

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 3rd October 2016**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

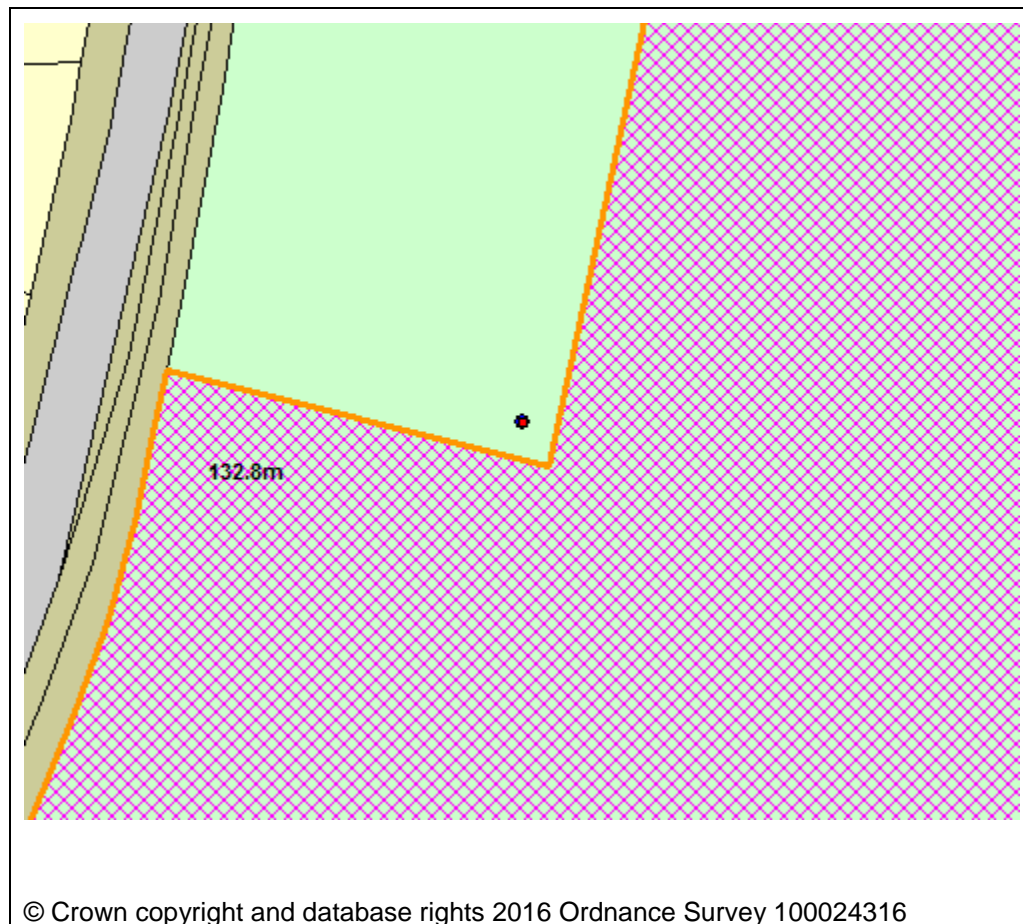
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
16/01776/OUT	<a href="#"><u>Land East Of The Drive, Enstone</u></a>	3
16/01866/FUL	<a href="#"><u>Thornycroft, Woodstock Road, Charlbury</u></a>	21
16/02405/FUL	<a href="#"><u>4 Churchill Close, Woodstock</u></a>	34
16/02504/S73	<a href="#"><u>Chipping Norton Baptist Church, New Street, Chipping Norton</u></a>	40
16/02740/HHD	<a href="#"><u>Rosebank, 31 Brook Hill, Woodstock</u></a>	45
16/02682/FUL	<a href="#"><u>Land South West Of The Hare, High Street, Milton under Wychwood</u></a>	50
16/02833/FUL	<a href="#"><u>Land At The Limes, High Street, Shipton under Wychwood</u></a>	61

Application Number	16/01776/OUT
Site Address	Land East Of The Drive Enstone Oxfordshire
Date	21st September 2016
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	437660 E 224693 N
Committee Date	3rd October 2016

**Location Map**



**Application Details:**

Residential development of up to 10 dwellings, together with a new access onto The Drive (means of access only)

**Applicant Details:**

Mr Paul Baker  
c/o Strutt & Parker LLP

**I CONSULTATIONS**

I.1 Major Planning  
Applications Team

**OCC HIGHWAYS**

Please note, that the transport comments have not changed much from our previous response to 15-01937-OUT, which was an outline proposal for up to 30 dwellings.

Recommendation:

Objection

On the grounds that the drainage strategy that has been submitted is not a suitable one for the site and needs to be addressed.

Key issues:

The proposed drainage strategy is not suitable for the site.

The Countryside and Access Team are not in favour of a diversion of PRoW 202-15 and permissions must be sought prior to any changes being made to its surface or route.

Tracking for an 11.4m refuse vehicle into and out of the site, is required, to ensure the proposed site access from The Drive, will be able to cater for this service.

Legal agreement required to secure:

Section 278 required for provision of means of access/junction onto The Drive and alterations to existing dropped crossing/access on Bicester Road.

Section 106 agreement to contribute £1000 per residential dwelling towards the cost of procuring additional bus vehicles and journeys operating along the A44 through Enstone.

Detailed comments:

Pedestrian

It is proposed that pedestrian access to the site be achieved via the main site access onto The Drive (west of the site) with additional footpaths that link through the site (north-south) from the B4030 - Bicester Road. At this point the existing gated access should be reduced in width and enhanced for pedestrian use only and the existing vehicular dropped crossing must be reinstated as kerb/verge. There should be some kind of dropped kerb/tactile surfacing at the

end of the existing gated access that allows pedestrians to cross over the Bicester Road safely to reach the footway on the northern side of the carriageway.

Any future layout within the site must show a comprehensive pedestrian network, in the main with footways provided on both sides of the carriageway. The location of the site benefits from a number of facilities including bus stops within a reasonable walking distance including the nearby primary school which is around 600m away.

### Traffic

In terms of traffic activity (trip generation) it is evident that there will be a minor increase in traffic movements in the morning and in the evening during the commuter peak hour from the development proposal. To assess the trip generation of the development an analysis of data using the latest TRICS database was undertaken. It is a computerised database and trip rate analysis package used for transport planning and development control purposes. TRICS provides vehicle trip rates for a variety of land uses and enables the breakdown of surveys by very specific criteria in this case dwelling houses both privately owned and affordable.

The database comprises of over 6000 transport surveys at over a 110 different types of development and allows comprehensive trip rate analysis and auditing.

TRICS continues to be the nationally accepted standard source of trip generation information. TRICS was established in 1989 by a consortium of County Councils and is the system that challenges and validates assumptions about the transport impacts of new developments.

Using TRICS data it is estimated within the applicants' Transport Statement that around 6 vehicles two way flow in any one busy hour will be generated by the development. The Highway Authority agrees with these figures. To conclude the associated trip generation traffic is considered negligible given the numbers it will generate i.e. in the busiest hour it is predicted to be around one vehicle every ten minutes. Such small changes in traffic flow would not result in a significant material change in highway operation.

In short it is therefore considered that additional traffic generated by the proposal is considered to have no detrimental impact on the adjacent highway given the alterations to the existing highway arrangements.

### Public Transport

The site is well located, within easy walking distance of bus stops at The Harrow, on the A44 Oxford Road. These stops are in good

physical condition, having been improved to Premium Route standard a few years ago.

Bus service S3 operates along the A44 at least every hour between Chipping Norton, Woodstock and Oxford, the first weekday bus from Enstone to Oxford at 0608 and the last bus from Oxford at 2345. The Council's bus strategy sets out a target frequency of two buses per hour through Enstone, which would offer a much more credible level of service especially for those travelling to work and to education. There is currently no bus service on Sunday evenings.

There is a strategy to increase the frequency of service along the County's Premium Bus Routes, so towards two daytime buses per hour between Chipping Norton and Woodstock, then four buses per hour between Woodstock and Oxford.

The expected cost of procuring an additional hourly bus service between Chipping Norton and Woodstock is expected to be £400,000 that is the cost of pump-priming an additional journey each hour each way with a single additional vehicle. The amount of financial support would reduce by £40,000 each year, from an initial cost of £160,000 per annum, so the enhanced service would reach commercial viability after the end of four years.

Twice this amount (£800,000) will be required for this additional Chipping Norton - Woodstock hourly journey to be extended to Oxford. The current draft West Oxfordshire Local Plan 2015, suggests an allocation of 1,800 dwellings in Chipping Norton, so it will certainly be possible to raise £400,000 or £800,000 to procure the enhanced service on this route, with assistance from speculative developments such as this.

In terms of sustainability objectives the developer will be required to contribute £1000 per residential dwelling towards the cost of procuring additional bus vehicles and journeys operating along the A44 through Enstone. Most of the cost of this service enhancement will be provided by expected residential developments in Chipping Norton.

#### Access

At the access, The Drive is subject to a 30mph speed limit and therefore Manual for Streets applies. Recent speed surveys, demonstrated 85th percentile approach speeds of 31mph northbound and 28mph southbound, so we can be confident when applying safe visibility splays to the access. The applicant has provided a drawing showing the visibility splays of 45 metres to the left and 39 metres to the right from the proposed site access, however, we require the applicant to show the full required 2.4m x 43m, according to Manual for Streets.

## Layout

It is appreciated that an indicative layout is submitted at this time, however, the final layout of the proposal will be subject to Oxfordshire County Council perusal when the reserved matters/detailed planning application is submitted.

What is required at this time is vehicle tracking for an 11.4m refuse vehicle to ensure tracking will work at the access from The Drive, should this type of vehicle be used in WODC in future as it currently is within CDC.

## Public Rights of Way

Footpath 202-15 appears to be accommodated on its current alignment into the site from the south, but it is then proposed to be diverted around the edge of the application site to then re-join its current alignment at the southern end of the narrow grass track leading to Bicester Road. It is unclear if the footpath intends to be tarmacked or not, but the illustrative masterplan would appear to show the route is laid to grass. The Countryside and Access Team are not in favour of allowing the diversion of the path and discussions should be entered into with them, to ascertain their requirements. Further details are required that show how the northern end of the footpath will be treated. It should be accommodated properly and the access for vehicles restricted (See previous comments and condition.

## Drainage

Permeable paving should be used across the site. There should be sufficient permeability in the ground to allow this, thus providing an improvement in the water quality, as the outfall of the system is into a nearby water course.

The attenuation tank should be re-sited as I do not feel the ground conditions will be suitable at the proposed location. Also, an interceptor will be required upstream of the proposed attenuation tank.

Trial holes should be undertaken to find out the ground conditions & stability. The results should be sent to the drainage team.

This is reason to object to the proposal, as the proposed drainage strategy is not suitable.

## Travel Plans

A travel information pack outlining the sustainable travel options is to be produced and approved by the Oxfordshire County Council travel plans team prior to occupation.

## ARCHAEOLOGY

Recommendation:

No objection

Key issues:

Geophysical survey and archaeological evaluation have been undertaken. No archaeological features have been revealed. As such there are no archaeological constraints to this application.

## EDUCATION

Recommendation:

No objection

Key issues:

Based on the unit mix stated in the application, this proposed development has been estimated to generate 0.74 children eligible for access to free early years education, 3.22 primary pupils, 2.45 secondary. Not seeking education contributions.

## PROPERTY

Recommendation: No objection

OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

No objection subject to conditions

I.2 WODC - Arts

No Comment Received.

I.3 Ecologist

I am satisfied with the ecological information that has been submitted with this application and the proposals for biodiversity enhancement within the development, including the enhancement and management of the eastern area of public open space (priority wetland habitat - fen/marsh/swamp). The recommendations in the Protected Species



Surveys report should be conditioned as part of planning consent to ensure the implementation of the required mitigation and compensation measures, and enhancement measures. In order to provide further details of the proposed boardwalk to minimise disturbance to the wetland habitats, the drainage connection to the river and the impacts on otter and kingfisher, and the ongoing management of the wetland habitats, plus retained and newly created habitats within the development, I recommend that a Landscape and Ecology Management Plan (LEMP) be submitted for approval as a condition of planning consent. This would replace the need for a 'Habitat Management Plan' recommended in the ecological survey reports submitted with the application and would cover all ecology-related details as well as habitat management, such as enhancement provision for species, boardwalk construction and drainage outfall mitigation measures.

I also recommend that a Construction Environmental Management Plan (CEMP) should be prepared and submitted for approval as a condition of planning consent to ensure that all ecological mitigation and compensation measures are delivered, and that pollution controls are put in place where necessary to protect the watercourses and wetland habitats. A sensitive lighting strategy is also required for biodiversity, which should be submitted for approval as a condition of planning consent.

As pre-construction surveys for otters and badgers have been included in the protected species surveys report, updated protected species surveys do not need to be separately conditioned in this instance.

- |     |                                     |  |
|-----|-------------------------------------|--|
| I.4 | WODC Architect                      | No Comment Received.   |
| I.5 | WODC Env Health – Uplands           | No objection   |
| I.6 | WODC Head Of Housing                | <p>National policy states that affordable housing should generally be sought on sites of more than 10 dwellings, other than in designated rural areas such as Areas of Outstanding Natural Beauty, where a lower threshold can apply. In this case medium-sized schemes of 6 to 10 dwellings being required to make a financial contribution towards affordable housing off-site.</p> <p>Since Enstone does not fall within the Cotswold AONB, this policy will not apply to this application. However due to lack of opportunities to provide affordable housing in the rural locations such as Enstone, it may not be considered unreasonable to seek a contribution towards meeting affordable housing need off-site, subject to a viability.</p> |
| I.7 | WODC Landscape And Forestry Officer | No Comment Received.   |

I.8 WODC Planning Policy  
Manager

The Site to which the application relates is located to the east of the Drive in Enstone where the land slopes away from the highway to the east into the Glyme Valley. It is a greenfield site comprised of grassland with mature trees and hedgerow vegetation along the western site boundary.

The site is not covered by any statutory landscape or heritage protection designations although it is located within the Glyme and Dorn Valleys Conservation Target Area (CTA) in recognition of the potential for local ecological enhancements.

The proposal is for the construction of up to 10 dwellings with road access to be served from The Drive.

#### Principle of Development

Proposals for residential development are determined in accordance with the development plan which comprises the National Planning Policy Framework, The West Oxfordshire Local Plan 2011 and the emerging Local Plan 2031.

The adopted Local Plan classifies Enstone as a category B settlement (medium sized village). Policy H6 of the adopted Local Plan 2011 is restrictive, only allowing new residential development where it would represent infilling, rounding off within the existing built up area or the conversion of appropriate existing buildings.

This proposal does not accord with the provisions of Policy H6 as it relates to a greenfield site beyond the edge of the settlement.

The Council cannot currently demonstrate a five year supply of deliverable housing sites. As such, relevant policies for the supply of housing should not be considered up to date and housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF says that for decision taking this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in The Framework taken as a whole.

