

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 6th March 2017

**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

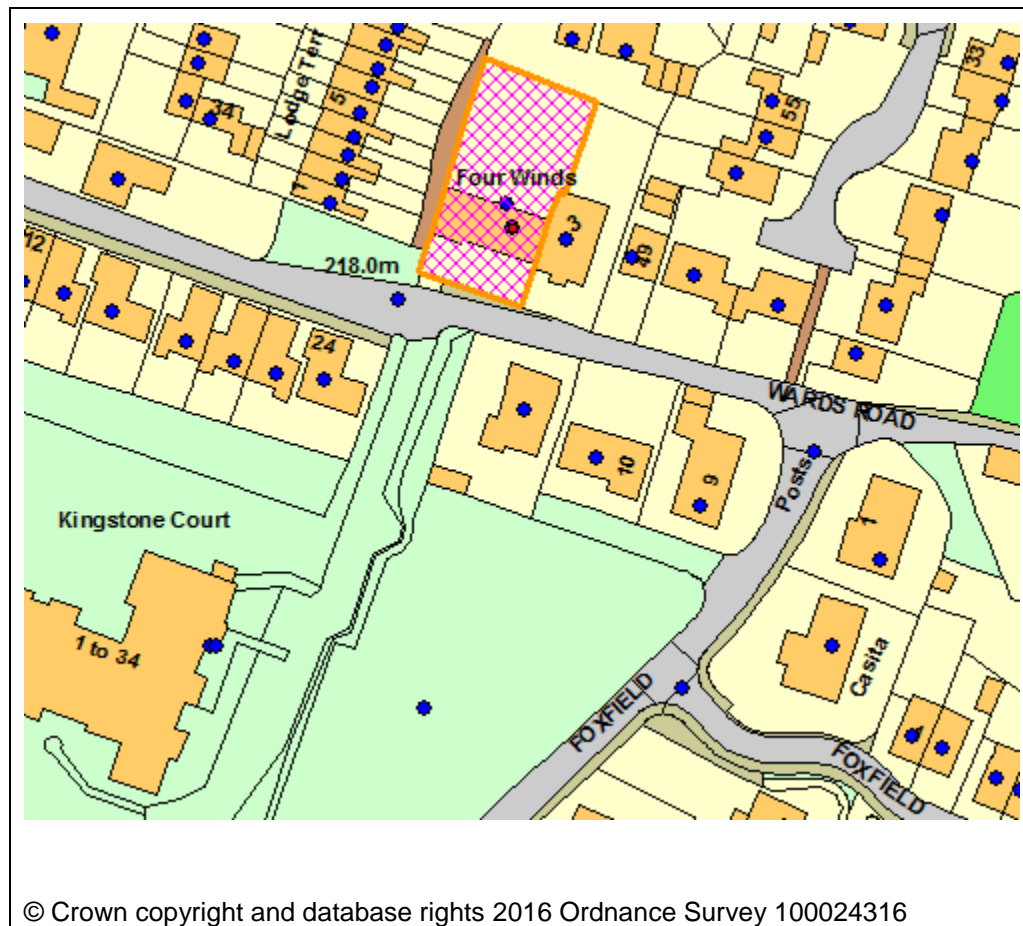
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	
16/03408/FUL	<u>I Four Winds, Wards Road, Chipping Norton</u>	3
16/03416/OUT	<u>Land South Of Banbury Road, Chipping Norton</u>	11
16/03761/OUT	<u>Land West Of Quarhill Close Quarhill Close, Over Norton</u>	27
16/04151/HHD	<u>Oldner Stables, Charlbury Road, Chipping Norton</u>	47
16/04251/FUL	<u>Land South West Of The Hare, High Street, Milton under Wychwood</u>	52

Application Number	I6/03408/FUL
Site Address	I Four Winds Wards Road Chipping Norton Oxfordshire OX7 5BU
Date	22nd February 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	431632 E 227027 N
Committee Date	6th March 2017

Location Map



Application Details:

Demolition of two bungalows and erection of three two storey terraced dwellings.

Applicant Details:

Mr Keith Millard
Sandfields Farm
Over Norton
Chipping Norton
Oxfordshire
OX7 5PY

I CONSULTATIONS

I.1 OCC Highways

I have not had an opportunity to carry out a site visit, however I have reviewed the application documents including the location plan provided and have the following advice from a highways perspective:

My understanding is that the application proposes to provide dropped kerbs for the entire section of the carriageway fronting the site - which shall not be accepted. A dropped kerb crossing such as the kind intended here will not be approved so that it covers the full width of your property.

That being said, a realigned parking arrangement with accesses to each property not covering the entire width of the individual dwellings would likely be accepted if submitted.

Section 4.4 of the Design and Access Statement proposes to provide a graveled parking area to the front of each dwelling. It is essential that where loose material surfacing is provided adjacent to highway, measures should be put in place that prevents the material (gravel) from migrating onto the carriageway. The applicant is thus advised to make these provisions to ensure that loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

In view of the above, Oxfordshire County Council as Highway Authority hereby Object to the grant of planning permission for the observations made above.

I.2 WODC Architect

Suggested amending the design to create a terrace of dwellings, in line with the amended plans. No objection to the amended design.

I.3 WODC Drainage Engineers

Soakaways should be designed to withstand a 1 in 30 year + 30 % climate change flooding event.

The site should contain surface water for all return periods up to and including the 1 in 100 year + 30% climate change event.

An exceedance plan for flows above the 1 in 100 + 30% event shall be submitted with the proposal. The proposed scheme shall identify exceedance flow routes through the development based on proposed topography with flows being directed away from areas in private ownership.

- 1.4 Biodiversity Officer No Comment Received.
- 1.5 Town Council No objection to amended plans. Suggested that original proposals for a detached dwelling and pair of semi-detached properties should be amended to a small terrace of three dwellings.

2 REPRESENTATIONS

- 2.1 6 letters of objection have been received in relation to the planning application, these objections are summarised below:
- No objection to the redevelopment of the site, but the proposed buildings are too high and will tower over the surrounding properties in Wards Road and Rowell Way. The development will block light to 49 Rowell Way.
 - The height of 9.4 metres is excessive and will tower over The Terrace resulting in a loss of light to these properties. The development would have a negative visual impact on the area.
 - Concerns have been raised about parking in the area. The parking provision for two vehicles per dwelling is insufficient.
 - There are existing access and parking issues existing on Wards Road. A meeting is requested between the developer, WODC and local residents in advance of construction works commencing to prevent highways and access issues resulting from the development.
 - The plans for the boundary wall are unclear, whether this will be retained.
 - The garden of the end properties of Lodge Terrace would be overlooked, resulting in a loss of privacy for the occupants of these properties.
 - Concerns were raised about the adverse impact of noise and disturbance.
 - The development would be overbearing and will result in over-shadowing and loss of light.
 - The proposed development is not aesthetically pleasing in as much as one of the bungalows is being retained.
- 2.2 Mr Miles commented that he had no objections providing no windows are granted on the side elevation, although concerns were raised about parking.

3 APPLICANT'S CASE

- 3.1 One of the core land-use principles set out in the National Planning Policy Framework (NPPF) is to proactively drive and support sustainable economic development to deliver the homes that the country needs. As the application site is location within one of the three principle service centres of the district, which is a main transport hub and lies within easy walking and cycling distance of the town centre and its numerous facilities, the proposal to redevelop the site for additional housing constitutes a sustainable form of development which is entirely in accord with key National Policy Guidance.
- 3.2 The proposed redevelopment scheme for 3 houses conforms fully to the stringent guidelines set out in central government guidance and in the policies of the adopted and new local plans in the:
- a) It constitutes an acceptable form of sustainable development on an existing residential plot within the existing built up area of the settlement. Redevelopment of the site would constitute “rounding off” and would be a logical complement to the existing scale and pattern of development in the area, which is characterised by recently approved medium density linear and

estate developments. Its redevelopment would make a small but significant contribution to the towns housing requirement, thereby taking pressure off the need to release greenfield sites at the edge of the settlement.

b) The existing bungalows are dated in terms of their design and external appearance and contribute little to the character of the surrounding area. In contrast the proposed dwellings have been sited and designed to replicate the linear development pattern along Wards Road and will enclose the street in a far more traditional manner than the existing bungalows which lack both verticality and presence. The simple uncomplicated elevations of the dwellings reflects the traditional design of terraced cottages in the town and this respect for the vernacular is emphasised in the use of natural stone to the elevations and reconstructed stone slates to the steeply pitched roofs.

c) Given that the three houses will stand on roughly the same footprint as the existing bungalows and are orientated in the same direction, it is not considered that there will be any loss of amenity to the adjoining occupiers. Similarly it is not considered that the traffic generated from one additional dwelling will have any detrimental impact on highway safety along Wards Road or its junction with Albion Street.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
 - BE3 Provision for Movement and Parking
 - H2 General residential development standards
 - H7 Service centres
 - OS1NEW Presumption in favour of sustainable development
 - OS4NEW High quality design
 - H2NEW Delivery of new homes
- The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks approval for the erection of a terrace of three two storey dwellings located at Wards Road in Chipping Norton, a residential lane located outside the Chipping Norton Conservation Area. The site is presently occupied by a pair of 1970's single storey reconstituted stone bungalows, with associated amenity space and an area of hardstanding fronting Wards Road. The existing dwellings are vacant and are in a dilapidated and poor condition. The adjacent property No.3 Wards Road is also a bungalow of a similar appearance, however this building lies outside the site area and would be retained. The adjacent dwellings in Wards Road consist of a mix of detached, semi-detached and terraced dwellings constructed predominantly from reconstituted stone. Development in Rowell Way to the rear and east side of the site consists of modern reconstituted stone properties. A terrace of properties exists to the west of the site, which include rear areas of curtilage space facing the development site and side elevation of the proposed dwellings. The rear curtilage of these properties is separated from the proposed dwellings by a small private alleyway.
- 5.2 The proposed scheme has been amended resulting in a reduction in the height of the proposed dwellings by around 1 metre. Previously a pair of semi-detached dwellings was proposed alongside a single, detached dwelling. On officers advice and following comments submitted by the Town Council the development was amended to form a small terrace, which was adjudged to appear more acceptable in terms of the developments appearance in the street scene and

relationship with the existing, much lower adjacent bungalow (No.3 Wards Road). The height of the proposed dwellings has additionally been reduced by around 1 metre.

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 on the Residential Amenity of Existing Residents
- Highways

Principle

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

5.5 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2, given the existing situation it is considered that minimal weight can be attached to these location based policies. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. The application site is located within a relatively central position in Chipping Norton and lies in close proximity to existing services and facilities within the town. The site is brownfield land and the development proposed would replace two substandard properties, the proposed layout would replicate the existing linear pattern of development in the immediate area and is broadly in line with the existing built form. The principle of three new dwellings on the site and the removal of the existing bungalows would in policy terms be considered acceptable.

Siting, Design and Form

5.6 The proposed dwellings would be two storeys, would be of a simple vernacular form and would be constructed from natural stone. The design approach and use of materials is broadly reflective of the existing development along Wards Road in particular the dwellings on the opposite side of the road. The proposed design of the properties would be a demonstrable enhancement on the appearance of the existing poor quality bungalows, although officers would note that although the existing dwellings are not aesthetically pleasing, the appearance of these properties in the street scene is fairly low key and innocuous.

5.7 The previous layout which consisted of a pair of semi-detached dwellings and a detached property has been amended increasing the separation distance between the properties and the adjacent bungalow, No.3 Wards Road. The proposed layout allows for an increased separation distance of 2.4 metres to be retained between the end of terrace property and No.3 Wards Road which appears more acceptable in a visual sense, particularly when viewed from the street

scene in Wards Road. The 1 metre reduction in the roof ridge height of the dwellings has additionally lessened the extent to which the proposed dwellings may appear overbearing in relation to the adjacent bungalow. Although there is an evident difference in heights between the proposed dwellings and the existing bungalow, officers consider that amended proposals are on balance acceptable from a visual perspective, particularly when considering that the proposed dwelling would replace two substandard properties.

Highways

- 5.8 Parking for two vehicles is proposed forward of each of the three dwellings which is considered sufficient for the size of the proposed properties. Whilst acknowledging concerns raised by residents regarding the existing parking situation along Wards Road, the dwellings would have adequate parking and the provision of one additional dwelling would generate little in the way of additional vehicular movements along Wards Road. Officers note that in their consultation response OCC Highways Officers raised no objection to the parking provision proposed and the objections raised in relation to the drop kerb and surfacing materials could be adequately addressed by condition.

