

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th November 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

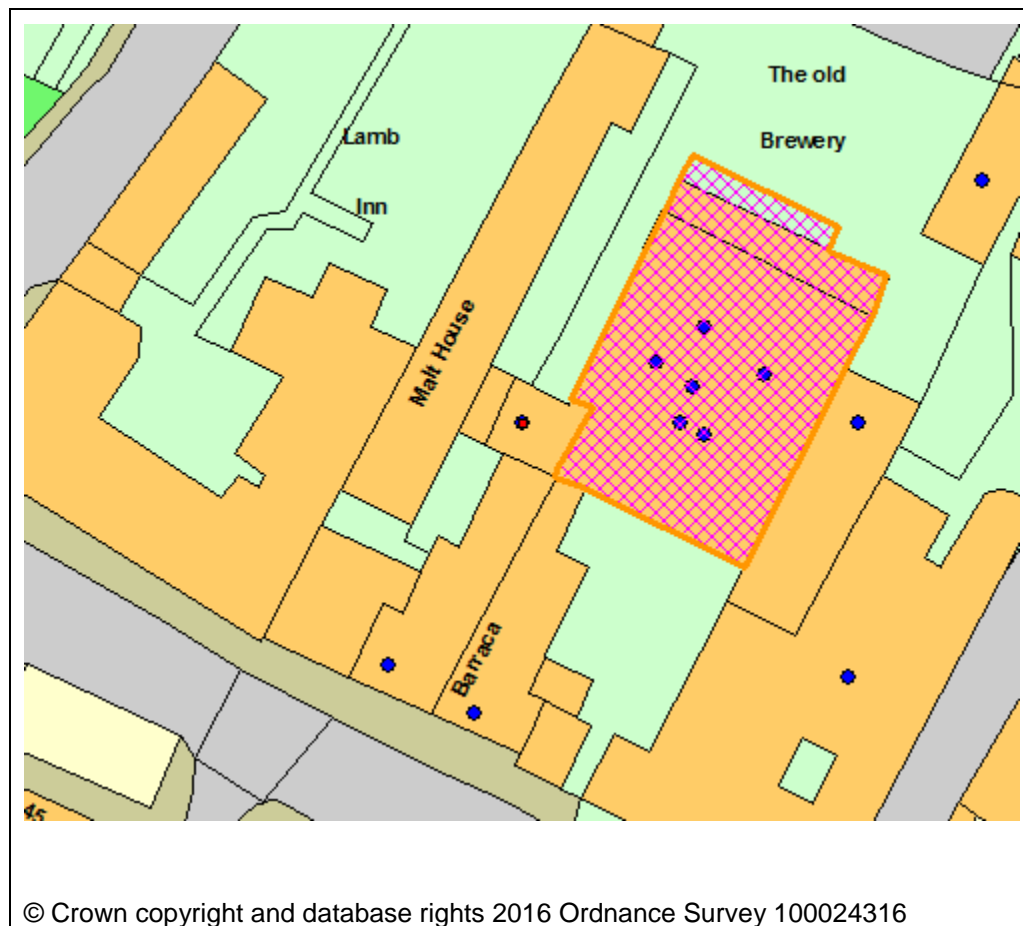
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
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16/02788/FUL	<u>61 Oxford Street, Woodstock</u>	25
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16/02853/HHD	<u>Owls View, Shipton Road, Milton under Wychwood</u>	50

Application Number	I6/02024/FUL
Site Address	The Brewhouse The Old Brewery Priory Lane Burford Oxfordshire OX18 4SG
Date	26th October 2016
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Burford Town Council
Grid Reference	424999 E 212240 N
Committee Date	7th November 2016

Location Map



Application Details:

Removal of the existing offices located within the yard and erection of 3no. 4-bed dwellings and 1no. 3-bed dwelling with associated parking and access (amended).

Applicant Details:

Gentian Projects (Oxfordshire Three) Limited
C/O Agent

I CONSULTATIONS

- | | | |
|-----|---------------------------|--|
| I.1 | Town Council | We strongly object to the height which dominates this area, and that the concentration of dwellings is out of keeping with the surrounding area. |
| I.2 | WODC Architect | <p>Summarised as follows:</p> <p>Replacement of the building offers an opportunity for considerable aesthetic improvement.</p> <p>Plans are very deep, with somewhat claustrophobic internal layouts and the gardens are tiny. But from our viewpoint this represents a considerable aesthetic improvement on the approved scheme - it is 1m lower, massing is cleaner and better proportioned. It is also of unapologetically contemporary form with materials of good quality - far preferable to the previously approved scheme, in my view.</p> <p>Only reservation relates to overall width, which is around 1m wider and results in an abutment (or very near) with the existing building which is aesthetically awkward and could lead to maintenance issues. If one metre gap, the proposal would get my wholehearted support.</p> <p>Negotiate for revised plans.</p> |
| I.3 | WODC Drainage Engineers | Surface water drainage condition. |
| I.4 | Thames Water | No Comment Received. |
| I.5 | WODC Env Health - Uplands | No Comment Received. |
| I.6 | Ecologist | Having looked at the submitted documents, plans etc. including the D& A statement this proposal appears to involve the demolition of the existing office block, however I can't find any ecological assessment of the office block, I appreciate the potential is low but as it has a tiled roof it still has potential for use by birds and bats as such an assessment for this is required in order to assess the ecology. |
| I.7 | WODC Rural Development | I am aware that this site already has permission for conversion to residential use but the economic environment has changed since that application was granted. There is now a high demand for business premises and I think the applicants need to demonstrate that there is no business demand for these premises through a full and comprehensive marketing exercise before the current change of use |

application can be considered.

- 1.8 OCC Archaeological Services Conditions.
- 1.9 WODC Planning Policy Manager No Comment Received.

2 REPRESENTATIONS

2.1 The application has received one neighbour letter summarised as follows:

- a) Whilst the existing boundary wall of the building to be demolished is to remain, the sloping roof atop the wall is to go with the result that all the rear windows of the proposed houses will overlook the back of my house and my small garden. This will completely destroy the privacy I have enjoyed and the retained wall at some 7ft high will be of little benefit other than to establish the limit of any property. I therefore wish to object most strongly to the proposed development and ask you to refuse permission.

Officer note: The application has been amended to retain the sloping roof atop the wall, thereby retaining privacy for the objector. Therefore the objector has confirmed that he no longer objects to the scheme.

3 APPLICANT'S CASE

3.1 The application has been supported by a Planning Statement, Design and Access Statement and Contaminated Land Assessment. The documents submitted conclude as follows:

- The proposed development comprises of the demolition of the existing building with the erection of a small terrace of 4no. New dwellings with associated landscaping and parking.
- The proposed dwellings would comprise 3no 4 bedroom dwellings and 1no 3 bedroom dwelling. The houses are of traditional design with pitched roofs and shall use natural materials to match the local vernacular.
- Each dwelling has its own private rear garden, each with an outbuilding for storage and bicycle parking.
- Car parking spaces are proposed on site which equates to 3 parking spaces for each 4 bed units and 2 spaces for the 3 beds unit. This will provide visitor parking.
- Vehicular access to the proposed dwellings will be as existing from Priory Lane.
- The proposed development of the site with 4 dwellings has been assessed against both local and national planning policy.
- The principle of the redevelopment of the application site with residential properties has been established within the extant permission.

- The site is in an accessible and sustainable location being within walking distance of local amenities and public transport facilities and provides adequate parking for the future occupiers.
- The proposal provides adequate living space for future residents and will ensure that there is an effective use of the brownfield site.
- If permitted, the traditional buildings would greatly improve the character and appearance of the Conservation Area.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 BE8 Development affecting the Setting of a Listed Building
 H7 Service centres
 H2 General residential development standards
 H2NEW Delivery of new homes
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 EH7NEW Historic Environment
 T4NEW Parking provision
 E6 Change of Use of Existing Employment Sites
 EI NEW Land for employment
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission for the removal of the existing offices located within The Old Brewery Yard, Priory Lane, and the erection of 3no. 4-bed dwellings and 1no. 3-bed dwelling with associated parking and access. The access to the development would remain as existing, from Priory Lane.
- 5.2 The application is brought before the Uplands Planning Committee at the request of Councillor Cotterill for the following reasons:
1. Whilst I appreciate your grounds for refusal against modern requirements I believe that this application should be judged against the requirements of the environment in which it sits.
 2. The development is to replace a former office building in the grounds of the former Garne's Brewery where the malting tower and other buildings are now thriving businesses so preserving the historic character of the yard. The businesses also attract a lot of vehicular traffic being accountants, a marketing company, an estate office, etc. Consequently a development of 4no. houses is preferable to the extant permission for 10no. flats with the concomitant reduction in the number of cars associated with it.
 3. You have stated that the development is contrived which I do not dispute but it is contrived to fit the available brownfield site of the office building now falling into

dereliction. However, the contrived aspects are replicated many times around Burford for example:

- a. House 4 has a small amenity space. Many houses in Burford have equally small, shaded amenity spaces or none at all.
- b. Light wells and glazing have been used to illuminate rear low level and higher level rooms. This use occurs in other parts of Burford and some houses are very dark needing lights all day long.
- c. The buildings are three storey, tall and deep. Yes, so are many more on Sheep Street within a few hundred metres. Many are burgage plots.
- d. The rear wall to the development has a roof overhang which will remain. This is contrived with steel frame supports to preserve the amenity of Baracca on Sheep Street whose small courtyard garden would be oppressively enclosed if the rear wall were to be perpendicular. I recommend a site visit to appreciate this requirement.

- 5.3 I would suggest that some of the ideas and designs used are innovative and feasible in accordance with NPPF requirements. The houses will probably suit a younger family not requiring amenity space but preferring the convenience of the schools and town nearby.

Background Information

- 5.4 The application site is within the Burford Conservation Area and the Cotswold AONB and is constrained by existing development surrounding the site. There are also a number of Listed Buildings in the vicinity.
- 5.5 The proposed development is to be constructed of natural stone with a blue slate or reconstituted stone slate roof.
- 5.6 The relevant planning history for the site is as follows:
- 16/01063/PN56 - Prior Approval - Offices to single residential unit (adjacent building) – Permitted.
 - 13/1415/P/FP - Demolition of building and erection of ten flats with associated works – Approved.
 - 13/0821/P/FP - Demolition of building and erection of ten flats with associated works – Withdrawn.
 - 11/1182/P/FP - Change of use of existing building to residential - Approved
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of development,
Design, layout and impact on the Conservation Area and heritage assets,
Impact on residential amenity, and
Impact on highway safety.