Whilst the application does not fulfill the criteria of adopted Policy H6, it is accepted that this policy is more restrictive than the NPPF which post-dates it. The Council has publicly stated that in order to meet its housing targets some development will be needed on greenfield sites on the edge of settlements. This is reflected in Policy OS2 and Policy H2 of the submission draft Local Plan 2031. Under draft Policy OS2 villages such as Enstone are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of the community. Under draft Policy H2 development on greenfield sites within or adjoining the built up area will be permitted subject to

compliance with various criteria.

The strategy of the draft local plan looks to deliver about 1,800 new homes in the Chipping Norton Sub- Area (2011-2031) - Policy CN2 applies.

The first hearing sessions into the submission draft Local Plan 2031, dealing with strategic matters including housing numbers, were held in November 2015. The Inspector's preliminary findings were published in December. Whilst these indicate that the draft housing requirement will be increased, at this point in time it is not known by how much. The Inspector suggests that the housing requirement is likely to be between 525 - 660 homes per annum but that further work would be needed to determine the final requirement and thus provide further clarity with regard to the 5-year housing land supply situation.

In the meantime, considering this proposal against a more 'relaxed' adopted Policy H6 and the draft Policies OS2 and H2, indicates that the principle of residential development at Enstone is acceptable in general terms. However, there are some key considerations in terms of this specific site and the details of the proposal. An important aspect is the impact that development in this location would have on the rural setting of the village and the landscape and character of the surrounding countryside and the impact on the Conservation Target Area. Overall, an assessment needs to be made as to whether the benefits that would arise from the proposal would outweigh any likely harm. These issues are set out in more detail below.

#### Landscape

Policy OS2 sets out a series of general principles which should be taken into account when determining proposals for development.

- Development should be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality.
- Should form a logical complement to the existing scale and pattern of development and character of the area and
- Protect and where possible enhance the local landscape and setting of the settlement.
- Not involve the loss of an open space or any other feature that makes an important contribution to the character or appearance of the area.

The illustrative masterplan submitted with the planning application shows the proposed development arranged in an irregular manner, with the bulk of development arranged on the lower part of the site below the 130m contour. Existing development in Enstone is predominantly located on the upper slopes with limited development

in the valley bottom, included some converted agricultural buildings.

Development in this location would extend the built form of the village into undeveloped countryside to the east and encroach on the sensitive Glyme valley. Although much of the existing development in Enstone follows an irregular pattern with historic development in clusters at Church Enstone and Neat Enstone, with more recent development arranged between Bicester Road and The Drive, the proposal does not appear to form a logical complement to the existing pattern of development in this location. It is considered that development on the lower slopes of the Glyme valley will harm the character and appearance of the area.

The site is located within the Enstone Uplands landscape character area and is characterised as a minor valley according to the West Oxfordshire Landscape Assessment 1998. The Enstone Uplands have an attractive and unspoilt rural character with the minor valleys particularly sensitive to built development. The landscape assessment considers that valley pastures and meadows should be retained

Policy NE3 of the adopted Local Plan 2011 resists development that would harm the local landscape character of the District. Proposals should respect and, where possible, enhance the intrinsic character, quality and distinctive features of the individual landscape types.

Policy NE1 seeks to ensure that proposals for development maintain or enhance the value of the countryside for its own sake: its beauty, its local character and distinctiveness, the diversity of its natural resources and its ecological, agricultural, cultural and outdoor recreational values. Regard should also be had to policies BE4 of the adopted Local Plan which also seek to protect the visual amenity and character of settlements.

#### Biodiversity

The NPPF states that the planning system should contribute to and enhance the natural environment and that to minimise the impacts on biodiversity, planning policies should plan for biodiversity at a landscape-scale across Local Authority boundaries.

In Oxfordshire, one of the key measures introduced to deliver landscape-scale biodiversity enhancements is Conservation Target Areas, identifying the most important areas for wildlife where targeted conservation work will have the greatest benefits. Although the site is not covered by any statutory wildlife protection designations, it is located within the Glyme and Dorn Valleys Conservation Target Area (CTA).

Policy NE13 of the adopted Local Plan should be given due consideration in determining planning applications as well as Policy

EH2 of the emerging Local Plan which seeks to ensure that development does not prevent achievement of the aims of the Conservation Target Areas (CTAs). It is noted that the application is accompanied by an ecological assessment, which suggests a series of mitigation and enhancement measures to accompany the proposed development. It should be considered whether ecological enhancements in this locality would deliver a net gain in biodiversity.

#### Affordable Housing

The proposed housing mix includes no provision for affordable housing. Policy H3 of the emerging Local Plan makes no requirement for affordable housing provision on schemes of 10 dwellings or less and so this is consistent with the development plan.

#### Access

Access to the site is proposed directly from the west from The Drive. This appears to be the most logical location and only possible point of access. Regard should be had to the safety of access onto The Drive in order to comply with Policy BE3 of the adopted Local Plan.

Development should make provision for the safe movement of people and vehicles, including the safe movement of all vehicular traffic both within the site and on the surrounding highway network.

The advice of the Highway Authority will be important in considering whether the access point and any highway safety mitigation measures are appropriate. Measures to achieve satisfactory access are likely to have a detrimental effect on the character of The Drive which is currently well vegetated along its eastern side.

I.9	WODC - Sports	No Comment Received.
I.10	Thames Water	No objection
I.11	Environment Agency	No Comment Received.
I.12	WODC Env Services – Waste Officer	No Comment Received.
I.13	Parish Council	Enstone Parish Council unanimously OBJECTED on the grounds that there has been no school assessment, the sewage treatment and the Council supports the Hydrology Report. Enstone Parish Council needs to understand how the sewers are being dealt with regarding the development and how this addresses the existing pumping station which is clearly currently unsuitable.

## 2 REPRESENTATIONS

34 letters of objection have been received (05/09/16) in relation to the application, these are summarised below in relevant categories:

### Impact on Ecology

- The development would impact on three wildlife site, including priority habitats.
- The development would affect the natural habitat of the Glyme Valley. The site is home to wildlife including protected species. The biodiversity on the site should be protected and development on this site would be detrimental to ecology.
- The ecology report conducted in 2015 is out of date and substantial time has elapsed since the surveys were carried out.
- There are inconsistencies with the submitted ecology report and the proposals submitted by the applicants to release the adjacent land to the community. The report suggests that the land would be fenced off. The land will suffer a net loss in biodiversity if the development were to be allowed.

### Visual/Landscape Impact/Design issues

- The proposals would result in harm to the setting of the footpath and would be an extension of the built up area of the settlement into the open countryside. The development would urbanise an important and attractive open space to the detriment of the visual, historical and recreational value of the settlement.
- The site is greenfield land and the development would not blend into the surrounding landscape. The environment would erode an important gap between Enstone and Church Enstone.
- The development would set an unwelcome precedent for back land development in Enstone which is characterised by loose knit developments and open spaces.
- The development would be detrimental to the character of the village and would spoil an important rural gap in the minor valley.
- The dense and clustered nature of the proposed form differs from the linear pattern of development in the neighbourhood.
- The proposed layout whilst mirroring Church Enstone is alien to The Drive. There is no courtyard or arrangement around a village green.

### Impact on Highways

- The development would increase traffic onto The Drive, A44 and surrounding roads.
- Traffic on the drive is becoming hazardous for road users and pedestrians.
- Road access to the site is dangerous and there is a past history of accidents on adjacent roads

### Flood risk/Drainage

- Planning applications on the site have been refused in the past due to flooding. A previous application to build a bungalow on the site was refused.
- The land is at a high risk of surface water flooding.
- The sewerage system would not be able to cope.

- Drainage on the roads is poor at present.
- There are otters living on the Glyme river near the site, which may be affected.

#### Amenity

- The development would have an adverse impact on “Brookside” an adjacent dwelling through overshadowing and loss of light as well as overlooking and loss of privacy.
- The development would result in noise disturbance. The realignment of the public right of way would cause disturbance and loss of privacy to the occupants of Brookside.
- Lighting pathways and access roads would adversely impact on the living conditions of existing residents.

#### Other Issues

- The addition of 10 houses would put pressure on school spaces.
- Enstone has seen a lot of development in recent years and services have begun to struggle.
- The houses are not affordable.
- The proposals would be an unsustainable expansion of the village and puts undue pressure on local infrastructure.
- The development does not include the provision of social housing, neighbouring housing consisting of former Council/association housing of a smaller scale than the properties proposed.
- There is no indication of who would pay for the upkeep of the public amenity space proposed.
- The archaeological study is inadequate.

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

One of the core land-use planning principles set out in the Framework is to proactively drive and support sustainable economic development to deliver the homes that the country needs and every effort should be made by local authorities to meet the housing needs of an area.

The application site is in an appropriate location for development to address this need because it is suitable, available now and capable of being delivered well within the next five years.

The Council has publicly acknowledged that to meet future housing requirements, some development on urban fringe greenfield land will be necessary and as demonstrated above, it is submitted that Enstone represents a suitable location to achieve the emerging Local Plan’s ‘windfall’ allowance for the Chipping Norton sub-area.

Therefore the principle of residential development is acceptable provided that the development represents sustainable development as defined by the Local Plan and the Framework and that there would be no significant and demonstrable adverse impacts that would outweigh the potential benefits of the scheme. The proposal therefore needs to be considered on its merits and whether it constitutes a ‘sustainable’ form of development as defined in the Framework and the emerging Local Plan.

As demonstrated in Section 5, it is considered that the proposal meets each of the dimensions of sustainable development as defined in the Framework – economic, social and environmental, providing benefits in each area. Any adverse impacts of granting permission would not

“significantly and demonstrably” outweigh these benefits and therefore in the balance, the proposal constitutes sustainable development as required by the Framework. The proposal has been significantly revised following a substantial amount of additional technical work and through proactive consultation with the Council to not only overcome the concerns relating to the previous proposal but to ensure that the development will contribute towards meeting the pressing need for more housing in West Oxfordshire by delivering a well-considered, attractive and high quality scheme in a sustainable location.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
H2 General residential development standards  
H6 Medium-sized villages  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH1NEW Landscape character  
EH5NEW Flood risk  
EH2NEW Biodiversity  
H2NEW Delivery of new homes  
T1 Traffic Generation

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks outline planning consent for a means of access with all remaining matters reserved for the erection of up to 10 dwellings on an area of land to the east of The Drive at Enstone. The site consists of an open grass field located on the North East edge of Enstone between the settlements of Enstone and Church Enstone. A public footpath runs through the centre of the site from The Drive towards Bicester Road to the North. The site topography slopes downwards towards an area of former marshland, now consisting of a recently formed lake. The river Glyme adjoins the site to the East. The proposed access for the development would be formed through an existing boundary hedge onto The Drive.
- 5.2 The site was previously subject of a withdrawn outline planning application for up to 30 dwellings (15/01937/OUT) which was due to be taken before committee in September 2015 with a recommendation of refusal.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of development
  - Landscape and visual impact



- Highways impact
- Impact on Ecology and Biodiversity

#### Principle

- 5.4 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. Recent appeal decisions have determined that West Oxfordshire District Council are unable to demonstrate at present a five year supply of housing and in this context, Paragraph 49 and 14 of the NPPF are enacted.
- 5.5 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. Enstone is listed as a medium sized village within the Existing Local Plan where development was previously permitted in circumstances where this constitutes either infill or rounding off of the settlement area. Emerging Local Plan Policy H2 is however permissive of the development of appropriate edge of settlement sites where development forms a logical complement to the existing built form. The area has historically been considered as an outlying part of Enstone, beyond the main body of the village although the site lies in close proximity to the main settlement area and associated facilities. The site is in close proximity to a nearby bus stop and is generally a sustainable location purely in terms of its proximity to local services.
- 5.6 Whilst the principle of siting 10 dwellings on the edge of a settlement the size of Enstone would in principle be considered acceptable and in line with the provisions of Emerging Local Plan Policy H2, officers have substantial concerns regarding the suitability of the site for a development of this scale given the sensitivity of the immediate context and setting and the resulting impact on the character of the settlement.

#### Landscape, Visual Amenity and Impact on Settlement Character

- 5.7 The development proposed would extend off an outlying part of Enstone. Enstone is a poly-nucleated settlement with the majority of the development set in close proximity to the main road, most notably the A44 (Oxford Road). The main body of the settlement continues to Chapel Lane with outlying development located along the west of the Drive and along Bicester Road. The land to the north east of Oxford Road and to the East of The Drive and also to the North of Bicester Road is predominantly undeveloped with the exception of a few isolated dwellings including a large property to the south of the site. The maintenance of these open spaces also serves to create a distinction between the near settlements of Enstone and Church Enstone.
- 5.8 Officers would contest the applicant's view that the development is a 'rounding off' of the settlement area and are of the opinion that the development would represent an urban

encroachment into an attractive open and rural edge of settlement space of significant value. Existing development to the south consists of a single detached dwelling, there are three dwellings to the north of the site, however in general the built form is loosely knit and the development would in this context appear as an urban extension to Enstone. The indicative layout appears to sit awkwardly with the existing pattern of development in the area and officers consider that this fails to complement the existing pattern of development in this part of the settlement and would instead mark an incongruous urban encroachment into a rural undeveloped open space.

- 5.9 The site has an attractive, rural character and consists of an open and undeveloped grass field which slopes downwards to the east towards a recently formed lake. The land is characterised in the West Oxfordshire Landscape Appraisal as a minor valley. The entirety of the site falls within the Conservation Target Area (CTA) although the part of the site subject of development is of low ecological potential. The site is not visually prominent in wider views owing to the topography of the neighbouring land and boundary screening along The Drive, views from Bicester and Oxford Roads are highly limited.
- 5.10 The West Oxfordshire Landscape appraisal states that minor valleys have an intimate, rural, pastoral and generally unspoilt character and are very sensitive to built development. Officers consider that this description is strongly representative of the character of this sensitive site and consider that the scale of development proposed would represent significant harm to the immediate setting. The indicative layout suggests that around half of the site would be developed; the area subject of development is an elevated part of the site where any built form is likely to appear prominent. There is a public right of way which runs through the centre of the site and would be absorbed into the development. At present the intrinsic value of the site is derived from the open nature of the setting and its rural undeveloped feel which would be lost as a result of the proposed development which would visibly urbanise this space. The applicants have suggested that the footpath could be re-sited to the east around the proposed development, whilst this is practically possible officers consider that the setting would be significantly harmed to the degree that there would probably be little benefit in providing an alternative footpath.
- 5.11 Officers consider that the development would visibly urbanise the site eroding the semi-rural character of this part of Enstone which would be of substantial detriment to the character of the village. Officers consider that the development would cause significant harm to the immediate landscape setting in particular how this is experienced from the existing public right of way which would be absorbed into the development. The value of the land as an important area of open rural space would be subsequently lost as a result of the proposed development. Officers consider that the development would therefore be contrary to Policies EH1 and H2 of the Emerging Local Plan; Policies NE1, NE3, BE2 and BE4 of the Existing Local Plan; and Paragraphs 58 and 109 of the NPPF.