Residential Amenities

- 5.9 The proposed dwellings would extend to a height of 8.3 metres to the roof ridge which would be a height increase of 3.8 metres compared with the existing height of the bungalows which extend to a total height of 4.5 metres to the roof ridge. An 8.5 metre section of the east side elevation wall of the terrace would face the rear aspect and curtilage space of three dwellings which form part of a neighbouring terrace of properties in Wards Road, known as Lodge Terrace. The properties which would be most substantially affected by the development would be Numbers 1, 2 and 3 Lodge Terrace, with No.4 affected to a lesser extent.
- 5.10 The east side wall of the proposed dwellings would be sited approximately 10 metres from the rear single storey element of Nos. 1, 2 and 3 and approximately 14 metres from the rear, second floor windows of the main rear elevation of these properties. The single storey extension to No.2 Lodge Terrace contains a rear conservatory, whilst the single storey element of No.1 contains a kitchen. The amendments made to the plans, whilst improving the visual relationship between the proposed dwellings and adjacent bungalow, has resulted in the side wall of the proposed dwellings being moved closer to the boundary of the adjacent properties in Lodge Terrace. Subsequently the side elevation of the proposed dwellings would immediately abut the boundary of the site and would be separated from the rear curtilage of the dwellings in Lodge Terrace by a less than 2 metre wide alleyway. Officers consider that the rear aspect of the properties at 1, 2 and 3 Lodge Terrace is likely to be significantly affected by the proposed development and the subsequent 3.8 metre height increase proposed.
- 5.11 Policies BE2 and H2 of the Existing Local Plan and Policies OS4 and H2 of the Emerging Local Plan specify that all proposed residential development should not create unacceptable living conditions for existing and future occupants which may compromise the amenity of residents. The existing single storey bungalows are low in terms of height, extending to a maximum height of 4.5 metres to the roof ridge, given the low height of the building; the existing development has little impact on the amenity of the properties in Lodge Terrace. The proposed development by contrast would be substantially greater in terms of scale and mass, given that the height of the side elevation of the east facing dwelling would measure 5 metres to the eaves and 8.5 metres to the roof ridge. Whilst shorter than the bungalow in terms of width, the mass of the proposed dwellings would be significantly greater. Whilst only a small section of the side wall, the eaves

and roof is presently visible from these properties the proposed development would in contrast result in a significantly higher blank side wall facing the rear curtilage of these properties at a separation distance of less than 2 metres. Furthermore there is a pronounced drop in ground levels from the site to the rear elevation of Nos. 1, 2 and 3 Lodge Terrace increasing the impact of the proposed development.

- 5.12 Officers have substantial amenity concerns regarding the increase in scale resulting from the development proposed and the proposed separation distance between the proposed dwellings and both the rear aspect of the single and two storey elements of the existing properties of Nos 1 to 3 Lodge Terrace as well as the proximity of the side wall of the proposed dwellings to the rear curtilage space of these properties. Turning firstly to the issue of the impact on the rear windows of the dwellings 1 to 3 Lodge Terrace, a guide separation distance of 14 metres is usually applied in a circumstance where the side elevation of a proposed dwelling would face the rear aspect of an adjacent property or properties. This separation distance, whilst not an absolute rule should be weighed against any site specific factors, including the topography of the site. The distance between the two storey rear elevation of Nos. 1 to 3 Lodge Terrace and the proposed development is 14 metres, which lies on the parameters of what would be considered acceptable, although officers note that there would be a distance of 10 metres between the rear ground floor element of these properties, which in the case of Nos 1 and 2 contain habitable rooms. Accounting in particular for the decline in topography between the properties in Lodge Terrace and the proposed dwellings on the site, this separation distance would fall below what would be considered an acceptable distance in order to adequately preserve the amenity of the occupants of these properties. Your officer's assessment is that the development by reason of its scale and massing, in particular when viewed from the single storey section of the rear elevation of these properties would have an overbearing and oppressive impact on the rear aspect of these properties, which would detrimentally affect the outlook of these dwellings.
- 5.13 Turning to the matter of the outlook of the rear amenity space of these dwellings, it is evident that this would be affected to an even greater degree. Nos. 1 to 3 Lodge Terrace each have very small areas of outdoor amenity space, the quality of this space is highly dependent on the rear outlook to the west. The proposed development would substantially compromise the quality of the amenity space of these properties, by reason of the scale and mass of the proposed dwelling, which would result in an unbroken expanse of the side wall of the properties immediately facing the rear curtilage of these properties at a low separation distance and sitting at a higher topographic level. The development would be both overbearing and would result in a loss of light and overshadowing of the rear curtilage of these properties. The amenity of the existing properties is dependent on the quality of the relatively small amenity space and officers consider that the development as proposed by reason of the proposed scale, mass and subsequent impact on the rear outlook of these properties, through related loss of light would significantly and demonstrably compromise the amenity of the existing occupants of Nos 1-3 Lodge Terrace. When considering the additional impact of the development on the outlook of the rear aspect of the single storey element of Nos 1 and 2 Lodge Terrace, officers consider that the development would fail to retain an acceptable standard of amenity for existing occupants and such the development would be contrary to the aims of Existing Local Plan Policies BE2 and H2; Emerging Local Plan policies OS2, OS4 and H2 and the provisions of the NPPF, in particular Paragraph 17.
- 5.14 In relation to overlooking officers consider that this would not be a sufficient reason to warrant refusal. It is noted that there are no windows proposed on either side elevation of the dwelling and whilst windows are proposed at first floor on the rear elevation of the dwellings, these windows would not directly face the rear curtilage of Nos 5 to 10 Lodge Terrace and

subsequently it is adjudged that the privacy of these properties would not be substantially compromised. There is a separation distance of approximately 19 metres between the rear elevation of the proposed dwellings and the curtilage of the neighbouring properties in Rowell Way, which officers consider would be sufficient in retaining an acceptable degree of privacy for the occupants of these properties.

Conclusion

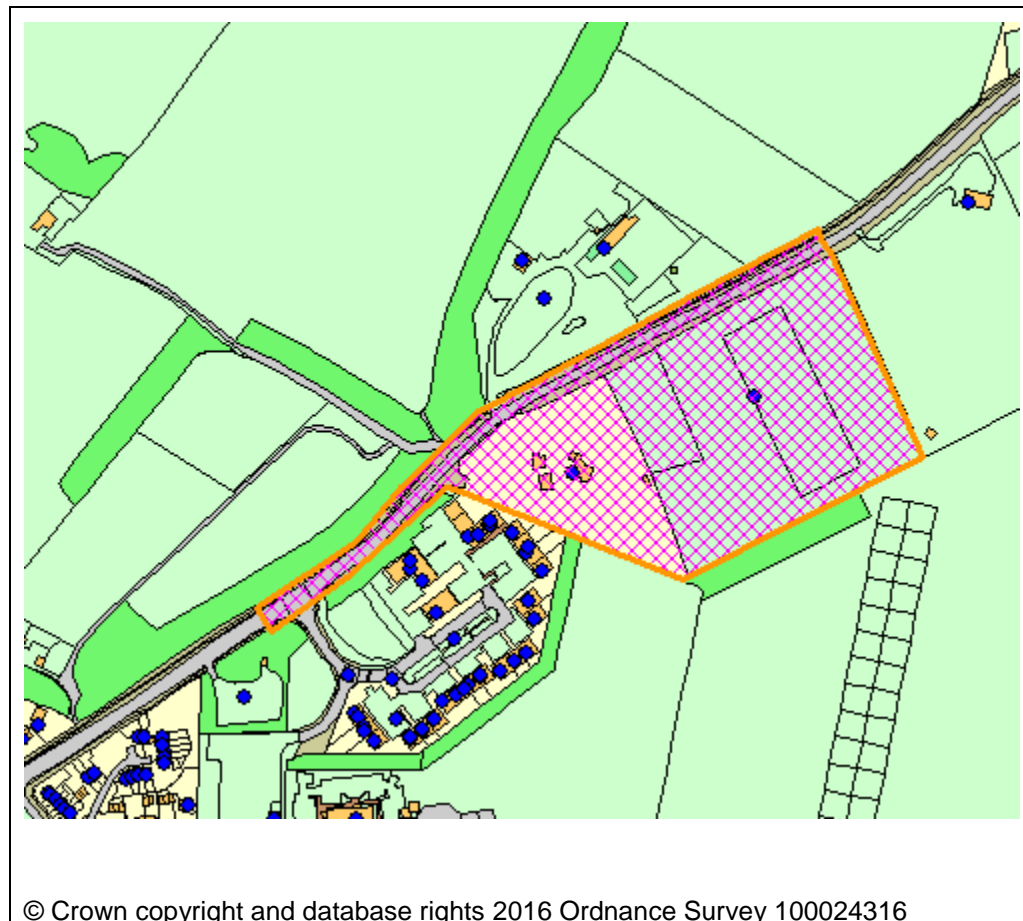
- 5.15 Whilst the principle of replacing two substandard dwellings with three dwellings of a significantly enhanced design is considered acceptable and officers accept that there would be demonstrable benefits resulting from both the increase in quality of the dwellings alongside the provision of an additional dwelling and its resulting contribution to local housing supply, this would not justify the development substantially compromising the amenity of existing occupants. The increase in scale and mass resulting from the development of three two storey dwellings compared with the relatively limited scale and mass of the existing bungalows would have a demonstrably detrimental impact on the amenity of Nos. 1, 2 and 3 Lodge Terrace by reason of the developments impact on the outlook of the rear aspect of these properties through the overbearing scale of the proposed development and resulting issues of overshadowing and loss of light. Subsequently officers consider that the development would be non-compliant with Existing Local Plan Policies BE2 and H2; Emerging Local Plan policies OS2, OS4 and H2 and the provisions of the NPPF, namely Paragraph 17.

6 REASON FOR REFUSAL

The development as proposed, by reason of its overbearing scale, mass and siting would detrimentally affect the outlook of the rear curtilage space and rear aspect of the existing properties at 1, 2 and 3 Lodge Terrace to an extent where the development would substantially compromise the amenity and living conditions of the existing occupants of these properties. As such the development would fail to comply with the provisions of Policies BE2 and H2 of the Existing West Oxfordshire Local Plan; Policies OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF, in particular Paragraph 17.

Application Number	16/03416/OUT
Site Address	Land South Of Banbury Road Chipping Norton Oxfordshire
Date	22nd February 2017
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Town Council
Grid Reference	432201 E 227776 N
Committee Date	6th March 2017

Location Map



Application Details:

Outline planning application for demolition of existing buildings and erection of up to 100 residential dwellings including 40% affordable housing, creation of new vehicular access off of Banbury Road and provision of public open space with associated infrastructure and earthworks. All matters reserved except accessibility to the site, for vehicles in terms of the positioning and treatment of the access to the site.

Applicant Details:
Gallagher Estates Ltd
c/o Agent

I CONSULTATIONS

- | | | |
|------|-------------------------------------|--|
| I.1 | Major Planning Applications Team | Final OCC comments to be reported at the meeting.
Contributions to bus services, bus stops and highways works will be required.
Contributions to education and library in Chipping Norton required. |
| I.2 | WODC - Arts | A S106 contribution of £12,600 is required to develop temporary public art activity to foster connectivity for and with residents post occupation. |
| I.3 | WODC Architect | The listed gate piers should be restored as part of the scheme. No other observations. |
| I.4 | Environment Agency | No objection subject to conditions. |
| I.5 | ERS Env Health – Uplands | No objection subject to contaminated land condition. |
| I.6 | Biodiversity Officer | No objection subject to conditions |
| I.7 | WODC Head Of Housing | No objection. The proposal refers to a policy compliant contribution to affordable housing. |
| I.8 | WODC Landscape And Forestry Officer | No comments received. |
| I.9 | WODC - Sports | £1,156 x 100 = £115,600 off site contribution towards sport/recreation facilities within the catchment.
£139,916 for the provision and maintenance of an on-site LEAP |
| I.10 | Thames Water | Waste Comments
Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
Water Comments
The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional |

demand.

Thames Water recommend the following informative be attached to any planning permission: There is a Thames Water main crossing the development site which may need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

I.11	Town Council	The Town Council object to this planning application as to the previous response and also stress that the applicant must work with Oxfordshire County Council to make sure that a road goes through the proposed development of 100 houses and across to the London Road when OCC develop their site in this location. Some joined up thinking to actually produce an outcome which has been discussed for a few years.
I.12	Major Planning Applications Team	See earlier comments
I.13	WODC - Arts	See earlier comments
I.14	WODC Architect	See earlier comments
I.15	Environment Agency	See earlier comments
I.16	ERS Env Health – Uplands	See earlier comments
I.17	Biodiversity Officer	See earlier comments
I.18	WODC Head Of Housing	See earlier comments
I.19	WODC Landscape And Forestry Officer	See earlier comments
I.20	WODC - Sports	See earlier comments
I.21	Thames Water	See earlier comments
I.22	Town Council	See earlier comments
I.23	ERS Air Quality	No objection
I.24	ERS Env. Consultation Sites	See earlier comments

2 REPRESENTATIONS

- 2.1 Two objections have been received referring to Chipping Norton Cricket Club and the following matters:
- Concern about security of buildings and equipment from unauthorised access to the ground and cricket square from unauthorised access. Cricket Club has not been approached by the developer to discuss the plan.
 - Balls being hit out of the ground into the housing estate and striking people and property. Implications arising from potential negligence and nuisance from cricket balls being hit over the boundary referred to in Miller v Jackson court case. Developer should pay for and maintain a boundary fence. However, this is likely to be unsightly.
 - Delays on match days retrieving balls.
 - Entry and exit could be harder with more traffic on Banbury Road. Congestion in direction of Chipping Norton.
 - Wrong side of town for this kind of development. Employment use needed.
 - Poor air quality in Horsefair.
 - 100 houses too large for the site.
 - Concerns regarding access onto Banbury Road.