Principle

- 5.8 The principle of the erection of new dwellings 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 of new dwellings in Rural Service Centres, of which Burford 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.
- 5.9 The August 2014 planning permission for 10 flats remains extant (ref: 13/1415/P/FP). Whilst this is the case, the loss of the employment site under Local Plan Policy E6 should be readdressed due to the passage of time and a fresh application for housing development.
- 5.10 It is noted that Paragraph 51 of the NPPF states that planning applications for change of use of commercial buildings to residential should normally be approved where there is an identified need for additional housing in the area provided there are not strong economic reasons why it should be inappropriate. Policy E6 includes a clear presumption against such a change and is not consistent with the NPPF unless the provisos in the NPPF can be demonstrated. The NPPF also states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Policy E6 supports this approach. Guidelines for the marketing of business premises to support a change of use have been produced by the department.
- 5.11 The information submitted with the 2013 application confirmed that the property had been marketed since 2009. Marketing at that time was undertaken by way of a board on site, on the agent's website (Marriotts) and by way of a mail-out to all local agents and those with a registered interest for this type of property. The marketing undertaken was limited, but generally only limited interest was received due to the limited parking available, the limited headroom and the noise associated with the roofing material. In October 2009 a leaflet drop took place throughout Burford to encourage interest. Any interest in the building prior to the 2013 application had not been progressed due to issues of funding, the size of the building and the limited parking area.
- 5.12 The applicant has confirmed that since the previous 2014 approval the site was sold solely as a residential development site. Therefore any marketing related to the employment usage pre dates the previous application. At the time of writing this report, the applicant has not carried out an up-to-date marketing exercise, relying on the extant permission to justify compliance with Local Plan Policy E6. At least 4 years has passed since marketing the site for employment and the demand for office space has increased with the improvement in the economic climate. The Council's Economic Development Officer confirmed that there is now a high demand for business premises and that the applicants need to demonstrate that there is no business demand for these premises through a full and comprehensive marketing exercise before the current application can be considered.
- 5.13 It is noted that the Prior Approval process for change of use from office to residential could be applicable in this case, however this application is for redevelopment of the site is submitted under full planning permission and therefore considered under the planning policy framework and a different set of criteria to that of the prior approval process, and therefore it is expected that the correct information should be supplied for officers to be able assess the proposal against the relevant development plan policies.

- 5.14 Whilst officers consider the site to be in a sustainable location and the extant permission is recognised, officers consider that the loss of the employment use at this time, and the absence of 'strong economic reasons' to allow the loss of employment use, has not been robustly addressed as part of this application.
- 5.15 Recent appeal decisions have also shown that Inspectors give weight to the argument that loss of employment sites in viable locations, such as Burford, can undermine both existing and new businesses looking to locate in the area. Loss of local employment sites also leads to increased congestion on busy local roads due to the resultant increase in commuting to businesses in cities such as Oxford, on the already congested A40.
- 5.16 The principle of demolition and the redevelopment in the Conservation Area is considered more fully under relevant paragraphs below in terms of the impact on its character and appearance. The extant permission deemed the demolition and redevelopment acceptable.

Design, Layout and Impact on the Conservation Area and Heritage Assets

- 5.17 The site is within Burford Conservation Area and the majority of the buildings surrounding the site are Grade II listed. 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.
- 5.18 In your officers opinion the existing building is of uncharacteristic form and is incongruous in relation to the character of the Conservation Area. Given this, officers are of the opinion that the existing building does not make a positive contribution to the character of the Conservation Area and as such, its loss would accord with paragraphs 133 and 134 of the NPPF and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.19 The proposed development will significantly change the character of this part of the Conservation Area. At present, the building is low in form and is barely visible in the street scene due to the high stone boundary walls. The application proposes a three storey terrace of four dwellings with parking to the front and private amenity space to the rear. The proposed development is a town house design and form with a series of four gables facing towards Priory Lane. The design and form reflects gable widths of the neighbouring development and is similar to some extent to the gabled appearance of the extant flat development. The dwellings would be lower than the three storey development to the rear however, due to the rising land levels the building to the rear will be obscured by the proposed development.
- 5.20 The Conservation Architects views are noted and there is a difference of officer opinion on the overall aesthetic appearance. In looking at the two schemes in detail, it is your officers opinion that this proposed scheme has a greater massing to its front and side elevations than the extant scheme. All four gables maintain the same building line at the frontage, with Units 1-3 being 16m deep and Unit 4 being 13.4m deep. The approved flat development had a stepped appearance with only the two middle gables (8.4m wide) having a depth of 16m. The two flank gables were stepped back at the frontage with a depth of 14.5m and were broken with window openings. The eastern side elevation next to the building granted Prior Approval to convert to a dwelling previously projected 2.9m forward of its front elevation and was separated by a 1.2m

gap. This scheme sees the same side elevation project 8m forward with the proposed building now abutting the existing building.

- 5.21 In terms of the height of the proposed building, each gable would be 10.15m in height with no stepping down of the side gables. The approved scheme saw the two flank gables at 10.05m high but stepped down from the middle 10.55m high section to give a variety of heights. The undifferentiated height combined with the footprint of development and plot depths, emphasise the scale and massing and general overdevelopment of the site.
- 5.22 The proposed development will be constructed of a natural blue slate roof (as per the Design and Access Statement and Planning Statement, albeit slate roof is written on the application form) and stone walls comprising stone cladding (detailed on the application form). The latter detail has not been further specified. The extant flat development proposed natural dark blue slate or grey reconstituted stone tiles. The flat development proposed natural stone and was conditioned with provision of a sample panel. Your officers would expect the same quality of materials for this proposed development.
- 5.23 In terms of the relationship with the Conservation Area, your officers are of the opinion that the scale, form and massing of the building should be reduced to better fit the plot available and minimise the massing. Clarification is also required on the use of materials. The principle of development in location has been accepted with the extant permission, however your officers consider the current scheme to be contrived and overdeveloped. Consequently, your officers consider that this part of the Conservation Area will change significantly and the character of the Conservation Area would not be preserved as part of this proposal.
- 5.24 The buildings to the rear of the development site (those fronting Sheep Street) are unlikely to be adversely impacted by the proposed development due to the separation distance and the retention of the boundary wall and roofslope above. The key Listed Building is The Long Barn incorporating The Malthouse which is prominent and visible in Priory Lane. The application site is located within 6m of The Malthouse (6.9m on the approved scheme) and is 4.1m further forward than the approved scheme at the north west corner, bringing it closer to The Long Barn. As with the Conservation Area, the proposed development will impact upon the setting of the Listed Building and your officers consider that the proposed development would be harmful to their setting and its special interest.
- 5.25 Your officers note that a Heritage Assessment has not been submitted as part of this application, unlike the previous scheme. The applicants make reference to the improvements to the Conservation Area by way of the demolition of the existing building, however little of the proposed scheme is discussed in terms of impact on the Conservation Area or the setting of the Listed Buildings except for its use of materials and similarity to the extant permission. From the assessment above, it is clear that this scheme differs in siting, design, scale, form and massing and as such would be harmful to the Conservation Area and heritage assets.

Residential Amenities

- 5.26 In order to overcome overlooking issues to Baracca, Sheep Street, the applicants amended the scheme to retain the rear wall with half-roof above in order that Baracca's outlook would remain unchanged. This resulted in a wall structure with overhanging roof 7.4m above the proposed garden level. Without the roof structure the development resulted in overlooking from the second floor windows, albeit this could have been conditioned but the 7.4m high

structure was clearly unacceptable in amenity terms and without detailed engineering plans to show how it would work. The latest amendment has been to increase the level of the garden, now accessed at first floor, such that the wall and roof structure appears reduced in height. Your officers remain of the view that the proposed rear boundary wall with half-roof structure at 5m in height, would appear overbearing and enclosing to the detriment of the occupants of the proposed dwellings within Units 1-3. The 1.5m deep patio area created at ground floor level with the glass bridge above, exacerbates the overall poor standard of residential amenity of this development in terms of light to the rear habitable rooms and size of the useable amenity space, commensurate with a 4-bed dwelling. The garden to Unit 1, in particular, would also be overshadowed by the adjoining building appearing 3m to the eaves and 6.7 to the ridge from the higher garden level.

- 5.27 With regard to the private amenity space serving Unit 4, a 3-bed property, the 3.9m x 3.2m (12.48sqm) deep garden would be enclosed by existing 3-storey buildings to the south and 2-storey to the west and a 3.2m high fence at the rear within 3.6m of the rear elevation. The boundary adjacent to Unit 3 forms a retaining wall at a height of 2.7m, further emphasising the enclosed, cramped and contrived nature of the development. In addition, the glass bridge at Unit 3 would form a platform from which the occupants could overlook unit 4. The garden sizes for the 4-bed dwellings are 5.5m deep x 4m wide (Unit 3), 5.5m x 4.7m (Unit 2) and 5.5m x 5m (Unit 1). The larger of these gardens is 27sqm. It is noted that 1.2m of the garden at the rear would be under the overhanging roofslope.
- 5.28 The applicants are keen to point out that the previous scheme for 10 flats did not have any significant private amenity space, however in a town centre location and as a 1-2 bed flat development, it is more accepted that this is less likely to be provided. The applicants also refer to a scheme at 12-14 West Street, Chipping Norton which was approved planning permission for the conversion of the doctor's surgery and retail unit into 4 dwellings and retail unit including a shop front. The courtyard gardens serving the two 4-bed dwellings measured 37sqm and 39.2sqm with a garden depth of 10m. Your officers consider each application on its merits. The size and quality of the private amenity spaces in this Burford scheme is poor and is further impaired by the overbearing buildings/high retaining walls/fences in close proximity, resulting in a low standard of amenity for the future occupants.
- 5.29 The previous scheme also had no first or second floor rear facing (south) openings and as such there was no residential amenity impacts to overcome. Essentially, this scheme does provide amenity space and this is assessed as to whether it is of an acceptable standard and commensurate in size to the dwellings. The scheme has received several design solutions to try to overcome amenity impacts to existing residents but in turn has resulted in a poor standard of amenity, internal and external, afforded to the future occupiers of the dwellings.

Highways

- 5.30 Eleven parking spaces are proposed at the development. The 4-bed dwellings have 3 spaces each, one of which is an internal garage. The 3-bed dwelling has two spaces, one of which is an internal garage. This is the same number of parking spaces as the extant planning permission for the 10 unit flat development.
- 5.31 The Local Highway Authority has assessed the proposal from parking and safety perspectives and has not objected to the scheme. They are of the opinion that the existing commercial use of the site would have the potential to generate many more vehicular movements than the

proposed use. Therefore, officers do not consider that the proposed development will create undue danger within the site or that it will detract from the safety and convenience of users of the public highway.

Other Matters

- 5.32 Affordable Housing - Unlike the previous scheme for 10 flats, this scheme falls below the threshold for an affordable housing contribution.
- 5.33 Contamination - The Desk Study of the site has acknowledged the potential for contamination given the previous use of the site. A relevant contamination condition should be attached to any permission.
- 5.34 Drainage - WODC Drainage Officers recommend a Surface Water Drainage condition to be attached to any permission.
- 5.35 Cycle parking - This was not provided at the time of submission of the application. The scheme has been amended to include rear access to the properties via a pathway to include this provision.
- 5.36 Bin Storage - This was not provided at the time of submission of the application and given the lack of space to the front of the properties with the car parking spaces, your offices requested this be included at the rear of each property. The rear access via the pathway was subsequently included.
- 5.37 The Ecology Officer requested an Ecology Survey for the vacant building. The applicant was advised via the agent by email in July, however this survey has not been forthcoming.

Conclusion

- 5.38 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is not acceptable in terms of the design, scale and siting, resulting in a contrived and overdeveloped site with subsequent impacts on the residential amenity of the future occupants and the preservation of the character and appearance of the Conservation Area and setting of the Listed Buildings. The applicants have also failed to fully justify the loss of the employment use in the current economic climate. The application is therefore recommended for refusal contrary to the relevant planning policies and material considerations referred to herein.