#### Highways

- 5.12 The proposed development would be served by a single vehicular access point onto The Drive. The access point would join a 30mph section of urban road and visibility is adequate in both directions. OCC Highways officers have assessed that the traffic generation resulting from the development is likely to be negligible and the development would not compromise highway safety or amenity. The site is located close to existing bus stops along the A44 and a contribution is requested from OCC towards procuring additional bus services.

### Residential Amenities

- 5.13 There are existing dwellings on three sides of the site although officers consider that there is an adequate scope to provide a layout without substantially compromising on the residential amenity of the occupants of the existing properties.

### Ecology

- 5.14 The area of the site subject of development is of low ecological value, although entirety of the site is contained within the Conservation Target Area (CTA). Management and enhancement measures are proposed within the eastern part of the site. Officers consider that the development would not be ecologically harmful or would result in harm to onsite biodiversity.

### Archaeology

- 5.15 An assessment has been undertaken which found that the site has no archaeological potential therefore officers have no objection to the development on these grounds.

### Drainage

- 5.16 In response to objections raised regarding the lack of permeable paving proposed across the site, the applicants have since amended the site plan to include permeable surfacing. OCC engineers have yet to comment on the amended plans, however officers do not have substantial concerns that the development would result in surface water flooding.

### Conclusion

- 5.17 Officers consider that the development as proposed would substantially urbanise the character of a sensitive and attractive rural site which contributes significantly to the character the settlement of Enstone. Officers consider that development of the scale proposed would fail to complement the existing pattern of development and would appear incongruous and visually prominent in the immediate landscape setting. The existing footpath would be absorbed into the new development and the provision of a replacement footpath would fail to mitigate the harm caused by the urbanising impact of the development which would significantly compromise the setting of the right of way. Officers consider that even in the absence of a five year housing land supply and in the context of Paragraph 14 of the NPPF, the benefits of the scheme, in terms of the provision of 10 houses do not outweigh the harms caused to the landscape setting and the character of the settlement. Officers consider that the development would be contrary to Policies BE2, BE4, NE1, NE3 and H2 of the Existing Local Plan; Policies OS2, OS4, H2 and EH1 of the Emerging Local Plan and Paragraphs 58 and 109 of the NPPF.

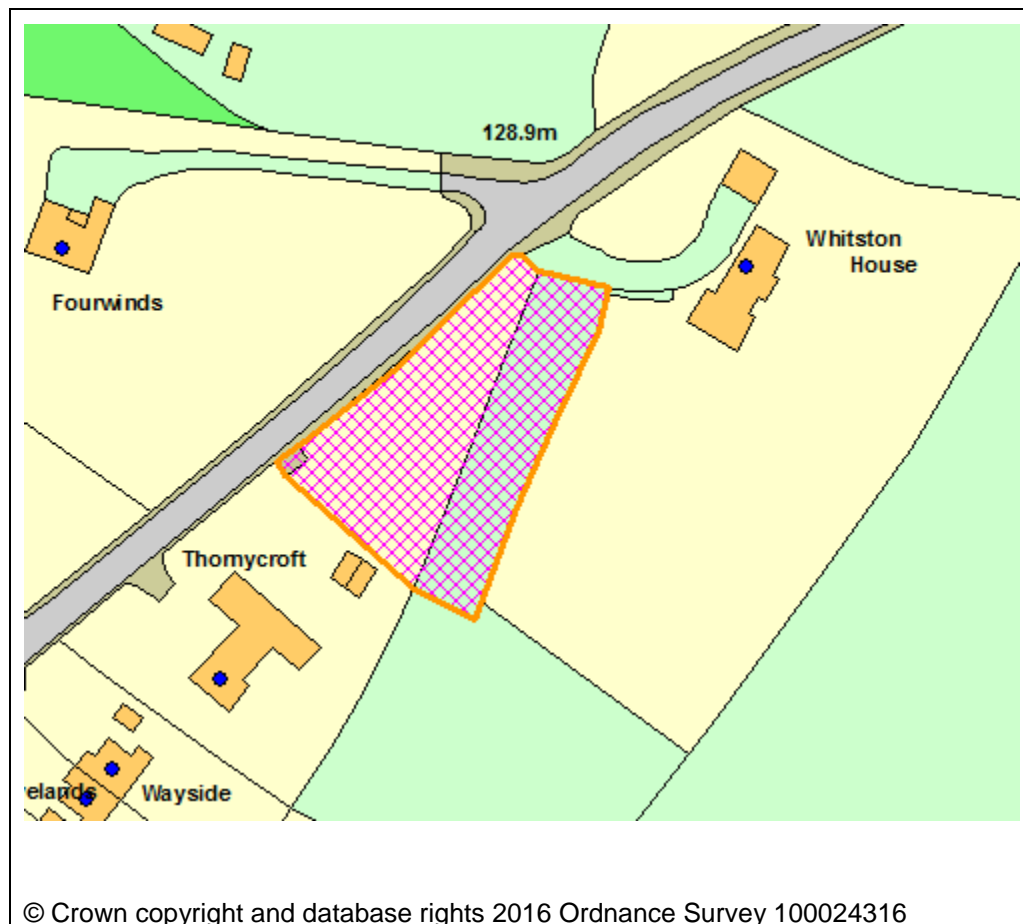
## **6 REASON FOR REFUSAL**

The development as proposed would visibly urbanise an important and highly sensitive, attractive and rural open space which contributes significantly to the character of the settlement of Enstone. The development would result in visual harm to the character of the immediate landscape setting, in particular how this is experienced from the existing public right of way.

The development as proposed would be contrary to Policies BE2, BE4, NE1, NE3 and H2 of the Existing West Oxfordshire Local Plan; Policies OS2, OS4, H2, and EH1 of the Emerging West Oxfordshire Local Plan 2031 and Paragraphs 58 and 109 of the NPPF.

Application Number	I6/01866/FUL
Site Address	Thornycroft Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3ET
Date	21st September 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436407 E 218798 N
Committee Date	3rd October 2016

### Location Map



### Application Details:

Erection of new dwelling with detached double garage.

**Applicant Details:**

Mr & Mrs Gleeson  
Thornycroft  
Woodstock Road  
Charlbury  
OX7 3ET  
United Kingdom

**I CONSULTATIONS**

- I.1 WODC Architect Comments as per pervious application - no objection.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect ( in terms of highway safety and convenience ) on the local road network.
- No objection subject to
- G36 parking as plan
  - G11 access specification
  - G31 drive etc specification
  - G47 SUDS sustainable surface water drainage details
  - Prior to occupation the provision of vision splays at the access to measure 2.4 x 43m
- I.2 WODC Drainage Engineers No objection - condition.
- I.3 WODC Landscape And Forestry Officer We require an Arboricultural Impact Assessment to plot the RPA and to assess the impact of the proposed works on the Oak tree.
- AIA received 16th September 2016. Recommend Method Statement (Condition 15) and exclude tree protection measures from Condition 16.
- I.4 Parish Council
1. We support fully the submission of Mr and Mrs Kirk in relation to the development.
  2. The access is potentially very dangerous.
  3. The proposal does not enhance the Conservation Area.
  4. We object to this application.
  5. We recommend a site visit and ask that it go to Committee.

**2 REPRESENTATIONS**

- 2.1 Two neighbour objections have been received. These are summarised as follows
- No objection to the proposed new building.
  - Highway Safety.
  - Overhead electricity supply - No mention of the mains overhead electricity supply, which runs over the applicant's property is mentioned in the application or the fact that one of the poles is situated exactly where the new entrance is proposed.

- Error in Section 6 of the application. The proposed pedestrian access to the north of the property is new and has never been used as an access before.
- Unacceptable living conditions for both the occupants of the proposed dwelling though inadequate outlook.
- Overlooking to Whitson.
- Character and appearance of the conservation area.
- Principle of the dwelling in this location.

2.2 Charlbury Advisory Committee has commented on this application as follows:

The changes made in this amended application were not considered significant from the point of view of the Conservation Area and most members felt that their comments (Mins. 27 Oct 2015) on the previous application 15/03542/FUL should stand:

The proposed new house would be very visible from the road because of its elevated site and the loss, temporarily at least, of the existing hedge. However, the design was largely welcomed as an imaginative and interesting one. Provided that local materials were used - local stone and reconstituted stone slate roofing tiles (is this what is meant by 'reconstituted slate tiles?') - and with a high-quality planting scheme, it could become a distinctive addition on the approach to the Charlbury from Woodstock.

The roofing material, referred to in the earlier comments and described on the present drawings as 'slate tiles' and in the text as 'slate', still required clarification.

The importance of a high-quality landscaping scheme was reiterated. This would support the transition from open countryside to built-up area at the edge of the town and complement the assertiveness of the new building, slightly nearer the road in the amended design. Details of the new gates into the road were also needed.

### **3 APPLICANTS CASE**

- 3.1 The Council accepts that the application site is in a sustainable location for housing development with readily available access to the services and facilities of Charlbury.
- 3.2 In light of the widely acknowledged lack of five year housing supply of deliverable housing sites in the West Oxfordshire District, the policies for the supply of housing should be considered out-of-date and the application determined in accordance with a presumption in favour of sustainable development. Policies of otherwise constraint should be set aside.
- 3.3 The location, type and design of the proposed development represents sustainable development. There are no significant adverse impacts associated with the proposal, which would significantly and demonstrably outweigh the benefits of the scheme. Furthermore, there are no specific policies in the NPPF which mitigate against this development being approved.
- 3.4 The proposal accords with those policies of the Development Plan that are still relevant, the emerging Local Plan 2031 policies, and with the principles of the NPPF. The applicants are committed to providing a high-quality, innovative and sustainable dwelling. The development as proposed is deliverable and achievable upon any grant of permission.
- 3.5 The application has regard to the sensitivities of the Conservation Area and AONB designations and accordingly, seeks full planning permission in order to demonstrate how the proposed design responds positively to its context. The layout and scale of the dwelling is such that it

utilises the sites topography and landscape setting, in order to protect the visual amenity of the area.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
NE4 Cotswolds Area of Outstanding Natural Beauty  
H2 General residential development standards  
H7 Service centres  
T4NEW Parking provision  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH7NEW Historic Environment  
EH1NEW Landscape character  
BC1NEW Burford-Charlbury sub-area

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

#### **5 PLANNING ASSESSMENT**

5.1 This application has been brought to Committee at the request of Councillor Haine because the current application varies little from the last application that was refused at Committee in February 2016.

5.2 The application seeks planning permission for the erection a single 5-bed dwelling and detached 2-bay garage and store on land forming part of the garden of adjacent property, Thorneycroft, Woodstock Rd, Charlbury. Following on from the Committee refusal the applicant has made the following changes:

- The dwelling has been moved a further 1m away from the boundary shared with Whitston
- The dwelling has been moved a further 1m away from the access to Whitston
- The dwelling is 20.17m from Whitston at the closest point
- One first floor bedroom window has been removed
- One first floor bedroom window has been reduced in size.
- Relocation of the garage 2m from the oak tree.

##### Background Information

5.3 The site is located within the Charlbury Conservation Area and the Cotswold AONB. Residential properties lie adjacent to the site to the north east and the south west. Large detached residential properties also lie on the opposite side of Woodstock Road. All are set back from the road frontage in fairly large plots.

5.4 The previous application was refused by Members at Committee on 29th February 2016. The reason for refusal was:

I. By reason of the erosion of the existing loose knit and dispersed character of development on this approach into Charlbury, the siting, design and scale of the proposed dwelling would have a detrimental impact on the openness of the site and character and appearance of the



conservation area. The proposal is therefore considered to be contrary to Policies BE2, BE4(a), BE5 and H2(a) and (f) of the adopted West Oxfordshire Local Plan and Policies OS2, OS4, H2, EH7 and BC1 of the emerging West Oxfordshire Local Plan 2031 and paragraph 115 of the NPPF. Furthermore, the proposed new dwelling, due to its height and proximity to the boundary with Whitston, would appear un-neighbourly and would create unacceptable living conditions, internally and externally, for both the residents of Whitston and the occupants of the proposed dwelling which would be contrary to Policies BE2 and H2(d) of the West Oxfordshire Local Plan 2011 and Policies OS2, OS4 and H2 of the emerging West Oxfordshire Local Plan 2031.

5.5 Further planning history for the site is detailed below:

5.6 W88/1162 - Outline planning permission for the erection of dwelling and garage at Land adjacent to Thornycroft, Woodstock Road, Charlbury. Refused 8th August 1988:

1. That the proposed development would form an addition the existing loose ribbon of development outside the main part of Charlbury to the detriment of the rural character of the area which is designated as being of great landscape value and proposed to be included in an extension of the Cotswolds Area of Outstanding Natural Beauty.

2. The proposed rural development would be contrary to Policy H7 in the approved Rural Areas Review Local Plan which accords with the Structure Plan for Oxfordshire in that it would set a precedent for further development in the vicinity which, in equity, it would be different to resist thus seriously eroding the rural character of the area.

3. That the additional use of the existing access, as proposed, would lead to danger for highway users by reason of a) inadequate visibility onto Woodstock Road, inadequate width and inadequate radii.

5.7 W89/1899 - Outline for the planning permission for the erection of one dwelling and access at Land adjacent to Thornycroft, Woodstock Road, Charlbury. Refused 8th November 1989.

1. That the proposed development would form an addition to the existing loose ribbon of development outside the main part of Charlbury to the detriment of the rural character of the area which is designated as being of great landscape value and proposed to be included in an extension of the Cotswolds Area of Outstanding Natural Beauty.

2. The proposed development would be contrary to Policy H7 in the approved Rural Areas Review Local Plan which accords with the Structure Plan for Oxfordshire in that it would set as a precedent for further development in the vicinity which, in equity, it would be difficult to resist, thus seriously eroding the rural character of the area.

3. The visibility on to Woodstock Road, from the site access is inadequate to serve the proposed development.

5.8 W91/0265 - Erection of single storey dwelling on land NE of Thornycroft Road, Charlbury. Refused 15th April 1991 (Appeal dismissed 28th Jan 1992).

1. That the proposed development would form an addition to the existing loose ribbon of

development outside the main part of Charlbury to the detriment of rural character of the area which lies within the Cotswolds Area of Outstanding Natural Beauty. As such the proposal is contrary to Policies H7 and ENV4 of the Rural Areas Review Local Plan.

2. That the proposed development would be contrary to Policy H7 of the approved Rural Areas Review Local Plan which accords with the Structure Plan for Oxfordshire in that it would set a precedent for further development in the vicinity, which, in equity it would be difficult to resist, thus seriously eroding the character of the area.

3. That the proposed development is contrary to Policy ENV10 of the RARLP in that the proposal would consolidate and extend an area of sporadic ribbon development, cumulatively eroding the attractive setting of Charlbury in the surrounding countryside.