3 APPLICANT'S CASE

- 3.1 The application is submitted in outline and proposes the erection of up to 100 new homes, with all matters reserved apart from means of access. Chipping Norton is recognised as a sustainable settlement by the Council in adopted and emerging Local Plans, and is identified as one of the top three settlements in the District. The suitability of the site for development has been recognised by the Council through the emerging allocation of the site as part of the wider East of Chipping Norton SDA. The site does not have any landscape or other Local Plan designations or restrictions.
- 3.2 The Council cannot demonstrate a 5 year supply of deliverable housing sites and the new Local Plan has not passed through all its stages. As such, as recognised by the Council in considering applications at recent planning committees (and through recent appeal decisions in WODC), the provisions of paragraphs 49 and 14 of the NPPF are engaged, such that the so called tilted balance in favour of development is invoked, unless the LPA can demonstrate significant and demonstrable harms that justify refusing consent.
- 3.3 Notwithstanding this the applicant has worked closely with WODC and OCC to ensure the proposals for the site form a first phase of the SDA. The development will deliver a signalised junction on to Banbury Road and the first section of the eastern link road proposed as part of the allocation. Approval of the planning application will be a clear demonstration to the Local Plan Inspector of the deliverability of this important allocation for the District and provide an early release of housing to help towards meeting the Council's current 5 year housing land supply shortfall.
- 3.4 As demonstrated in the application submission, the development will provide a sustainable development comprising a mix of dwellings, which sensitively responds to the surrounding site context. The range of studies that have been undertaken to support this planning application demonstrate that a high quality development will be achieved at the site. Where the scheme has been amended to meet the requirements of the emerging policy context in respect of the

eastern link road, updated technical notes have been provided which confirm that the amendments are acceptable. There are no identified environmental, technical or other reasons why planning permission should not be granted in this case. No infrastructure deficiencies have been identified that cannot be mitigated, and there are no highway objections to the proposals.

- 3.5 It has been clearly demonstrated that as such there is no identified harm which would significantly and demonstrably outweigh the substantial benefits which would be achieved. The applicant and its consultant team has sought to work closely with WODC and statutory consultees to address the comments received during the determination period, and to secure an appropriate package of measures to mitigate potential impacts of the proposed development through the Section 106 Agreement which will be attached to any grant of planning permission.
- 3.6 As such the proposals should be granted permission in accordance without delay, with the presumption in favour of sustainable development and accordingly the planning application and residential proposals contained therein are therefore commended to West Oxfordshire District Council.

4 PLANNING POLICIES

- 4.1 BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE13 Archaeological Assessments
BE18 Pollution
H2 General residential development standards
H7 Service centres
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
NE6 Retention of Trees, Woodlands and Hedgerows
NE13 Biodiversity Conservation
NE15 Protected Species
H11 Affordable housing on allocated and previously unidentified sites
TLC7 Provision for Public Art
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1NEW Landscape character
EH2NEW Biodiversity
EH5NEW Flood risk
EH6NEW Environmental protection
CN1NEW East Chipping Norton Strategic Development Area (SDA)

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

5 PLANNING ASSESSMENT

- 5.1 The proposal is an outline application for the erection of up to 100 dwellings, including 40% affordable housing, on a site to the north east of Chipping Norton and south of Banbury Road. The illustrative layout shows where the houses would be likely to be built and indicates that there would be significant areas of land given over to drainage features and landscaping. Importantly, the scheme includes provision for an access from Banbury Road which would facilitate the creation of a link with the large strategic site allocation east of Chipping Norton, of which the application site forms part. A range of supporting information has been provided. The Design and Access Statement indicates a mix of units up to 2.5 storey in height.
- 5.2 The site lies in a prominent position on one of the main approaches to the town from the east, but benefits from substantial existing screening to the road provided by trees and hedgerow. The other site boundaries also feature mature hedgerow and trees. There is a collection of disused buildings on the site, including a bungalow, outbuildings and agricultural sheds. There are agricultural fields to the south. To the north is a well-established garden centre. Immediately to the east is a cricket field.
- 5.3 The boundary of the Chipping Norton Conservation Area lies approximately 200m away to the south west, at its closest point to the site. There are no listed buildings in close proximity, the closest being at Norton Park, which was formerly a Victorian Workhouse. However, the ashlar mid C18 gate piers to the site are Grade II listed and their restoration and retention will be important as part of the scheme. The site is not within a designated area, but the Cotswolds AONB lies to the north on the opposite side of the Banbury Road.
- 5.4 There is limited planning history, although in the 1980s three applications were submitted and approved dealing with the erection of buildings and the use of land and buildings for sales, service and repair of garden machinery (see W83/0601, W88/1271, and W89/0473).
- 5.5 The site is identified in the SHELAA November 2016 as site No.290 and is considered to be suitable for housing development in the 0-5 year timescale. It is noted that the development has potential to form part of a wider development area. This larger area is the strategic development area CN1 in the modifications to the emerging Local Plan.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 - Siting, design and form
 - Landscape
 - Highways
 - Trees, landscaping and ecology
 - Drainage
 - Residential amenity
 - SI06 matters

Principle

- 5.7 Chipping Norton is one of 3 main service centres in the District, and in the emerging Local Plan Policy OS2 it is noted that these will be the focus of a significant proportion of new homes, jobs and supporting services.
- 5.8 The town benefits from services, including primary and secondary schools, community buildings, sports facilities, shops and pubs/restaurants.
- 5.9 Local Plan 2011 Policy H7 would not allow for the development of the application site because it involves new build housing that does not constitute infilling or rounding off. However, this policy is considered to be out of date.
- 5.10 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, 1836 dwellings. In order to maintain an annual requirement that is realistically achievable, Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times, and the accumulated shortfall will be spread over the plan period using the "Liverpool" calculation. The supply includes commitments, small sites and allocations which total 4,514 dwellings. This gives rise to a 5.5 year supply. However, the convention is to use the "Sedgefield" method of calculation where the shortfall is dealt with in the next 5 year period rather than being spread over the entire plan period. Using this calculation, the 5 year supply is 4.18 years. The Council will be making a case for "Liverpool" at the resumed Examination, but accepts that this is currently untested and not endorsed by the EiP Inspector. Accordingly, prior to further monitoring information becoming available and the outcome of the Examination, it remains appropriate to apply "Sedgefield" and therefore it is acknowledged that the Council cannot currently demonstrate a 5 year supply. In this context paragraphs 14 and 49 of the NPPF are engaged.
- 5.11 Emerging Policy H2 allows for housing development on allocated sites, and in this case the application site forms part of allocation CN1. This allocation, as shown in the modifications to the emerging Plan, is somewhat larger than that previously envisaged and takes in land outside the area identified for development to the east of Chipping Norton on figure 6.4 of the Chipping Norton Neighbourhood Plan which was published in advance of the publication of the modifications.
- 5.12 The identification of the suitability of the site in the SHELAA in the 0-5 year period supports its coming forward for development now, notwithstanding the fact that the proposed allocation of which it forms part is not yet adopted. The proposal includes the necessary provision of a road link into the adjoining land and it is considered that the strategic objectives of delivering allocation CN1 will not be materially prejudiced. The development will make proportionate contributions to infrastructure in this location.
- 5.13 Notwithstanding the intentions in the emerging Plan, the weight to be attached to policies for the supply of housing is currently limited. Therefore, with reference to a range of policy

considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.14 An indicative layout has been provided, and this shows that a scheme of 100 dwellings can readily be accommodated within the site area.
- 5.15 The layout shows an intention to set buildings back from the periphery of the site, and significant landscaped buffers would be provided, particularly to the north, west and east. The existing boundary hedges and trees would be retained, except where removal is necessary to facilitate access, or where tree removal is intended in accordance with good arboricultural practice. Other tree removal within the site may be necessary to accommodate new buildings. The eastern edge of the site would be laid out with a main road access providing the opportunity to link with the wider land allocation to the south.
- 5.16 It is understood that the houses would be up to 2.5 storey. This would be consistent with the scale of buildings elsewhere in this part of the town. The design would in all probability be inspired by vernacular forms, but the precise design and layout would be considered at the reserved matters stage.

Landscape

- 5.17 The site lies at the northern edge of the Enstone Uplands character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is semi-enclosed limestone wolds which has moderate inter-visibility. In these areas it is noted that development would need to be integrated with a strong landscape structure and the quality of the approach to the town needs to be maintained.
- 5.18 Given the existing screening, which would be supplemented with additional planting, it is considered that the development would not have a very harmful visual impact, although the magnitude of change from largely a greenfield site to substantial amounts of housing is acknowledged to be high.
- 5.19 When approached from the east, the development would be viewed in the context of the existing urban edge and existing built form, for example, the very visible garden centre with its open frontage.
- 5.20 Some harm in landscape terms is acknowledged, although judged to be quite localised and limited. This needs to be factored into the planning balance. In any event, it should be borne in mind that the site forms only a relatively small part of an extensive development area envisaged in this location.

Highways

- 5.21 Access would be taken from Banbury Road, by way of one main road, constructed to an appropriate standard to act as a link road to the strategic allocation. Secondary pedestrian/cycle access would be provided at the western end of the site to allow connectivity to the town. Rather than provide a footway on the south side of Banbury Road itself, a new footway would sit within the site boundary. This would make for a more pleasant environment for pedestrians.

Appropriate crossing points would be installed at the junction with the Banbury Road and to the west of the site.

- 5.22 The means of access proposed is acceptable and suitable dimensions and visibility splays can be provided.
- 5.23 From the centre of the site it would be approximately 1km to Chipping Norton town centre. This would be a 10-15 minute walk mostly downhill. It is however acknowledged that the return journey back to the site would be a more challenging walk given the gradient on Banbury Road.
- 5.24 OCC initially commented in relation to the need for an access road to be provided to the allocated land beyond the site, and suitable visibility required. In advance of the submission of the revised plans, discussions took place between the applicant and OCC with regard to technical considerations. OCC comments on the revised plans will be reported at the meeting.
- 5.25 There are existing bus services in Chipping Norton, linking to Oxford and Kingham Station, but it would be necessary to enhance service provision by way of a developer contribution of £1000.00 per dwelling. This would relate to additional services between Chipping Norton and Banbury. In addition, new stops would be provided on Banbury Road. This would be secured by legal agreement.
- 5.26 A number of off-site highways works will be required to facilitate traffic light junction and crossing points at Banbury Road. These will be the subject of a S278 agreement.
- 5.27 OCC will require contributions to changes to speed limits to move the 40mph limit on Banbury Road further east and the introduction of 20mph limit in the town.
- 5.28 A travel plan will be required by condition.

Trees, landscaping and ecology

- 5.29 There are hedgerows and trees on all boundaries of the site. The development would not encroach into peripheral areas of the site, except for a small amount of removal to facilitate the new vehicular and pedestrian accesses. The peripheral planting would be largely retained.
- 5.30 Subject to the submission of a full tree retention and protection plan, which can be secured by condition, it is considered that there would be no significant detriment in landscape terms arising from the treatment of trees on the site. The proposal therefore complies with Local Plan Policy NE6.
- 5.31 A reserved matters submission would include a landscaping scheme, and the illustrative plan indicates an intention to provide significant additional planting.
- 5.32 The submitted ecological report was considered by the Council's Biodiversity Officer and no objection is raised, subject to conditions.

Drainage

- 5.33 The site is within Flood Zone 1 and therefore at low risk of flooding. Subject to a sustainable drainage scheme being agreed, there is no reason to believe that the development would result in detriment as regards increased flood risk.

- 5.34 OCC as lead drainage authority expressed some concerns about the proposed drainage strategy in relation to on site attenuation and the potential discharge of surface water to the public sewer. OCC's updated comments will be reported at the meeting.
- 5.35 Thames Water has no objection as regards sewerage infrastructure capacity.
- 5.36 The existing water supply infrastructure has insufficient capacity to meet the additional demands of the development. Thames Water therefore requires an impact study to be carried out by condition.

Residential amenity

- 5.37 The indicative layout shows that a development of 100 units can be accommodated on the site. There are currently no neighbouring residential properties that would be affected by the development. The detailed arrangement of buildings would be addressed at the reserved matters stage with regard to appropriate privacy and amenity being achieved within the site.
- 5.38 It is acknowledged that short term effects can be experienced during the construction phase, such as construction vehicle movements, noise from construction activities, and pollution such as dust. However, the impacts arising can be ameliorated through compliance with a construction management plan which would be the subject of a condition. The neighbouring buildings at Cromwell Park are in office use and are unlikely to give rise to unacceptable noise and disturbance to future residents.

Contamination

- 5.39 The submissions have been assessed by WODC Pollution Control Officer and no objection is raised subject to condition.

SI06 matters

- 5.40 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution. Policy BD3 of the Chipping Norton Neighbourhood Plan promotes the provision of affordable housing.
- 5.41 A contribution of £12,600.00 to enhance public spaces by creating artist-led bespoke features is required towards public art.
- 5.42 A contribution of £115,600.00 off site contribution towards sport/recreation facilities in Chipping Norton. In addition, £139,916.00 for the provision and maintenance of an on-site LEAP.
- 5.43 A contribution to Primary education of £380,427.00 is required for the necessary expansion of St Mary's CE Primary School.
- 5.44 A contribution of £38,710.00 is required towards nursery education.
- 5.45 A contribution of £24,591.70 towards local library provision in Chipping Norton.