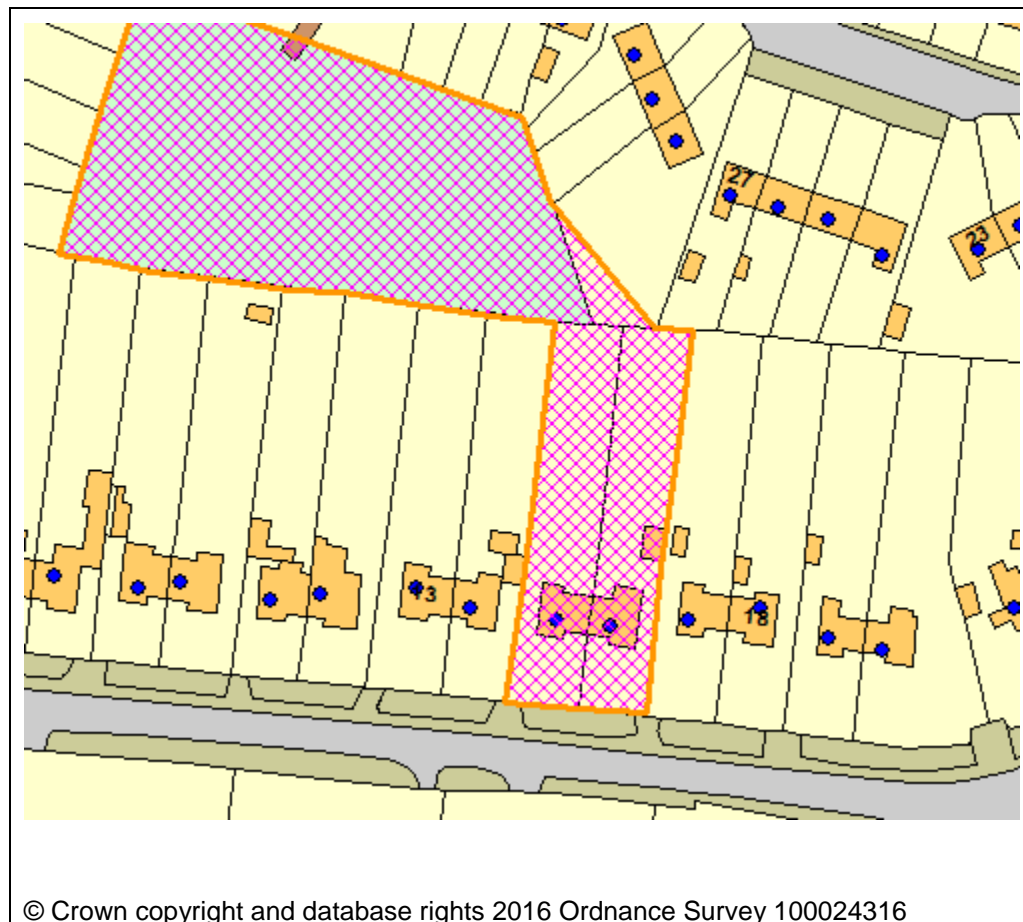
6 REASONS FOR REFUSAL

- I By reason of the proposed design, scale, and siting of the built form, the height and proximity of the rear boundary wall with half-roof structure above, the overbearing retaining walls around the confined ground floor patio areas to units 1-3, the proximity and height of retaining walls, fencing and existing buildings to unit 4, the development results in a poor standard of amenity for future occupants in terms of the size and quality of the private amenity space and light to the rear elevations. Unit 4 would also be subject to overlooking from the first floor bridge at Unit 3. This is contrary to policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011 and policies OS2, OS4 and H2 of the emerging West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

- 2 By reason of the proposed siting, design, scale, form and massing of the built form, the height and proximity of the rear boundary wall with half-roof structure above, the development results in a contrived and overdeveloped site which would fail to preserve the character and appearance of the Conservation Area and the setting of the adjacent Listed Buildings. This is contrary to policies BE2, BE5, BE8 and H2 of the adopted West Oxfordshire Local Plan 2011 and policies OS2, OS4, H2 and EH7 of the emerging West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.
- 3 By reason of the absence of an ecological survey it has not been demonstrated to the satisfaction of the Local Planning Authority that the development would not result in harm to nature conservation, contrary to Policy NE15 of the West Oxfordshire Local Plan 2011 and Policy EH2 of the emerging West Oxfordshire Local Plan 2031 and Section 11 of the NPPF.
- 4 In the absence of an up-to-date marketing exercise accurately reflecting the current economic climate, the development fails to demonstrate both the acceptability of the loss of an employment site or any strong economic reasons why the employment use should not be retained. The loss of a local employment site would undermine the viability of Burford as a location for businesses and lead to increased pressure on the local road network due to increased commuting out of the area. The proposal is therefore contrary to policy E6 of the adopted Local Plan, Policy E1 of the Emerging Local Plan 2031 and paragraph 51 of the NPPF.

Application Number	16/02306/FUL
Site Address	Land rear of 15 and 16 Woodstock Road Charlbury Oxfordshire
Date	26th October 2016
Officer	Abby Fettes
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Town Council
Grid Reference	436149 E 218823 N
Committee Date	7th November 2016

Location Map



Application Details:

Demolition of 2 semi detached properties to facilitate a new vehicular site access, development of 9, no. two bedroom houses and 4 no. two bedroom bungalows with associated car parking and landscaping.

Applicant Details:

Mr Will Munro
Cottsway House
Heynes Place
Avenue 2
Witney
Oxon
OX28 4YG

I CONSULTATIONS

- | | | |
|-----|----------------------------------|---|
| I.1 | Town Council | 1 TC welcome smaller units.
2 Loss of amenity play area regrettable.
3 Impact on neighbours needs careful consideration.
4 Is parking sufficient?
5 Design of properties needs to reflect Woodstock Road street scene.
6 Is the footpath link to Sturt Close sufficiently wide for pedestrians and cyclists?
7 The introduction of a new road on the slope down to Woodstock Road could cause increased water run off and this is of particular concern of existing residents.
8 Primary school close to capacity, this will put further pressure on school.
9 Road safety on Woodstock Road is of concern as limited visibility from access.
10 Can application go to committee and have a site visit.
11 Recommend alternative options be considered with access from Sturt Close and incorporating a play area (suggested to Cottsway).
12 Can neighbour comments be carefully considered?
13 Strongly recommend applicants enter into community engagement. |
| I.2 | Town Council | No comments received on amended plans. |
| I.3 | WODC Env Health - Uplands | No objection. |
| I.4 | WODC Architect | No objection. |
| I.5 | Major Planning Applications Team | Highways - No objection subject to conditions.
Archaeology - No objection.
Education - No objection (Based on the unit mix stated in the application, this proposed development has been estimated to generate 2.60 primary pupils and 1.30 secondary pupils).
Property - OCC is not seeking contributions from this development. |
| I.6 | WODC - Arts | No Comment Received. |
| I.7 | WODC - Sports | No Comment Received. |

- | | | |
|------|---|---|
| I.8 | Thames Water | No objection subject to conditions and informatives. |
| I.9 | WODC Env Services -
Waste Officer | No Comment Received. |
| I.10 | Ecologist | <p>I recommend that the reptile survey of the site should be carried out and submitted before determination of this application to provide sufficient information on protected species in accordance with the National Planning Policy Framework, policies NE13 and NE15 of the West Oxfordshire Local Plan 2011. It would also comply with Chapter 13 of the West Oxfordshire Design Guide. The survey would inform the mitigation and/or compensation measures required for reptiles found at the site, including the possible need to translocate reptiles to a suitable receptor site if mitigation cannot be provided on site.</p> <p>NB a survey has been received and awaiting revised ecology comments.</p> |
| I.11 | WODC Landscape And
Forestry Officer | No Comment Received. |
| I.12 | Natural England | <p>This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.</p> |
| I.13 | TV Police - Crime
Prevention Design
Advisor | No Comment Received. |
| I.14 | WODC Head Of
Housing | <p>There 78 households who would qualify for the proposed dwellings, were they available today. Of these 8 have a local connection to Charlbury.</p> <p>The scheme mix enables the reprovision of the two dwellings demolished to make access, it responds to a need for older persons or wheelchair accessible housing and delivers a further net two family homes for four person households.</p> <p>Given all of the above I feel able to support this proposal for affordable housing in Charlbury.</p> |
| I.15 | County Playing Fields
Association | <p>If the Council is minded to approve a proposal to develop this site for housing, the Council should insist that any approved proposal includes adequate provision for children's outdoor playing space in line with Field in Trust recommendations.</p> |

2 REPRESENTATIONS

- 2.1 32 letters have been received objecting to the scheme on the following grounds:

Residential amenity

- Houses will be overlooking our lounge and garden and main bedroom.
- We also believe it will devalue our property and affect our privacy and also the additional noise through additional neighbours.

Loss of play area

- Loss of the green space which our children use and where they go to play football.
- It is too far to walk for our children to enjoy any other open green space.

Traffic

- I am also concerned about traffic.
- Setting precedent for Woodstock Road properties to build in rear gardens.

2.2 A petition of 130 signatures objection to the scheme has been received.

General comments

These plans are misleading as they appear to show that this development is coming from Sturt Close and not Woodstock Road.

2.3 Charlbury Conservation Area Advisory Committee made the following comments:

- Demolition of 2 semi- detached properties to facilitate a new vehicular site access, development of 9, no. two bedroom houses and 4 no. two bedroom bungalows with associated car parking and landscaping.
- Members agreed that Charlbury badly needed social housing for this kind (noting that there was no guarantee that the houses would be rented to Charlbury people) and welcomed the 'Home Zone' concept of the proposed development. The site, although providing green space, was not currently well-used and its loss was not considered harmful to the Conservation Area. Consultation with neighbours was, however, strongly advised.
- Some aspects of the proposed design were criticised, particularly the excessive use of timber cladding which was not part of the local vernacular. The desirability of bringing the design of house 1 more closely in line with the adjacent bungalows on the Woodstock Road was discussed; it was felt that the possibility of giving it a deeper roof and first floor dormers should be explored while accepting that this may not be practical. It was also suggested that increasing the number of terrace, as opposed to individual, houses would give the development a less suburban feel and allow more housing units. Other issues were outside the remit of the Committee. Overall it was supportive of the development which would not detract from the character of the Conservation Area.

3 APPLICANT'S CASE

- 3.1 The following documents have been submitted in support of the application and are available to view online.

Design and Access Statement
Ecology Survey
Arboriculture Method Statement

- 3.2 The design and access statement is summarised as follows:

This proposal will provide much needed affordable housing in a rural community. The unit mix, type and sizes have been carefully assessed on the local need and informed by an extensive dialogue between Cottsway Housing Association and the West Oxfordshire District Council Housing Officer.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
H7 Service centres
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
NE4 Cotswolds Area of Outstanding Natural Beauty
NE13 Biodiversity Conservation
NE15 Protected Species
OS2NEW Locating development in the right places
OS4NEW High quality design
EH1NEW Landscape character
EH2NEW Biodiversity
T4NEW Parking provision
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
H2NEW Delivery of new homes
H3NEW Affordable Housing
H12 Affordable housing on rural exception sites
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The proposal seeks consent to demolish two properties fronting Woodstock Road and erect 13 affordable dwellings and an access road and associated landscaping.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle
Siting Form and Design
Highways
Residential Amenity
Ecology and Landscape

Principle

- 5.3 The Local Plan 2011 is time expired and subject to a saving direction. The extent to which its policies can be considered up to date, and the weight to be attached to them, will depend on the degree to which they are consistent with the NPPF. Policies for the supply of housing in particular do not fully reflect the Government's objective to significantly boost supply.
- 5.4 The updated Emerging Local Plan is being considered at full council on 26th October and an update on the Districts Housing Land Position will be given at Committee. But for the purposes of this application, the site is brownfield and within the built up area of the town so would fall within the criteria set out within policy H7 of the Local Plan and H2 of the emerging plan. It will result in the loss of a play area which is contrary to adopted and emerging policy but the scheme has been revised to include a Local Area of Play which is considered on balance to be acceptable.
- 5.5 The Housing Enabling Officer has confirmed that there is a need for affordable housing in the area. The proposal will provide a variety of properties including 4 much needed bungalows. All the dwellings will be two bedroomed as there is a need for smaller units.