4. That the visibility onto the Woodstock Road from the site access is inadequate to serve the proposed development.

5. That the proposed development is contrary to Policy CO1 of the RARLP in that the proposal would consolidate and extend an area of loose, sporadic development thereby eroding this attractive approach into Charlbury and the character and appearance of this part of the Charlbury Conservation Area.

- 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 this application are:

Principle

Scale, siting, design and form

Impact on the character and appearance of the Conservation Area

Highways

Residential amenities

Impact on the AONB

Trees

Principle

- 5.10 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.
- 5.11 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.
- 5.12 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.

- 5.13 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.
- 5.14 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 Charlbury is one, in the form of development within the built up area. It is also important to note that the Burford-Charlbury sub-area identified in the emerging Local Plan seeks 800 new dwellings in the period to 2031.
- 5.15 Referring to the three applications dating from the late 1980's/early 1990 which relate to the application site, the policies cited in the reasons for refusal have been superseded, as have the overall principles. Housing need has materially increased in the intervening 24 years since the latest appeal and 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 now justify refusal and as the development proposes a single dwelling, officers consider that the principle is acceptable.

#### Scale, Siting, Design and Form

- 5.16 The proposed single dwelling is of a modern design, form and siting that pay regard to the existing mature oak tree and, sloping topography of the site and the unusual shape of the site.
- 5.17 The scale of development proposed is considered acceptable for the size of the site, with other detached dwellings nearby sitting in similar sized plots. It is not considered to be overdevelopment of the site.
- 5.18 Siting is discussed further in relation to impact on residential amenity and trees below, nevertheless the building line along Woodstock Road is respected and is set back from the street frontage. The site forms an existing garden area, between existing dwellings and is largely screened by an existing hedgerow from the road frontage. It is not considered to be an area of open space that makes an important contribution to the character and appearance of the area, with the exception of the oak tree which the scheme has been designed around to retain.
- 5.19 The design and form have been amended from pre-application stage and as part of the formal consultation with the Conservation Architect. It was suggested that the roofs should be pitched in opposing directions, albeit acknowledged this would go against the topography of the site. In response, the applicant felt it would not respect the topography of the site. It was also suggested that the two mono-pitch elements were pulled apart or differentiated in height in order to give a more legible break between the two elements. It is noted that the site is constrained by the shape and topography and the need to avoid overlooking and appearing overbearing. As such it was agreed that the current design and form are acceptable having received modifications to the amount and height of some of the fenestration.
- 5.20 The proposed materials which consist of random coursed natural stone and vertical timber cladding for the external walls, natural slate and sedum for the roof, would be sympathetic to existing dwellings in the area whilst introducing a modern, innovative design.

- 5.21 Following the Committee refusal and in response to the second point in the reason for refusal, this current scheme has resited the dwelling away from the rear boundary with Whitson by a further 1m and away from Whitson driveway by a further 1m. The 3m high element is now 2.8m from the boundary and the 5m high mono-pitch element is 4.3m from the boundary. It should be noted that the ground level is 0.5m lower at this elevation than at the boundary. Officers consider the resiting of the dwelling to be acceptable in relation to the surrounding properties and retains the building line set by Thornycroft.
- 5.22 Members were concerned with the previous design that the garage was sited too far from the dwelling to the detriment of the living conditions of the occupants. The garage has been relocated 2m from the oak tree which does increase the distance from the property. However, your officers maintain that this distance is not so significant to warrant a refusal on this basis.
- 5.23 The proposed development is considered to form a logical complement to the existing scale and pattern of development and is considered to accord with policies BE2, BE5, H2 of the adopted plan and OS2, OS4 and EH7 of the Emerging Plan.

#### Impact on the character and appearance of the Conservation Area

- 5.24 The site is adjacent to the Conservation Area and as such the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.25 On the basis of the hedgerow planting, retention of the oak and the scale, design and 're-siting', respecting the building line along Woodstock Road, officers consider that the character of the setting of the Conservation Area will not be materially affected by the development and as such will be preserved, in accordance with adopted Local Plan policy BE5 and policy EH7 of the emerging Local Plan.

#### Highway

- 5.26 The proposal has shown a minimum of two spaces for the dwelling in garage form and plenty of additional parking to the front of the garage and immediately in front of the dwelling. The vehicular access from the Woodstock Road is an existing field access. The proposal is not considered to result in an unacceptable intensification of this access and retains sufficient visibility splays (2.4m x 43m) with the removal of the hedgerow and taking regard of 30mph traffic speeds.
- 5.27 The County Council as Highway Authority were consulted and have raised no objection subject to conditions being imposed. In order to clarify inferred inconsistency in highway consultation advice, the following statement has been provided:

*"The visibility achievable at the proposed access meets the sight stopping distance (SSD) guidance in Manual for Streets, official DfT Guidance, published in 2007. Although its primary focus is on the design of residential streets, in its introduction MfS states that its principles may be applied to 'lightly trafficked lanes in rural areas'. Further guidance, Manual for Streets 2 was published in 2010 as a companion guide to MfS, which provided clarification on the extension of MfS principles beyond residential streets to encompass both urban and rural situations.*

*Woodstock Rd adjacent to the site is a lightly trafficked lane subject to a 30 mph speed limit.*

*Records show no reportable accidents involving injury for the last 5yr period for the length of Woodstock Rd extending well beyond the village boundary.*

*My speed surveys of vehicles approaching the proposed access showed the 85 percentile wet weather speed to be of the order of 30mph.*

*I cannot demonstrate that the proposal, if permitted, will cause such severe harm in terms of highway safety and convenience that would warrant the refusal of a planning permission."*

- 5.28 The proposal is therefore considered to accord with BE3 of the Adopted Plan and T4 of the Emerging Plan.

#### Residential Amenities

- 5.29 The dwelling is sited forward of Whitson but on an oblique angle and orientated within the site. The dwelling has also been resited 1m from the boundary and is lowered into the ground 0.5m lower than at the boundary. The building would appear primarily as single storey in the landscape, maintaining the low density rural character of the area. Officers are satisfied that there would be no unacceptable overshadowing or overbearing impacts on the existing or future occupiers of Whitson or Thorneycroft.
- 5.30 The occupants of Whitson have raised concerns regarding the impact on their property, particularly overlooking from bedrooms 2 and 3 on the east elevation and from the first floor north facing windows, overlooking the driveway. Given the topography and boundary treatment, it would not be possible to overlook the neighbouring property from the east elevation. The first floor east facing fenestration has been amended to a single small bedroom window as opposed to the two floor-to-ceiling windows. There would be no overlooking of any private amenity space and officers consider the positioning of this window to be acceptable having regard to amenity impacts.
- 5.31 A condition has been recommended in order to ensure that the flat roof areas are not used as balconies in order to protect residential amenity of the neighbours. In addition, PD rights for new openings, particularly on the east facing elevation, are recommended to be removed and likewise for extensions.
- 5.32 In light of the above the application proposal is considered acceptable in terms of neighbour amenity and is compliant with Local Plan Policy BE2 and H2 and emerging Local Plan Policy H2.

#### Impact on the Cotswold AONB

- 5.33 Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The sloping topography of the site towards the Woodstock Road, the presence of existing vegetation and not extending the development into open countryside, means that the proposed dwelling would have no real visual presence beyond its immediate setting. Your officers consider that there would be no material harm to the AONB in this location.

## Trees

- 5.34 The mature oak tree on site has been surveyed as being a high quality tree with a life expectancy of at least 40+ years. It is deemed as having landscape value. An Arboricultural Impact Assessment has been prepared to assess the repositioning of the dwelling 1m closer to the tree. The report demonstrates the vulnerability of the oak tree and the significant reduction in working space that will be required to safeguard the remaining soil volume. From the information provided it has been demonstrated that it is possible to keep the loss of rooting area to a level that will continue to support its viability. Construction exclusion zones will be required to be maintained and the Landscape Officer has requested a method statement detailing how the build is to proceed in terms of site organisation and detailing the specifics of barriers, routing of services, dealing with excavation and storage of spoil and materials as a pre-commencement condition.
- 5.35 The cherry tree is considered to be low quality and the beech is in such a condition that it cannot realistically be retained. It is recommended that a tree protection condition is put in place for the oak tree and a hard and soft landscaping condition is included in order to properly assess the species of the new hedgerow planting.

## Conclusion

- 5.36 In conclusion, having assessed the siting, design, scale and form, the amenity issues, and impact on the highway, trees, AONB, streetscene and Conservation Area, the application is considered to accord with the West Oxfordshire Local Plan 2011 Policies BE2, BE3, BE5, H2 and emerging Local Plan 2031 Policies OS2, OS4 and EH7 and is recommended for approval.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development otherwise approved by Classes A, B, C or E of Part I of Schedule 2 of the Order other than that expressly authorised by this permission, shall be erected or carried out.  
REASON: Control is needed to protect the residential amenity of adjacent properties.
- 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 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 8 Vision splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.9 metres above the level of the access they are provided for.  
REASON: In the interests of road safety.
- 9 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.
- 10 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.  
REASON: In the interest of improving connectivity in rural areas.
- 11 The external walls of the dwelling and garage shall be constructed with natural stone and timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.

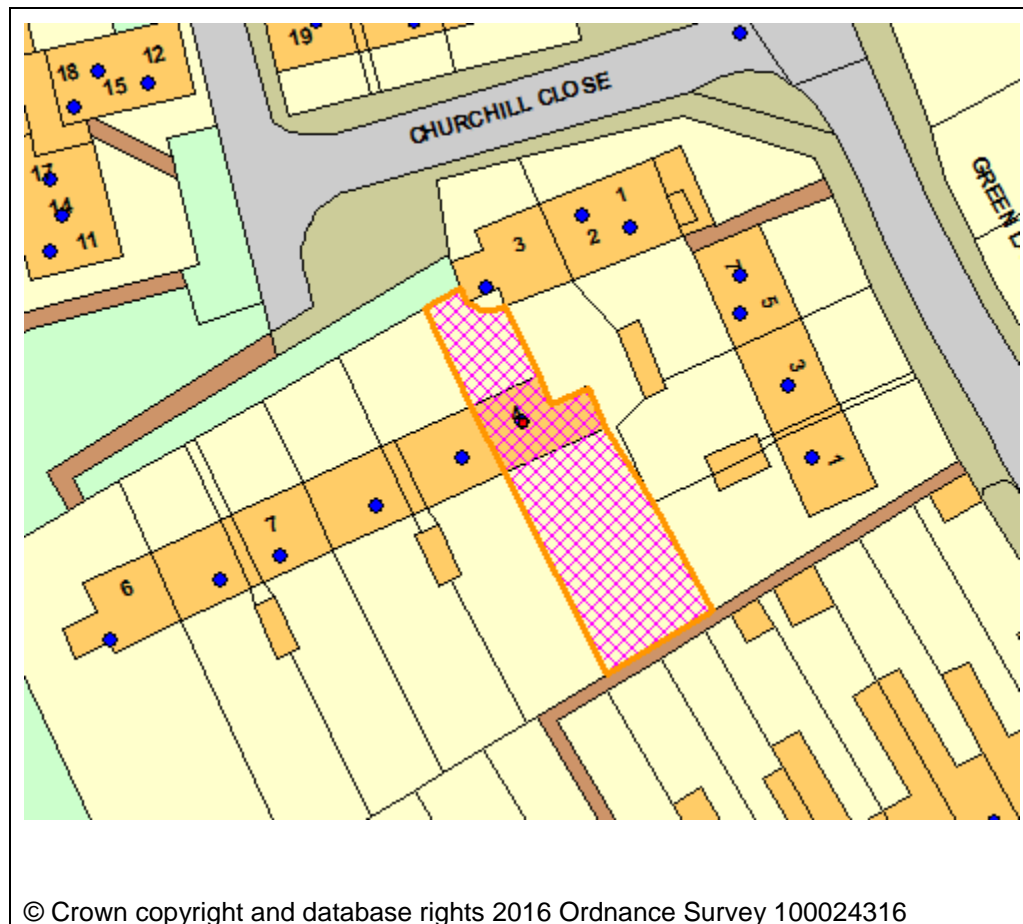
- 12 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 13 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery, windows and doors, eaves and verges at a scale of 1:5 and 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.
- 14 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.
- 15 Before the commencement of any site works or operations, an arboricultural method statement to ensure the satisfactory protection during the construction period of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:
- A specification of the location, materials and means of construction of temporary protective barriers and ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 (2012): "Trees in relation to design, demolition and construction - Recommendations", and details of the timing and duration of its erection;
  - The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
  - A specification for the routing and means of installation of drainage or other underground services in the vicinity of retained trees;
  - Details and the method of construction of any other structures such as retaining walls in the vicinity of retained trees and how these relate to existing ground levels;
  - Provision for the supervision of any works within the root protection areas of trees to be retained and for the monitoring of continuing compliance with the specified protective measures, by an appropriately qualified arboricultural consultant.
- The development shall be carried out wholly in accordance with the approved arboricultural method statement.  
REASON: To ensure the continuity of amenity afforded by existing trees.



- 16 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained. It must show details of all planting areas, including plant species, numbers and sizes. Details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development shall be included. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
  
- 17 Demolition and construction works shall not take place outside 8am hours to 6pm hours Mondays to Fridays and 9am hours to 12pm hours on Saturdays and shall not take place at any time on Sundays and Bank Holidays.  
REASON: To safeguard living conditions in nearby properties.
  
- 18 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard and enhance biodiversity.

Application Number	I6/02405/FUL
Site Address	4 Churchill Close Woodstock Oxfordshire OX20 1LG
Date	21st September 2016
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444913 E 216992 N
Committee Date	3rd October 2016

### Location Map



**Application Details:**  
Erection of annexe (amended).

**Applicant Details:**  
Mrs Heather Benfield  
4 Churchill Close  
Woodstock  
Oxfordshire  
OX20 1LG

## **I CONSULTATIONS**

- 1.1 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.
- 1.2 Parish Council                      Woodstock Town Council objects to this application on the grounds that it has had a lot of representations from neighbours who oppose this site pointing out that the footpath immediately adjacent to the proposed building is owned by the residents of 39 & 55 Hensington Road and therefore it is a private alleyway and not a right of way. The Town Council is thus very concerned about the gate to this proposed property opening on to this alleyway and presumably this is going to be the main pedestrian entrance for this proposed building.

The proposed building will be approximately 1 metre from the gardens in Hensington Road. The Council therefore objects to this application on the grounds of Policy H2 in the West Oxon District Council Local Plan 2011. Also relevant to this are Policy OS2 in the West Oxon Development Plan 2031, in that the Council believes the development would have a detrimental impact on the existing occupants in Hensington Road, and OS4 in that it would harm the use and enjoyment of land and buildings nearby, including living conditions for the inhabitants of properties in Hensington Road.