- 5.46 Improvements to transport in the form of bus service contribution, provision of new bus stops, provision of new crossing points on Banbury Road and footway improvements, changes to speed limits, and travel plan monitoring. These will be secured by way of S106 and S278 agreements.
- 5.47 An agreement will be needed to reserve the means of access through the site to the allocated land beyond.
- 5.48 OCC has also requested an administrative fee to deal with the completion of the S106 and travel plan monitoring.

Other matters

- 5.49 Objectors from the adjacent Chipping Norton Cricket Club have referred to a number of matters, as set out in section 2 of this report. Whilst, a neighbouring resident population may increase the potential for unauthorised access, security would be a matter for the club itself. Balls being hit over the boundary is a possibility, but the avoidance of creating a situation of negligence or nuisance rests with the club. Officers consider that requiring the developer to fund and maintain ball stop fencing would be onerous and unreasonable. The suggested delays on match days retrieving balls that go over the boundary is not a material planning matter.
- 5.50 As regards air quality, it is acknowledged that the centre of Chipping Norton is an air quality management area and the development could increase traffic through the town. However, no objection is raised by the Council's Environmental Health Officers. In the longer term, once the link through to the A361 to Burford is established, there may be a net reduction in vehicle movements through the centre of town. Any representations from OCC in this regard will be reported at the meeting.

Conclusion

- 5.51 The site adjoins a town, which provides a good range of services and amenities and is considered a suitable location for significant new development. This is recognised by policy OS2 of the emerging Local Plan and the proposed strategic allocation CNI. No technical consultees have raised objections in relation to infrastructure capacity and it is considered that conditions and legal agreements can address appropriate provision.
- 5.52 Existing trees and hedgerow would be largely retained, and a tree retention and protection plan can be secured by condition. The development would therefore sit within established landscape features, and additional landscaping would be provided as part of any future scheme. It is acknowledged that the development would represent a significant change in landscape terms and the character of the approach to the village would be affected to a degree.
- 5.53 The access to the site is capable of meeting OCC standards and no objection is raised in principle to the means of access from Banbury Road. The final comments of OCC will be reported at the meeting.
- 5.54 The site is at low risk of flooding and a sustainable drainage scheme can be secured by condition. The final comments of OCC will be reported at the meeting.
- 5.55 There would be no impact on protected species and mitigation and enhancements for wildlife can be secured by condition.

- 5.56 There is no reason to believe that residential amenity would be adversely affected and detailed layout and design will be considered at reserved matters in this regard. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place.
- 5.57 Given that the saved Local Plan Policies for the supply of housing are time expired, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently demonstrate a 5 year supply of housing. In this context, policies for the supply of housing are out of date and paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this context, significant weight is attached to the benefit of the provision of new housing, and in particular 40% affordable housing in this case. There are associated economic and social benefits arising from this, such as employment in construction. This is considered to outweigh the landscape harm. Accordingly, it is recommended that the application is approved subject to completion of legal agreements.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the appearance, layout, landscaping and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The development be carried out in accordance with the following plans:
REASON: For the avoidance of doubt as to what is permitted.
- 4 The development shall be carried out in accordance with the recommendations in Section 5 of the Ecological Impact Assessment report prepared by CSA Environmental Ltd dated September 2016. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained. Measures for the protection of habitats and wildlife must be implemented throughout the construction phase, and all measures must be implemented and completed in full prior to the development being brought into use. This Condition will be discharged on receipt of information (photographs, plans, etc) demonstrating all measures have been implemented as approved.
REASON: To ensure that the protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policy 9 of the Cotswold District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 5 All replacement bat roost features and bat access points shall be constructed in accordance with the submitted Ecological Impact Assessment, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that compensation is provided for Soprano pipistrelle bats in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy NE15 of the West Oxfordshire Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 6 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species; and details of integrated bat boxes to be installed within at least 25% of the new dwellings;
 - ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - iii. Landscape and ecological trends and constraints on site that might influence management;
 - iv. Aims and objectives of management;
 - v. Appropriate management options for achieving aims and objectives;
 - vi. Prescriptions for management actions;
 - vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
 - viii. Details of the body or organisation responsible for implementation of the plan;
 - ix. Ongoing monitoring and remedial measures;
 - x. Timeframe for reviewing the plan; and
 - xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.
REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 7 The development shall not commence until an Impact Study of the existing water supply infrastructure has been submitted to, and approved in writing by, the local planning authority (in consultation with the water supply undertaker). The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.
REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- 8 **A. Site Characterisation**
No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
 - (ii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.
- B. Submission of Remediation Scheme**
No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- C. Implementation of Approved Remediation Scheme**
The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details".
- D. Reporting of Unexpected Contamination**
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.
An assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B.
The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with part C.
REASON: To ensure satisfactory development in the interests of the environment and human health.
- 9 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

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

- 10 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VIII Hours of operation

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

- 11 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.

- 12 Prior to commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that provides for the retention, protection during the entire construction period, and restoration of the Grade II listed gate piers to the western end of the site. The approved scheme shall be implemented in full in accordance with the approved details and the restoration shall have been completed prior to the first occupation of the development.

REASON: To ensure the protection and restoration of the heritage assets in the interests of conservation and public benefit.

- 13 No development (including site works, demolition and site clearance) shall commence until a tree and hedgerow retention schedule and tree and hedgerow protection plan have been submitted to and approved in writing by the local planning authority. All existing trees and hedgerow which are shown to be retained shall be protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' This scheme shall have first been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be in place prior to the commencement of any development (including site works, demolition and site clearance) and 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 retention and protection of landscape features which it is important to retain in the interests of landscape quality and character.

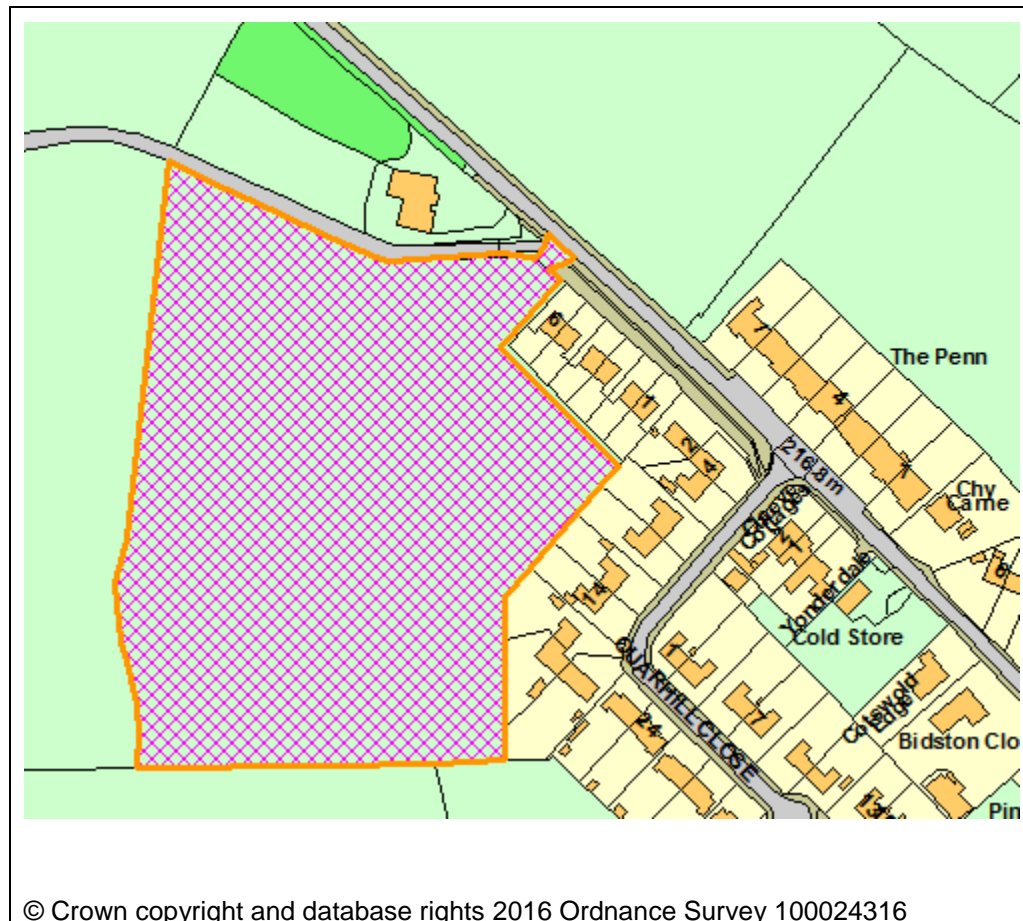
- 14 Further OCC highways conditions to be advised.

NOTES TO APPLICANT

- 1 The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:
Biodiversity Planning toolkit:
http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species
Bat Conservation Trust: <http://www.bats.org.uk/>
Natural England: <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>
<https://www.gov.uk/guidance/wild-birds-surveys-and-mitigation-for-development-projects>
West Oxfordshire District Council website:
<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)
- 2 There is a Thames Water main crossing the development site which may need to be diverted at the Developer's cost, or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information

Application Number	16/03761/OUT
Site Address	Land West Of Quarhill Close Quarhill Close Over Norton Oxfordshire
Date	22nd February 2017
Officer	Hannah Wiseman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Over Norton Parish Council
Grid Reference	431190 E 228452 N
Committee Date	6th March 2017

Location Map



Application Details:

Erection of up to 18 dwellings and associated public open space (all matters except access reserved).

Applicant Details:

Stormport (UK) Limited
c/o Agent

I CONSULTATIONS

I.1 Parish Council

Over Norton Parish Council objects to this application on the basis of the following:

- Having regard to the adopted West Oxfordshire Local Plan 2011, Over Norton is categorised as a Category A village where residential development is limited to infilling and the conversion of appropriate buildings;
- Within the emerging West Oxfordshire Local Plan 2031, Over Norton falls in the Chipping Norton Sub-Area;
- Policy CN2 of the emerging Local Plan identifies that within the Chipping Norton sub-area the focus of new housing will be Chipping Norton. Policy CB2 continues that in the rest of the subarea, new residential development will be steered to the larger villages;
- The Councils Strategic Housing and Employment Availability Assessments (SHELAA) published on Friday 9th December concludes that this site is not suitable for development due to the following reasons: The site has not satisfactory vehicular access and also sitting behind existing properties does not represent a logical compliment to the existing built form of the settlement. The site is also visually prominent in views from the south and development is likely to have a harmful effect on the AONB.

The Parish Council agrees with the conclusions reached by the District Council.

- If it is argued that West Oxfordshire does not have a 5year housing land supply, notwithstanding para 14 of the NPPF, para 116 of the NPPF identifies that planning permission should be refused for major development in the Cotswold Areas of Outstanding Natural Beauty (AONB) except in exceptional circumstances and where it can be demonstrated they are in the public interest. Para 116 identifies that consideration of such applications should include an assessment of:

1. The need for the development;
2. The potential to develop outside of the AONB; and
3. The detrimental effect on the environment and wider landscape.

- In terms of the need of the development, policy CN2 of the emerging Local Plan states that the identified need in the Chipping Norton sub-area will be delivered in Chipping Norton and the larger villages.

- The larger villages in the sub-area include Enstone and Middle Barton. Both villages are located outside of the AONB and benefit from a primary school, public house and shop. There is clearly an opportunity to deliver the need for housing within the sub-area outside of the AONB;

- The site is in a prominent location within the AONB. The site is prominent from public vantage points, including Choicehill Road and the Over Norton-Salford bridleway. Having regard to the West Oxfordshire Landscape Character Assessment, the site is described as being within the Northern Valleys and Ridges landscape character area in particular within an area of semi

enclosed limestone wolds (large-scale). Elevated semi-enclosed limestone wolds landscapes are identified as being visually sensitive with any development having to be closely and sensitively integrated with existing buildings or within a strong landscape structure. Within the SHELAA the Council conclude:

In this instance, development of this site is considered likely to have a significant detrimental impact on the Cotswolds AONB due to the topography and elevation of the site views from a number of wider vantage points including the bridleway to the south.

Again, the Parish Council share the conclusions reached by the District Council;

- Choicehill Road is constrained, with significant on street parking limiting traffic flows;

- Over Norton is an unsustainable location having no services and facilities other than a village hall. Residents of the village are dependent on the private car to gain access to schools, employment, retail and recreational facilities. Whilst there is a public footpath linking Over Norton with Chipping Norton, due to the distance, topography and isolated nature of the footpath it is of limited benefit.

- Having regard to the above, the benefits of the development are not outweighed by the significant and demonstrable harm.

- The Parish Council recognises the need for affordable housing to meet local needs within the village and will work with the District Council to explore the delivery of a Rural Exception Site.

- If the District Council are minded to support this development, the Parish Council would request the following:

- 1) A financial contribution for the provision of play equipment to offset the impact of the development; and

- 2) The County Council comment upon the suitability of the local highway network to serve the level of development and identify the off site highway works to mitigate against the impact of the development.