Siting, Design and Form

- 5.6 The proposal seeks consent for 13 vernacular properties, nine of which one and a half/two storey properties and four bungalows. Each property has an allocated parking space and garden. They are sited along the access road and arranged around a central area in the main body of the site.
- 5.7 The proposed materials are render, facing brick and timber boarding which are considered to be acceptable.
- 5.8 The property is within Charlbury Conservation Area wherein 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. The proposal is considered to preserve the character of the Charlbury Conservation Area, the siting of housing within an existing area of housing is considered to be appropriate.

Highways

- 5.9 The site is on the side of a hill, the land rises up from Woodstock Road towards Sturt Close. The access will be formed from Woodstock Road and the design is that of a home zone so the road will be a shared surface for cars and pedestrians in order for natural traffic calming to take place. Each property has two spaces which is in line with the Districts parking standards.

- 5.10 OCC were originally objecting to the scheme due to inadequate visibility on Woodstock Road but the applicant has revised the scheme to address those concerns and the County objections have been lifted subject to conditions being included in the recommendation.

Residential Amenities

- 5.11 The proposal has existing neighbours on all sides so the scheme has been designed to take into account their amenity. Those considered to be most affected are the dwellings either side of the access road, however it is not considered to be so detrimental as to warrant a reason for refusal.
- 5.12 The back to back distances of plots 4-6 to the properties on Woodstock Road are more than sufficient (in excess of 40m, with some over 50m) so it is not considered they will be overbearing or result in unacceptable loss of privacy, and the back to back of plots 11-13 to properties in Sturt Close are not considered to be unacceptable on the grounds the proposed dwellings are single storey.

Ecology and landscape

- 5.13 Information was submitted in support of the application in respect of biodiversity and based on the findings of that report the District Ecologist required a further Reptile Survey to be undertaken which has now been received. The Ecologist is yet to comment on the report and Members will be updated verbally at committee.
- 5.14 The proposals are within the AONB but given the site is well within the envelope of the town it is not considered that the scheme will harm the special landscape character of the AONB.

Conclusion

- 5.15 The application is considered to be acceptable and in accordance with adopted and emerging policy and with the guidance set out in the NPPF. It will be providing much needed affordable housing and a small play area within the Town. Subject to no further ecological issues being raised the application is recommended for approval subject to a S106 to secure the affordable housing in perpetuity.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of the development hereby approved, full details of the means of access between the land and Woodstock Road, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the means of access shall be

constructed and retained in accordance with the approved details. The vision splays shall always be kept clear of any obstruction higher than 0.6m.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the commencement of the development hereby approved, full specification details of the estate roads, footways/footpaths, vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, this infrastructure shall be constructed in accordance with the approved details.
REASON: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.
- 5 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)
 - Sizing of features - attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations
 - Phasing plans
 - Flood Risk AssessmentREASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.
- 6 No dwelling or other buildings shall be occupied or implemented until car parking space(s) to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. All car parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 7 Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided for each phase of the development prior to first occupation of that phase of the

development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

- 8 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 9 In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
REASON: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 10 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.
- 11 The external walls shall be constructed with a form of artificial stone that will best match the colour, texture and method of laying of the natural stone to be found in the locality. A sample of such artificial stone shall be submitted to and approved in writing by the Local Planning Authority before any such material is used on site.
REASON: To safeguard the character and appearance of the area.
- 12 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.
- 13 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, 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.

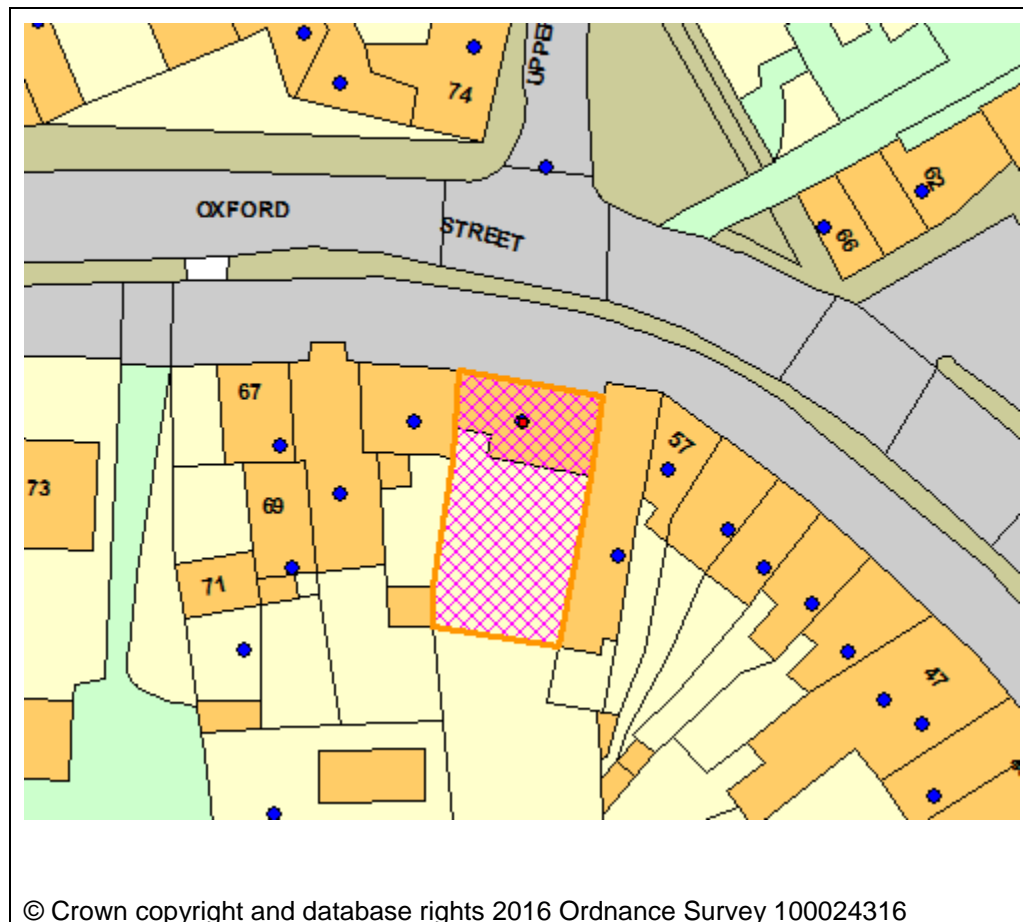
- 14 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard and enhance biodiversity.
- 15 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.
REASON: In the interest of improving connectivity in the District.
- NB Council will be able to advise developers of known network operators in the area.
- 16 That a scheme for the landscaping of the site shall be executed in accordance with the details shown on landscaping plan 1516/PL/008c. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 17 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions or outbuildings, other than those expressly authorised by this permission, shall be erected.
REASON: Control is needed to protect neighbour amenity.
- 19 Before first occupation of the building/extension hereby permitted the window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

NOTES TO APPLICANT

- 1 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.
- 2 No Highway materials or construction methods have been approved at this stage. The detailed design will be subject to a full technical audit if the road is to be submitted for adoption in an s38 agreement.
- 3 Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team all works in and immediately adjacent the highway under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk
- 4 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover
- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Application Number	I6/02788/FUL
Site Address	61 Oxford Street Woodstock Oxfordshire OX20 1TJ
Date	26th October 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444500 E 216836 N
Committee Date	7th November 2016

Location Map



Application Details:

Erection of replacement dwelling.

Applicant Details:

Mr Wayne Lewis
61 Oxford Street
Woodstock
Oxfordshire
OX20 1TJ

I CONSULTATIONS

I.1 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.

Can we please have clarification on whether the proposed hard standing will be of permeable construction? In addition, a laying spec will be required.

I.2 OCC Highways

No Objection

The proposal seeks to access the new garage from the existing road that sits just above the A44, accessed from further to the south east. There is already an access into some sort of garage from this section of road and therefore, it seems reasonable to allow the new access into the garage.

The garage dimensions are plenty big enough, at approx. 5.2m x 12m, to accommodate 2 parked cars, plus space for cycle parking.

Having 2 vehicle parking spaces is adequate for this 4 bedroom dwelling, especially given its central location in Woodstock, close to services and amenities and the S5 bus route between Chipping Norton and Oxford.

Having checked the highway boundary along the frontage of this property, the applicant is okay to build out the entranceway to level with the frontage of the adjacent 59 Oxford Street, which is where the highway boundary starts.

OPINION: This most recent scheme follows further extensive pre-app. and meetings with the architects, resulting in further amendments to the design. There are a number of things to say here.

Firstly the existing building in question is not of special merit. It is conspicuously C20, a mix of artificial and natural stone, and with a street elevation that does not respond meaningfully to the terrace of which it forms a part. Perhaps the best that can be said of the current building (and as suggested by the Planning Inspector) is that neither is it an especially harmful presence within the CA, being at least of a colour and texture that broadly corresponds with that of the flanking buildings, and having 'weathered in' over time. While the structure is not clearly harmful, however, its contribution to the terrace and the CA more widely cannot be called positive, and it should be acknowledged that there exists here clear potential for a net gain to the CA with the right replacement building. I can also see no reason why the architectural approach here could not be modern; indeed, given the variations in roof treatment of the flanking buildings, there are sound reasons for this approach as expressed here.

In respect of the proposed replacement house, we have always been clear that: a) if suitably handled, a modern approach could be supportable in principle in this context; and b) we are supportive in principle of the breaking up of the house into two distinct volumes. In respect of the latter, this means that the overall building is made less bulky in terms of scale and massing; the verticality and 'rhythm' of the terrace is respected; and, crucially, the roof-line is able visually to negotiate the transition between the parapet roof-line of the l/h building and the pitched roof-line of the r/h building. The transition has further been expressed by the l/h volume being in ashlar stone, in order to respect the stonework of the existing house to the L, while the r/h volume is in coursed stonework, in order to respect that of the existing house to the R.

With regards the detailed elevational treatment, the design of the l/h volume of the proposed house (incorporating, and expressing externally, the stairwell within) has been further amended to reduce its earlier somewhat monolithic quality, with larger windows again reflecting the pattern found in the flanking buildings. The r/h volume appears, in essence, relatively conservative, but its modernity is in part expressed through the cantilevering of the façade. Other recent amendments have included a notable improvement to the previously more horizontally expressed garage component.

The potential success of a building of this kind is particularly dependent on the quality of build, detailing and materials, all of which will need to be 'Rolls Royce'. No objections.

RECOMMENDATIONS: Advise consents be granted, but with conditions for sample panels of both ashlar and coursed natural stone;

with joinery condition (1:20 and 1:5) for all windows and timber cladding; with sample of roofing zinc and slates (or, indeed, palette of all materials); and possibly bespoke conditions for e.g. certain roof and façade junctions (tbd).

- 1.4 WODC Landscape And Forestry Officer No Comment Received.
- 1.5 Town Council The Council OBJECTS quite strongly to the design of this building, which was thought to strike a garish appearance to those coming up the hill on the A44 and to be totally inappropriate in style in the midst of these houses and in a conservation area.