## **2 REPRESENTATIONS**

- 2.1 Seven letters of objection have been received. These are summarised as follows:

1. Primary access is shown via the alleyway to the rear. This is a private right of way owned by the residents of Hensington Road. Security issue.
2. Considerable intrusion to the resident of 41 Hensington Road.
3. No allocated parking.
4. Located from back fence of no.41 Hensington Road - increased noise and disturbance.
5. Precedent - potential for creating a row of separate self-contained properties, accessing the alleyway as their primary access point, further increasing security risk and noise disruption to the residents affected on Hensington Road.
6. Disturbance during construction.
7. Erosion of the garden character of the area, contrary to part a) of policy H2 and part a) of policy BE2 of the West Oxfordshire Local Plan 2011.
8. The new dwelling fails to comply with the National Space Standard of 39m<sup>2</sup> for a 1-bedroom house and so would be contrary to part d) of policy H2 of the Plan.

9. There is no justification for why the accommodation needed could not be provided within the main house, which would be a preferable way to provide ancillary accommodation.

10. The building would have a footprint of over 28m<sup>2</sup> which is close to the 36m<sup>2</sup> scale of the original dwellinghouse, as built (before the side extension and conservatory were added). This is of a scale well beyond that of the property's existing smaller outbuildings and of outbuildings in neighbouring gardens in the immediate area. The shed at the bottom of the garden at 5 Churchill Close, for example, measures 2m x 3m = 6m<sup>2</sup>. The development will be a very dominant structure within an area of traditional residential gardens, which will be compounded by its use as a dwellinghouse.

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

3.1 The following sections conform to the Design and Access layout as recommended by "CABE", addresses the issues mentioned above:

#### **A. DESIGN**

Use - The site and the outbuildings are currently part of the residential garden.

Scale - A small scale building is proposed.

Layout - A simple, one bed layout, with no "frills".

Appearance - The proposal will be more attractive with timber cladding, will appear unobtrusive, and only has openings on the side facing the garden.

Landscaping - The garden is generally the site is well landscaped already. An additional length of fence can be added on the side next to 5 Churchill Close, there already are two boundary fences or features on the other side.

Justification - The family wish to provide Nathan a home when he is living with the applicant, separate space within the property is considered to be the most liveable solution.

#### **B. ACCESS**

Sustainability - It is more sustainable to use an existing garden on which to provide this annexe, rather than building on a green field site.

Access - There are no access issues - parking of up to 3 cars exists in the frontage area outside No.4.

Parking - At least 3 cars can be parked off road, which exceed what is needed here, and complies with current highway standards.

This proposal appears to us to accord with all current planning policies, and is a workable solution for family.

The applicant is willing to accept relevant planning conditions, and a "PD Rights" removal condition, and if needed.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The proposal is for the erection of a single storey self-contained annexe to the main dwelling, no.4 Churchill Close.
- 5.2 The application site is an end of terrace, two-storey dwelling within a residential area of Woodstock. The south at the rear of the garden is an alleyway, with the rear gardens of nos. 41 and 43 Hensington Road beyond. To the east are the rear gardens of nos. 1 and 3 Green Lane.
- 5.3 The site falls outside of any special designated areas of control.
- 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
  - Residential Amenity
  - Highways and Means of Access

### Principle

- 5.5 The principle of annexe development is covered by adopted Local Plan policies BE2 (General Development Standards) and H2 (General Residential Development Standards) and emerging Local Plan policies OS2, OS4 and H2. Ultimately, the aforementioned policies require that development respects and relates to its surroundings, does not create unacceptable living conditions for existing residents, sets an undesirable precedent whereby development would erode the character and environment of the area or impacts on safety in terms of movement of people and vehicles. These points are discussed in the following sections.
- 5.6 This application does not form a separate residential unit. It is assessed on the basis that it retains an element of dependence on the main dwelling for amenity space, access and car parking. If planning permission were not required for the living accommodation element, the building would be considered 'permitted development' thus not requiring planning permission.
- 5.7 The applicant has justified the development on the basis that the family wish to provide separate living accommodation for her grandson as the most liveable solution to a housing problem. It should be noted that the emerging Local Plan policy H2 does not require the justification and 'special circumstances' for the free-standing annexe as referred to in the adopted Local Plan paragraph 5.44. The emerging Local Plan is afforded increased weight as it progresses to adoption next year.

### Siting, Design and Form

- 5.8 The proposed annexe would be 28.88 metres in floor area, 3.8m deep and 7.6m wide. It would be 2.83 to the flat roof and timber clad. It would be located at the rear of the modestly sized rear garden. An existing shed would be removed. There are many outbuildings in the rear gardens of the nearby dwellings so the scale and appearance of proposed building would not appear out of character in this area.
- 5.9 The form, design, massing and siting are all considered to be acceptable in terms of an outbuilding which would not generally require planning permission, with the exception of the proposed use.

### Residential Amenities

- 5.10 The building is single storey in height and its flat roof and timber cladding keeps the building low and of an outbuilding appearance. It would be located at the rear of the garden at the furthest point from all surrounding residential properties. There are no openings except on the front elevation, two windows and double doors. The separation distance, ground floor to ground floor (front to rear), of no.5 Churchill Close is 14.7m, There is currently a section along this boundary without a 1.8m high fence. With the fence in place (secured by condition) there would be no harmful loss of privacy to this property. The separation distances to the other surrounding properties are in excess of 12m facing the side or rear elevation with boundary treatments in place. This is often considered an acceptable distance between dwellings where there are no overlooking issues (22A Moorland Road is an example ref: 15/03812/FUL - approved at Committee in December 2015). There would be no loss of privacy to these properties given the position of openings and the low-level nature of the building mean that there would be no loss of light or overshadowing.
- 5.11 In terms of noise and general disturbance raised by objectors, it should be noted that an outbuilding in this location could be used as a hobbies room, utility room with washing machine etc. or as a home office with regular usage. The siting of the building with the available separation distances is considered acceptable by your officers, having regard to the points under policies BE2 and H2 of the adopted Local Plan and policies OS2 and OS4 of the emerging Local Plan, referred to above.
- 5.12 There have been similar approved applications for an self-contained annexes at no.10 Roosevelt Road, Long Hanborough (ref: 15/01911/FUL- approved by Members at Committee in July 2015) and 17 and 19 Moor Avenue, Witney (refs: W98/1089 and 15/02666/FUL respectively) with reduced separation distances than that proposed here.

### Highways and Means of Access

- 5.13 Objectors have been concerned with the gate to the alleyway at the rear. Residents of Hensington Road believe the occupants of Churchill Close do not have right of way. Accordingly the gate has been removed on the amended plans and the only point of access is through the front of the property.
- 5.14 As an annexe, the proposal is unlikely to result in any significant intensification of transport activity at the property. No change is proposed to the existing access arrangements. The

proposal is unlikely to have a significant adverse impact on the highway network. Off street parking is available for at least 3 cars. The Highway Authority has no objection to the proposal.

#### Other Matter

- 5.15 Precedent has been raised as a concern by objectors. Each application would be assessed on its own merits. In this case the visual appearance of the building and its ancillary use is not considered to set an undesirable precedent or to erode the character and environment of the area.

#### Conclusion

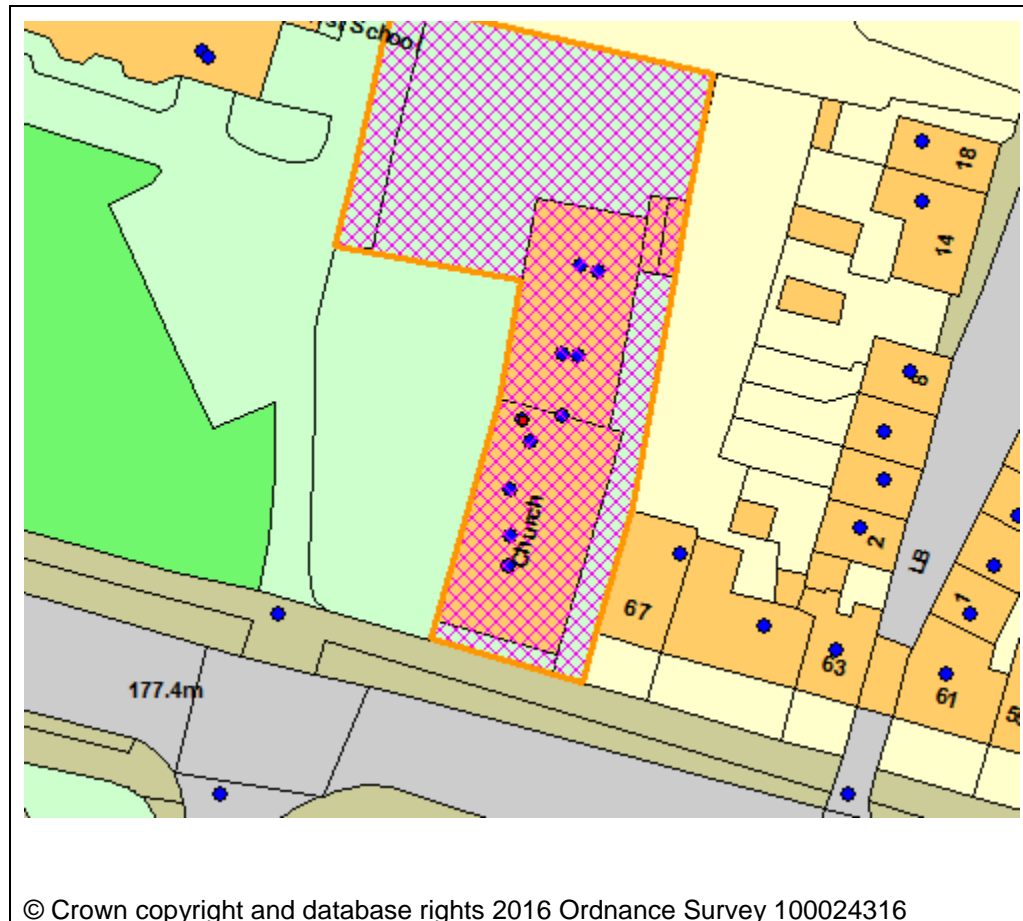
- 5.16 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits in accordance with the policies referred to herein.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The annexe 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: Permission is granted to meet the needs of the applicant. A permanent unrestricted dwelling in this location would not be appropriate due to lack of a separate access or sufficient private amenity space.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, outbuildings or new openings other than those expressly authorised by this permission, shall be erected on the site or openings inserted into the annexe building.  
REASON: Control is needed to ensure no overdevelopment of the site or unacceptable residential amenity impacts.
- 6 Prior to occupation, a 1.8m high boundary fence, shall be erected alongside no.5 Churchill Close, and thereafter retained.  
REASON: To safeguard the residential amenity of the neighbouring occupants.

Application Number	I6/02504/S73
Site Address	Chipping Norton Baptist Church New Street Chipping Norton Oxfordshire OX7 5LL
Date	21st September 2016
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Chipping Norton Parish Council
Grid Reference	431173 E 227127 N
Committee Date	3rd October 2016

**Location Map**



**Application Details:**

Non compliance with condition 2 of planning permission 14/0694/P/FP. Revised external fire escape door position in eastern elevation.



**Applicant Details:**

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

**1 CONSULTATIONS**

- 1.1 Parish Council                      The Town Council have considered planning application 16/02504/S73 Chipping Norton Baptist Church, New Street, Chipping Norton and have objected due to principle that this is yet another retrospective planning application.

**2 REPRESENTATIONS**

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

The condition to which the appeal relates is the condition which reiterates the original planning proposal. Seeking a general and unspecific variation to condition 2 provides the developers carte blanche over all previous conditions. The developers have a history of ignoring permissions and seeking retrospective agreement to their actions. I do not know what they are planning to do under this application, but with their past history, register my strong objections.

Ms Kate Ward of 6 Distons Lane Chipping Norton has commented as follows:

As a neighbour overlooking the church I am extremely concerned by this application which appears to seek permission for non-compliance with Condition 2 of the previous planning permission 14/0694/P/FP. The applicant has a history of non-compliance and submitting retrospective applications; to date he has made 17 planning applications relating to this one development. He has repeatedly demonstrated a total lack of respect for the architectural integrity of this Listed Building - and for the neighbours. Removal or any weakening of Condition 2 would appear to give Mr Rice carte blanche to carry out any works that he wishes. Hence I ask that Condition 2 remains in place in full.

For your information, it appears that little respect has been paid by the developer to the Listed Building status. Internal features have been destroyed (as recorded on the church's own website and Facebook pages) and, externally, window design, modern guttering with metallic netting, a satellite dish and aerial, pay no regard to architectural features to the detriment of the historic value of this church property. Also, since the gravestones from the churchyard have been deliberately smashed up and removed from the site, the hard landscaped path alongside the eastern wall of the building, detailed on the drawings and subject to planning permission, appears not to be incorporating unmarked gravestones.

I also note that Drawing 314 shows changes in the design of the church windows (and those in the rear church building) - which are the subject of a separate retrospective planning application.

Regarding retrospective repositioning of fire exit doors: A door has been inserted beneath the northernmost window in the east wall of the old church. When this part of the church wall was

demolished and a hole created I was advised by Mr Rice that this was "temporary" to enable ingress and egress only during the refurbishment phase. It appears now to have been the intention to insert permanent doors into this space.

The presented reason is to facilitate better fire escape position from the church. This door is now located in the corner of the church hall and opens into a narrow alley confined by a building on the neighbouring property. A better (safer) exit could be provided in the west wall of the church hall.

Should a fire door be retained in the east wall, I ask that every precaution be taken such that the door can only be opened in an emergency and otherwise kept firmly closed and locked. From experience we know that the noise from within the new church hall is unbearable from my property; the installation of a loud speaker array, amplifying speech and music, means that we can hear every sound when this is in use; this has been a matter of a separate complaint submitted to the WODC Environmental Health, Public Protection department. I request that no doors or windows in the east wall of the church hall should be capable of opening under normal circumstances.

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

This application seeks retrospective permission for an amended position of the external fire escape door for Chipping Norton Baptist Church.

The original door position was approved on the application reference 14/0694/P/FP. The proposal seeks retrospective permission to move the door to the north to the adjacent original window. The 'as built' position was shown on the external doors details that were approved by WODC as part of the approval of a condition (15/04204/CND) on the original application.

The revised door position has been reviewed and approved by the Baptist Union Listed Advisory Committee.

The 'as built' position opens onto the same alley as originally approved and has no effect on the amenity space of neighbours.

### **4 PLANNING POLICIES**

BE2 General Development Standards

BE7 Alterations and Extensions to Listed Buildings

BE5 Conservation Areas

EH7NEW Historic Environment

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

### **5 PLANNING ASSESSMENT**

#### Background information

- 5.1 This application is seeking retrospective planning permission to amend the siting of a fire door on the eastern elevation of the church the location of which is at variance with planning permission 14/0694/P/FP.

- 5.2 Planning permission was approved under 14/0694/P/FP 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.

