. It is therefore appropriate to undertake the balancing exercise whereby the potential benefits of the scheme are weighed up against the potential harms having regard to the NPPF and NPPG.
- 5.7 Your officers also consider that other relevant policies of the adopted Local Plan which do not relate directly to the supply of housing such as H2, BE1, BE2, BE4 etc. should be afforded weight.
- 5.8 Some weight should also be given to relevant emerging Local Plan policies such as OS2 and H2 given that the draft plan is at a relatively advanced stage.

- 5.9 The principle of the erection of a new dwelling in this location is controlled by Policy H2 and H7 of the West Oxfordshire Local Plan 2011 with increased weight given to the emerging Local Plan 2031 Policy OS2 and H2. These policies allow for the provision new dwellings in Rural Service Centres, of which Woodstock is one, in the form of development within the built up area. It is also important to note that the Eynsham-Woodstock sub-area identified in the emerging Local Plan seeks 1600 new dwellings in the period to 2031.
- 5.10 Given the location of the site the provision of a dwelling would not conform to the definition of infilling however, in your officers opinion, given that the proposed dwelling reads as an extension to the existing dwelling and sits as a secondary element to the existing dwelling, it would be considered to conform to the definition of rounding off. Rounding off is defined in Policy H7 of the adopted Local Plan as the provision of a dwelling as a logical complement to the existing pattern of development and would not extend development into the open countryside. In your officers opinion, the design and form of the dwelling and its location ensures that the development does form a logical complement and as such, consider that the principle is acceptable. The policy definition also notes that the land should be previously developed land (which includes curtilages) and the proposal should not conflict with other policies in the local plan. Emerging Local Plan Policy H2 allows for new dwellings within Woodstock, reiterating the policy requirement to form a logical complement to the existing scale and pattern of development and/or character of the area.
- 5.11 This site is well located in a sustainable settlement where emerging policies envisage quite substantial additional growth within and beyond the settlement boundaries. As such, officers do not consider that the specific development proposed on this particular site would cause such harms as would justify refusal and as the development proposes a single dwelling, officers consider that the principle is acceptable.

#### Siting, Design and Form

- 5.12 The proposed dwelling, as noted above sits as an extension to the existing dwelling and reads as a secondary and subservient element of the main dwelling. The development reflects the established form of development by providing accommodation in the roof space and given its limited footprint, it sits comfortably as a secondary element to the existing development.
- 5.13 The site is however, on a corner plot and the area is characterised by development which provides for open spaces which contribute to the established pattern of development. The proposed dwelling will extend out into one of these corner locations and will alter the view across this part of the development. Whilst this is the case, the development will be set back from the existing building line and will retain a 4.5m wide strip of greenery to the pavement edge. Whilst part of the green space to the front of the property will be lost, the overall impact on the character of the wider development would not be so harmed to justify the refusal of planning permission. Policy BE4 seeks to protect open spaces which make an important contribution to the distinctiveness of a settlement or the visual amenity or character of the locality. In your officers opinion the space does contribute to the character of the locality however, as noted above, given the limited additional space to be lost, officers do not consider that the proposal would be so harmful to justify the refusal of planning permission.

## Highways

- 5.14 There have been a number of objections relating to increased car parking as a result of the development. The use of space within the street for parking to serve properties elsewhere is not something which the District Council can control. In the consideration of the provision of a new dwelling officers are required to consider whether sufficient parking is to be provided for the existing and proposed dwelling. In this case, two parking spaces are proposed to serve each dwelling and as such, the level of parking accords with the standards set out within the West Oxfordshire Local Plan 2011.

## Residential Amenities

- 5.15 The provision of a new dwelling in this location will move development closer to the neighbouring properties to the east. Whilst this is the case, a separation distance of 15 metres exists between the existing and the proposed dwelling and given this is gable to gable distance, and is over the public domain, officers do not consider that the dwelling would give rise to any undue overlooking or overshadowing to that dwelling. To the north, the separation distance (17m rear to side elevation) remains the same as the existing dwelling. Whilst officers note that the outlook of properties in Rosamund Drive and Westland Way may be changed officers do not consider that the proposal would have any undue overbearing, overlooking or loss of light impacts for these dwellings.

## Other Matters

- 5.16 Precedent: Whilst development of a similar nature in the locality would be a consideration in any future application, each individual application would be considered on its own individual merits. The allowance of this proposal would not result in a blanket approval of similar development.
- 5.17 Planning Permission for Dormer: The dormer window in the rear elevation of the existing dwelling, by virtue of its siting and dimensions does not require separate planning permission. The applicants have received correspondence from the Planning Department to confirm this (ref: 16/01344/PDC).
- 5.18 Tree Loss: Reference has been to the loss of vegetation, including a mature apple tree. The vegetation is within the curtilage of the dwelling and the site is not within the Conservation Area. Therefore there is no planning restriction.

## Conclusion

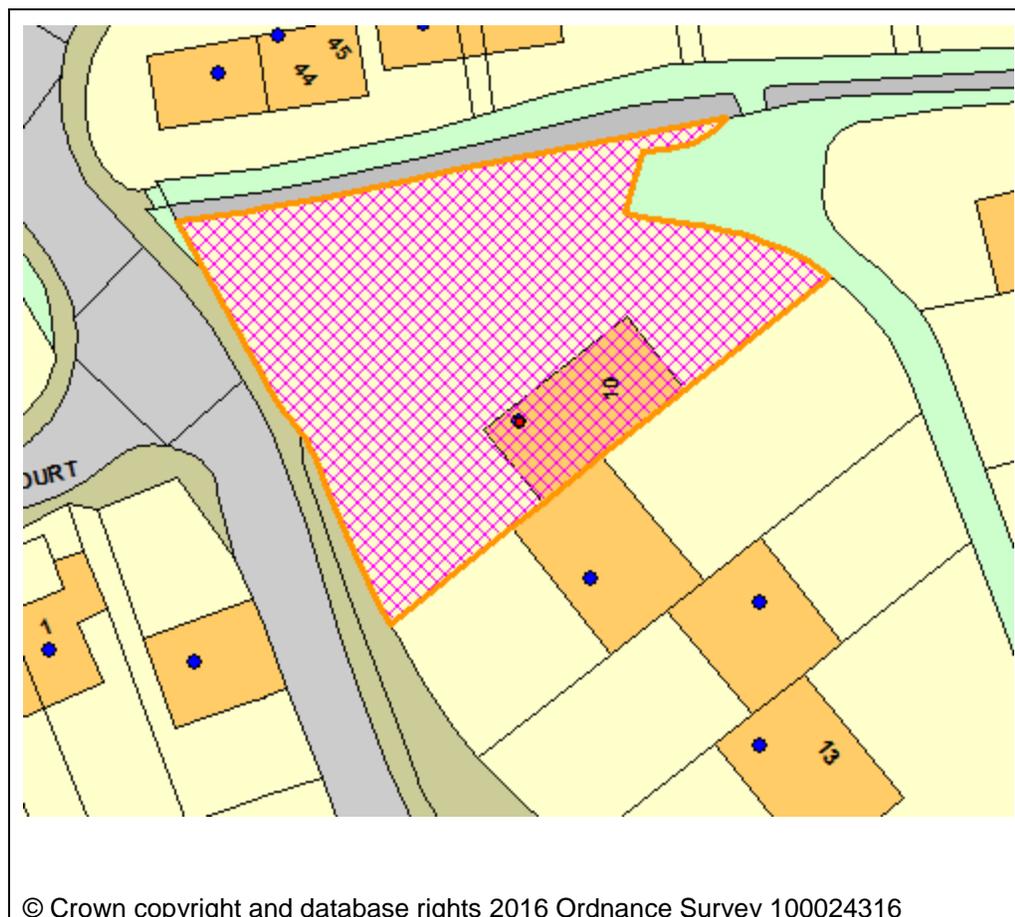
- 5.19 With regard to the above officers note that the proposed development will alter the character of the development however, officers do not consider that this would have such an impact on the character of the locality or the wider area to justify the refusal of planning permission. Furthermore, the impact on neighbouring properties would not be so harmful to justify the refusal of planning permission. Considering the assessment above, officers consider that the application is acceptable and considered to be in accordance with Policies BE2, BE3, BE4, H2 and H7 of the West Oxfordshire Local Plan 2011 and emerging Local Plan Policies, OS2, H2, T4, OS4 and EW2.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions, outbuildings, additions or external alterations shall be made to the dwelling hereby permitted without the prior written approval of the local planning authority.  
REASON: Control is needed to protect the residential amenity of adjacent properties and the character and appearance of the area.
- 4 The materials to be used for the external walls and roofs shall be of the same colour, type and texture as those used in the existing dwelling.  
REASON: To safeguard the character and appearance of the area.
- 5 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 6 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. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 7 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.