2 REPRESENTATIONS

2.1 3 letters of Support have been received:

- Mr Flowers who supports the proposal commented that the existing design is inappropriate and has aged poorly. He states that a modern replacement is long overdue and would be a vast improvement.
- Mr Barker who supports the proposal commented that the plan is good and will add to the interesting mix of buildings in Woodstock.
- Mr Elvin who supports the proposals commented that the front of the existing building is an eyesore and the rear elevation is worse. The front elevation whilst not to everyone's taste would be an improvement on what is there at present.

2.2 2 Letters of objection have been received:

- Mr Owen commented that the design would negatively affect the character of the Conservation Area.
- Mr Macaulay commented that although the existing building is an eyesore and should be replaced, the design is wholly out of keeping with the Woodstock Conservation Area and approach.

3 APPLICANT'S CASE

3.1 The site falls within the Woodstock conservation area which can be characterised as the centre of a well preserved medieval Cotswold town. The existing building on the plot has minimal architectural merit and contributes little to the townscape. Having survived such a long history, central Woodstock has an eclectic mixture of building styles from a range of defined architectural periods. Medieval, Georgian, Victorian and Edwardian buildings prevail, with a smaller amount from the mid to late 20th century. There is an overriding pattern however, mainly to do with arrangement of the plots, the rhythm of the street frontages and the use of local natural stone. The town's connection with Blenheim Palace also has a significant impact on the uniqueness of Woodstock streets due largely to the significant numbers of tall, stone boundary walls abutting the town centre. The proposed new dwelling has an unusually wide

frontage of 13m. This is uncharacteristic of the area, as most frontages are narrower and inevitably create predominantly vertical elevations.

- 3.2 The existing building proposed for demolition has none of the characteristics described above and is an anomaly within the overall pattern of the town. Understanding this pattern is fundamental for the design of any successful contemporary building. Careful analysis has been undertaken to help understand the flow from one building to the next along what are generally long and meandering street frontages.
- 3.3 The first principle of the proposed building is that it should read as having a vertical emphasis, typical of the surrounding buildings. The second principle is that when seen from a distance, or stripped of detail, the overall form, window patterns and materials should be seen to fit within the existing streetscape. During the initial design process a 'blurring' technique has been continuously used to test form, fenestration and colour/texture within the streetscape. This approach has informed the design in general and has for example led to the inclusion of visible slate roofing and a chimney stack as without these, the rhythm appears obviously broken.
- 3.4 The approach has been to enhance the conservation area through carefully considered contemporary design. The existing building is of little architectural merit therefore its demolition will not harm the conservation area. Our responsibility is to ensure that any new building on this site is highly crafted with long lasting materials and that its built form contributes positively to the unique historic setting. The proposals take into account the historic sensitivity of the site and the amenity of adjoining owners and it is therefore hoped that the application will be supported by the local planning authority.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
OS1NEW Presumption in favour of sustainable development
OS4NEW High quality design
H6NEW Existing housing
EH7NEW Historic Environment
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the erection of a three storey replacement dwelling located in a prominent position on Oxford Street in the Woodstock Conservation Area, in a position immediately opposite the junction with Upper Brook Hill. The existing dwelling on the site is a two storey mid terrace property fronting an upper section of road adjacent to Oxford Street.
- 5.2 The building lies between two, three storey vernacular stone town houses. The attached property 63 Oxford Street and the adjacent property Hill House are both Grade II listed and

the property lies within the wider setting of four further listed buildings including 74 Oxford Street which lies immediately opposite the site. The existing building is a 1960's two storey building constructed from artificial stone blockwork and sits below the roof ridge of the adjacent properties.

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

Principle of development
Design, scale and siting
Impact on Conservation Area setting
Impact on the setting of Grade II listed buildings
Residential Amenity
Highways, access and parking provision

Principle

- 5.4 The principle of replacement dwellings on a one for one basis is supported within Policy H2 of the Existing Local Plan and Policy H6 of the Emerging Local Plan, providing the existing building is of no architectural merit and the replacement dwelling would not erode the character and appearance of the area.
- 5.5 The existing dwelling is of a notably poor architectural quality and is out of keeping with the adjacent properties in terms of its design, form and use of materials. The existing building is low in height which decreases its prominence in the street scene; however officers are of the opinion that the building is nevertheless an incongruous feature within the Conservation Area which fails to respond meaningfully to the adjacent buildings in the terrace fronting Oxford Street. Officers consider that the replacement of the existing building with a dwelling of an improved design has the potential to greatly enhance the character and appearance of what it is a prominent site in the Conservation Area.

Design and Impact on Character and Appearance of the Conservation Area

- 5.6 The property is within Woodstock Conservation Area wherein 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.
- 5.7 Given the prominence of the site in the street scene and Conservation Area setting, substantial weight must be given to whether the proposed design of the replacement dwelling would preserve and enhance the setting of the Woodstock Conservation Area. Officers are of the opinion that the existing building is of a poor architectural quality, which whilst not having a harmful presence in the Conservation Area, the building appears relatively incongruous given its poor relationship with the existing buildings in the terrace, including the adjacent listed building as well as the poor use of uncharacteristic materials in the front elevation treatment.
- 5.8 The proposed dwelling is contemporary in its form, massing and use of glazing which appears prominent in certain sections. The design approach is however well informed by its context and

officers consider that the building design relates particularly well to the adjacent properties in terms of its form and massing. The roof scape is designed in a manner which responds to the transition in roof ridge heights between the two adjacent properties. The contrast in ridge heights of the two adjacent properties creates a difficulty in designing a vernacular dwelling with a roof structure that responds well to the notable transition in the roof heights of the adjacent properties either side.

- 5.9 The stepped design of the proposed dwelling helps to visually break up what could read as a wide, unbroken and visually obtrusive mass of frontage facing Oxford Street which is how the existing dwelling presently reads. The application has been amended to reduce the mass of stone within the stair tower section of the dwelling, through the addition of larger windows. This ensures that this particular section of the building would appear less dominant and monolithic in the street scene, with the larger windows reflecting the pattern found in the flanking building. The general design approach is contemporary in terms of its massing and use of glazing and the cantilevering of the front façade; however officers consider that the design is well informed by its immediate context and its relationship between the two dwellings either side. The rear elevation of the proposed dwelling is not particularly prominent in the street scene and the proposed design of this elevation would be a clear enhancement on the very poor architectural quality of the existing rear elevation.
- 5.10 Paragraph 137 of the NPPF states that development, which preserves and makes a positive contribution to the setting of a Conservation Area should be treated favourably. In line with the provisions of Paragraphs 138, 133 and 134 of the NPPF there is a requirement to assess whether development would constitute substantial harm or less than substantial harm to heritage assets, in this instance the adjacent listed buildings as well as the immediate setting of the Conservation Area.
- 5.11 Paragraph 60 of the NPPF states that Local Authorities should not attempt to impose architectural styles, innovation or initiative, although development should promote local distinctiveness. Officers consider that the proposed dwelling is locally distinctive in aspects of its design and whilst the development lies within a Conservation Area there is no specific requirement for the dwelling to conform to a vernacular form, providing that the design continues to preserve the setting of the Conservation Area.
- 5.12 Officers consider that the proposed dwelling in terms of its design, massing and form actively responds well to its immediate setting, particularly in terms of the constraints associated with the transition in the roof ridge levels posed by the adjacent properties.
- 5.13 In addition to the more modern elements of the design, the building incorporates design characteristics more typical of the Conservation Area setting, namely the use natural stone, the design of the proposed windows similarly relate to the adjacent properties including the fenestration detail of the adjacent listed building. In comparing the design of the proposed replacement dwelling with that of the existing dwelling which is of a notably incongruous design which poorly relates to the immediate context and Conservation area setting, officers consider that there is a strong justification to suggest that the proposed dwelling would preserve and actively enhance the Conservation Area setting.
- 5.14 Officers consider that the proposed development would not amount to harm or less than substantial harm to the setting of the adjacent listed building, 74 Oxford Street. In officers opinion there is a strong argument to suggest that proposed dwelling would enhance the setting

of the attached Grade II listed building, particularly given that the existing incongruous building would be removed which arguably detracts visually from its setting. In contrast the proposed building responds meaningfully to the design and setting of this building. In summary officers consider that the proposed replacement dwelling would be a demonstrable improvement on the existing building and responds effectively to what is a sensitive and prominent location in the Conservation Area.

Highways

- 5.15 The adjacent road is narrow and is subject of parking restrictions, which limits parking to a space within the garage of the property. Two parking spaces are proposed within the garage area of the replacement dwelling, which officers consider would be an acceptable parking provision. OCC Highways Officers have raised no objections to the proposed parking provision.

Residential Amenities

- 5.16 The general footprint of the existing building would not be extended and officers consider that the additional scale of the replacement dwelling would not be harmful from an amenity perspective. The proposals would not result in an increase in overlooking of the property immediately to the rear of the site.

Conclusion

- 5.17 Officers consider that there is a sufficient case to suggest that proposed replacement dwelling would preserve and enhance the setting of the Woodstock Conservation Area and the proposed development would not amount to either significant or less than significant harm to the setting of the adjacent Grade II listed building or the setting of other listed buildings in the immediate vicinity of the site. Whilst contemporary in aspects of its design, officers consider that the building in its form and general approach respects the distinctive characteristics of the street scene and the characteristics of the adjacent vernacular properties in this prominent terrace. Officers consider that the proposed dwelling would be a substantial improvement on the existing dwelling which is almost entirely unreflective of its context and responds poorly to its setting. Officers consider that the development would be compliant with Policies BE2, BE3, BE5, BE8 and H2 as well as the relevant policy provisions of the NPPF.

6 CONDITIONS

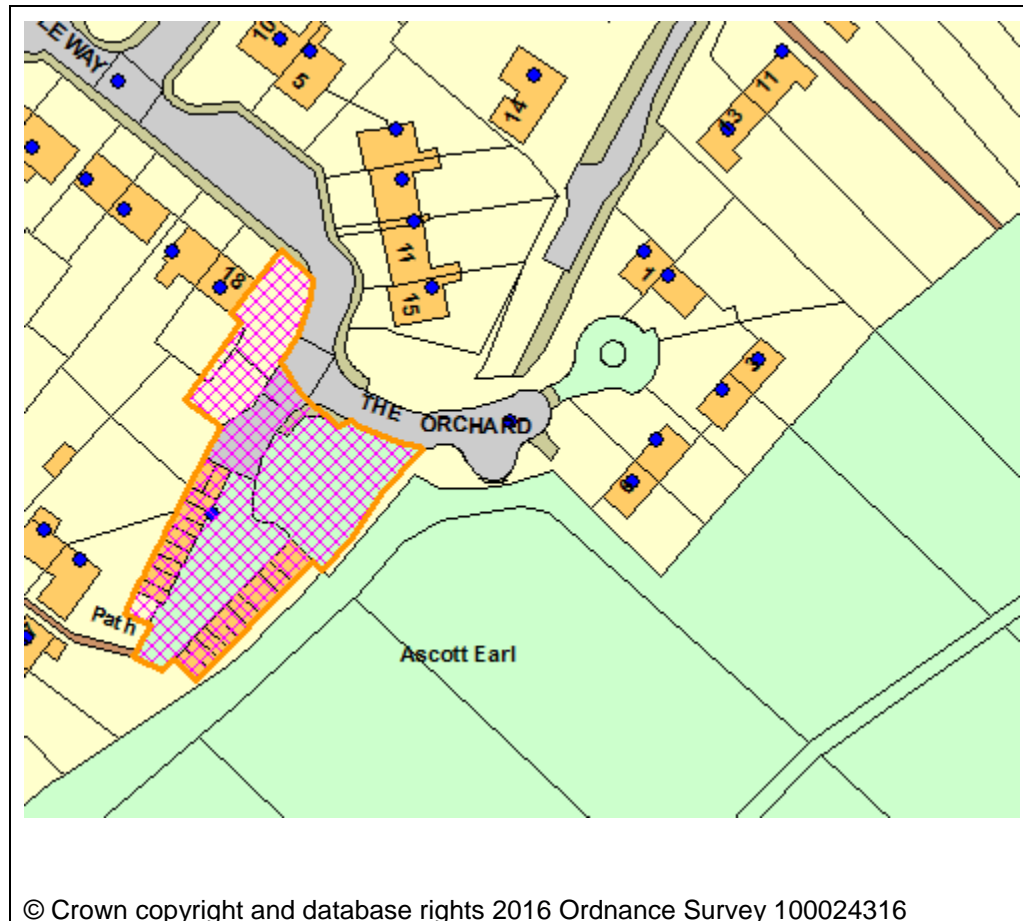
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 03/10/2016.
REASON: The application details have been amended by the submission of revised details.
- 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 Notwithstanding details contained in the application, detailed specifications and drawings of all windows and doors; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 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.
REASON: To safeguard the character and landscape of the area.
- 6 The garage accommodation hereby approved shall be used for the parking of vehicles ancillary to the residential occupation of the dwelling and for no other purposes.
REASON: In the interest of road safety and highway amenity and to prevent the proliferation of on street parking adjacent to and within the vicinity of the site.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no 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 preserve the visual amenities of the area
- 8 The external walls of the dwelling; proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.
REASON: To safeguard the character and appearance of the area.
- 9 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).
- 10 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.