1.2 Major Planning Applications Team

Transport

Recommendation

Objection, in the absence of an acceptable Flood Risk Assessment (FRA)

Access

The site currently benefits from a double gateway from Choice Hill Road. The Transport Statement has suggested that 58.5m as a required Y distance for visibility is achievable to the left of the access as taken from Manual for Streets 2. Having had an opportunity to carry out a site visit, I am of the view that the access lies between being classified as a street (based on its speed - MfS2) and a trunk road (based on its location - DMRB). That being said, I feel it shall benefit users from a safety point of view if the left side visibility was improved to 70m (DMRB standards). This can be achieved by trimming the mature hedgerow that forms the Village Hall boundary

adjacent to the site access. This hedgerow does not lie within Highway boundary and the developer would need to enter into negotiations over the maintenance of the section of the hedge with the third party landowner (for Over Norton Village Hall) so that visibility is achievable at all times - this would need to be demonstrated.

Besides the need to improve the left side visibility, I agree that the site access is of sufficient standard that it would be suitable to serve as an access onto the public highway for a development of this scale. A 1.1m wide footway currently runs along the western side of Choice Hill Road, which terminates at the Village Hall boundary immediately after the proposed site access. The drawing submitted entitled Access Arrangement and Visibility Requirements (Drawing No. 2016-F-038-002 Rev C) does not appear to show this. As part of the access arrangements, we would require dropped kerbs across the site access to provide connectivity for pedestrians including wheel chair users.

Internal Layout and parking

It is expected that the site layout will be the subject of either a reserved matters or full planning application. The indicative masterplan does not provide sufficient detail on which to comment on the internal layout. However, OCC would require the details of estate roads to be set in line with 'Manual for Streets guidance' and the County Council's Residential Design Guide. They shall need to be wide enough to accommodate an 11.4m long refuse vehicle. In addition tracking plans will be required to demonstrate the ability of refuse vehicles and cars to turn within any proposed highway particularly turning heads and leave such areas in forward gear. OCC recommends early engagement with developers on possibilities of offering any part of the estate for adoption and I would recommend talking to the county council's Road Agreements Team to establish at the earliest possible stage what would or would not be acceptable (roadagreements@oxfordshire.gov.uk).

Section 4.1 of the Design and Access Statement states that the shared surface estate roads will be supplemented with footways - which I find contradicting the whole concept of shared surface. It is expected that future details on any reserved matters or full application shows a comprehensive pedestrian network throughout the site with footways provided on both sides of the carriageway. The adjacent and surrounding area benefits from a somewhat adequate pedestrian network which may need various degrees of improvement.

Car parking will need to be provided in accordance with the standards set out in the county council's residential road design guide. These standards are no longer maximum standards. Provision should take into consideration the sustainability of the development, bearing in mind that the site shall likely be heavily dependent on car use. The county's residential design guide sets out how developers should provide sufficient secure and covered cycle parking for residents. This

can be in garages (as long as they are at least 6m by 3m internally) or lockable garden sheds.

I agree that the development would generate a relatively small number of trips as presented by the TRICS report although my view is that some surveys used are not representative of this site in terms of location (edge of town).

Drainage

The applicant has not demonstrated that sustainable drainage systems (SuDS) will be used on site to provide storage for surface water generated on site, in line with the National Planning Policy Framework Paragraph 103, that requires development to give priority to the use of SuDS.

The applicant has also failed to demonstrate that infiltration shall be achieved to manage surface water flooding onsite for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change. Consequently this may increase the flood risk on site and in surrounding areas. This is contrary to Paragraph 103 of the National Planning Policy Framework (NPPF).

Overcoming our objection

The applicant must demonstrate through their surface water strategy that the use of SuDS has been given priority over more traditional pipe and tank systems, providing justification where it is not considered practicable to utilise infiltration based SuDS on site.

The surface water strategy should be carried out in accordance with the National Planning Policy Framework.

If the application can be shown to include the issues flagged herein it is likely the objection could be removed.

Archaeology

No objections

Education

No objections - contributions required for special education needs provision, but due to regulation 123 of the CIL regulations OCC is prevented to seek via way of section 106 obligation.

Property

No objections

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

amended).

If a S106 agreement is required to secure either transport or education contributions then the County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured. An administrative payment would also be required for the purposes of administration and monitoring of the proposed S106 agreement.

- I.3 WODC - Arts ARTS
We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site.
- I.4 WODC Architect The proposal would fill in a re entrant corner of the former LA scheme, but also spreading a little further west. It isn't quite rounding off, but neither is it a huge number of houses or a huge encroachment in to the countryside. And as it is notable that the existing built edge is of no great architectural quality. So from our point of view I don't think that there are any objections to the basic principle, although I have concerns about the precedent that may be set. I also suggest that the illustrative site layout could be tightened up - and in my view it would be preferable for the houses in the south west corner to be moved to the suggested site for the pumping station, to more closely follow the line of the existing housing scheme, and to limit the spread into the countryside. It would be comforting to see a revised illustrative layout.
- I.5 Environment Agency No Comment Received.
- I.6 Biodiversity Officer No objections subject to conditions.
- I.7 WODC Head Of Housing No Comment Received.
- I.8 WODC Landscape And Forestry Officer I have not had chance to fully analyse the submitted documents but I have visited the site and the surroundings. Parts of it will be visible in views from the south to the north-west, albeit most will be at a longer distance. Clearly, there will be some visual impact and this could be quantified with reference to the new AONB guidelines, the WODC Landscape Assessment, OWLS assessment and the submitted LVIA following proofing on the ground. If development is to be supported it will be important to ensure that the new 'edge' of the village is superior to the one presented currently. It looks as though there is more scope to reduce the impact of development and achieve a more satisfactory 'fit' into the local landscape. Examples could include;

Ensuring long term retention of the hedgerow along the green lane by including it within open land along the northern boundary, linking the entrance to the site with the larger area to the west.

Avoiding development at the highest part of the site to avoid new buildings breaking the skyline, restricting development to the lower, less prominent areas.

More attention to the layout, particularly along the edge and its relationship with adjoining land.

Clarification regarding future security and management of open spaces and detailed layout.

A considerable length of hedgerow is proposed to be removed to achieve a clear sight line which looks to be on land under the control of the Parish Council. If this is to be removed it will need to be replaced behind the sight line. The removal of the existing one will expose the village hall which does have a rather utilitarian appearance.

I.9 WODC Planning Policy Manager No Comment Received.

I.10 WODC - Sports Should this proposal be granted planning permission then the Council would require a contribution towards community facilities (sport, recreation and play).
Sport/Recreation Facilities

Offsite contributions are sought for sport/recreation facilities for residents based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15 year period at the Fields in Trust standard of 1.2ha per 1,000 population.

Based on a football pitch of 0.742ha, a provision cost of £85,000 (Sport England Facility Costs Second Quarter 2016) and a commuted maintenance cost of £212,925 per pitch (Sport England Life Cycle Costings Natural Turf Pitches April 2012), this would equate to £481,819 per 1,000 population or £1,156 per dwelling (at an average occupancy of 2.4 persons per dwelling).

Contributions

$£1,156 \times 18 = £20,808$ off site contribution towards community/sport/recreation facilities within the catchment. This is index-linked to second quarter 2016 using the BCIS All in Tender Price Index published by RICS.

Play Facilities

WODC endorses the Fields in Trust (FIT), formerly the National Playing Fields Association, standard of 0.8ha of children's play space for every 1,000 people. It also endorses the FIT guidance on distinct types of play areas to cater for the needs of different age groups (LAPs - Local Areas for Play, LEAPs - Local Equipped Areas for Play

and NEAPS - Neighbourhood Equipped Areas for Play).

DEVELOPMENT TYPES, THRESHOLDS AND REQUIREMENTS

Of the FIT standard of 8sq m of play space per person, we will expect 5sq m to be casual and 3sq m to be equipped. At an average occupancy rate of 2.4 persons per dwelling this equates to 12sq m of casual space and 7.2sq m of equipped space for every dwelling. We will liaise with the town/parish council to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development. In particular, the type of play facility will need to reflect the minimum sizes for a Local Area for Play (LAP) (100m²), a Local Equipped Area for Play (LEAP) (400m²) and a Neighbourhood Equipped Area for Play (NEAP) (1,000m²) and the need for adequate buffer zones and minimum distances from dwellings. Generally, on developments of fewer than 60 dwellings, we will expect applicants to make provision by way of a contribution to an equipped off-site facility.

Contributions

The cost of providing and maintaining play facilities of the minimum sizes set out above is estimated to be as follows:

Facility	Provision	Maintenance
LAP	£ 16,000	£ 22,128
LEAP	£ 68,000	£ 71,916
NEAP	£143,000	£197,769

We will assess contributions towards equipped play facilities on the basis of providing and maintaining a NEAP that will meet the needs of 1,000 people. The contribution per person will therefore be £143 for provision and £198 for maintenance. This equates to an overall contribution of £818 per dwelling (at an average occupancy of 2.4 persons per dwelling).

$£818 \times 18 = £14,724$ for the enhancement and maintenance of play/recreation areas within the catchment. This is index-linked to first quarter 2014 using the BCIS All in Tender Price Index published by RICS.

- I.11 WODC Env Services – Waste Officer No objection - general guidance provided on bin sizes and suggested locations
- I.12 Thames Water Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have

any objection to the above planning application.

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

- 1.13 ERS Env Health – Mr ERS Pollution Consultation No objection subject to conditions.
Uplands

2 REPRESENTATIONS

- 2.1 Ten third party objections have been received in relation to this application. A majority of the comments are from residents of the adjacent settlement in Little Rollright. The comments are summarised as;

Impact and harm to AONB
Development not Infill and therefore not policy H5 compliant
This is unsustainable development
Impact on landscape and views
Overbearing impact
Highway safety impacts
Light pollution

3 APPLICANT'S CASE

- 3.1 The applicant has provided within their submission supporting documents in the form of a Design and Access statement, a heritage assessment and a Landscape Visual Appraisal assessment. The summaries of each of those reports are copied below. The full reports can be read online.

- 3.2 Design and Access Statement

This document has demonstrated that a high quality, responsive and sustainable development is achievable and deliverable at Choice Hill Road, Over Norton. The scheme will deliver a significant number of affordable homes, in line with the aspirations of the Local Plan' including a variety of housing types and tenures to help support the ongoing vitality of the village. The over-arching vision is to deliver an attractive cluster of new homes, greenery and publicly accessible green space - enclosed by dry stone walls - at the edge of the village, sympathetic to the older parts of the village vernacular, whilst improving the visual amenity of the western settlement edge.

Thorough and extensive evaluations have led to a deep appreciation of both the site's immediate character and its environmental credentials. The Illustrative Masterplan and associated design strategies have been shaped by this comprehensive understanding. The series of accompanying reports has confirmed that the application site does not require significant technical challenges to be overcome to develop it successfully.

- The proposals would:

- Deliver up to 18 high-quality and inclusive homes of mixed tenure, including nine affordable units.
- Provide safe vehicular access and connect to pedestrian routes to supporting services and facilities.
- Make a positive contribution to the natural beauty and enjoyment of the Cotswolds landscape by enhancing the local landscape and the setting of the settlement.
- Respect the village character and local distinctiveness and form a logical complement to the existing scale and pattern of Over Norton.
- Help to maintain the vitality of the community.
- Create and strengthen local landscape elements such as stone walls, trees and woodland.
- Deliver a high quality public realm including significant areas of new public open space.

3.3 Heritage Assessment

This archaeological and heritage assessment has been prepared by EDP to inform a potential planning application for residential development on land at Choice Hill Road, Over Norton.

The site does not include any designated heritage assets, such as scheduled monuments, where there would be a presumption in favour of their retention and against development.

In the wider study area, there is one scheduled monument, four Grade II listed buildings (not including those within the Over Norton and Chipping Norton Conservation Areas) and two conservation areas. None of these are susceptible to change through the implementation of the proposed development.

Therefore, the proposed development adheres to s66 and s72 of the 1990 (Listed Buildings and Conservation Areas) Act and Paragraph 132 of the NPPF. It also complies with Policies BE5, BE8 and BE12 of the 2011 Local Plan, and Policy EH7 of the 2031 unadopted Local Plan.

The site has a low potential to contain any remains from the prehistoric, Roman and early medieval periods.

During the medieval to modern periods, the site was likely in continual use as farmland, as such, there is a low potential for any archaeological remains, other than 'low' value features and deposits related to its cultivation.

As such, the information contained within this report should be sufficient to determine this planning application, and no pre- or post-determination fieldwork should be required. This assessment is in line with Paragraph 128 of the NPPF and Policy BE13 of the 2011 Local Plan.

3.4 Landscape Visual Appraisal Assessment

In summary, the proposals submitted with this application respond well to the Vision and Objectives set out for the site (see page 4), the published planning policies and the design guidance available for the area. The scheme, if consented, would provide a positive and appropriate extension to Over Norton, including much needed affordable housing and improving the setting of the village within the Cotswolds AONB.