Application Number	I6/02347/S73
Site Address	10 Sandford Park Charlbury Chipping Norton Oxfordshire OX7 3TH
Date	22nd August 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436082 E 219321 N
Committee Date	5th September 2016

### Location Map



### Application Details:

Erection of garage and studio with store above. (Removal of condition 2 of Planning Permission 15/01749/HHD to regularise amended design) Part retrospective.

**Applicant Details:**  
Mr & Mrs R Gardner  
c/o Agent

## **I CONSULTATIONS**

- 1.1 Town Council
1. We have not been supplied with the correct plans for this and therefore are unable to form a view.
  2. We deplore retrospective applications.
  3. We object to this proposal until further consideration can be given to the correct drawings, when supplied.
- 1.2 OCC Highways
- The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- No objection

## **2 REPRESENTATIONS**

- 2.1 At the time of writing representations have been received from the occupiers of 6 Hill Close, 27,32,38,44,45,47 Hanover Close and 12,14,16 and 19 Sandford Park. The comments are briefly summarised as follows:

The change of use from a garage to accommodation would not be in keeping with the original architecture of the site as the accommodation is not attached to the original house;

There are inconsistencies in the drawing and statements made by the applicants;

The site notices for the original applications were posted at the eastern end of the site near the entrance to Sandford Park and neither I nor any of my neighbours in Hanover Close saw the notice or had knowledge of the proposal;

There is insufficient information to determine the application;

I object to the location and massing of the two storey building located only 6 metres from the Hanover Close Flats;

The development is clearly un neighbourly and seriously detrimental to the residential amenities of the Hanover Close flats;

The footprint of the building may be 50sqm but the floor space is nearer 100sqm. This is therefore a substantial building and the applicants should be open with the LPA as to the actual use of the building;

The building is contrary to the existing pattern of development on Sandford Park and completely out of character with the existing Conservation Area;

Local residents are concerned that the applicants are slowly converting the building in the direction of residential use and are concerned that it will eventually be turned into a self-contained residential unit with its own pedestrian and vehicular access;

If the applicants had put a planning application for a new dwelling on their plot it would have been refused. Some neighbours are concerned that the applicant is trying to achieve this end by other means;

Contrary to the application form the garage can be clearly seen from the adjoining public footpath and the highway;

Successor owners could apply to rescind condition 4;

Requests a site visit and an internal inspection of the building;

The high pitched roof and concrete tiles as well as the sheer size of the building are out of character with the rest of the bungalows on the park;

We suspect that this has been built as an extra dwelling?

This will set a precedent for further similar developments. We therefore feel that this retrospective application should be refused and condition 2 retained;

There are 4 beds and 3 bathrooms in the recently enlarged bungalow. It is beyond credibility to argue that the kitchen and bathroom in the garage building are required for the applicants own use;

Enforcement action should be immediately authorised to return the garage to its approved layout;

The build first apply later is a cancer at the heart of the current planning process and is a direct attack on the authority of the LPA;

The garage door is supposed to be up and over but is currently a roller door;

The need for a storage facility is slightly odd as they have a huge storage shed in the North West corner of the garden;

I have some concerns about drainage from the property going directly in to the stream;

There would appear to be an increase in non - permeable areas of paving around the property;

Sandford Park is an award winning development in a conservation area. It is also governed by covenants which seek to ensure that any future alterations are in keeping with the original design and do not spoil this unique area. Residents are not opposed to new accommodation if it is sympathetic and in keeping with the existing development;

It appears from the outset that the intention was to build a house. Recognising that this would not meet the Councils planning policies the developers have sought to do this through a series of applications and revisions- and then by building outside their planning permission in the expectation their changes would not be noticed;

As a dwelling, the garage design, in the words of the Head of Planning and Strategic Housing with regards to another inappropriate building proposed for Sandford Park: "fails to respect or enhance the character and context of the immediate built form and results in a development which is incongruous in terms of its siting, design, scale and form and detracts from the character and appearance of this distinctive part of the Charlbury Conservation Area. The development is contrary to Policies BE2(a) and (b), BE5 and H2 of the Existing West Oxfordshire Local Plan 2006; Policies OS2, OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of NPPF, namely Paragraphs 17 and 64.

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

- 3.1 West Oxfordshire District Council granted planning permission on 6th July 2015 for the erection of a garage and studio with storage above (WODC Ref 15/01749/HHD). The permission was granted as an amendment to an earlier planning permission from 2014 (14/002047/HHD), which established the principle of a detached ancillary building on the application site. The structure approved in 2015 had a footprint of 5m x 10m, with an approved ridge height of 5.4m, with 3 rooflights on the southern elevation. The building was laid out to house a vehicle with an up-and-over garage door serving the front section, partitioned so that the rear of the garage could provide ancillary domestic space for storage or study.
- 3.2 The essence and function of the building as erected is unchanged from the structure that the Council approved in 2015. The footprint of the building remains 50sqm, with the ridge height very slightly reduced (5.25m above ground level at the highest point) and the eaves height reduced from 3.1m to 2.9m. The detailing of the building has also changed very slightly with regard to the approved scheme, with reconstituted stone quoins used on the corners of the building and either side of the garage door opening. Stone window lintels have also been omitted.
- 3.3 The positioning of fenestration has also changed, with the approved first floor window omitted from the rear elevation. Crucially, however, there are no openings on the northern elevation of the building looking towards the houses of Hanover Close - for the occupants of these houses, the impact of the development has been neutral with regard to the approved building.
- 3.4 The materials used in the construction of the building do not differ from those approved. In terms of the building's internal layout, some modifications have been made (the second storey storage element is slightly curtailed to increase the volume of the study area and a small washroom has been created, served by a small, obscure glazed window next to the door on the south elevation).
- 3.5 It is understood that concerns have been raised by local residents about the potential for the building to be used as a unit of self-contained accommodation. This is not, and never has been, the intention of the applicant and the 2015 planning permission is subject to a condition that prohibits the independent use of the building. It is anticipated that if the Council accepts the changes to the approved scheme illustrated above, then the affect will be to grant a stand-alone planning permission for the building as it exists. As with the 2015 permission, it is anticipated that permission be granted subject to a condition ensuring that the Council retains control over the use of the building - it may continue to provide ancillary accommodation to no. 10 Sandford Park, but may not be used as self-contained accommodation.

3.6 Within the parameters set by s.73A of the Town and Country Planning Act, this application seeks to vary condition 2 of permission I5/01749/HHD as follows:

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.

3.7 The variation of condition, if agreed to by West Oxfordshire District Council, would ensure consistency between the approved drawings and the ancillary building as constructed, whilst also being in accordance with the Council's adopted policies on the quality of development, notably Policy BE2 of the West Oxfordshire Local Plan, which seeks to ensure high quality development, and Policy BE5, whose objective is the protection of the special character or appearance of Conservation Areas.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE5 Conservation Areas

OS4NEW High quality design

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

5.1 This application has been submitted following receipt of a complaint that a garage and studio with store over approved under I5/01749/HHD had not been built in accordance with the approved drawings. It was alleged that the building was taller than approved and that kitchen and bathroom facilities had been installed which seemed contrary to the stipulation in the decision notice that 'A separate dwelling in this location would be unacceptable and contrary to local plan policies'.