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

Siting, Design and Form

- 5.3 The siting and design of the door is considered to respect the architectural character and appearance of the listed building and does not harm the architectural integrity of the building. The repositioning of the door has a neutral impact on the character and appearance of the Conservation Area. As such the recommendation regarding this development is considered to accord with the statutory requirements of S66 and S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

- 5.4 In the representations received in respect of this application a case has been put forward that if approved the fire door should have restricted opening times in the interests of the residential amenity of the nearby occupiers. In light of the fact that planning permission has been granted for a fire door serving the church on the eastern elevation under 14/0694/P/FP without conditional restrictions, your officers are of the view that no such condition can be attached to the retrospective fire door.

Retrospective Applications

- 5.5 This application is to be determined by the Sub Committee because the Town Council has objected to the application. The grounds for objection are not based on the planning merits of the proposal but because the development is retrospective. In respect of retrospective development the guidance from Central Government is as follows:
- 5.6 Nothing in the guidance should be taken as condoning a wilful breach of planning law. However, enforcement action should be proportionate to the breach of planning control to which it relates and taken when it is expedient to do so. Where the balance of public interest lies will vary from case to case.
- 5.7 In deciding, in each case, what is the most appropriate way forward, in respect of retrospective developments, local planning authorities should usually avoid taking formal enforcement action where:

there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;

development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;

in their assessment, the local planning authority consider that a retrospective application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

- 5.8 In your Officers opinion, in light of the above guidance and given that the merits of the case, the appropriate mechanism for addressing this technical breach of planning control is through the submission of a retrospective planning application.

Conclusion

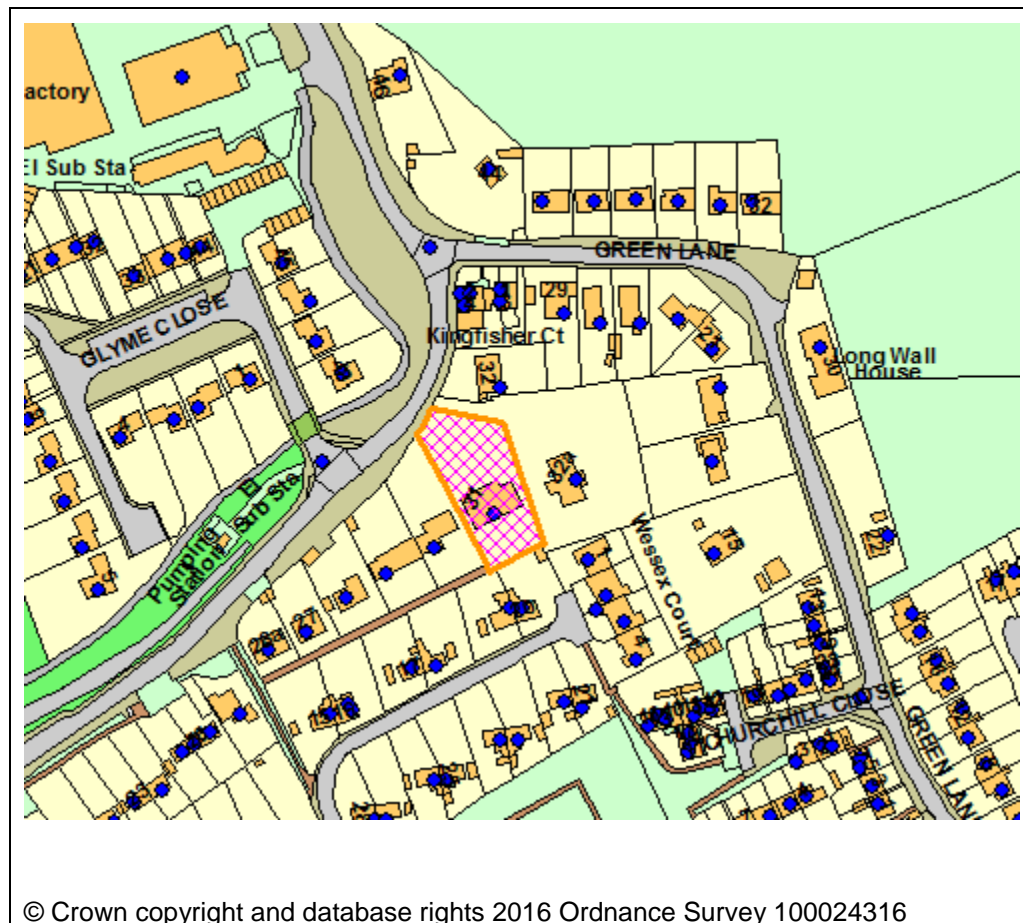
- 5.9 In light of the above assessment the application is recommended for conditional approval.

**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.

Application Number	16/02740/HHD
Site Address	Rosebank 31 Brook Hill Woodstock Oxfordshire OX20 1JE
Date	21st September 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	444841 E 217057 N
Committee Date	3rd October 2016

**Location Map**



**Application Details:**  
Construction of carport.

**Applicant Details:**

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

**I CONSULTATIONS**

- I.1 Parish Council
- Whilst there seems to have been some reduction in the height of this car port, the Council feels that it is still an unacceptably large building for this particular situation. It dominates the bungalow next door, which is far closer than Rosebank itself. Furthermore the car port is set on a driveway which is well above the ground level of the house next door. Woodstock Town Council therefore **OBJECTS** to this application on the following grounds:
- Local Plan 2011  
H2a - "erodes the character and appearance .... private open space"  
H2d - creates unacceptable living conditions for existing and new residents  
BE2b  
NPPF point 58 - particularly the first bullet point

**2 REPRESENTATIONS**

Mr Drewett made the following comments in objection to the application which are summarised below:

- The structure will still overshadow our property as we are much lower and as we are at the bottom of the hill/slope.
- We still feel that the car port structure will become a caravan cover and could become much larger by retrospective planning as the plans do not have an actual finished height.
- From our garden we already see a feather board fence, this construction would appear to be sat on the top of it.

Dr Lloyd made the following comments in objection:

- The minimum interior height specification is a requirement and not a height specification for planning purposes, this would make the overall height of the building 3.1 metres from the hard standing and 3.7 metres against the boundary and the building with its barn like structure would appear unsightly.
- The area has a high landscape value and the development would look unsightly and devalue the amenities of the area. The building would be out of keeping with BE2 and H2 and would not respect the scale, pattern and character of the area. There are no other imposing barn like structures in the front of the houses in Brook Hill or the surrounding area.
- The building does not accord with Paragraphs 14 or 64 of the NPPF. The structure would appear unneighbourly to us and to the residents of 32 Brook Hill.

- The building would still be visible from the front garden of 32a and will still overshadow the front garden of no32 Brook Hill and will be detrimental to the amenities of their front garden and their house.

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

The plans have been amended on officer's advice and in relation to the comments made by members in relation to the previous application. The height of the structure has been reduced to limit the scale of the building and the extent to which it appears prominent in the street scene and to limit the impact on the adjacent neighbour in terms of overshadowing and light loss. The length of the car port has been also been shortened reducing the visual impact of the development in terms of its appearance in the street scene.

### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 OS1NEW Presumption in favour of sustainable development  
 OS4NEW High quality design  
 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 timber clad car port located to the front of a two storey dwelling at Brook Hill a residential street in Woodstock, with a suburban character. The proposed car port would be located in a position close to a wooden panel fence and adjacent to a driveway serving a detached property to the rear of Rosebank.
- 5.2 The proposals are a resubmission of an application which was refused by members at planning committee in November 2015 (15/02786/HHD).The previous application was refused on the basis that the development was of an inappropriate design and of an overbearing scale which would be detrimental to the character of the area as well as the amenity of the adjacent dwelling 32 Brook Hill.
- 5.3 Officers have brought the application before members as the previous application was decided by members, and Woodstock Town Council have objected to the amended proposals.
- 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, Scale and siting
  - Impact on residential amenity
  - Drainage

### Principle

- 5.5 The development of car ports, including those forward of the principle elevation of a dwelling are a relatively common form of householder development and the development in principle is considered acceptable.

### Siting, Design and Form

- 5.6 The previous refusal reason centres on the scale of the building and the structure having an overbearing appearance. The previous structure ranged between 4 metres in height to the roof ridge at the highest point at the west elevation to 3 metres on the east elevation closest to the house. The present proposals extend to a maximum height of 3 metres to the roof ridge as the car port slopes according to the gradient of the site. The proposed structure is also considerably smaller in terms of footprint than previously proposed and the length of the structure has been reduced from 10.2 metres to 7.2 metres.
- 5.7 The proposed car port is relatively low in terms of height, with only approximately 1.5 metres of the close boarded north side elevation of the structure being visible above the existing panel fence. The side of the structure facing Brook Hill would be open sided and officers consider that the scale of the structure would not appear excessive, overbearing or particularly prominent in the street scene. Officers consider that the amendments made to reduce the scale of the development overcome the previous reason for refusal.

### Highways and drainage

- 5.8 The development would not impact on existing highway safety or amenity. Members previously raised concerns regarding surface water runoff given the sloped gradient of the site. Officers consider that a condition requiring details of surface water drainage would be adequate as suitable drainage measures can be provided on the site.

### Residential Amenities

- 5.9 It was previously considered that the development would have a detrimental impact on the amenity of the occupants of the adjacent property, No.32 Brook Hill. The side elevation of No.32 is located approximately 6 metres from the side wall of car port. Given the reduction in height of structure by 1 metre and the reduction in the footprint of the car port, officers consider that the impact on the adjacent property would be substantially lessened particularly in terms of how the mass of the structure may appear overbearing. The reduction in height by 1 metre would restrict overshadowing and the development would not result in direct light loss to the front windows of No.32. Officers consider that with the amendments made to reduce the scale of the structure, the development would not have a significantly detrimental impact on the amenity of No.32.
- 5.10 The objections raised by the occupants of No.32a are noted. Although the development would be sited adjacent to the boundary of 32a, the structure would be next to an access road and lies a considerable distance from the property itself and the main curtilage space of this dwelling. Officers therefore consider that the impact of the development on the amenity of 32a would be negligible.



## Conclusion

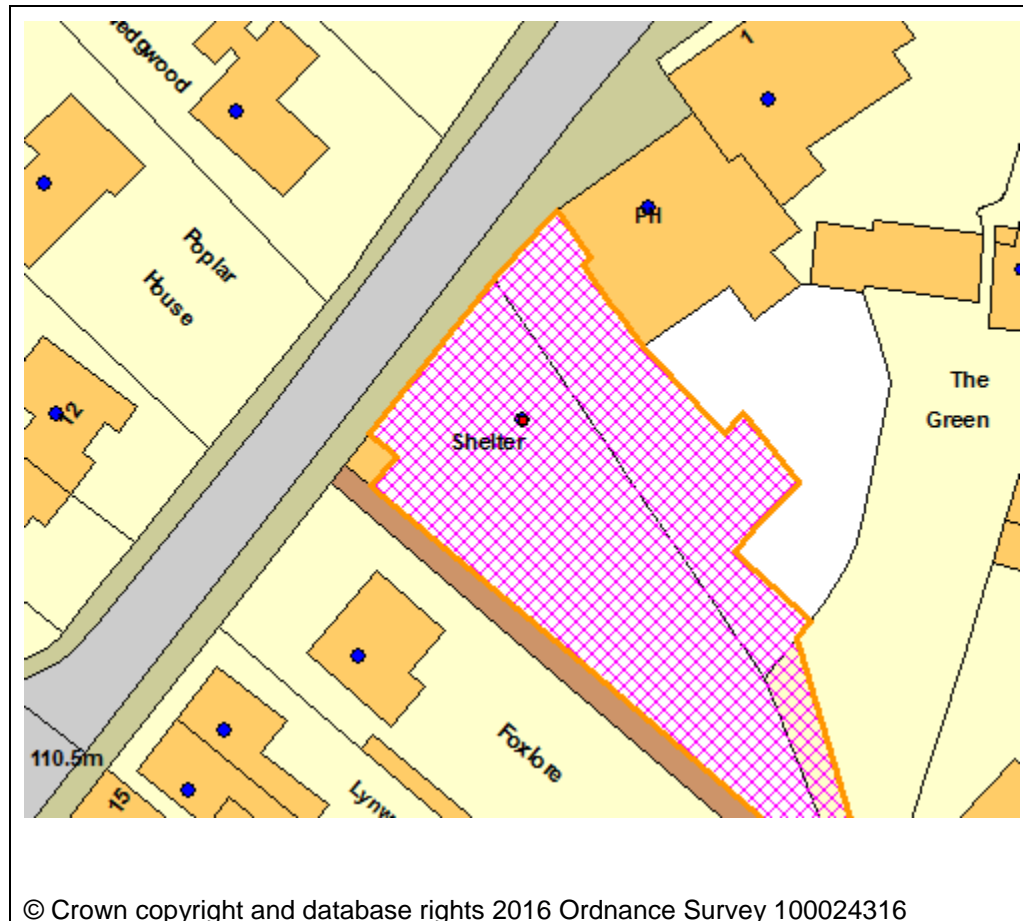
- 5.11 The reduction in both the height and length of the structure significantly greatly lessens the visual impact of the proposed car port when viewed from the street scene in Brook Hill and officers consider that the structure would not appear visually prominent. The reduction in scale of the structure lessens the impact on the adjacent property No.32 Brook Hill and officers consider that the scale of the amended car port would not appear overbearing and would not result in substantial overshadowing or loss of light. As such approval is recommended.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls of the car port; shall be constructed with timber;, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 4 The hardstanding adjacent to the car port shall be drained in accordance with details submitted to the Local Planning Authority.  
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

Application Number	16/02682/FUL
Site Address	Land South West Of The Hare High Street Milton Under Wychwood Oxfordshire
Date	21st September 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426454 E 218273 N
Committee Date	3rd October 2016

### Location Map



### Application Details:

Erection of two dwellings and associated works.

**Applicant Details:**

DP Architects  
Leywood House  
47 Woodside Road  
Amersham  
HP6 6AA  
Buckinghamshire

**I CONSULTATIONS****I.1 Parish Council**

Mrs J Miller Milton under Wychwood Parish Council opposes this development on the following grounds:

1. The last application made for this site was dismissed on appeal. The main objection being that the pub would not be viable without a substantial car park.

2. The Hare is now thriving. But the site is still a de facto car park for the pub. It is extensively used for customer parking. Therefore the Inspectors judgement has not been tested.

3. We believe that judgement is still sound and that the Hare would suffer a significant business decline without this facility.

4. The High Street outside The Hare is very heavily populated with parked cars on busy evenings (for The Hare). There is every reason to suppose this will become unmanageable if the car park were not available.

5. There is already a nuisance parking problem outside No.1 The High Street caused by parking for The Hare.

6. The application includes an 'independent' report on parking in the High Street. And unsurprisingly states there is no problem. Any objective assessment made during busy periods (especially at weekends) would conclude this is not the case.

In summary: The development represents a high level of risk to the viability of our one remaining pub, and a very high risk of considerable traffic disruption - for a gain of only two (high end) additional housing units.