- 11 The external walls of the dwelling; proposed to be rendered shall be rendered, in accordance with a specification which shall be submitted to and approved in writing by the Local Planning Authority before any rendering commences.
REASON: To safeguard the character and appearance of the area.
- 12 The external walls of the dwelling to be clad in timber; 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.

Application Number	16/02793/FUL
Site Address	18 Maple Way Ascott Under Wychwood Chipping Norton Oxfordshire OX7 6AU
Date	26th October 2016
Officer	Abby Fettes
Officer Recommendations	Approve subject to Legal Agreement
Parish	Ascott Under Wychwood Parish Council
Grid Reference	429883 E 218485 N
Committee Date	7th November 2016

Location Map



Application Details:

Erection of six dwellings and associated works.

Applicant Details:

Mr Will Munro
Cottsway House
Heynes Place
Avenue 2
Witney
OX28 4YG

I CONSULTATIONS**I.1 Parish Council**

Ascott under Wychwood PC object on following grounds:

1. Overlooking

The tenant at No 18 Maple Way accepted the loss of a strip of his back garden (8m x 20.7m long) when the applicant visited him several months before the application was made. However, he was not aware until just before the formal application that 4 of the 6 proposed houses would be sited with their back walls, including 2 upstairs windows and a patio door, overlooking the whole of the tenant's back garden. He feels acutely that all his privacy would be lost as the garden at his front is bound by Covenant to be kept open. The proposed houses would be on slightly higher land due to the slope, thus creating deep shadow along the full length of the tenant's garden. The loss of a mature hedge and trees is already proposed in the application but in addition much of his remaining, beautifully tended mature garden will suffer from the increased shadow.

2. Overshadowing and Loss of Light

Residents at No 15 Dawls Close were originally informed by the applicant that they would lose a corner of their back garden behind one of the garage blocks. However, on reading the application plans, they realise that the application is not to use that corner but to take out a different and larger section of the back garden for 2 car parking spaces. This large section reduces the length of the back garden by half. The car parking would be very close to the tenants' living room window and in full view. In addition, the land rises up from the back wall of the house. The tenants have recently lost an open aspect because of close board fencing being installed at the side. They also have the public footpath running at the side of their garden and house. They report waterlogging in the garden and damp in the house, so paving over a large section of their garden would make this worse. These residents do use a garage and are being forced to give it up. We therefore ask that an alternative parking space be made available to No 15 Dawls - one which is within reasonable walking distance for an elderly couple and which does not impact on their garden and living room.

3. Flooding

Nos 11, 13, 15 and 17 Dawls Close and Nos 10 and 12 Maple Way report waterlogging in their gardens and some have had flooding on

their patios or driveways. In addition, No 15 reports damp within the house and No 13 has had sewage problems. The field behind the garages is known as a wet field and Ascott generally suffers from run-off problems because of the clay soil and a series of springs running down the hills. We note that permeable paving has been planned for the road and welcome that. However, we also note that the testing has not been done 3 times which is requisite and we question whether it has been done during the wettest winter months. We also note that a soakaway is planned at the end of the back gardens of the block of 4 houses. We request that a soakaway be installed to protect the above-mentioned gardens and homes in Dawls Close.

4. Car Parking

Many of the existing garages at the top of Maple Way have been given up due to an increase in rent. Some were used for storage as the size of the garages does not accommodate many modern cars. However, 6 garages are used for cars. These cars will require parking space as well as the cars belonging to the proposed new homes. Many families in the village now have at least 2 cars especially as there is extremely limited public transport serving the village.

Residents complain of traffic and parking congestion at each end of the working day and over weekends. This particularly applies to Maple Way because there is a covenant which forbids parking on the front of each property, consequently no driveways or forecourts have been allowed and, of course, the garages were originally provided instead. When Maple Way is congested, cars will park on the road in Dawls Close where driveway parking is allowed. Dawls Close also becomes heavily congested. There are many children playing outside as well as elderly residents living in these roads. Residents are very concerned about safety or the difficulty for elderly residents when they cannot find a parking space near their front doors.

Now that the garages will be demolished and more housing (therefore more traffic) is proposed, a suggestion has been made to lift the covenant to allow driveways on the properties of Maple Way. If lifted and permission given for driveways, dropped kerbs would be required. The covenants are between WODC and the property owner (either private or Cottsway, presumably). This would ease roadside parking. We would ask that the cost of lifting the covenants and providing dropped kerbs be absorbed within the cost of the development.

We understand that construction disturbance is listed as a subject that you cannot accept as a formal objection to the development. However, the issue of limited parking space in Maple Way will be acutely felt at times when there will be construction deliveries and when construction workers will need to park their cars. We understand that a developer can be asked to arrange deliveries at times when most residents' cars are out of the village or a developer

can be asked to use a temporary haul route and we ask the Planning Office to insist upon one of these options.

The Parish Council and residents are very concerned about the number of contractors' cars which will need to find parking spaces. All the roads in Ascott-under-Wychwood are no more than glorified lanes and the Parish Council is repeatedly obliged to deal with broken kerbstones, damaged verges and broken wing mirrors. Residents (including those with walking aids) are often forced to walk in the road because of cars parked on footways where the road is especially narrow or busy. Please would the Planning Office insist that Cottsway make arrangements for disruption to be as minimal as possible. The creation of a compound in a spare field could be a solution (as was the arrangement with Thames Water when they recently replaced a section of sewer between Ascott Earl and Shipton-u-W). Construction workers can then share lifts or walk to the site.

Lastly, we would like to register our extreme disappointment at the way the applicant has handled this application. We understand that the NPPF recommends consultation with the community and we would particularly expect this from a social housing company which is set up to support the community. Instead, just a few residents were initially consulted, they were not kept up to date so that 2 households were worrying about something that did not transpire, I discovered only just before the application was made that he would have 4 houses overlooking his back garden and I found out about having 2 car parking spaces on their back garden when it was pointed out on the application plans by a Parish Councillor. A resident, whose (privately owned) land had been marked by surveyors, wrote to Cottsway in August asking for information and has never received an answer.

The applicant attended the September Parish Council meeting when the planning application consultation period had only 8 more days to run. He showed no sympathy to our complaints of poor consultation, stating at times that residents had definitely been kept up to date or that he would have to check his notes. At our objections he only commented that those were our opinions and we should direct them to WODC Planning.

In summary, we do not object to building some affordable housing on the site of garages at 18 Maple Way but we do object strongly to the current proposed layout which will cause serious overlooking and loss of privacy, plus serious reduction to the size of 2 gardens. The Parish Council and residents are very concerned about traffic and parking congestion, during and after construction is complete, and we have made suggestions to reduce the problems substantially now and for future sustainability. We are grateful that some measures are planned to reduce the impact of run-off water but ask for more

careful testing at times when the water table is high and for a soakaway (or similar) to be installed to protect the properties at the top of Dawls Close.

I.2 Parish Council

Ascott PC on amended plans:

Overlooking and Loss of Privacy

The amended plan has only moved 1 bedroom window to the side still leaving 3 to overlook the back gardens of Nos 18 & 16 Maple Way. In turn, the back windows of several existing houses at the top of Maple Way would overlook and affect the privacy of the proposed block of four.

Overshadowing, loss of light and overbearing to 18 Maple Way

A block 31ft high and 70ft long with 20ft long gardens will seriously affect the light of the beautifully tended mature garden. The owner had accepted that some mature trees and large bushes would have to be removed - we contend that the whole micro-climate of the garden will be changed by the serious overshadowing caused by such a block built in line with the movement of the sun.

Out of keeping with the rural nature of a small village in the Cotswold AONB

A large block overlooking and overshadowing its neighbour is more in keeping with a town, it does not maintain the rural nature of Ascott-under-Wychwood small village.

Overbearing to 15 Dawls Close - 2 parking spaces in back garden, the only garden to the property

(Please note that the parking spaces are numbered on the plan for No 16 but the garden belongs to No 15 Dawls Close according to our electoral role.)

15 Dawls Close has no frontage, simply a path to its front door. Its western and part of its southern boundary at the back is a busy public right of way. 2 Parking spaces occupying a large area of the back garden (their only garden) would be overbearing to the living room, especially as the land rises behind the house. The residents would accept 1 parking space for their private use, especially as they will lose the use of a nearby garage. They are disabled and there is no space to park close to their property at the front because of the configuration of neighbouring driveways. We ask that the single parking space be sited close to the line of the (to be demolished) garage side wall.

The back wall of the old garages affords No 15 Dawls Close a small amount of outdoor privacy. Please make it a condition of approval (when a plan is eventually agreed) that the eastern corner of the 15 Dawls Close be screened by close board fencing (replacing the line of garage wall) and that their one parking space should be made for their

private use only by extending the boarding along the side of their private parking space and putting in a double gate at the roadside to join the existing link fence.

A second 'visitors' parking space should be found elsewhere on the plan.

Flood Management for the wider community

It is morally imperative that the Planning Dept and any Inspectors safeguard the delicate balance that has recently been achieved to protect existing homes in Ascott-under-Wychwood and we respectively remind you of -

- o The flooding of summer 2007 where 44 houses in Ascott were affected,
- o The natural shape of the village with many springs and brooks running down steep hills to and through the built environment (which becomes almost level)
- o The heavy clay soil which is blue and very impermeable in parts
- o Environmental forecasts

Before and immediately after the 2007 flood it was extremely difficult to persuade Councils, Environment Agency and Utilities that much maintenance had been neglected and that the negligence contributed to the number of flooded homes and gardens. We have to remain wary of advice based on inaccurate records and trust the clear evidence that we witness on a regular basis. We believe that this is why a Parish Council's remarks are important during a planning application. As in our first letter of objection, we are very critical of the lack of consultation with the Parish Council before this planning application was submitted.