5.2 Following investigation it came to light that the building had not been built out as per the approved plans in that there are changes to what was approved both internally and externally.

5.3 The external changes are as follows:

South Elevation- Pedestrian door position and type altered, double casement moved, new small window into toilet added;

East End Gable Elevation - High level window removed, lower window reduced to a single casement;

South and East Elevations - Window centre bars omitted;

Rooflight positions re-adjusted.

5.4 The internal changes are as follows:

The internal staircase has been repositioned;

A separate washroom has been created;

Kitchen units have been installed.

### Planning History

- 5.5 14/02047/HHD- Alterations and erection of single storey extensions and detached garage with storage above- Conditional approval;
- 5.6 15/01749/HHD- Erection of garage and studio with store above (Amendment to permission 14/02047/HHD)-Conditional approval with a condition and reason as follows:
- 5.7 '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'.
- 5.8 The reason for imposing the condition is as follows:
- 'A separate dwelling in this location would be unacceptable and contrary to local plan policies'
- The floor plans submitted with this application has a garage and separate study annotated on ground floor with a storage area on the first floor.
- 5.9 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.10 The principle of a building not materially different to the siting and dimensions constructed on the site has already been approved under reference 15/01749. Bearing this in mind issues that have been raised in the representations regarding the impact of the building on adjoining residents and within the Conservation Area street scene have already been assessed as being acceptable and cannot be revisited through consideration of this application.
- 5.11 In terms of use, notwithstanding the internal layout of the building (as built), it is to be used in association with the existing dwelling on the site and not separately therefrom. A separate residential use of the building would involve the creation of a new planning unit which would require planning permission in itself. Whilst such an application cannot be precluded at some future date, given the constraints of the site (the close juxtaposition of the building and any future curtilage with adjoining dwellings, and the Conservation Area context), Officers anticipate that such a sub division would prove problematic in planning terms.

### Siting, Design and Form and Amenity Impact

- 5.12 As noted in paragraph 5.3.1 of this report, the siting and general design and form of the building has been approved as built. In considering the changes to the external elevations in terms of the positioning and design of the windows, doors and rooflights the key considerations are the impact of these changes on the character and appearance of the Conservation Area and on the amenity of adjoining occupiers.

- 5.13 In terms of the Conservation Area impact your Officers consider that the design alterations in the 'as built' scheme are a marginal improvement from those approved under 15/01749/HHD in that the casement windows are both smaller and balanced and the rooflights are set further down from the ridge line.
- 5.14 In terms of the impact of the amended fenestration and door position on the neighbouring properties at Hanover Close, both the wall and roof elevation facing those properties remain unpunctured. Bearing this in mind the development 'as built ' does not adversely impact on the residential amenity of those or any other adjoining occupiers.

### Conclusion

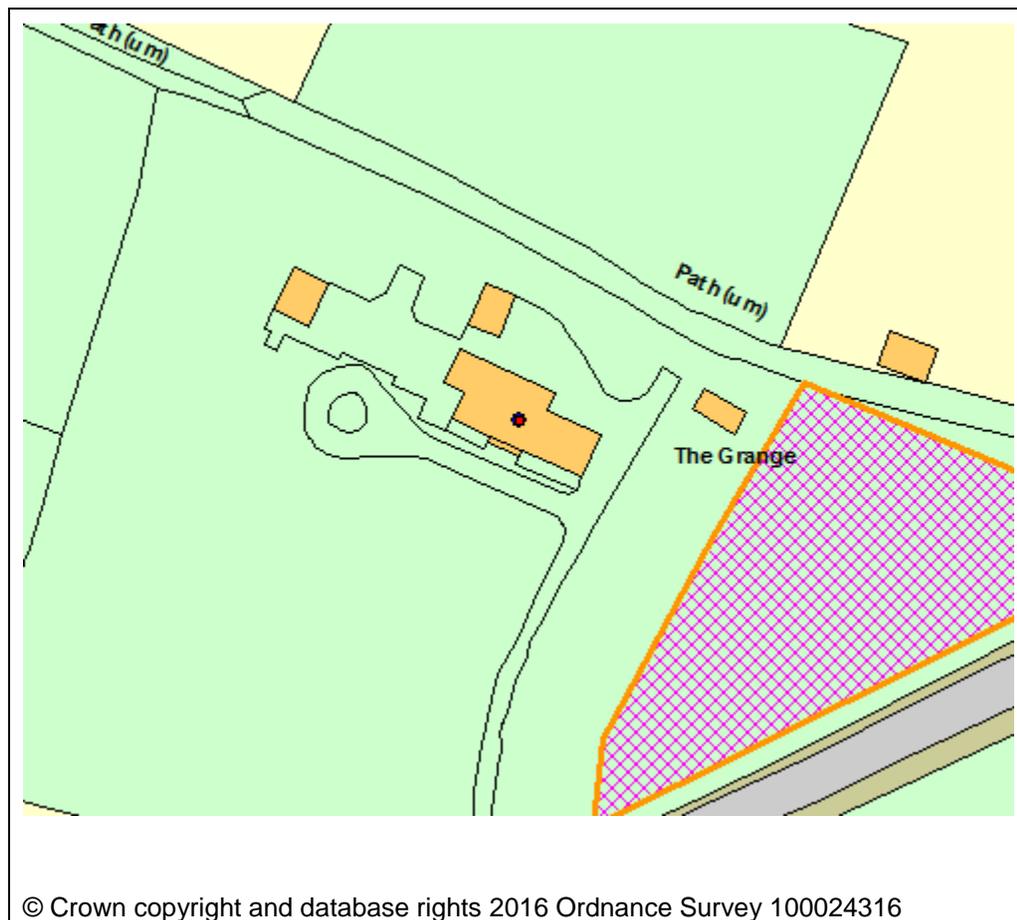
- 5.15 In light of the above assessment the application is recommended favourably with conditions that the development accords with the plans submitted with the application and that the accommodation provided within the building can only be used as ancillary accommodation serving the main dwelling on the site and not as a separate house as part of a separate planning unit.
- 5.16 Occupation of the building for ancillary use only will be monitored through the inclusion of the permission on the proactive monitoring data base as part of the Planning enforcement function.

## **6 CONDITIONS**

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 The garage and studio 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 and contrary to local plan policies.

Application Number	I6/02407/FUL
Site Address	The Grange Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3ET
Date	22nd August 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436381 E 218869 N
Committee Date	5th September 2016

### Location Map



### Application Details:

Erection of detached dwelling with detached car port and new access.

**Applicant Details:**

Mr John Reynolds  
The Grange  
Woodstock Road  
Charlbury  
Chipping Norton  
Oxfordshire  
OX7 3ET

**I CONSULTATIONS**

I.1 CC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

No objection subject to

- G36 parking as plan
- G11 access specification
- G31 drive etc specification
- G47 SUDS sustainable surface water drainage details
- Visibility at the proposed access should comply with Manual for Streets and measure 2.4 x 43m

I.2 WODC Drainage Engineers

The SuDS hierarchy must be adhered too at all times.

According to geology layers, it appears that infiltration techniques would be viable at this site. This will however be confirmed during soakage testing.

Greenfield ( Land that has not been previously built on )

If the proposed increase in impervious area exceeds 25m<sup>2</sup>, this does, then the proposed surface water drainage system/s should be designed in accordance with BRE365 to accommodate up to and including a 1 in 30 year + 30% CC storm event. However, the site must contain surface water for all return periods up to and including the 100 year + 30 % CC storm event. Therefore, it is a recommendation that the proposed surface water drainage system/s is/are designed to accommodate up to and including a 1 in 100 year storm event + 30 % CC, otherwise the site would need to flood itself.

General

A drainage plan will need to be submitted, showing the location, size and form of the proposed surface water drainage system.