**I.2 WODC Architect**

No Comment Received.

**I.3 OCC Highways**

Having gone through the proposals for the application referenced above, I wish to make the following recommendation:

Recommendation - No objection.

I.4 WODC Drainage Engineers A drainage plan will need to be submitted, showing the location, size and form of the existing/proposed surface water drainage system. This must also include all construction details for all surface water drainage components.

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.

We welcome the use of permeable construction. However, a laying specification will be required.

Due to the adjacent highway being extremely susceptible to surface water flooding, if the adjacent highway were to flood, then this could result in residents/visitors being unable to leave the area and therefore isolation for the residents/visitors of this site could occur. Therefore, please note that emergency plans and emergency routes for safe access and egress are required.

Thames Water No objection

**2 REPRESENTATIONS**

Four Objections have been received in relation to this application, the objections are summarised below:

- All 3 objections reference the loss of the parking and state that this would impact on the viability of The Hare, through a reduction in the number of visitors.
- The Hare would be left with just 7 parking spaces. With staff using 3 or 4 of the spaces, a mere 3 or 4 spaces would be for pub clients.
- If the application is declined it is hoped that the owners would offer the car park to The Hare.
- If the Hare loses the car park the village will be subjected to more parking problems and congestion.
- The shared use of the car park and new houses will cause problems for house owners as their entrance will regularly be blocked by customers of the pub as parking would be limited.
- The comments made by the County Highways officer are inaccurate and ignore the comments of the inspector made during the dismissed appeal, where it was considered that the development would cause issues of on street parking.

**3 APPLICANT'S CASE**

3.1 The applicant's design and access statement attempts to address concerns raised by the inspector following a dismissed appeal on the site made in 2014. The applicants state:

- 3.2 The new proposals are the erection of a pair of simple semi-detached dwellings, which reflect the traditional and simple forms of neighbouring dwellings. The dwellings present simple gables to the flank elevations, and are significantly reduced in depth compared to the refused proposals.
- 3.3 The new proposals have a separation of over 11m between the two storey elements of The Hare and the new dwellings. The access drive will be a 4.8m wide increasing to 7.3m at the crossover to allow two vehicles to pass each other to avoid vehicles blocking the High Street when waiting to enter or leave the site. This narrows to 4.4m wide with a demarcated pedestrian route to provide access to the car parking area at the rear. The level of traffic movements will be considerably lower than previous proposals. In compliance with the local parking standards, and market demand, each dwelling will be provided with 2.5 parking spaces. The new dwellings will be provided with open fronted carport parking, which is sized to provide parking spaces 2.9m wide. There is a clear reversing and manoeuvring area of a minimum depth of 7m by 10.3m for the dwellings and a separate manoeuvring area of 10 x 10m for the public house carpark.
- 3.4 The proposed dwellings will be considerably smaller than the refused schemes. The impact on neighbouring dwellings will be commensurately less than the refused schemes which were considered to be acceptable, in this regard.

The Design and Access Statement includes the following comments in support of the scheme:

#### Design

- 3.5 In consideration of criticisms of past proposals, DP Architects were appointed as the new architects to the scheme to produce sympathetic designs taking into consideration the character of the area and the guidance in the Draft West Oxfordshire Design Guide 2015. A pair of simple flat fronted semi-detached dwellings is proposed.
- 3.6 The dwellings are modest in height with projecting rear gables to limit roof massing. Prior to commencing the design, the neighbours opposite were consulted, and requested that the new dwellings should be set back from the footway to allow for small front gardens and to enable some tree planting. We have accommodated these requests, and also confirm that the stone wall to the road frontage is retained. While the planning inspector considered that second floor accommodation facing High Street was acceptable, the proposed attic accommodation faces southeast towards the rear gardens, to ensure that the dwellings opposite do not suffer from perceived overlooking or over dominance.
- 3.7 The attic will be lit via conservation roof lights. The dwellings will be positioned broadly in line with neighbouring Foxlore to ensure there is no over shading or over dominance. The rear facing windows will provide surveillance of the public footpath to the south eastern boundary.
- 3.8 A wide separation is of 11m is proposed between the two storey elements of The Hare and Plot 1, providing views though the site as well as providing sufficient space for pedestrians to reach the rear carport. The detailing of the proposed dwellings reflects the guidelines set out in the Draft West Oxfordshire Design Guide 2015. Chimneys are topped with red brick; porches are simple flat topped timber bracketed elements. Windows are simple timber cottage style,

painted in sympathetic colours. There will be no bargeboards. A previous scheme by D P Architects, converting The Lamb, at Bladon, to a residential dwelling and the erection of a number of new dwellings provides an example of the detailing and materials proposed for this new development at The Hare.

#### Access and Parking

- 3.9 The site is served by an existing access onto High Street, this will be retained and then new access drive will be 4.8m wide increasing to 7.3m at the crossover to allow two vehicles to pass each other to avoid vehicles blocking the High Street when waiting to enter or leave the site. The level of traffic movements will be considerably lower than previous proposals. In compliance with the local parking standards, and market demand, each dwelling will be provided with 2 parking spaces and one shared visitor space. The new dwellings will be provided with open fronted carport parking, which is sized to provide parking spaces 2.9m wide.
- 3.10 There is a clear reversing and manoeuvring area of a minimum depth of 7.0m by 10.3m. The access drive will be constructed in tarmac, to match the existing surface, while the residential parking court will be finished with Permeable Block cobbles to provide a SUDS scheme, as well as reflecting the character of the area. The position of the parking to the rear of the site reduces the dominance of parking in the street scene. The rear windows of the dwellings will provide active visual surveillance. Each dwelling will be provided with a shed to provide secure cycle storage. Within the site the driveway layouts are designed to meet Part M of the Building Regulations and recent disability legislation, especially with regard to inclusivity. Internally, the dwelling is designed within the spirit of lifetime homes requirements, with the potential for usability by those who develop a disability or infirmity.
- 3.11 7 parking spaces for The Hare are shown on the application drawings. This parking which is outside the application site area, and is being provided by the purchasers of The Hare. West Oxon Parking Standards for non-food retail, which is the classification for Public Houses, is 1 parking space per 20m<sup>2</sup> of public area. The public area, including toilets is 105m<sup>2</sup>, which gives a requirement of 5.25 spaces. The more specific requirements for Oxford City Council are 1 space per 20 m<sup>2</sup> public floor space. Plus, 1 space for resident staff, which would generate a higher requirement of 6.25 spaces. Thus the provision of 7 spaces creates a slight over supply of parking spaces for the public house. We note that the council's standards are for a maximum supply.

## 4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H6 Medium-sized villages

TLC12 Protection of Existing Community Services and Facilities

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

E5NEW Local services and community facilities

E5NEW Local services and community facilities

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling  
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 two detached dwellings on land to the South West of The Hare Public House in the centre of Milton Under-Wychwood. The Hare was formerly known as The Quart Pot and was closed for a period of time. The pub has since reopened following renovation. The site has previously been subject of a number of planning applications; these are referred to within this report.
- 5.2 This application is a resubmission of a previously withdrawn planning application (16/00042/FUL) for two detached dwellings on the same site. Two semi-detached dwellings fronting the High Street are proposed with associated landscaping and residential parking for the two properties to the rear and a further area of parking to serve The Hare Public House. Both The Hare and the proposed dwellings would be served by a single means of access to the side of the pub. The proposed dwellings would be located on an open area of vacant hardstanding to the side of the pub. This area of hardstanding previously formed part of an area of parking for the pub as recently as 2014 when a previous application was refused on this site. The land is now under separate ownership although the area continues to function as informal parking for the pub.
- 5.3 An application for four dwellings and an application for eight flats were both refused in 2014; both applications were subsequently dismissed at appeal. A further three applications made in 2011 for single dwellings on the site were all refused. The previous refusal reasons have centred on design issues, issues of access and highway amenity and the loss of an area of the pub beer garden and parking and the subsequent impact on the viability of the business. The appeal inspector in 2014 upheld the Councils reason for refusal on viability grounds due to the deemed impact of the loss of the land on the future viability of the pub business.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of development
  - Design, scale and siting
  - Impact on highway safety, amenity and parking
  - Residential Amenity
  - Impact on the viability of the existing business

### Principle

- 5.5 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. Recent appeal decisions have determined that West Oxfordshire District Council are unable to

demonstrate at present a five year supply of housing and in this context, Paragraph 49 and 14 of the NPPF is enacted.

- 5.6 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. Milton under Wychwood is listed as a medium sized village and the development of appropriate sites within the settlement area is supported in line with the provisions of Emerging Local Plan Policy H2.
- 5.7 The site is brownfield land and the development of such sites is supported within Paragraph 17 and 111 of the NPPF. Officers consider that the site is a sustainable location for the development of two dwellings, given the sites proximity to existing services and facilities in the village.

#### Impact on the Viability of the Public House

- 5.8 The impact of the proposed development on the future viability of The Hare public House is a key consideration and is referred to in representations made by the Parish Council and third parties. Pubs are important community assets and development should where possible ensure the retention and should not compromise on the future viability of such assets. The importance of retaining community assets is referred to in Policy TLC12 of the Existing Local; Policy E5 of the Emerging Local Plan and Paragraphs 28 and 70 of the NPPF. The key issues raised relate to the potential loss of parking and its impact on the viability of the business and also the loss of available space for the pub to expand.
- 5.9 Previous applications have been refused on the grounds that the loss of the area of hardstanding in question would compromise the future viability of the public house. In the two joint dismissed appeals on the site which relate to the refusal of two separate applications in 2014 for eight flats (14/0229/P/FP) and four dwellings (14/0364/P/FP) the appeal inspector refers directly to the issue of the loss of the land adjacent to the pub and the subsequent impact on viability. The inspector considered that the development would result in a “significant reduction in the amount of land associated with the public house”. The inspector considered that the greater the area of land associated with the pub “the greater the asset” and “the greater opportunities to expand the business. It was considered that “without the larger area of land associated with The Quart Pot it would not have a viable future”. The inspector concurred with officers views at the time that the development would be contrary to Policy TLC12 of the Existing Local Plan.
- 5.10 Whilst the present application similarly proposes development on the same area of land adjacent to the pub, the circumstances have materially changed since the determination of the previous applications on the site and the subsequent dismissal of the appeal. In the determination of previous applications on the site during its time as The Quart Pot, the land subject of this application was directly associated with the public house and was shown on the red edged development area which covered both the public house and adjacent land. The present application shows a red edged area only around the land adjacent to the pub and the access. The land subject of this application is under separate ownership although it is noted that the area of hardstanding functions as an informal parking spaces for visitors to the pub. As the



land is under separate ownership this space is no longer directly associated with the pub's function and operation and subsequently officers consider that refusal on the basis of TLC12 of the Existing Local Plan and E5 of the Emerging Local Plan would not be justified.

- 5.11 In the consideration of previous applications officers gave weight to the function of the land as parking for the pub and considered that the reduction in parking may affect the viability of the business to reopen as well as the potential of the land to deliver future development which may enhance the future viability of the pub, for example the provision of a beer garden and outdoor seating. Whilst the land presently functions as informal parking there is no mechanism to ensure the continuation of the land for this use and this would be at the discretion of the owner, for example the land owner may under permitted development rights decide to erect a fence preventing parking on this site. Critically the pub has reopened and is trading without ownership of the application site. As such the loss of the hardstanding and area of informal parking cannot therefore in these circumstances be considered as a viability issue in terms of the pub's future ability to function or expand the business operations.

#### Siting, Design and Form

- 5.12 The site is located in the centre of Milton Under-Wychwood and the immediate area contains a mix of vernacular and non-vernacular buildings of a varied character and appearance. The proposed semi-detached dwellings would be of a vernacular character with a simple form on the front elevation with rear cross gables. The design would be largely consistent with the traditional character of the village and the buildings would be constructed from natural stone to match the adjacent Hare Public House. The proposed layout would front the High Street and would be consistent with the existing linear pattern of development and building line along the High Street. The front stone wall which is typical of the character of the street scene would be in the most part retained, with the exception of a small pedestrian access. The existing site consists of vacant hardstanding and detracts from the appearance of the street scene. Officers consider that the erection of two appropriately designed dwellings, with landscaping would enhance the street scene on The High Street.

#### Highways

- 5.13 Concerns have been raised regarding the proposed provision of parking on the site and the loss of the area of hardstanding, currently functioning as informal parking. Concerns have been raised that the loss of the informal parking would lead to an increase in on street parking on surrounding roads, notably the High Street.
- 5.14 As cited in section 5.3 the Council would be unable to prevent the existing hardstanding from being blocked off or the site owner to prevent parking within this area. The existing parking area under the ownership of the Hare would not be altered and 7 parking spaces would be retained to serve the building such as a public house of the footprint size of The Hare would require a parking provision of 5.25 spaces. In terms of accessibility for the local community, the pub is located in the centre of the village and is in walking distance for the majority of residents in Milton under Wychwood. It is acknowledged that a number of visitors to the pub travel by car, however as the parking provision meets minimum standard officers consider that there would be insufficient grounds to refuse the application on the basis of the loss of parking provision particularly as there is little scope to ensure that the development site is retained in the future as parking for the public house. Officers note that OCC Highways have raised no objections to the development on highway safety or amenity grounds.

- 5.15 The proposed parking for the dwellings meets minimum parking standards and the proposed access point onto the High Street adjacent to The Hare is considered suitable and would not compromise highway safety or amenity.

#### Residential Amenities

- 5.16 The only property likely to be materially affected by the development would be the adjacent property to the south of the site known as Foxlore which is a single storey detached bungalow. Officers consider that the separation distance proposed between the side of Plot 2 and the side elevation of Foxlore would ensure that the development would not compromise the amenity of this property. Although the proposed dwellings would be higher than Foxlore it is not considered that the general scale of the properties would be overbearing. A side window is proposed in the south elevation of Plot 2, which faces Foxlore. Officers consider that a condition requiring that this window be fitted with obscure glass would be necessary to protect the amenity of Foxlore.
- 5.17 The proposed dwellings would be served by an adequate quantity of domestic amenity space, with a further area of allotment space to the rear of the site, serving Plot 2.

#### Conclusion

- 5.18 Officers consider that the proposals represent sustainable development and would provide two appropriately designed dwellings in a sustainable location on a brownfield site in the centre of Milton Under-Wychwood. Officers have given due consideration to the previously refused applications on the site and previous appeal decisions most notably the 2014 appeal decision. It is considered that present circumstances are materially different given the change in ownership of the site which means that the area of hardstanding and informal parking which forms the majority of the development site can no longer be considered as part of the same planning unit as the public house and therefore subsequent development of the site would not be directly linked to the pubs viability. Given the fact that the pub is now trading your officers no longer consider that this would be a sufficient reason to justify refusal, particularly in the absence of a 5 year housing land supply.
- 5.19 In considering these factors officers are of the opinion that the development would not be contrary to Policy TLC12 of the existing local plan or Policy E5 of the Emerging Local Plan. Officers therefore consider the development to be compliant with the provisions of the Existing and Emerging Local Plans and the relevant provisions of the NPPF.