At this stage we do not accept that enough testing for site permeability of the site has been done and particularly not during wet conditions. Properties north and downhill of the site have reported problems of damp or waterlogging. It is not enough now to expect existing or even new pipework to carry the water away as it simply passes the whole problem on to other lower properties on the Shipton Rd (which have definitely been flooded in the past) or to the river which rises and can flood back across land and through pipework very quickly. There are many active springs in the hills behind Ascott and capturing the water on or near the site by various means is a more modern and enlightened approach to flood management.

In this proposal we welcome

- o the proposal of block paving to replace the tarmac road as long as it is laid on a permeable base,
- o the proposal of a soakaway behind No 18 Maple Way,
- o the fact that the mature field hedge, south of the site, is retained in the plans because roots of trees and hedges (especially

when mature) act as soakaways and increase the permeability of clay soil.

We strongly request that a soakaway is installed behind the gardens of 15 and 14 Dawls Close. No 15 has suffered waterlogging behind its back wall and damp inside the house and No 14 waterlogging in the garden. We also ask that the contractors are made fully aware of the critical importance of the field boundary hedge so that it is not accidentally removed in parts.

Environment

The planting in the Cotswold AONB is an integral part of its character and this is another reason for retaining the field hedge which acts as a wildlife corridor to animals such as hedgehogs.

Car Parking during and after construction + Construction Access

We refer to all points made under No 4. of our letter dated 20 September 2016 as the amended plan does not address these issues.

Conclusion

Ascott-under-Wychwood strongly objects to the amended proposals for development of 6 houses on the site of the garages behind 18 Maple Way because the proposed layout is overbearing, overshadowing, overlooking and not in keeping with the rural nature of Ascott-under-Wychwood, a small village in the Cotswold AONB. We ask the developers and planning officers to devise a plan which achieves an orientation in line with the existing properties. Whichever way the new houses are sited they will not be as close to the B3347 as the properties in Orchard Way (which have no screening at the back) and if the mature hedge is retained (as is stated in the plans) it will soften the building line of the new development and retain the rural character.

- | | | |
|-----|---------------------------|---|
| I.3 | WODC Drainage Engineers | No objection subject to condition |
| I.4 | OCC Highways | No objection subject to conditions |
| I.5 | WODC Architect | No objection subject to condition |
| I.6 | WODC Env Health - Uplands | Consultee ERS Public Protection I note there is no noise report attached to the application. I am aware of the railway line to the village but not of any other highway or commercial/industrial noise source which may impact the site by noise. |

In any event these new homes should be designed and constructed to a high or 'good' design criteria to accord with clause 7.7.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings

Below are desirable internal ambient noise levels for each dwelling:

Location 07:00 to 23:00 23:00 to 07:00

Living room 35 dB LAeq 16, hour n/a
Dining room 40 dB LAeq 16, hour n/a
Bedroom n/a 30 dB LAeq 8 hour

1.7 Ecologist No Comment Received.

2 REPRESENTATIONS

2.1 Nine objections to the scheme have been received on the following grounds:

Residential amenity

- The terrace block will overlook the gardens of 18, 16, 14 Maple Way.
- The terrace block will overshadow the gardens to north.
- What plans have been put in place by the developer to reduce noise and disruption whilst the garages are dismantled and removed and new building materials are brought in?
- Residents of Dawls Close and Maple Way are elderly and have nowhere to go to escape the constant noise and general disruption which will take place during the development.
- These proposals afford no privacy for new and existing residents.

Design

- Should be oriented the same way as Maple Close.
- Will restrict our view of the fields.
- Artist's impression is not to scale and is misleading as it gives the impression that there is plenty of space around the development - the reality will be too many houses – too many residents in a small space.
- I am concerned that the "turning point" between detached properties could later be proposed as an access road for future development if the field behind were to be sold.

Highways

- Will increase traffic in this quiet close.
- Roadside parking will increase.
- Loss of garages will increase parking in Maple Way.
- Will restrict emergency access to Orchard Way.
- Covenant in Maple Way restricts parking in front gardens - would be sensible to allow dropped kerbs and parking top the front of houses 12-18 Maple Way.
- Increase in parked vehicles will aesthetically spoil the rural outlook in a village designated to be in an AONB.
- We are losing a garage and they are providing us with parking spaces but it will result in us losing garden and we are worried about water run off due to the loss of the garden to soak up the rain.

Drainage

- Will increase the risk of flooding.
- Surface water does not seem to drain away.
- There is already excess water in the neighbouring gardens, the proposed soak away will just exacerbate this situation.
- The test holes made in the garage exterior floor already indicated a slow water drainage to which need to be looked at again.

Other

- We have an amazing ecology of wildlife, birds, Bats, Owls and Hedgehogs their habitat will be removed and once this has been destroyed the wildlife will be destroyed with it.
- We have the benefit of very little street lighting which gives us great night skies, the new developments could impact on this if due consideration is not given.
- Cottsway have not engaged with the local community before applying for planning as they were advised.

2.2 Six further letters of objection received after the receipt of amended plans on following grounds:

- The revised proposal does not address our concerns.
- It fails to protect the privacy of the neighbouring properties.
- It is a token amendment.
- It is unneighbourly and also fails to meet your own policies set out in BE2.
- They failed to follow the correct consultation process, have not involved the local neighbours in the planning or engaged with us in any way to understand the needs of the local residents.
- Moving the windows doesn't make it any more acceptable, will still result in overlooking.
- Strongly hold the belief that the proposed development is not fit for purpose and needs to be reconsidered so that any future development is fit for purpose and in keeping with a very proud and well kept neighbourhood.
- The bulk of the units should be on the south east side of the site.

2.3 One letter of support summarised as follows:

- I am in support of the provision of affordable housing in the area.
- Believe the additional housing will have a positive impact on the village and the area in general.
- Care should be taken to ensure that children can play out safely so visibility for both driver and pedestrian should be considered carefully.

3 APPLICANT'S CASE

3.1 The Design and Access Statement is summarised as follows:

- The concept for the scheme is one of a semi formal arrangement - a mix of six new dwellings for Cottsway Housing Association - grouped in a manner reminiscent of the traditional rural vernacular - typically found in and around village greens.

- The buildings are small in scale with lowered eaves, and the arrangement seeks to create a sense of community, overlooking public areas, self policed yet creating an intimate public realm.
- The site is currently accessed from both the north east via a pedestrian footpath (from Dawls Close) and by the vehicular access into the existing garage court from Maple Way.
- The proposal is for an intimate grouping of buildings in a contemporary vernacular style, integrating amenity area and car parking and creating an informal enclosure.
- This proposal will provide much needed affordable housing in a rural community. The unit mix, type and sizes have been carefully assessed on the local need and informed by an extensive dialogue between Cottsway Housing Association and the West Oxfordshire District Council Housing Officer.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 NE4 Cotswolds Area of Outstanding Natural Beauty
 H2 General residential development standards
 H5NEW Custom and self build housing
 H12 Affordable housing on rural exception sites
 T1 Traffic Generation
 T2 Pedestrian and Cycle Facilities
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 EH1NEW Landscape character
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

5.1 The site is on the south western side of Ascott Under Wychwood which is within the Cotswolds Area of Outstanding Natural Beauty. The proposal seeks consent for the erection of 6 no. affordable houses on a garage court. It is adjacent to existing two and single storey residential development with open countryside to the south east.

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

Principle
 Siting and Design
 Highways
 Residential Amenities
 Landscape

Principle

- 5.3 The proposal is for the demolition of 21 garages and a parking area (and some land reclaimed from adjacent gardens) and erection of 2 no. detached properties and a terrace of 4 two storey properties.
- 5.4 Ascott under Wychwood would have historically fallen under policy H5 of the WOLP 2011 which allows for infilling and conversion of appropriate existing buildings. However, as the Council has not been able to demonstrate that it has a 5 year supply of deliverable housing sites, relevant local plan policies for the supply of housing cannot be considered up to date. Housing applications within the District therefore need to be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of The Framework says that for decision taking where relevant local plan policies are out of date, this means 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. In light of the above and given that the site is located within the built up limits of the village on previously developed land, redeveloping the site for six dwellings is considered acceptable. NB A Local Plan update is going to Full Council on 26th October and an update on the Housing Land Supply position will be given at committee. However this is not considered to have a bearing on this particular application.
- 5.5 The application is for 6 affordable units. The Housing Enabling officer has confirmed that there is a need for such properties within Ascott and that there are eligible candidates on the housing waiting list. The units will be secured as affordable in perpetuity by legal agreement.
- 5.6 Given the above it is considered the principle of development is acceptable.

Siting, Design and Form

- 5.7 The proposal is for a terrace of two storey two bed dwellings along the line of the existing garages and two detached dwellings opposite, also on the line of existing garages. The proposals are for fairly vernacular buildings to be constructed in materials appropriate to their setting. The heights of the buildings are 9.4m high for the terrace and 7.9m for the detached properties.
- 5.8 The proposals are considered to be acceptable in terms of their siting, form and design, in accordance with policies.

Highways

- 5.9 The proposal will result in the loss of 21 garages in total. Officers have requested a breakdown of the current garage use of which 12 are leased and 9 are empty. Of those garages in use, the breakdown is as follows:
- Leased by people in Maple Way 2
Leased by people in the village 6
Leased by people outside village 4
- 5.10 It is not considered that the loss of the garages will result in unacceptable levels of on street parking for existing residents as the garages are only used by 2 households in Maple Way.

- 5.11 Furthermore, OCC as Highway Authority have raised no objection to the scheme subject to conditions. There is sufficient parking for the proposed dwellings and two dedicated parking spaces each for 16 Dawls Close and 18 Maple Way. On that basis the proposals are considered to be in accordance with policy. The Parish Council and several residents have raised the matter of a covenant on the front gardens of properties in Maple Way preventing them being used for parking of vehicles. This matter could be pursued separately by local residents and WODC but should not have a bearing on this application.
- 5.12 Flooding has been raised by local residents and the Parish Council as an issue in the vicinity. The District Drainage Engineers queried the information submitted and requested further information which has been provided by the applicant and has satisfied the engineers. Conditions regarding sustainable drainage have been attached to the recommendation.

Residential Amenities

- 5.13 There have been several objections on the grounds of overlooking from existing residents. Officers had initial concerns regarding perception of overlooking of the private amenity space to the rear of no. 18 Maple Way from first floor windows of plot 1. Following receipt of amended plans showing the rear facing bedroom window removed and a rooflight replacing the bathroom window the proposal is now considered to be acceptable. The distance between the rear first floor windows of the proposed dwellings 2-4 to the garden of no. 18 Maple Way is 6m and to the rear windows (at an oblique angle) is 16m. It is not considered to be overbearing because it is set off the boundary.
- 5.14 For reference, the distance from the first floor bedroom windows to the middle of the garden of is 16m but this is not considered to be private amenity space as it is some distance from the house (Maple Way properties benefit from relatively long gardens in relation to current standards) and bedroom windows are not considered to be habitable rooms for the purposes of overlooking. The distance between the first floor bedroom window of plot 4 and no. 16 Dawls Way is over 21m.
- 5.15 The proposed houses are to the south east of Maple Way and are not considered to have a detrimental impact on available sunlight due to their orientation. The garden of no. 18 may be slightly in shadow in the morning but from mid to late morning the sun will have past the ridges of the terrace. The properties in Dawls Close will not lose any light as they are south of the development. On that basis it is not considered that the proposals will result in unacceptable harm to adjacent residential amenity.

Landscape

- 5.16 The village of Ascott is within the Cotswolds AONB. This site is within the built up limits of the village and will not encroach into the countryside and in that regard it is not considered to have substantial or less than substantial harm on the special landscape character of the AONB. It is considered to be in accordance with policies NE4 and EH1.