We would like to see either Rain Water Harvesting or Rain Water Butts incorporated into the proposed surface water drainage system. An exceedance plan should be submitted, showing the route.

At which surface water will take, if the existing/ proposed surface water drainage system/s were to over capacitate and surcharge. This must however have no profound effect on any neighbouring, private property or land. In addition, the applicant will need to show existing/proposed levels incorporated onto this plan.

Any proposed access/hard standing areas should be constructed using either a permeable or granular technique.

- 1.3 Thames Water On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 1.4 WODC Architect No Comment Received.

- 1.5 Town Council We are concerned that this proposes a further access onto this narrow section of Woodstock Road where traffic schemes can be a problem. We ask that engineers and planners consider the impact of this access in conjunction with the accesses proposed in plan 16/01866/FUL and 16/02306/FUL. Visibility is poor and all three access points are considered to be dangerous.

Can a pedestrian access onto Woody Lane be provided to provide a walking route to the Town?

Adequate sight lines are essential.

## 2 REPRESENTATIONS

The Charlbury Conservation Area Advisory Committee made the following comments:

- 2.1 The use of local materials was welcomed but the design was seen as something of a missed opportunity for a modern house on a quite prominent site at the edge of the town. It did however reflect the general character of the surrounding development. Joining the new drive with the existing drive to The Grange before it reached the Woodstock Road would avoid the need for two exits onto a busy road and preserve the existing hedge without loss.

No comments have been received from any neighbouring residents.

## 3 APPLICANT'S CASE

- 3.1 This application seeks to form a separate dwelling in the existing extensive grounds of 'The Grange' on the land to the north of Woodstock Road. As can clearly be seen from the Location

plan the area is within the settlement of Charlbury, indeed within the Town Road Sign and thirty mile an hour limit. There are a considerable number of dwellings in this area usually benefiting from large and spacious plots giving a lower density than nearer the Town Centre. The current application is for a one and half storey, dormered building with a similar linear design to the existing Grange and lying along the contour of the site. The house and car port are set well back on the site to benefit from distance views and provide a more peaceful environment away from the quite busy main road to Charlbury and Woodstock. The site is surrounded by mature trees and hedges giving a discreet location which will have a minimal impact on the road and footpath to the rear, especially during the summer when the deciduous trees are in leaf.

- 3.2 Similar to the existing Grange, considerably smaller than adjacent houses in plots to the rear. Well balanced with the scale of the proposed site.
- 3.3 The dwelling has been designed as a quality Cotswold house using natural stonework with re-constituted quoins, irregular Concrete Cotswold slates, timber windows and doors.
- 3.4 A new independent access to Woodstock Road is proposed and is considered viable as there are clear sightlines along this straight section of thirty MPH road. Access to the front entrances and ground floors will be from the front entrance and Woodstock Road drive. Access to the building will be on the level through wheelchair width doors and toilets will be accessible on the ground floor.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
H7 Service centres  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks planning approval for the erection of a detached dwelling located within a side area of domestic curtilage belonging to large detached property known as The Grange. The site lies on the edge of Charlbury adjacent to the Woodstock Road. Existing development consists of a loosely knit pattern of detached dwellings extending from Fourwinds and Whitson House; three detached dwellings are located to the north of the site. The area to the south of the site consists of open countryside. The site itself consists of open domestic curtilage space belonging to the existing property The Grange. The site lies within the Charlbury Conservation Area and a public right of way lies to the north.

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:

- Principle of Development
- Design, scale and siting
- Highway safety and amenity
- Impact on the Conservation Area setting

#### Principle

5.3 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. Three recent appeal decisions have determined that West Oxfordshire District Council cannot demonstrate a five year supply of housing and in this context Paragraph 49 of the NPPF is enacted.

5.4 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2, given the existing situation it is considered that minimal weight can be attached to these location based policies. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Charlbury is identified as a service centre in the Existing and Emerging Local Plans and the development of appropriate site within or adjacent to the edge of settlements is permitted where in the context of the existing local plan, this represents a rounding off of the settlement area. The provisions of the emerging local plan are however additionally permissive of the development of undeveloped edge of settlement sites where the development forms a logical complement to the existing built form.

5.5 The site in question lies within a side area of curtilage space between a large property known as The Grange and the Woodstock Road. The site is outside the main settlement envelope of Charlbury, which extends as far as Fourwinds and Thorneycroft to the south west of the site, although more loosely defined development is located along the Woodstock Road extending to Halcyon to the North East of the site. There is existing development to the west, north and north east of the site and the Woodstock Road is located immediately to the south. The site is relatively well contained and development would not extend into the open countryside. Although outside the main settlement area of Charlbury, officers consider that a new dwelling in this position would form a logical complement to the existing built form. In addition it is considered that the site is on the edge of Charlbury, which is a relatively sustainable settlement in terms of local service provision. Officers consider that in relation to the policy provisions of Existing Local Plan Policy H2, a new dwelling in this location would complement the existing pattern of development and would in principle be acceptable.

### Siting, Design and Form

- 5.6 The proposed dwelling would be of a relatively traditional appearance and would be constructed from natural stone. The existing dwellings in the immediate area consist of non-vernacular dwellings of varying appearance. The proposed dwelling would be of a traditional character reflective of the Conservation Area setting. Given the relatively substantial degree of boundary screening to the south and east of the site, which is proposed to be retained, views of the proposed dwelling are likely to be highly restricted and the development would not appear prominent in the immediate street scene. Given the general lack of visibility and the nature of surrounding development, officers do not consider that the development would impact detrimentally on the setting of the Charlbury Conservation Area.
- 5.7 It is noted that a public right of way runs to the rear of the site, however views of the proposed development would be fairly limited owing to existing boundary screening to the north of the site.

### Highways

- 5.8 The proposed development would be served by a newly formed means of access onto the Woodstock Road within a 30mph section of road, rather than utilising the existing access to the neighbouring property The Grange. The proposed newly formed access would be located close to a bend in the road and the concerns of the Town Council are noted with regards to the formation of an additional access on this approach road to the Town. OCC Highways officers have however assessed the suitability of the proposed access and have raised no objections subject to the access meeting the minimum visibility standards outlined in the Department for Transport's Manual for Streets Document. Officers therefore do not consider that the development would compromise highway safety or amenity.

### Residential Amenities

- 5.9 The proposed dwelling is sited a reasonable distance from the immediately neighbouring properties to the north and it is not considered that the development would materially impact on the amenity of these properties. Officers do not consider that the development would impact detrimentally on the amenity of the immediately neighbouring property, The Grange.

### Conclusion

- 5.10 Officers consider that the site would be a sustainable location for a new dwelling and that the development would be of an acceptable design which would not impact detrimentally on the setting of the Conservation Area or on the residential amenity of any neighbouring dwellings. Officers consider that the development of a new access point in the position proposed would not compromise highway safety or amenity.
- 5.11 The development as proposed would be compliant with Existing Local Plan Policies BE2, BE3, BE5 and H2 and Emerging Local Plan Policies OS2, OS4, EH7 and H2.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
- 4 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.
- 5 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 6 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 7 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
- 8 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.  
REASON: To safeguard the character and appearance of the area and because details were not contained in the application.