Although this plan remains only illustrative, it has been carefully designed to illustrate the key characteristics of plot composition, street structure and overall diversity that should underpin

subsequent detailed design work. The layers of detail that informed this plan are further described within a series of strategies in Section 4 and should form the basis of future detailed Reserved Matters applications.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
BE3 Provision for Movement and Parking
NE1 Safeguarding the Countryside
NE13 Biodiversity Conservation
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
H5 Villages
H2 General residential development standards
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
EH2NEW Biodiversity
EH1NEW Landscape character
EH6NEW Environmental protection
H6NEW Existing housing
H3 Range and type of residential accommodation
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
T1NEW Sustainable transport
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 This is an outline application for the erection of up to 18 dwellings and associated public open space (all matters except access reserved) on land north west (to the rear of) Quarhill Close in the Village of Over Norton. The site comprises of a section of arable field which drops away to the south and rises up to the North West on Choice Hill Road, one of the main routes out of and into the village, from the north. The site is not in a conservation area, but it within the AONB. There is no related planning history to the site as it is previously undeveloped land.
- 5.2 The proposal is outline, however indicative layout plans have been submitted which show a lay out of a fairly low density scheme comprising of two storey detached and semi-detached properties with garaging, private gardens and off street parking spaces. The applicant is proposing to provide 50% affordable housing on site as well as any off site contributions considered necessary to offset any impact of the development on the local infrastructure.
- 5.3 Amended plans have been received since the application was previously on the February agenda (where it was deferred for a site visit), as has a flood risk assessment and revised highway access details which will be addressed further in the sections below.

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

Principle
Siting Design and Form
Visual and Landscape Impact
Highways/Transport
Ecology
Impact on Residential amenity
Affordable housing
Impact of development and S106 Contributions

Principle

- 5.5 In terms of considering the principle of the proposal the key policies in the adopted Local Plan (WOLP 2011) are considered to be H5, H2 and BE2. Policy H5 relates specifically to the provision of new dwellings in Villages. Over Norton is classed as a village for the purposes of this policy. This policy limits new dwellings to circumstances of in filling or the conversion of appropriate existing buildings.
- 5.6 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, 1836 dwellings. In order to maintain an annual requirement that is realistically achievable, Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times, and the accumulated shortfall will be spread over the plan period using the "Liverpool" calculation. The supply includes commitments, small sites and allocations which total 4,514 dwellings. This gives rise to a 5.5 year supply. However, the convention is to use the "Sedgefield" method of calculation where the shortfall is dealt with in the next 5 year period rather than being spread over the entire plan period. Using this calculation, the 5 year supply is 4.18 years. The Council will be making a case for "Liverpool" at the resumed Examination, but accepts that this is currently untested and not endorsed by the Inspector. Accordingly, prior to further monitoring information becoming available and the outcome of the Examination, it remains appropriate to apply "Sedgefield" and therefore it is acknowledged that the Council cannot currently demonstrate a 5 year supply. In this context paragraphs 14 and 49 of the NPPF are engaged.
- 5.7 This proposal does not strictly comply with policy H5 in terms of 'in filling', however in the context of the Council currently being unable to demonstrate a 5 year supply of land for housing, this policy is increasingly considered out of date with reference to paragraph 49 of the NPPF.
- 5.8 Emerging Local Plan 2031 policy OS2 does allow limited development in Villages which respects the character and would help maintain the vitality of these communities. Over Norton is classed as a Village within the settlement hierarchy as set out within the emerging local Plan which notes that some villages are capable of accepting development (Policy H2) on land within or adjoining

the built up area where it is necessary to meet housing needs and remains consistent with the criteria in OS2 and other policies of the plan.

- 5.9 The site was identified within the 2016 SHELAA which concluded the site may have issues with access and impact on the AONB. Over Norton is noted to be one of the lowest ranking settlements within the Councils 'Settlement Sustainability Report' due to it having fairly poor availability of community infrastructure. However it is on a daytime bus route and is noted to be in close proximity to the provisions of the service centre in Chipping Norton. Over Norton is as close to the centre of Chipping Norton as some outlying developments of the town (Worcester Road for example) are. Whilst there is a retained concern regarding the overall sustainability of the settlement; officers consider that with the 5 year housing land supply position as it is, that a proposal of this scale and nature is not considered to result in a significant adverse increase in pressure on services or the overall sustainability of the settlement. As such it is considered as small scale scheme of this size could be absorbed by the village and the nearby facilities found in Chipping Norton with direct access to main road routes and train line, to Oxford and Banbury etc.
- 5.10 The site adjoins the existing built up area of the village and therefore on the basis of emerging policies for the supply of housing, the proposal is considered acceptable in principle, providing it does not conflict with other policies of the Plan when taken as a whole.

Siting, Design and Form

- 5.11 As this is an outline application an indicative lay out plan has been provided. This indicates that the 18 dwellings can be reasonably accommodated on the site making use of the existing access. However amended plans have been received in response from the comments from the Councils' Conservation Architect and Biodiversity Officer which made suggestions to amend the layout to reduce the impact of the encroachment into the countryside and to maintain the hedgerow in order to protect a wildlife corridor. The revised layout has a softer edge and form to the south.
- 5.12 The Conservation Architect is satisfied the revisions responded to advice and suggests that the proposal leads to an enhancement to the appearance of the settlement edge to the rear of Quarhill Close which could be considered to be somewhat compromised due to the mixture of development styles with limited architectural or historical merit. The proposal is therefore considered acceptable in design terms based on the outline indicative plan submitted.

Visual Impact on Landscape and AONB

- 5.13 Members will have had the benefit of a site visit to appreciate the context of the site and its potential sensitivities within the wider AONB. The conservation and enhancement of the landscape and countryside of the AONB will be given great weight when determining development proposals within or impacting upon the AONB as outlined within Policy NE4 Adopted Local Plan 2011. The NPPF states that planning permission for 'major' development (which is not specifically defined) within the AONB should be resisted except in exceptional circumstances where it is demonstrated that it is in the public interest.
- 5.14 The applicants suggest that the development does not form 'major development' for the purposes of paragraph 116 the NPPF, although the Councils Planning Policy Officer considered that 18 dwellings in a village the size of Over Norton does represent Major Development. Without any specific definition Officers must judge on a 'case by case' basis with reference to

case law and previous appeal decisions. Members may recall the appeal at Church Street in Kingham which was for 16 dwellings within a class A village within the AONB; the Inspector did not consider that was defined as Major development for the purposes of balancing 'in the public interest' in accordance with paragraph 116. Your officers would suggest that the context between that case and this proposal is very similar and would suggest that this proposal, in your officer's opinion, does not constitute as major development for the purposes of Paragraph 116 of the NPPF.

- 5.15 However in this instance, if the development were considered to constitute Major Development Officers consider that the proposal would be in the public interest and meet with the criteria of paragraph 116 as there is a need for affordable housing, the proposal would provide a short term boost to the local economy by the employing local companies for materials and construction and in the longer term by having additional households to provide a local workforce and more local spending; and would improve the landscape edge and provide additional recreational opportunities by the provision of an onsite area of play and off site contributions.
- 5.16 The Councils Landscape and Forestry officer notes that the site will be partly visible mostly at a longer distances and because of this there will be some visual impact which can be quantified against the landscape assessment and the submitted LVIA. He noted that there is scope to reduce the impact of the development and introduce a more superior edge of village by securing a scheme which would result in a more satisfactory visual fit with the local landscape than currently exists.
- 5.17 Officers would therefore suggest that whilst it is noted that there will be an inevitable visual impact as a result of this proposal, it will be one which will enhance and improve the current edge of settlement view. The site is relatively small scale, contained and forms a logical arrangement around the existing built up edge and is not considered to sprawl into the open countryside at a harmful scale. As such there is no overall objection to the proposal on the grounds of impact on the landscape or wider AONB as any impact identified can be satisfactorily mitigated against by the landscaping scheme and design of the dwellings at reserved matters stage, and the benefits arising from the scheme (to be further addressed below) are considered to outweigh any harms identified.

Highway Impacts

- 5.18 The OCC highways and transport Officer had concerns regarding the visibility at the access of the site and there is an overall objection on highway grounds due to the lack of an acceptable flood risk assessment. These details have since been provided by the applicant and area being reassessed by highways colleagues. That said many of the details can be sought by details by condition or to be submitted in more detail at the reserved matters stage. Taking in to account the detailed comments of the consultation response there is no objection on any wider highway safety issues and it is noted with a suitable SUDS strategy submitted it is likely that the objection could be removed.
- 5.19 Officers hope to be able to provide a revised consultation response by the time of the meeting either by a late representations report or by verbal report at the meeting.

Ecology

- 5.20 The applicant has submitted an Ecological Appraisal which identifies that the majority of the site is arable field and there are no statutory wildlife designations on the site but there are opportunities for biodiversity enhancement. The Councils Biodiversity Officer has no objections to the proposal subject to the suggested conditions and details being submitted at reserved matters stage.

Impact on Residential Amenities

- 5.21 The indicative layout of the proposed dwellings show an appropriate density, layout and form which has been designed as to maintain sufficient distance between existing properties and proposed properties. The outlook of from the rear of the properties set to the north west of Quarhill Close will be affected as a result of this proposal. However the proposed dwellings will drop away from view a little as the fall of the land slopes away to the rear of the site, and there is no right for protection of private views.
- 5.22 There are distances of at least 26m back to back between the existing and proposed properties and as such it is not considered there would be any unacceptable loss of residential amenity through loss of privacy or light. As such officers consider there are no objections to the proposal on the grounds of residential amenities.

Affordable Housing

- 5.23 The proposal includes 9 affordable units which makes up 50% provision on site. This actually exceeds the policy requirement as set out in the emerging local plan policy H3 for Medium value zones which is set at 40% and is therefore welcomed by officers. In a small scale scheme of this nature a 50% on site provision is seen as a clear benefit of this proposal and a planning gain. There are households within Over Norton who would qualify for these properties were they available now, and households from nearby Chipping Norton would also qualify.

Impact of the development and S106 contributions

- 5.24 The applicants have stated throughout the application process that they will enter in to any suggested section 106 agreement as necessary in order to offset the impact of the development. Over Norton Parish Council have objected to the proposal but do, in their comments; request a financial contribution for the provision of play equipment should permission be granted. Highways would also need a Section 278 agreement to be secured by means of Section 106 agreement to access Choice Hill Road. Officers are still negotiating a figure for this in line with those suggested in by WODC leisure services consultation response; and hope to confirm either by a late representations report or verbal update.
- 5.25 There is no objection from OCC education; the local catchment schools currently have the capacity to absorb the expected growth from the development. Due to the size of the site WODC Arts not be seeking S106 contributions towards public art on this site.

Conclusion

- 5.26 The proposal is considered to form a logical complement on the edge of an existing built up area of the settlement. Over Norton has access to a bus service to the nearby Service Centre of Chipping Norton and the likely population growth as a result of a development of the size

proposed is considered likely to be able to be absorbed by the existing facilities nearby and will not result in any undue pressure on the existing local infrastructure. In the absence of a five year deliverable supply of housing, these additional 18 dwellings in this fairly sustainable settlement is considered a benefit. The applicant is providing 50% affordable housing on site plus the potential of a contribution to local play facilities.

- 5.27 The proposal is noted to have an impact on the landscape character of the AONB, however the proposal also has the opportunity to provide a more visually appropriate settlement edge by the addition of sensitively designed dwellings and an appropriate landscaping scheme. Therefore, on balance, the proposal is considered to represent appropriate development as the harms identified in the report are not considered demonstrable or to outweigh the benefits of the proposal. As such officers are recommending approval of the application subject to the signing of a section 106 agreement and the imposition of the conditions suggested below.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the Appearance, Landscaping and Layout and Scale, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The development shall be carried out in accordance with the following plans: EDP3547/10c (site plan) 2016-F-038-002 (site access); and shall be in general accordance with EDP3547/30 (illustrative layout).
REASON: For the avoidance of doubt as to what is permitted.
- 4 The final site layout design shall retain the northern boundary hedgerow within the public realm and with a minimum 5-metre buffer to any hardstanding or buildings.
REASON: To protect the long term viability of the northern boundary hedgerow (priority habitat) in accordance with planning policy NE13 of the West Oxfordshire District Local Plan 2011.
- 5 The development shall be completed in accordance with the recommendations in Section 3 of the Ecological Appraisal report prepared by the Environmental Dimension Partnership (EDP) and dated November 2016. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
Measures for the protection of habitats and wildlife must be implemented throughout the development period, and all measures must be implemented and completed in full prior to the development being brought into use. This Condition will be discharged on receipt of information (photographs, plans, etc) demonstrating all measures have been implemented as approved.

REASON: To ensure that breeding birds, foraging bats and foraging badgers are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policy NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 6 Prior to occupation, a "lighting design strategy for biodiversity" (particularly for foraging bats) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. Identify those areas/features on site that are particularly sensitive for bats and bat roosts
 - ii. Show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13 and NE15 of the West Oxfordshire and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species, the locations and types of bird and bat box (integrated into the walls of new buildings) and other biodiversity enhancements;
 - ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - iii. Landscape and ecological trends and constraints on site that might influence management;
 - iv. Aims and objectives of management;
 - v. Appropriate management options for achieving aims and objectives;
 - vi. Prescriptions for management actions;
 - vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
 - viii. Details of the body or organisation responsible for implementation of the plan;
 - ix. Ongoing monitoring and remedial measures;
 - x. Timeframe for reviewing the plan; and
 - xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.

REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

9 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

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

REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with part C.

REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.