## **6 CONDITIONS**

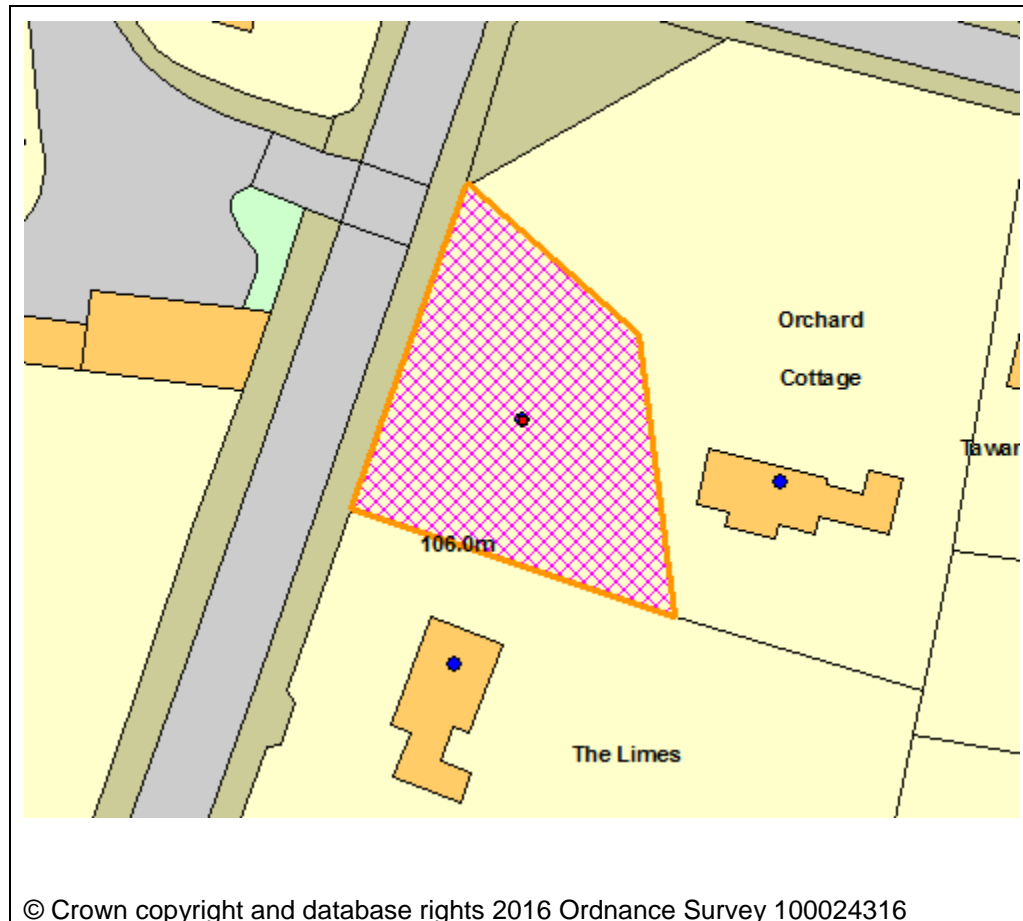
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried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

- 3 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 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.
- 6 No dwelling shall be occupied until the vehicular accesses, car parking spaces and turning areas that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.  
REASON: In the interests of road safety
- 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 the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.  
REASON: To ensure the adequate provision of amenity space to serve the dwellings

- 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).

Application Number	I6/02833/FUL
Site Address	Land At The Limes High Street Shipton Under Wychwood Oxfordshire
Date	21st September 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427847 E 217757 N
Committee Date	3rd October 2016

### Location Map



### Application Details:

Erection of detached dwelling with associated parking.

**Applicant Details:**

Mr And Mrs J Fletcher  
6 Courtlands Road  
Shipton Under Wychwood  
Chipping Norton  
Oxfordshire  
OX7 6DF

**I CONSULTATIONS**

- I.1 Parish Council Shipton-u-Wychwood Parish Council objects to this planning application:
- The development is located in the central part of the village and is thus highly visible but it does not fit in with surrounding buildings, the design being a flat green roof for the majority of the property and a slight pitch roof for the rest of it.
  - There is no effective frontage onto a highly important corner of the village.
  - The design is against all the principles of a Conservation Area.
  - This has been a contentious piece of land which has seen numerous applications refused in the past and the PC sees no reason to change it.
  - Mr Cochrane's issue of the restrictive covenant on this land is noted.
- I.2 WODC Architect This application contains a number of essentially minor amendments over the previous scheme - including in terms of position of the proposed building. As per my previous comments, I believe the design is responsive to the constraints of the plot and the sensitivities of this part of the CA, being fairly modest in scale and massing, physically low and visually low-key, with a local stone wall with single window opening in the key W elevation. Re the pitched roof volume, this is a simple form, in local stone and with plain tiles to match the neighbouring properties. The proposed roof-lights are perhaps unfortunate - though there is a case for additional light, given this is the only elevation in which openings can be made.
- Overall, I do not believe a compelling case can be made either that this proposal would cause undue harm to the CA or to the LB opposite.
- I.3 OCC Highways Oxfordshire County Council, as the Local Highways Authority, do not wish to object to the granting of planning permission for the above planning application, subject to conditions.
- I.4 Thames Water No objection

## **2 REPRESENTATIONS**

Three letters of objection have been received and are summarised as follows:

- The distance between the proposed dwelling and Orchard Cottage is small and the development would impact on the amenities of this property.
- The development would be invasive and would result in overshadowing and a reduction in natural light. The development would lead to Orchard Cottage appearing boxed in.
- The only usable amenity space would overlook the living space of Orchard Cottage and is elevated due to the natural slope of the land.
- The irregular shape and small size of the plot dictates that the proposed dwelling would be unconventional in form and sited against the boundaries of the adjacent properties. The development would adversely affect the amenity of The Limes.
- The poor quality form of the dwelling together with the use of materials is detrimental to the setting and neither complements or harmonises with the vernacular architecture of the immediate area. The development is unsympathetic with the character of the Conservation Area.
- Placement of the dwelling so close to the beech hedge would have a detrimental impact on its health.
- The new dwelling would be the only property with parking located forward of the principle elevation.
- The plot of land is too small to accommodate a well designated dwelling of appropriate proportions which would complement the existing scale and pattern of historic development in the local environment.
- An assessment is not included in the design and access statement of the effect of the proposal on the character and appearance of the Conservation Area.
- WODC refused an application for a dwelling on the site which was dismissed at appeal. The principle of whether development on this site is acceptable remains unchanged.
- The Council has been consistent in refusing applications to develop infill plots within the Conservation Area.

## **3 APPLICANT'S CASE**

- 3.1 We believe that the proposal submitted in this application provides a suitable and quality architectural approach to the brief, whilst minimising its impact on the surrounding properties.
- 3.2 In our design we have been mindful of the neighbouring properties and have designed the proposed dwelling with the intention of reducing its visual impact as much as possible, within the confines of the site.
- 3.3 We therefore believe that the proposed development would due to its design, form, scale and massing would preserve and enhance the character and appearance of the surrounding area. We feel that the drawings submitted achieve a successful balance between our clients optimum requirements and the effect on the surrounding area without compromising the architectural quality and vision for the scheme.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements  
BE5 Conservation Areas  
BE8 Development affecting the Setting of a Listed Building  
H2 General residential development standards  
H6 Medium-sized villages  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH7NEW Historic Environment  
T1NEW Sustainable transport  
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 single storey detached dwelling located within a small infill plot adjacent to two properties and fronting The High Street, within the Shipton under Wychwood Conservation Area. The proposed dwelling would be of a contemporary form but would be constructed in part from natural stone. The immediate area is characterised by a mix of vernacular stone dwellings and more modern 20th century properties including the adjacent properties, The Limes and Orchard Cottage.
- 5.2 The application is a resubmission of a withdrawn planning application submitted earlier this year for a dwelling of a similar design and form (16/00448/FUL). The proposed dwelling has been moved slightly further from the boundary of the adjacent property Orchard Cottage which is located to the rear of the site.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Design, scale and form of the dwelling
  - Impact on the character and setting of the Conservation Area.
  - Impact on the setting of nearby Grade II listed buildings.
  - Highway safety and amenity.
  - Impact on residential amenity.

### Principle

- 5.4 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. Recent appeal decisions have determined that West Oxfordshire District Council are unable to demonstrate at present a five year supply of housing and in this context, Paragraph 49 of the NPPF is enacted.



- 5.5 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. Shipton under Wychwood is identified as a medium sized village within the Existing Local Plan and infill development, which forms a logical complement to the Existing pattern of development is supported within Policy H6 of the Existing Local Plan and Policy H2 of the Emerging Local Plan.

#### Siting, Design and Form and Impact on Conservation Area Setting

- 5.6 A key consideration is whether the design of the dwelling responds to the character of the Conservation Area setting and whether the loss of the existing area of open space would be deemed harmful to the character of the Conservation Area. Paragraph 137 of the NPPF states that local authorities should look for development opportunities within Conservation Areas, providing proposals make a positive contribution to the Conservation Area setting. Paragraph 138 of the NPPF states that not all elements of a Conservation Area necessarily contribute to its significance. An assessment therefore is required as to the significance of an elements contribution to the Conservation Area Setting and whether development amounts to substantial harm or less than substantial harm in accordance with Paragraphs 133 and 134 of the NPPF.
- 5.7 In considering this application officers have given due consideration to the sites contribution as an area of open space to the character of the Conservation Area and whether the principle of development on this site is acceptable. Officers give due weight to a previously dismissed appeal on the site in 1995 for a dwelling of a larger scale and mass. The application was refused on the basis that the siting of the development would result in a “cramped, overcrowded and congested form of development which would be inconsistent with the spacious landscape character of the area”. The development at the time was considered to “fail to preserve and enhance the visual amenities of the Conservation Area”. The inspector agreed that the erection of a house would erode the open character and nature of the Conservation Area.
- 5.8 The context of the site remains open and the present application is for a similar type of development, namely the erection of a single detached dwelling. The sites present contribution to the Conservation Area setting is to provide a visual break in the density of the built form which is relatively loosely knit. The site exists as an area of private domestic curtilage space which is not associated at present with either adjacent property and the sites value is purely of a visual nature. Although the site is sensitive given its relative prominence in the Conservation Area, officers do not consider that the principle of siting a dwelling on the site is unacceptable however as the desirability to retain a degree of openness is an important factor, this would limit the scope of development permissible on the site. Given the size and relatively constrained nature of the site as well as the considering the potential impact of development on the amenity of neighbouring properties officers consider that the scale of a dwelling on the site would probably be limited to a single storey dwelling of a relatively small scale.
- 5.9 Officers consider that the proposed development is responsive to the physical constraints of the site. The development proposed is of a contemporary form, which is reflected in the flat roofed section of the building, the form is relatively simple and the front sections of the building would be constructed from natural stone, in keeping with the predominant use of materials in the

Conservation Area setting. The scale of the dwelling is relatively low key and officers consider that the dwelling would not appear visually prominent in the street scene. Both the setback position and relatively low lying nature of the dwelling would ensure that a degree of openness is retained, particularly fronting the street scene. Officers consider that the design approach achieves an appropriate balance between responding to the physical constraints of the site, whilst responding to local distinctiveness in terms of its use of materials. Officers consider that the constrained nature of the site would mean that the development of a dwelling of a vernacular character would be difficult without appearing overbearing or resulting in the loss of the relative openness of the site.

- 5.10 Paragraph 60 of the NPPF states that planning decisions should not attempt to impose architectural styles and should not stifle innovation to conform to certain development forms of styles and officers do not consider that a vernacular design approach is essential. The site is located within the Conservation Area but this particular part of the Conservation Area is characterised by a development of varying forms and character. Whilst the development lies opposite a range of vernacular agricultural barns, the two adjacent properties are both 20th Century non-vernacular dwellings. Officers consider that in the context of the immediate built form the development would not be incongruous or out of place and that the erection of a dwelling of the design proposed would not amount to harm or less than substantial harm to the Conservation Area setting.
- 5.11 The development is in the wider setting of three listed buildings, 9 to 11 High Street, however officers consider that there is substantial separation between the proposed dwellings and the Grade II listed buildings and the scale and siting of the development would not compromise the setting of the buildings or result in harm or less than substantial harm to the setting of the listed buildings.

#### Highways

- 5.12 Access is proposed onto a 30mph section of the A361 High Street and there is adequate visibility in both directions at the entrance to the site. OCC Highways officers have raised no objections and consider that the development would not be detrimental to highway safety or amenity.

#### Residential Amenities

- 5.13 The dwelling would be sited close to the boundary of two adjacent properties, Orchard Cottage to the East and The Limes to the South. The flat roofed rear section of the property is located around 6 metres from the side of Orchard Cottage and the pitched roof section is located 7.4 metres from the side elevation. The west facing side elevation of Orchard Cottage contains a side window serving a living room. The section of the proposed dwelling nearest Orchard Cottage would extend to a height of 3.2 metres to the roof ridge. Officers consider that the dwelling is substantially low in height to avoid compromising the amenity of Orchard Cottage. The height of the section of the dwelling nearest Orchard Cottage is relatively low to avoid the development appearing oppressive and overbearing and the development appears compliant with the 25 degree rule with regards to retaining an acceptable degree of light to the side window of Orchard Cottage.
- 5.14 A distance of 6.1 metres would be retained between the south east wall of the side elevation of the property and the side elevation of The Limes, which includes a side facing window. The

height of the proposed dwelling is notably low at this point and is 3.1 metres to the roof ridge. Officers consider that the development would not appear overbearing and would not result in a substantial loss of light to the side window of the Limes.

- 5.15 Officers consider that the proposed building heights are appropriate and that the development would not compromise the amenity of the adjacent properties.

#### Other Issues

- 5.16 The development would be sited in an urban context and would not have a detrimental impact upon the setting of the Cotswolds AONB.
- 5.17 Officers note the presence of a restrictive covenant on the site; however this is not a material planning consideration.

#### Conclusion

- 5.18 Officers consider that the proposed dwelling responds effectively to the constrained nature of the site and would not appear over dominant or overbearing in the context of the street scene, therefore retaining a degree of openness. The design approach is contemporary; however the dwelling would appear low key and would not appear out of keeping, particularly in the context of the two adjacent modern dwellings. The relatively low heights of the dwelling would ensure that the development would not substantially compromise on the amenity of the adjacent occupants. Officers therefore consider that the development would be compliant with the policy provisions of the Existing and Emerging Local Plans and the provisions of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.  
REASON: To safeguard the character and appearance of the area.
- 4 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.

- 5 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 6 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.
- 7 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.
- 8 No dwelling shall be occupied until space has been laid out within the site for two; cars to be parked and such spaces shall be retained solely for parking purposes thereafter.  
REASON: To ensure that adequate provision is made for off-street parking.
- 9 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.