Conclusion

- 5.17 The proposal will provide much needed affordable housing on an area of land that has previously been developed. It is considered to accord with local plan policies and the provisions of the NPPF. It will be secured as affordable housing in perpetuity by S106.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 26.9.16.
REASON: The application details have been amended by the submission of revised details.
- 3 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 windows, other than those expressly authorised by this permission, shall be erected or installed.
REASON: Control is needed to protect neighbour amenity
- 4 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.
- 5 The external walls of the dwellings shall be constructed with facing brick, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 6 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 7 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.
- 8 Prior to the first use of the development hereby approved, details of waste bin storage and collection (including construction and layout) shall be submitted to the Local Planning Authority for approval. Thereafter, and prior to the first occupation of the development, the waste storage and collection areas shall be constructed in accordance with the approved details and shall be retained for the storage and collection of waste at all times thereafter.
REASON: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the plan shall be implemented in accordance with the approved details.
REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times
- 10 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities for 2 cycles per household shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.
- 11 No highway work shall begin until details of the junction between the proposed road and the highway have been submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.
REASON: In the interests of road safety.
- 12 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
- 13 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.
- 14 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.
REASON: In the interest of improving connectivity in the District.

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

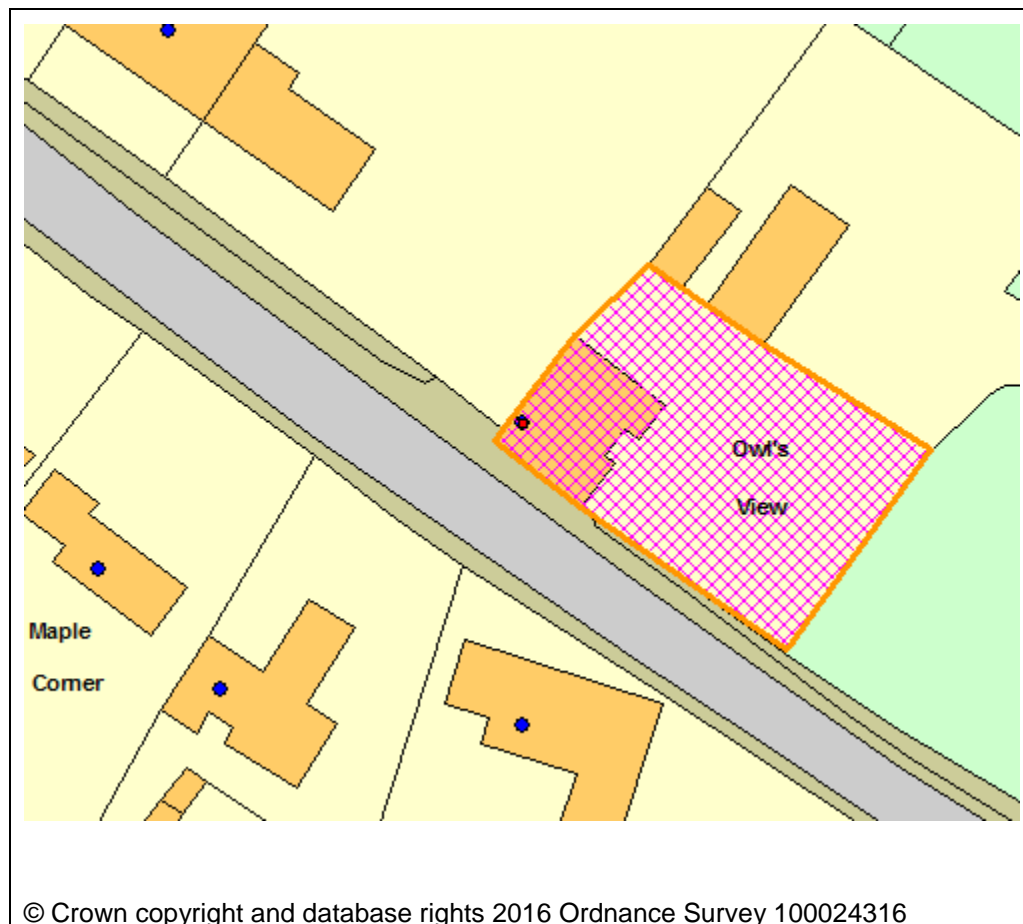
- 15 That, prior to the occupation of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
- REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).

NOTES TO APPLICANT

- 1 New homes should be designed and constructed to a high or 'good' design criteria to accord with clause 7.7.2 of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. Below are desirable internal ambient noise levels for each dwelling:
Location 07:00 to 23:00 23:00 to 07:00
Living room 35 dB LAeq 16, hour n/a
Dining room 40 dB LAeq 16, hour n/a
Bedroom n/a 30 dB LAeq 8 hour
- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
(follow
link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>).
- 3 The road into the development will require a new access from The Orchard. This will need to be the subject of a Section 278 Agreement, which can be progressed by contacting the OCC Road Agreements Team at roadagreements@oxfordshire.gov.uk

Application Number	I6/02853/HHD
Site Address	Owls View Shipton Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JT
Date	26th October 2016
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	427040 E 218252 N
Committee Date	7th November 2016

Location Map



Application Details:

Removal of existing greenhouse and two small fruit trees. Erection of new storage shed.

Applicant Details:

Mr Calum Taylor
Owl's View
Milton Under Wychwood
Oxon
OX7 6JT

1 CONSULTATIONS

- 1.1 Parish Council The Parish Council wish to strongly oppose this development due to the plans of 'shed' which appears to be of industrial proportions and is totally out of character with the surrounding residential area. The structure and size is completely unsuitable for a residential site and would, as with previous applications, effectively merge the villages of Milton and Shipton under Wychwood.

2 REPRESENTATIONS

- 2.1 2 Letters of objection have been received in relation to this application:

Ms Banks made the following comments, which are summarised below:

- The shed is of an enormous scale and would be larger than the existing gym rooms. The proposals are overdevelopment and will impact future residential amenity of Owls View.
- The design of the residential building will merge with the gym and stables buildings.
- The applicant does not state the intended use of the building. The only doors of the building open towards the stables and gym - there are none facing the house. The house already has a large garage and storage sheds have been built on the land at Owls View. Why is this building required?
- The building would erode the greenfield gap between Shipton and Milton and would be harmful to the appearance of the AONB.
- The applicant has not complied with previous planning consents or planning conditions.
- There is an ongoing Environmental health nuisance from the large manure heap at Owls View.
- We are concerned that the existing access will be increasingly burdened if development at Owls View is allowed to continue.

- 2.2 Ms West made the following comments which are summarised below:

- The scale and size is enormous and would be totally out of keeping with the surrounding area.
- It would seem that because of its height and the inclusion of roof lights the intention is to add an 'upstairs' floor at a later date so enabling use as living accommodation or, at least, sleeping facilities for staff. It is after all more than half the size of the gym.
- The applicant has not stated the intended use of the building.
- This plot is surrounded by fields and has always been Agricultural and is in an AONB, but is quickly being changed into a commercial / industrial site. It is in grave danger of being overdeveloped by the applicant who has not complied with or ignored the conditions of previous planning consents.

- "The Shed"" will protrude beyond Owls View and therefore the green field space separating the villages of Milton and Shipton under Wychwood would be lost.

3 APPLICANT'S CASE

- 3.1 As the owner of Owl's View, there is an operational need for storage associated with the house, whereby currently the greenhouse is open to view and not a secure storage solution. It is also old and dilapidated causing us concern to health and safety. We would therefore strongly support the removal and redevelopment of this building and trust that others agree that, although not in view, it will visually improve our dwelling and amenity site.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 BE8 Development affecting the Setting of a Listed Building
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 NE4 Cotswolds Area of Outstanding Natural Beauty
 OS4NEW High quality design
 EH1NEW Landscape character
 EH7NEW Historic Environment
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the erection of a timber storage shed located to the side of a stone bungalow sited on the edge of Milton Under Wychwood. The storage shed would be located within an area of domestic curtilage space associated with Owls View, the existing dwelling on the site.
- 5.2 The land immediately to the north has a commercial/equestrian use with a gym and stables sited on the land; however the development proposed is unrelated to this existing development and forms part of a separate planning unit. A greenhouse building would be removed and replaced by the proposed building. There is an open paddock area to the south east of the site where an application for two dwellings was recently refused in 2015 and a resulting appeal subsequently dismissed (15/03356/FUL).
- 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 siting
 - Impact of on residential amenity
 - Impact on AONB setting

Principle

- 5.4 The proposals relate to the siting of an outbuilding within the curtilage of a domestic dwelling, which is a common form of householder development. The development of domestic ancillary outbuildings including buildings of a larger scale than the building proposed within this application would ordinarily be permitted development under Part 1 Schedule 2 Class E of the General Permitted Development Order 2015. Development is not permitted however on areas of Article 2 (3) land where the outbuilding would be sited adjacent to the side elevation of the dwelling. In this context consideration needs to be given as to the visual impact of the development and the impact on the AONB setting.

Siting, Design and Form

- 5.5 The proposed outbuilding would measure 4 metres to the roof ridge and 2.4 metres to the eaves and would occupy a larger footprint than the existing greenhouse. The design has been amended to reduce the ridge height of the building by 0.4 metres, with the length reduced to ensure that the building does not extend beyond the front elevation of Owls View. The existing dwelling on the site is relatively small and the proposed outbuilding is relatively large in comparison although the shed would comfortably sit below the roof ridge of the bungalow. The proposed outbuilding would not appear prominent in the street scene and would largely be hidden from view, behind the bungalow and would visibly merge with the existing buildings to the side of Owls View. Notwithstanding the fact that the building would be sited within the Cotswolds AONB and is sited along the side of the dwelling, less than 2 metres from the curtilage boundary, the building would in terms of size be in line with permitted development limits specified under Class E of the GPDO 2015.
- 5.6 The proposed development would not extend beyond the front building line of Owls View and would not visibly extend the built form or notably enclose the open space between the villages of Milton and Shipton resulting in coalescence. The building would be sited to the side of Owls View and would not therefore appear prominent within the street scene and would not impact on the setting of the Cotswolds AONB.

Highways

- 5.7 The proposed development would have no impact on existing access or parking arrangements.

Residential Amenities

- 5.8 Although the proposed building is relatively large in relation to the existing bungalow an acceptable level of amenity space would be retained for Owls View, substantially above the 50% specified for development ordinarily carried out under the provisions of Class E of the GPDO 2015. Officers consider that the siting of the shed would not directly impact on the amenity of any adjacent properties. Control of the building would be maintained by a condition restricting commercial use of the building or its conversion to habitable living space.

Conclusion

- 5.9 The proposed outbuilding although relatively large in relation to the existing dwelling would not be excessive in scale particularly considering that the building would be in a position to the side of the dwelling where it would not appear prominent in the street scene or AONB setting.

Officers consider that the development would not have an adverse impact on the amenity of any adjacent properties, or the amenity of Owls View itself. The future use of the building would be limited to an ancillary domestic use associated with Owls View, which would be controlled by condition.

- 5.10 Officers consider that the development as proposed would be compliant with Existing Local Plan Policies BE2, BE4, NE1, NE3 and NE5.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 24/10/16.
REASON: The application details have been amended by the submission of revised details.
- 3 The external walls of the building; 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 building hereby approved shall be used only for purposes ancillary to the domestic use of the existing dwelling 'Owls View' and shall not be used for any commercial purposes and shall not be converted to habitable accommodation.
REASON: To protect the visual and residential amenity of the site and immediate area.