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

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

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

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

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

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

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

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

NOTES TO APPLICANT

- I The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species

you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:

West Oxfordshire District Council website:

<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)

Biodiversity Planning toolkit:

http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species

Bat Conservation Trust: <http://www.bats.org.uk/>

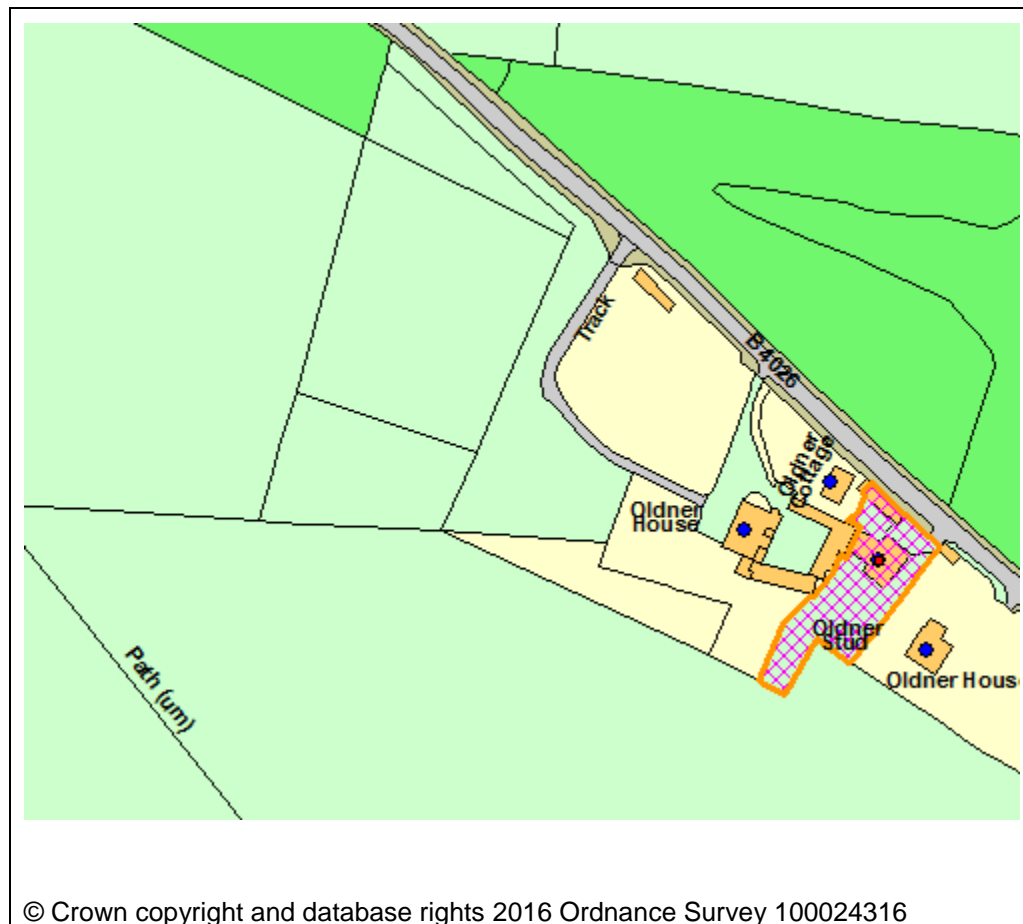
Natural England:

<https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

- 2 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	16/04151/HHD
Site Address	Oldner Stables Charlbury Road Chipping Norton Oxfordshire OX7 5XH
Date	22nd February 2017
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	432201 E 225942 N
Committee Date	6th March 2017

Location Map



Application Details:

Erection of two storey extension together with associated works.

Applicant Details:

Mrs Arvinda Finniear
Oldner Stables
Charlbury Road
Chipping Norton
Oxfordshire
OX7 5XH

I CONSULTATIONS

1.1 Town Council Mrs V Oliveri - No objection

1.2 WODC Architect Summarised as follows:

Recommend refusal due to proportions of the proposed extension failing to appear subservient or secondary. Significantly raised eaves and a flat/asymmetric mansard type roof gives an unduly domineering volume. Contrived form relates poorly in its geometry to the building. For an extension here to work it would really need to be of matching pitch roof, lowered ridge and eaves and with flank walls set in; the overall volume, scale and massing significantly reduced.

2 REPRESENTATIONS

2.1 No third party representations received.

3 APPLICANT'S CASE

3.1 The application is accompanied by a Supporting Planning Statement and Sustainability Compliance Statement. This is available on the website to view in full but key points are summarised below:

- i. The building was converted to a dwelling in 1972. Formerly a dairy to Oldner House.
- ii. Proposal defines a proper entrance (currently lacking).
- iii. Includes integral garage for loading and unloading car under cover.
- iv. Materials to match with timber cladding in the upper part reads as subordinate use.
- v. Currently no room in the existing dwelling has an open view due to being set low into the rising bank. The first floor level will achieve this.
- vi. In line with pre-application advice we have simplified the structure and roof.
- vii. The altered roof formation on the revised extension proposal corresponds to the mansard shape of the neighbouring Georgian property, Older Farmhouse and the hip shape also adopted in the large garage construction as part of the recent development at Older Farmhouse, as visible from the road.
- viii. We have been careful to comply with the concept of subservience in the design. In particular we did not wish to design an extension which would dominate the existing house or alter the character and appearance of this cluster of properties.
- ix. Since the extension cannot be seen from the public highway or footpath it certainly does not dominate the existing house to a public observer since it is not visible (reference made to extensions at Oldner Farmhouse and Oldner Hollow replacement dwelling). Developments at these two properties have been allowed despite being visible.
- x. The structure does not overpower its neighbours.

- xi. It remains within the building line.
- xii. A pedestrian of average height would only see 10cm of the ridge of the extension protruding marginally along a small section which would blend in with existing roof ridge tiles.
- xiii. No overlooking.
- xv. The scale and footprint increased by 29%, is in line with pre-app discussions and was accepted by the planning officer.
- xvi. No impact to neighbouring properties from excavations.
- xvii. Fuel efficient - reduced energy requirement to heat existing dwelling. Fuel for stove sourced from woodland in applicants ownership.
- xviii. locally sourced materials
- xx. new permeable driveway improving drainage.

4 PLANNING POLICIES

- 4.1 BE2 General Development Standards
 H2 General residential development standards
 OS4NEW High quality design
 H6NEW Existing housing
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks planning permission for the erection of a two-storey extension with associated works. The extension would be located to the rear and comprise a mansard-type roof on the rear of a pitch roof single-storey dwelling. The materials proposed would comprise blue slate, and coursed rubble stone to match the existing dwelling with the addition of larch cladding.
- 5.2 This application is brought before Members at the request of Cllr Saul as Mark Finniear, the applicant in this matter, would like to present his proposal and arguments to the committee and there are no objections from neighbours or from the Town Council.
- 5.3 The application site is located approximately 400m to the south east of Chipping Norton. It comprises an existing single-storey detached dwelling. To the north east the site is bordered by the road and to the south west by open countryside. To the south east is Oldner Farmhouse and to the north west the site is bordered by Oldner House and a series of converted barns which are in residential use.
- 5.4 There is a public footpath to the south of the site. The proposed extension has the potential to be visible from the public vantage point to the south particularly with the large amount of glazing on the rear elevation (vegetation dependent), and is visible from neighbouring properties either side and from the road to the front. Plan 14 submitted with the application shows the line of sight with the two-storey box roof visible above the single storey existing gable. Current boundary treatments comprise a mixture of fences, stone wall, hedging and shrubs.
- 5.5 Written pre-application advice was requested and provided for a proposed two-storey extension in February 2015 under reference 15/00267/Preapp (which included a site visit) and again in April 2015 under reference 15/01170/Preapp. The officer advised on both occasions that the roof of the addition read rather awkwardly, with advice that it should be subservient to the

original bungalow and for the roof ridge to be in-keeping with the existing dwelling. A sketch suggestion of simple pitch roof linear extension with an additional side gable was also submitted with the first pre-application response. It is noted that the officer responding to the pre-application felt that she had no objection to the mansard roof submitted in the April 2015 revision, however it is not clear whether the Conservation Architect commented at this point. Moreover, in a recent meeting with the applicant, Mr Finniear confirmed that the current proposal is not as submitted in the 2015 revision. This is also confirmed in the Supporting Planning Statement submitted with the application. Your officers also highlight that the disclaimer on the pre-application letter dated 17th April 2015, states that the advice given does not bind the authority to any particular decision on any planning application that may subsequently be submitted which will be the subject of publicity and consultation.

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

Principle
Design, scale and siting
Highways
Impact on Residential Amenities
Principle of Development

- 5.7 It is considered that the principle of a further extension to the dwelling would be supportable, subject to a proposal being of a satisfactory design, scale and position.

Siting, Design and Form

- 5.8 The extension proposed measures 9.95m in width and 8m in depth from the existing rear elevation. The eaves project up awkwardly above the existing eaves line with larch cladding used above the door height to the proposed eaves level. The pitch of the mansard type roof meets the existing ridge on the east elevation but then projects for 5m as a flat roof and down on the west elevation with a small pitch followed by a 6m high vertical elevation of stone and larch cladding. The rear elevation is asymmetric in appearance with awkward fenestration across the width.

- 5.9 It is considered that the proposed development is visible from the public domain. Notwithstanding this, many appeal cases have been dismissed by the Inspector when the proposed development has limited visibility in the public domain. The Inspector in the case of a rear first floor extension (Appeal Ref: APP/D3125/D/12/2183619) concluded that some aspects of incongruity would not be seen from within the public realm, thereby limiting their effect on the building's appearance. Even so, rather than adding to the building's character, as the appellant submitted, the Inspector felt that the architecturally unrelated scheme would materially detract from it. Officers consider that simply not being able to see an extension is no justification for an unacceptable design, scale and form which is out of keeping with the host dwelling and its surroundings.

- 5.10 The applicant has referred to the use of mansard roof on the adjacent property and examples of large scale extensions nearby, both of which the applicant feels sets a precedent for the extension at this site. The two-storey flat-roof with parapet extension at Oldner Farmhouse (approved under ref: I4/0146/P/FP) does appear to be larger than the approved plans and this is currently being investigated through the Enforcement team. Notwithstanding this, the examples

given by the applicant are all considered to be materially different to this application as they were are positionally different and are considered to be subservient in terms of their design and appearance. The scale of the extension on the adjacent Georgian house and others in the vicinity are not considered justification for an extension to Oldner Stables which would not be in keeping with the scale, design and form of the existing dwelling.

Highway Aspects

- 5.11 No highway objections have been raised from the County Highways Officer. The extension would include a garage and sufficient off-street parking is retained to the front and side of the property.

Residential Amenities

- 5.12 With regard to impact on the amenities of neighbouring occupiers, it is considered that the scheme would not have a significant detrimental impact in terms of overshadowing, overbearing, or loss of privacy.

Conclusion

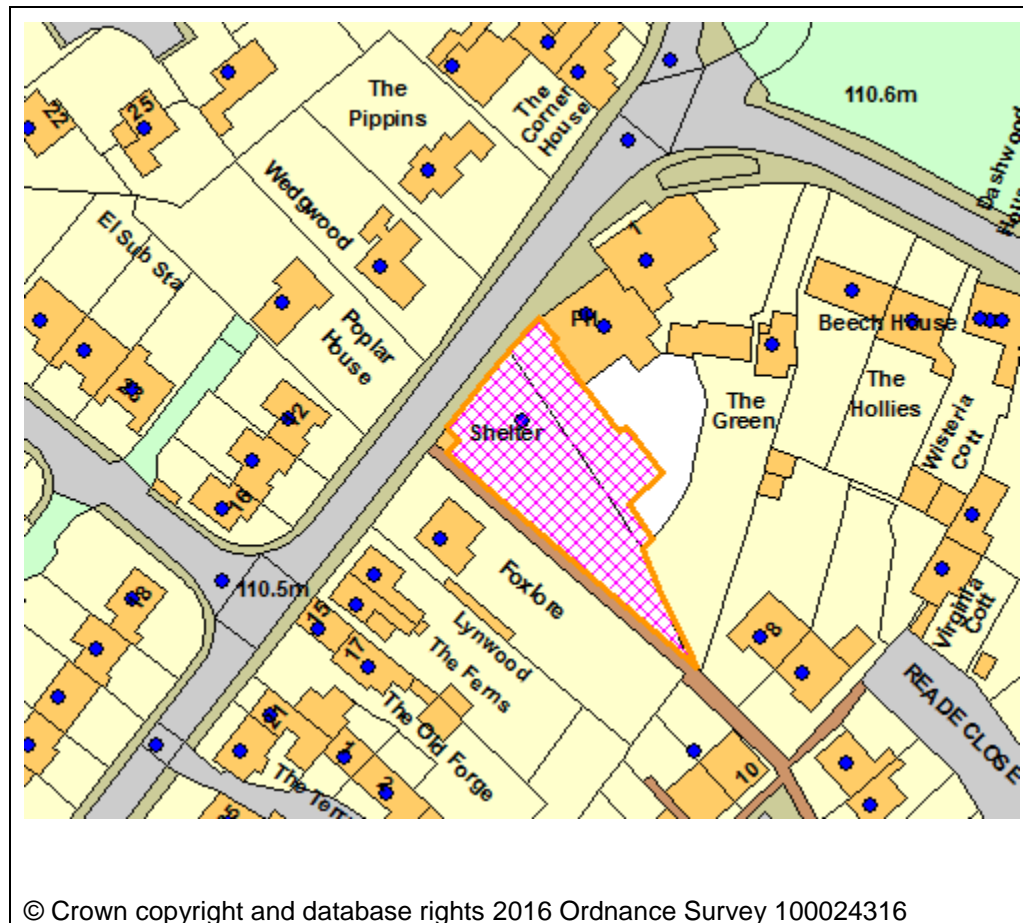
- 5.13 Officers have taken into account all other matters raised, including the pre-application advice and the occupiers' desire for additional living accommodation in this form, however in light of the above observations it is considered that the proposal would not accord with Policies BE2 and H2 of the West Oxfordshire Local Plan, 2011, Policies OS4 and H6 of the emerging Local Plan 2031 and Section 14(Extensions and Alterations) of the approved West Oxfordshire Design Guide 2016. It is therefore recommended that planning permission should be refused on the following grounds:
- 5.14 The proposed extension, due to its design, scale and massing would form an incongruous addition to the dwelling. In particular, the scale and massing of the large flat roof asymmetric addition would appear overly-dominant and would fail to read as subservient or secondary to the host dwelling and would fail to respect or enhance the character and appearance of the host dwelling or its surroundings.