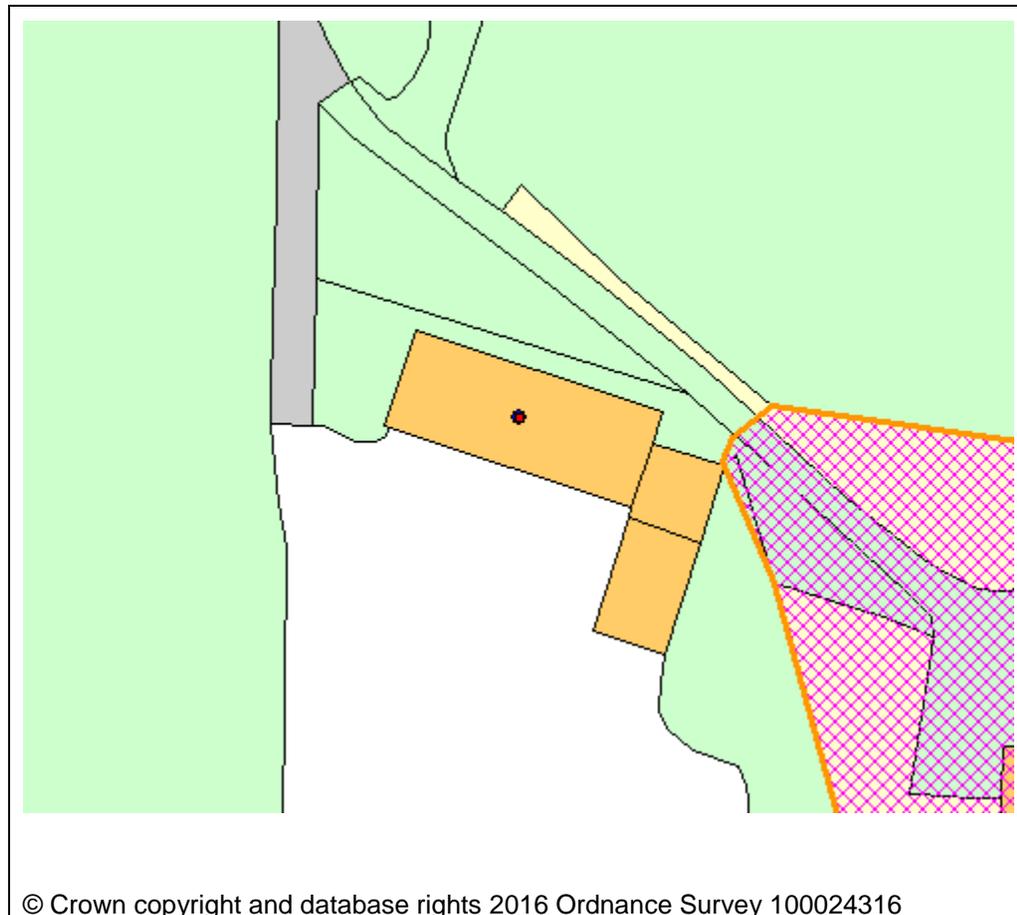
- 9 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors and roof lights; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 10 Prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan 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. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.  
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).
- 11 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.  
REASON: To ensure that any potential issues of contamination are mitigated

NOTE TO APPLICANT

Visibility at the proposed access should comply with Manual for Streets and measure 2.4 x 43m

Application Number	I6/02425/FUL
Site Address	Tansley Farm Shilton Road Burford Oxfordshire OX18 4PE
Date	22nd August 2016
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Shilton Parish Council
Grid Reference	425441 E 209988 N
Committee Date	5th September 2016

**Location Map**



**Application Details:**

Erection of two new dwellings

**Applicant Details:**

Smyth  
Fruit Farm Lodge, Common Lane  
Radlett  
Hertfordshire  
WD7 8PJ  
United Kingdom

**I CONSULTATIONS**

- |     |                           |   |
|-----|---------------------------|---|
| I.1 | Parish Council            | No Objection  |
| I.2 | WODC Drainage Engineers   | Soakaways should be designed to accommodate the return period of 1 in 30 years + 30%.<br><br>Surface water drainage for the site should be designed to accommodate all return events up to and including the 1 in 100 + 30% climate change event.<br><br>An exceedence plan for flow routes above the 1 in 100 +30% event shall be submitted with the proposal. The routes through the development should be based on proposed topography with flows being directed away from areas in private ownership. |
| I.3 | OCC Highways              | The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network<br><br>No objection   |
| I.3 | WODC Env Health – Uplands | No Comment Received.  |
| I.4 | WODC Architect            | No Comment Received.  |
| I.5 | Adjacent Parish Council   | No Comment Received.  |

**2 REPRESENTATIONS**

Mr Nicholas Blackburn made the following comments regarding the application:

- I do not object to the principle of development but the application is purely for property speculation.
- If the owner builds two houses the increased useage by cars would damage the approach road and improvements to the road should be conditioned if the development is approved.
- I would object strongly if the houses overlooked my property.

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

- 3.1 NPPF paragraph 47 requires LPAs to significantly boost the supply of housing and part of the housing strategy to achieve this goal is to encourage delivery through windfall sites such as the application site.
- 3.2 The principle of residential re-development of the site was established by the grant of permission of the previous permission which is still extant although this was for only one dwelling. However, an additional dwelling represents the effective use of land as per local plan requirements and NPPF paragraph 17, bullet point 8.
- 3.3 Given that the NPPF does not provide a definition of 'isolated', applying the common meaning of 'remote' or 'lonely' leads to the conclusion that the site is not isolated. Paragraph 55 is therefore not engaged. Nevertheless, in the event that a contrary view is held, it is considered that the exceptional tests are passed.
- 3.4 Overall, the development would comply with the Council's policies which seek to ensure that new developments complement and improve the character and amenity of the area and harmonise with the locality or other features of the area, which the local planning authority considers desirable to retain or enhance. It is submitted that the proposed development would harmonise with the local surroundings and would not cause detrimental harm to residential amenities.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
H2 General residential development standards  
H4 Construction of new dwellings in the open countryside and small villages  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH1NEW Landscape character  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### Background Information

- 5.1 The application seeks planning approval for the demolition of an existing large detached reconstituted stone dwelling located in an area of open countryside between Burford and Shilton and the erection of two detached dwellings. Approval currently exists for the demolition of the existing dwelling on the site and the erection of a large replacement dwelling which was approved in 2015 (15/02984/FUL). The proposed footprint would be of a similar combined footprint and scale to the single detached dwelling approved on the site. The site is highly isolated and lies in a prominent and elevated position within an area of attractive open

countryside, although the site has no special designation and does not lie within the Cotswolds AONB.

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:

- Principle of development
- Design, scale and siting
- Residential Amenity
- Highways

#### Principle

5.3 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. Three recent appeal decisions have accepted that West Oxfordshire District Council cannot demonstrate an adequate five year supply of housing and officers accept that Paragraph 49 is enacted in these circumstances, this limits the degree of weight attributed to the housing located policies outlined in Policies H4-H7 of the Existing Local Plan and Policy H2 of the Emerging Local Plan.

5.4 Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. The site lies a considerable distance from any settlement; the nearest settlement being Burford which lies around 1.5 miles to north. The site is served by an access road which adjoins the B4022 at a point which is a considerable distance from the site. Policy H4 of the Existing Local Plan and Policy H2 of the Emerging Local Plan are highly restrictive of new residential development in the open countryside in line with the Policy provisions outlined within Paragraph 55 of the NPPF unless development is justified under special circumstances. Special circumstances include an essential agricultural need, the reuse and conversion of appropriate buildings and dwellings of an exceptional design, none of the criteria apply in this instance. Officers note that the existing dwelling on the site was approved as an agricultural workers dwelling, although this now has a lawful use.

5.5 In terms of general sustainability for residential development, the site is highly isolated and lies a considerable distance from any local facilities or services, the nearest of which are located in Burford Town Centre around two miles north of the site and the facilities in question are not within walking distance of the site. The site is poorly accessible by foot and there are no pedestrian footpaths connecting the site with either Shilton or Burford. Officers consider that the site would be an unsustainable location for new residential development and would set an undesirable precedent for the development of further dwellings in isolated and unsuitable locations. Officers consider that whilst the erection of a replacement dwelling on the site has previously been deemed acceptable in line with the provisions of Paragraph 55, the addition of a further residential unit on this site would be contrary to Paragraph 55 and represents an unsustainable location for new residential development. The applicants have provided a number

of appeal decisions in different districts which relate to differing forms of development, which are materially different to the nature of development proposed within this application.

#### Siting, Design and Form

- 5.6 The existing dwelling is structurally sound and does not appear incongruous, however equally the dwelling is of no substantial architectural merit and officers have previously accepted that the principle of removing the dwelling and replacing it with a property of an enhanced design would be acceptable in principle.
- 5.7 The site is in a remote location within an open area of attractive countryside, although the site does not lie within the boundaries of the Cotswolds AONB. The approved replacement dwelling was larger than the existing property, although the replacement property was of an enhanced design, which officers considered would not appear highly prominent in the immediate landscape given the general design characteristics of the dwelling. The proposed design largely replicates the approved design of the replacement dwelling, albeit that the east wing of the approved single dwelling has now been separated to form a separate dwelling. The developed footprint of the site and scale of development has not increased as a result of the amended application and the proposals would in terms of design and landscape impact be materially different to the previously consented scheme.

#### Highways

- 5.8 The site is accessed via a long gravel access driveway serving the existing property and an adjacent dwelling to the west. The existing access joins the B4020 to the north of the site and visibility at the site entrance is considered adequate in both directions. Officers consider that use of the access by occupants of an additional dwelling would not compromise highway safety or amenity. Adequate parking is proposed for both proposed dwellings.

#### Residential Amenities

- 5.9 Officers consider that the proposed development would have no additional material impact on the neighbouring dwelling to the west than the existing consented scheme. The concerns raised by the adjacent resident regarding overlooking could be adequately addressed by a condition requiring that the side windows should be fitted with obscured glazing.

#### Conclusion

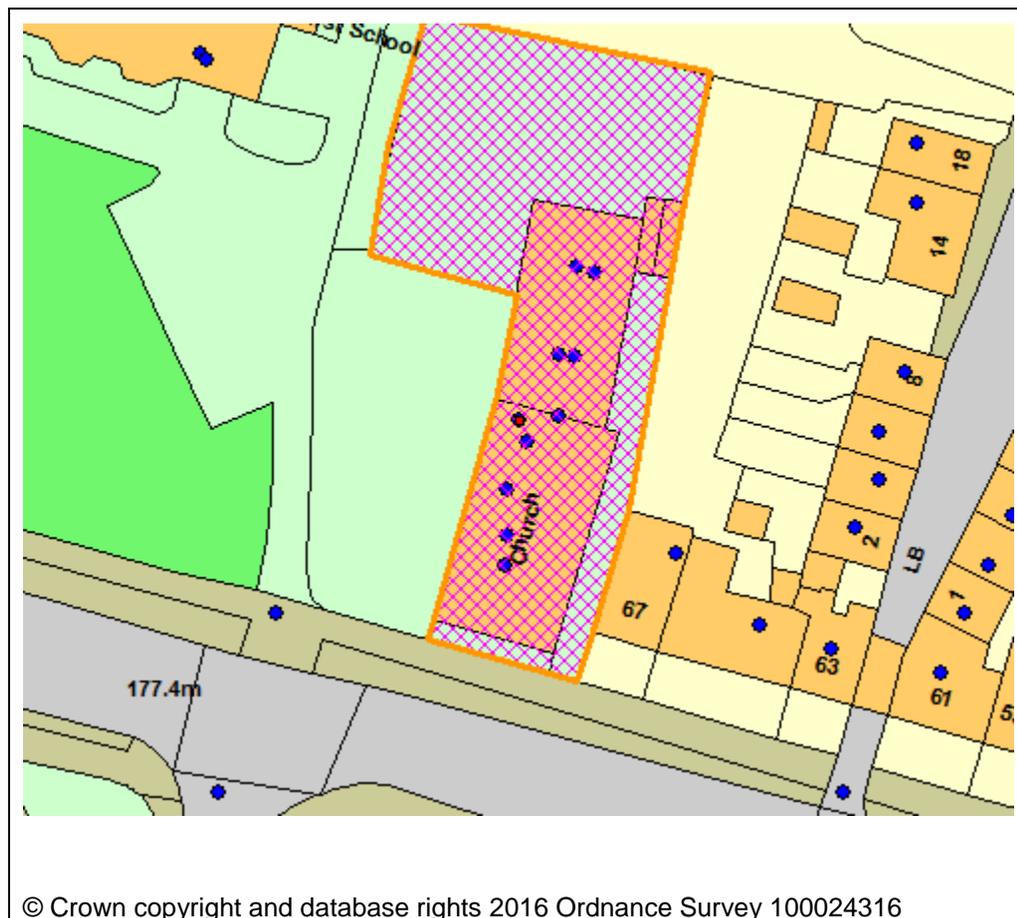
- 5.10 The development in terms of design, scale and siting would not be materially different to the previously consented scheme for a replacement dwelling on the site and would not result in substantial additional impacts with regards to highway or residential amenity. The development of an additional residential dwelling in an isolated location within the open countryside would however represent an unsustainable form of development.
- 5.11 Whilst local and national planning policy allows for the development of replacement dwellings in appropriate circumstances, the development of isolated dwellings in the open countryside, particularly in locations where connectivity to larger settlements is poor is considered unsustainable in relation to Existing Local Plan Policy H4, Emerging Local Plan Policy H2 and Paragraph 55 of the NPPF and notwithstanding the present housing land supply situation, officers consider that the site is an unsuitable location for additional residential development.

## **6 REASON FOR REFUSAL**

The development as proposed relates to the erection of two residential dwellings within an isolated location in the open countryside, which is remote in relation to neighbouring settlements, services and facilities and represents an unsustainable location for residential development contrary to the provisions of Policy H4 of the Existing West Oxfordshire Local Plan; Policy H2 of the Emerging West Oxfordshire Local Plan 2031 and Paragraph 55 of the NPPF.

Application Number	I6/02563/FUL
Site Address	Chipping Norton Baptist Church New Street Chipping Norton Oxfordshire OX7 5LL
Date	22nd August 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431173 E 227127 N
Committee Date	5th September 2016

### Location Map



### Application Details:

Alterations to windows in East elevation of church and flats including partial obscure glazing (part retrospective) (variation to permissions I4/0694/P/FP and I6/00419/S73 )

**Applicant Details:**

Mr J Rice  
Unit 3A  
Marston House  
Cromwell Business Park  
Chipping Norton  
OX7 5SR

**1 CONSULTATIONS**

- 1.1 WODC Building Control Manager No Comment Received.
- 1.2 Town Council The Town Council objects to this planning application and insist that the applicant is made to go back to the original plan with the obscure glass.

**2 REPRESENTATIONS**

- 2.1 Mrs Eileen Forbes of 67 New Street Chipping Norton has commented as follows:

It is welcomed that obscured glazing is proposed for the rear section of the chapel, however, applying an obscure film to the upper sections of the east elevation of the chapel Windows seems a fairly temporary measure, which can easily be removed.

As the outlook is directly down into my bathroom and courtyard a more permanent solution should be sought, either etched or obscured glazing. Etching can possibly be achieved in situ. I will mention that no 67 is also a listed property and considerably older than the chapel.

- 2.2 Ms Kathleen McCoy of 4 Distons Lane, Chipping Norton has commented as follows:

2 opening lights serving the church on the eastern elevation (WG13 & WG14) are closed during church services/when the PA is used and a notice to that effect to be erected adjacent to the windows in question my submission is as follows:

This is a church building. The only circumstances in which the windows are likely to be opened are when the church is being used. Surely, the only way to ensure that the neighbours are not affected by noise is by stopping the windows from opening in the first place. This would not inconvenience users if the condition were to be observed anyway. I object to this application.

With regards to the application that the developers remove the clear glass in the bottom 4 panes of each of the windows (WFH07, WFH08, WFH09 & WFH10) in the rear block first floor eastern elevation and replace with obscure glass.

Each window has 4 panes. The associated diagrams indicate that only the two bottom panes are obscured. Obviously, if all panes are obscured I would have no objection as it would be in accordance with the original planning approval. If it is intended that the top two panes remain clear I would object as an average height person would have line of sight into my property.

With regards to the application that removes the current opening stays for those bottom opening casements of the windows WFH07, WFH08, WFH09 & WFH10 and replace with a permanent limited opening mechanism with the ability to override only in emergency to allow fire access/egress.

Since these windows were not initially intended or approved to be emergency exits, I cannot see why they should now be approved to have an emergency override. The likelihood of future permanent override of the limited opening cannot be discounted. I object to this part of the application.

My general impression is that the developer has ignored the initial planning conditions and is applying for retrospective planning permission to limit the costs of compliance to the detriment of the neighbouring properties.

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

- 3.1 In an attempt to address concerns raised by both Officers and neighbours in respect of unacceptable levels of overlooking the application proposes the following:
- 3.2 That the bottom panes of the first floor windows serving the flats located in the rear wing of the building be fitted with obscure glass. The top lights of these windows are to be clear glazed and opening to provide ventilation. The current opening stays on these windows will be replaced with a permanent limited opening mechanism with the ability to override only in emergency to allow fire egress/access.
- 3.3 An obscure glazed film to be retained permanently is to be applied to the uppermost sections of three of the windows serving the retained church and the flats above along the eastern elevation.
- 3.4 The lower sections of the windows referred to in 3.3.3 which serve the clergy office and the retained church will be hung with internal vertical blinds;
- 3.5 The opening lights which serve to ventilate two of the windows serving the retained church on the eastern elevation will be closed during church services and when the PA is used.

### **4 PLANNING POLICIES**

BE19 Noise  
BE2 General Development Standards  
BE5 Conservation Areas  
BE7 Alterations and Extensions to Listed Buildings  
EH7NEW Historic Environment  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 This application has been submitted in an attempt to regularise a number of breaches of planning control that have arisen during the implementation of planning permission 14/0694/P/FP.

The breaches are as follows:

Unit 6 and 7 have clear glazed and non-frosted glass in breach of condition 15 of the enabling consent and the details of the variation;

New windows have been inserted into the main church in breach of the approved plans and conditions which need retrospective consent and which are not considered acceptable as they are currently configured;

A satellite dish has been erected without consent;

The doorway into the retained church has been inserted in a wholly different position than approved.

- 5.2 This application relates to breaches in respect of the fenestration details only. Separate applications have been submitted in respect of both the satellite dish and the re-positioning of the door.

### Planning History

- 5.3 Under 14/0694/P/FP conditional planning permission was granted for the following:

Renovations and alterations to Baptist church to retain the church use at ground floor in the main building together with new mezzanine level, alterations and conversion of the remainder to create eight two bedroom apartments.

A number of conditions were attached to the planning permission, two of which are as follows:

14. Prior to the commencement of development details of the noise attenuation measures to be provided between the Church Hall and residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: In the interest of residential amenity. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

15. Notwithstanding the submitted information, revised plans and elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, detailing the provision of non-opening and obscure glazed windows to the first floor windows on the eastern elevation of units 7 and 8. The development shall be carried in accordance with the approved details.

REASON: For the avoidance of doubt and in the interest of residential amenity. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

5.4 16/00419/S73 was subsequently submitted for non-compliance with condition 15 of planning permission 14/0694/P/FP to allow alterations to approved fenestration. This application was approved with the following condition and informative

2. Before first occupation of the building the lower sections of the first floor east elevation windows serving apartments 7 and 8 and the adjacent first floor stairwell shall be glazed using obscured glass, a sample of which shall first be submitted to and approved in writing by the Local Planning Authority. The glass shall be installed up to a height of no less than 1.7 metres above floor level and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent properties.

INFORMATIVE: The application of translucent film to clear glazed windows does not satisfy the requirements of this condition

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

#### Principle

5.5 The principle of the replacement of windows in this Grade II listed building is considered acceptable subject to the replacement units respecting the architectural character and appearance of the building and its architectural integrity.

#### Siting, Design and Form

5.6 The replacement windows in terms of the design, materials and siting are considered by your Officers to be acceptable alterations which respect the architectural integrity of the listed building.

#### Residential Amenities

5.7 In your Officers opinion the key issue when considering this application is the potential for overlooking of the occupiers of Distons Lane and the property directly adjacent to the retained church, 67 New Street. In addition there is the issue of noise attenuation when church services take place.

5.8 The proposals for the windows on the eastern elevation serving flats 7 and 8, in terms of glazing the lower sections of the windows with obscured glass and having plain glazed top hung opening lights, has already been approved under planning permission ref 16/00419/S73. The principle of the use of permanent limited opening mechanisms for the lower panes with the ability to override only in an emergency to allow fire access/egress is considered acceptable in that the limited opening will ensure that the adjacent dwellings are not unacceptably overlooked. A condition has been attached to this recommendation of approval requiring that the details of the mechanism be first submitted to and approved by the LPA and retained as approved thereafter. If the terms of the condition were breached in the future then the condition could be enforced by way of a Breach of Condition notice.

5.9 The proposals for the windows serving the retained church, the clergy office and the flats above are considered by your Officers to secure the residential amenity of the adjacent dwellings.

There have been concerns raised in the representations about use of an obscure film on the high level sections of the windows serving the flats, two of which light a hallway access and one of which lights the kitchen serving one of the flats. In your Officers opinion this is the most expeditious way to deal with any overlooking issues from these high level windows and the condition imposed to ensure the retention of the film could be enforced by way of a Breach of Condition notice if the film were to be removed in the future. In respect of such notices there is no right of appeal unlike a Planning Enforcement Notice and therefore if the notice were not complied with it is likely that a prosecution would result as a consequence of non-compliance.

- 5.10 In addition to the above the applicants propose to hang vertical blinds behind the windows serving the retained church and the clergy office. These blinds will further secure the residential amenity of the adjacent dwellings. A condition has been attached to the planning permission which seeks to secure the provision of the blinds or the use of obscure film on the lower sections of these particular windows. For the avoidance of doubt the condition requires the use of either obscure film or vertical blinds.
- 5.11 In respect of noise attenuation the applicants are accepting of a condition that during church services and when the PA is in use that the lower window panes serving two windows in the eastern elevation of the retained church shall be kept shut. In this regard the situation in respect of noise from the church when services or meetings take place is considered to compare with the situation prior to redevelopment of the church.

#### Conclusion

- 5.12 In light of the above assessment this application is recommended for approval subject to conditions which your Officers consider will secure the residential amenity of those people living next to the site.

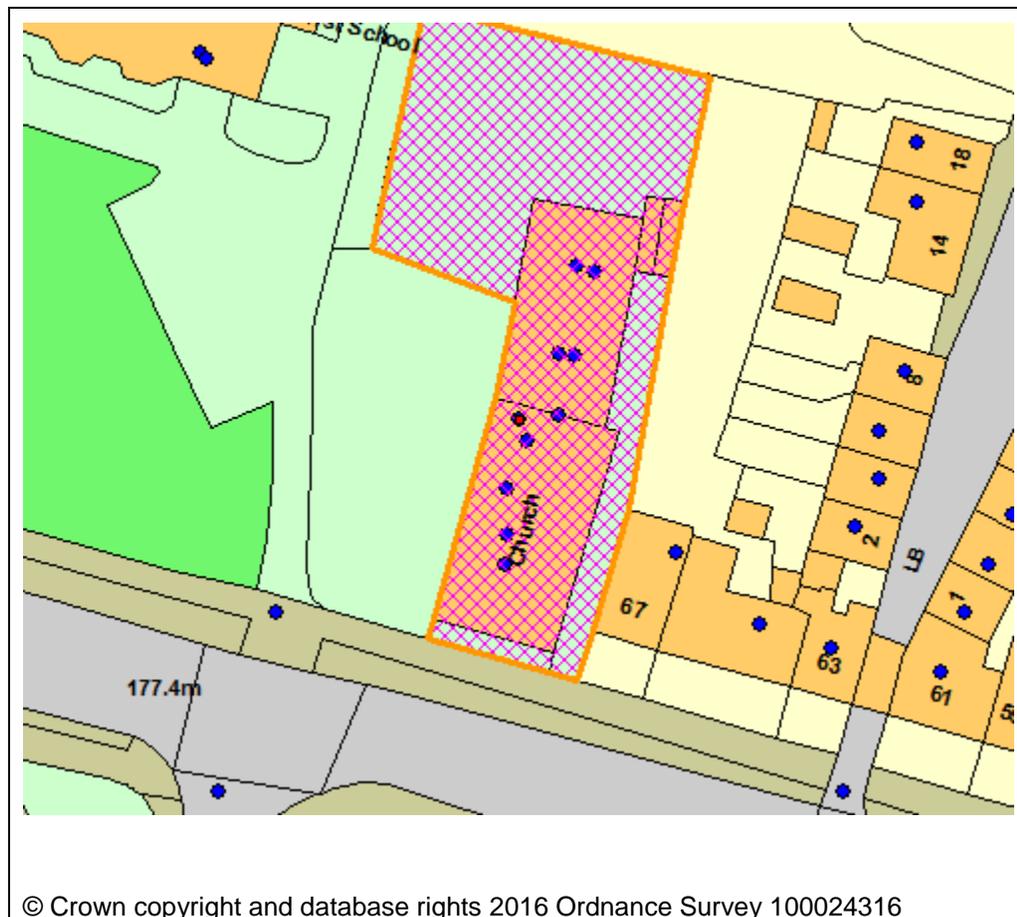
## **6 CONDITIONS**

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 Before first occupation of the building the lower sections of the first floor east elevation windows serving apartments 7 and 8 and the adjacent first floor stairwell shall be glazed using obscured glass, in accordance with the glass sample submitted as part of the application submission and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the adjacent properties.
- 3 Within one month of the date of this decision letter an obscure film shall be fitted to the three uppermost eastern windows above the retained church annotated on approved drawing 15105-315 as WG15, WG14 and WG13 in accordance with a sample to be first submitted to and approved in writing by the LPA and the said obscure film shall be retained thereafter.  
REASON: To safeguard privacy in the adjacent properties.

- 4 In the absence of or within one month of the removal of the internal vertical blinds as annotated on approved drawing 15105- 315 in accordance with details to be first submitted to and approved in writing by the LPA the said windows in the retained church and the window serving the clergy office shall be fitted with obscure film a sample of which shall be first submitted to and approved in writing by the LPA and the said obscure film shall be permanently retained in situ thereafter.  
REASON: To safeguard the privacy of the adjacent properties.
  
- 5 The opening lights in windows WG14 and WG13 in the eastern elevation of the building as annotated on approved drawing 15105-315 shall be closed during church services and when the PA is used.  
REASON: In the interests of the residential amenity of the adjacent occupiers.

Application Number	I6/02564/LBC
Site Address	Chipping Norton Baptist Church New Street Chipping Norton Oxfordshire OX7 5LL
Date	22nd August 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431173 E 227127 N
Committee Date	5th September 2016

**Location Map**



**Application Details:**

Alterations to windows in East elevation of church and flats including partial obscure glazing (part retrospective) (variation to permissions I4/0694/P/FP and I6/00419/S73)

**Applicant Details:**

Mr J Rice  
Unit 3A  
Marston House  
Cromwell Business Park  
Chipping Norton  
OX7 5SR

**1 CONSULTATIONS**

- 1.1 WODC Architect No reply at the time of writing.
- 1.2 Town Council The Town Council object to this planning application and insist that the applicant is made to go back to the original plan with the obscure glass.

**2 REPRESENTATIONS**

- 2.1 Mrs Eileen Forbes of 67 New Street Chipping Norton has commented as follows:

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Each window has 4 panes. The associated diagrams indicate that only the two bottom panes are obscured. Obviously, if all panes are obscured I would have no objection as it would be in accordance with the original planning approval. If it is intended that the top two panes remain clear I would object as an average height person would have line of sight into my property.

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permanent limited opening mechanism with the ability to override only in emergency to allow fire access/egress.

Since these windows were not initially intended or approved to be emergency exits, I cannot see why they should now be approved to have an emergency override. The likelihood of future permanent override of the limited opening cannot be discounted. I object to this part of the application.

My general impression is that the developer has ignored the initial planning conditions and is applying for retrospective planning permission to limit the costs of compliance to the detriment of the neighbouring properties.

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

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- 3.2 That the bottom panes of the first floor windows serving the flats located in the rear wing of the building be fitted with obscure glass. The top lights of these windows are to be clear glazed and opening to provide ventilation. The current opening stays on these windows will be replaced with a permanent limited opening mechanism with the ability to override only in emergency to allow fire egress/access.
- 3.3 An obscure glazed film to be retained permanently is to be applied to the uppermost sections of three of the windows serving the retained church and the flats above along the eastern elevation.
- 3.4 The lower sections of the windows referred to in 3.3.3 which serve the clergy office and the retained church will be hung with internal vertical blinds;
- 3.5 The opening lights which serve to ventilate two of the windows serving the retained church on the eastern elevation will be closed during church services and when the PA is used.

### **4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings  
EH7NEW Historic Environment  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

### **5 PLANNING ASSESSMENT**

#### Background Information

- 5.1 This application has been submitted in an attempt to regularise a number of breaches of planning control that have arisen during the implementation of planning permission 14/0694/P/FP.

The breaches are as follows:

Unit 6 and 7 have clear glazed and non-frosted glass in breach of condition 15 of the enabling consent and the details of the variation;

New windows have been inserted into the main church in breach of the approved plans and conditions which need retrospective consent and which are not considered acceptable as they are currently configured;

A satellite dish has been erected without consent;

The doorway into the retained church has been inserted in a wholly different position than approved.

This application relates to breaches in respect of the fenestration details only. Separate applications have been submitted in respect of both the satellite dish and the re-positioning of the door.

### Planning History

5.2 Under 14/0694/P/FP conditional planning permission was granted for the following:

Renovations and alterations to Baptist church to retain the church use at ground floor in the main building together with new mezzanine level, alterations and conversion of the remainder to create eight two bedroom apartments.

A number of conditions were attached to the planning permission, two of which are as follows:

14. Prior to the commencement of development details of the noise attenuation measures to be provided between the Church Hall and residential accommodation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: In the interest of residential amenity. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

15. Notwithstanding the submitted information, revised plans and elevations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, detailing the provision of non-opening and obscure glazed windows to the first floor windows on the eastern elevation of units 7 and 8. The development shall be carried in accordance with the approved details.

REASON: For the avoidance of doubt and in the interest of residential amenity. (Policy BE2 of the adopted West Oxfordshire Local Plan 2011)

5.3 16/00419/S73 was subsequently submitted for non-compliance with condition 15 of planning permission 14/0694/P/FP to allow alterations to approved fenestration. This application was approved with the following condition and informative.

2. Before first occupation of the building the lower sections of the first floor east elevation windows serving apartments 7 and 8 and the adjacent first floor stairwell shall be glazed using obscured glass, a sample of which shall first be submitted to and approved in writing by the Local Planning Authority. The glass shall be installed up to a height of no less than 1.7 metres above floor level and shall be retained in that condition thereafter.

REASON: To safeguard privacy in the adjacent properties.

INFORMATIVE: The application of translucent film to clear glazed windows does not satisfy the requirements of this condition

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

#### Principle

- 5.4 The principle of the replacement of windows in this Grade II listed building is considered acceptable subject to the replacement units respecting the architectural character and appearance of the building and its architectural integrity. Issues relating to any impact on the residential amenity of adjoining occupiers cannot be considered when determining an application for listed building consent.

#### Siting, Design and Form

- 5.5 The replacement windows in terms of the design, materials and siting are considered by your Officers to be acceptable alterations which respect the architectural integrity of the listed building.

#### Conclusion

- 5.6. In light of the above planning assessment the application is recommended for conditional approval.

### **6 CONDITIONS**

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 2 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.  
REASON: To preserve the architectural integrity of the Listed Building.