6 REASON FOR REFUSAL

The proposed extension, due to its design, scale and massing would form an incongruous addition to the dwelling. In particular the scale and massing of the large flat roof asymmetric addition would appear overly-dominant and would fail to read as subservient or secondary to the host dwelling and would fail to respect or enhance the character and appearance of the host dwelling or its surroundings, which would be contrary to Policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011, Policies OS4 and H6 of the emerging Local Plan 2031 and Section 14 (Extensions and Alterations) of the approved West Oxfordshire Design Guide 2016.

Application Number	I6/04251/FUL
Site Address	Land South West Of The Hare High Street Milton Under Wychwood Oxfordshire
Date	22nd February 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426454 E 218273 N
Committee Date	6th March 2017

Location Map



Application Details:

Erection of two dwellings together with associated works and car parking facilities.

Applicant Details:
Leywood Estates Ltd
Leywood House
47 Woodside Road
Amersham
Bucks
HP6 6AA

I CONSULTATIONS

I.1 Parish Council

This is the latest in a series of application to develop the car park of The Hare public House.

The applicant seems to think that re-arranging the pieces on a chess board will somehow make the chess board larger.

As with all the other (refused) applications, this application will severely limit the car parking space available to the Hare. That will greatly threaten the viability of the pub which is the only remaining pub in the village of Milton under Wychwood.

The Hare is currently trading successfully. The applicant makes great play of that success.

1. The availability of the car park is an important factor in that success. Initially the car park was closed by the applicant. But more recently it has been left open. We suggest that is because the applicant needs the pub to succeed to support his application. And is aware that leaving the car park closed would have damaged the viability of the pub and thus his argument for development.

2. The applicant claims that this proposal quote: overcomes these objections by providing an increase in parking provision compared to the existing situation, unquote.

a The proposal does NOT provide an increase in parking provision. The "existing situation" is that the whole site covered by this proposal is open and being used as a car park by Hare customers. As such it provides approximately 16 car parking spaces and is frequently fully utilised (see 3b below).

b. The applicants claim that the original pub (The Quart Pot on this site had only 8 parking spaces is incorrect. There were cars parked in other areas (e.g. alongside storage sheds)

c. However, comparisons with the previous pub) are irrelevant as that business was unviable. The Quart Pot closed and reopened several times before its eventual complete demise.

3. The applicant's assessment of alternative parking facilities is deeply flawed.

a. On-street parking in The High Street and The Shipton Road is highly restricted. Both roads are consistently reduced to single lane operation for most of the time. This is caused by on-street parking. The so-called spare parking spaces identified by the applicant are either passing spaces for oncoming traffic or very temporary gaps in the vicinity of the Co-op that are rapidly cycled by shoppers coming and going.

b. The photographic evidence and statistical evidence produced by the applicant is highly selective. On Sunday 15th January there were 13 customer cars in The Hare car park and a further 8 parked on-street in the High street nearby. Mostly in an unsatisfactory manner close to the bend in the road.

c. The applicant is correct in that there is little on-street parking in Church Road. That is because the curve in the road and nearness to a major village junction means parking is obstructive and unsafe.

d. Traffic problems in the High Street are a major issue in the Village and a more or less constant source of complaint. This proposal would extend those on-street parking problems around the corner into Church Road.

4. The applicant makes comparisons with similar local public houses which are not valid.

In Shipton under Wychwood, there are two successful Public houses. The parking provisions are:

a. The Wychwood Inn - 13 spaces. There is an otherwise unused lay-by nearby which accommodates 3 spaces at busy times and the Beaconsfield Hall a very short walk away has extensive parking facilities.

b. The Lamb - 14 spaces plus another 8 on-street, otherwise unused. parking spaces alongside the premises.

c. We are not familiar with all of the other sites named, but comparisons with Witney and Burford are spurious. These are towns with large public car parking facilities. Milton under Wychwood is a village with no such facilities.

d. Likewise comparing the removal of large car park to small works (e.g. erecting a covered shelter) is not reasonable.

5. The parking layout of this proposal is very cramped. and although the manoeuvres required to park and exit look (just about) technically possible. In the real world they would be fraught with difficulty and very likely to cause disputes between Hare customers and residents of the proposed houses.

6. In summary: This proposal would:

Threaten the viability of the last remaining public house in Milton under Wychwood at a time when the Village is about to experience a large increase in people and traffic due to a 62 unit housing estate approved for the West of the high street.

Displace customers cars currently using the Hare car park into the already surcharged local on-street parking environment

I.2 WODC Architect

No Comment Received.

I.3 WODC Drainage Engineers

We would like to see RWH/rain water butts incorporated into the proposed surface water drainage system/s, wherever possible.

A drainage plan will need to be submitted, showing the location, Form and sizing of the proposed surface water drainage system/s.

A laying specification for the proposed permeable block paving will need to be submitted.

An exceedance plan must be submitted, showing the route At which surface water will take, if the proposed surface water drainage system/s were to over capacitate and surcharge. This plan must include existing/proposed CL, FF/slab levels.

If any shared/communal SuDS are proposed, then the applicant will need to confirm in writing, whom will own/be responsible for the maintenance of these. A maintenance regime will also be required.

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

I.4 OCC Highways

An initial consultation response was received in relation to the application, the response is listed in full below:

This application is a variation of recently determined application (Ref: 16/02682/FUL) in which OCC recommended no objection. Am aware of the parking demand in the vicinity of the site. However, the application site as an entity proposes is unlikely to add to this existing pressure. Interrogation of documents submitted shows that this application has been amended to increase the public house parking spaces by another 3 spaces.

The site plan (Drwg no. TQP SP08) accompanying this application shows a rear access between the dwellings and the proposed car parking area. In order to maintain an acceptable level of accessibility

to the dwellings, there needs to be a hardstanding strip for residents to use to access their vehicles.

In this regard, I remain of the opinion that the proposed development shall not likely have significant detrimental impacts on the local highway network.

Further to this consultation response, further comments were received from the Senior Highways Officer regarding the proposed parking, these comments are listed below:

It looks extremely tight but just about workable. I've been in pub car parks that are probably just as tight. I haven't checked the dimensions of the spaces - they should ideally be 5m x 2.5m (which is what we require for residential spaces), but I assume they are the absolute minimum 2.4 x 4.8m - could you check that? We normally ask for additional space at the sides where the spaces are against a wall but none is provided here. This is a convenience rather than a road safety issue though. I'd suggest that the small wedge of landscaping and tree between the residential and pub car parking is removed to ease maneuvering into the corner space.

1.5 Thames Water Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

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

2 REPRESENTATIONS

2.1 A total of 14 letters of objection have been received in objection to the proposed application, the main points of objection are summarised below:

- The development would result in a loss of parking for The Hare.
- The loss of existing car parking would exacerbate on street parking, causing congestion which would compromise highway safety.
- The increase in on-street parking would cause disturbance to nearby residents
- The loss of parking would affect the future viability of the pub.
- Further provision of housing would affect the parking situation.
- There is no material difference between this application and the previous applications that have been refused or withdrawn by the applicant.
- The numbers of cars in the car park at present has varied between 26 and 32 vehicles. The volume of cars in the car park proves that the full space is needed.

3 APPLICANT'S CASE

A pair of simple flat fronted semi-detached dwellings is proposed.

- 3.1 The dwellings are modest in height with projecting rear gables to limit roof massing. Prior to commencing the design, the neighbours opposite were consulted, and requested that the new dwellings should be set back from the footway to allow for small front gardens and to enable some tree planting. We have accommodated these requests, and also confirm that the stone wall to the road frontage is retained.
- 3.2 While the planning inspector considered that second floor accommodation facing High Street was acceptable, the proposed attic accommodation faces southeast towards the rear gardens, to ensure that the dwellings opposite do not suffer from perceived overlooking or over dominance. The attic will be lit via conservation roof lights. The dwellings will be positioned broadly in line with neighbouring Foxlore to ensure there is no over shading or over dominance. The rear facing windows will provide surveillance of the public footpath to the south eastern boundary.
- 3.3 A wide separation of 11m is proposed between the two storey elements of The Hare and Plot 1, providing views though the site as well as providing sufficient space for pedestrians to reach the rear carport. The detailing of the proposed dwellings reflects the guidelines set out in the Draft West Oxfordshire Design Guide 2015. Chimneys are topped with red brick; porches are simple flat topped timber bracketed elements. Windows are simple timber cottage style, painted in sympathetic colours. There will be no bargeboards. A previous scheme by D P Architects, converting The Lamb, at Bladon, to a residential dwelling and the erection of a number of new dwellings provides an example of the detailing and materials proposed for this new development at The Hare.
- 3.4 The site is served by an existing access onto High Street, this will be retained and then new access drive will be 4.8m wide increasing to 7.3m at the crossover to allow two vehicles to pass each other to avoid vehicles blocking the High Street when waiting to enter or leave the site. The level of traffic movements will be considerably lower than previous proposals. In compliance with the local parking standards, and market demand, each dwelling will be provided with 2 parking spaces and one shared visitor space. The new dwellings will be provided with open fronted carport parking, which is sized to provide parking spaces 2.9m wide.
- 3.5 There is a clear reversing and manoeuvring area of a minimum depth of 7.0m by 10.3m. The access drive will be constructed in tarmac, to match the existing surface, while the residential parking court will be finished with Permeable Block cobbles to provide a SUDS scheme, as well as reflecting the character of the area. The position of the parking to the rear of the site reduces the dominance of parking in the street scene. The rear windows of the dwellings will provide active visual surveillance. Each dwelling will be provided with a shed to provide secure cycle storage.
- 3.6 Within the site the driveway layouts are designed to meet Part M of the Building Regulations and recent disability legislation, especially with regard to inclusivity. Internally, the dwelling is designed within the spirit of lifetime homes requirements, with the potential for usability by those who develop a disability or infirmity.
- 3.7 10 parking spaces for The Hare are shown on the application drawings; this is an increase of 3 spaces compared to application 16/02682/FUL. The additional 3 spaces are provided on land controlled by the applicant, the other 7 are on land controlled and owned by the owners of the public house. This is above the capacity of the original public house carpark layout, prior to sale of the public house and demolition of the brew house, as demonstrated on application drawing

16 TQP CP01. Therefore this proposal will lead to a net increase in parking spaces available to the public house.

- 3.8 The applicants will be willing to accept a planning condition or will undertake to enter into a legal agreement to ensure these additional three spaces will be dedicated to the public house. The applicants have consulted with the owner of The Hare and they are agreeable to this proposal to provide enhanced parking. It is clearly demonstrated that the public house had a parking capacity of 8-9 spaces. One additional car could potentially be parked on the access drive but would restrict manoeuvrability and usability. Thus the new proposals increase parking provision for the retained public house by 1-2 parking spaces.
- 3.9 In summary, it would appear highly inconsistent to apply parking standards for an A3 use to an A4 use Public House, when the council has not applied any parking standards to any of the applications detailed above, or listed in the following table. It is clear many public houses function well without any on curtilage parking provision. The council has also accepted the reduction of parking provision, where works to create a new dwelling on the site, ensures the viability of the public house, by reducing purchase costs or by enabling monies for repair and enhancement. Indeed the council has accepted reductions in parking provision for a number of public houses, considering this will not affect viability. The new proposals contained in this application are to increase parking provision for the public house above the original capacity of the carpark. This proposal is entirely consistent with recent approvals as detailed earlier.

4 PLANNING POLICIES

- 4.1 TLC12 Protection of Existing Community Services and Facilities
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
H2 General residential development standards
H6 Medium-sized villages
NE4 Cotswolds Area of Outstanding Natural Beauty
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EH1NEW Landscape character
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background information

- 5.1 The application seeks planning approval for the erection of two detached dwellings on land to the South West of The Hare Public House in the centre of Milton Under-Wychwood. The Hare was formerly known as The Quart Pot and was closed for a period of time. The pub has since reopened following renovation. The site has previously been subject of a number of planning applications; these are referred to within this report.
- 5.2 This application is a resubmission of a previously refused planning application (16/02682/FUL) for two detached dwellings on the same site. This application was refused by members in October 2016 for the following reasons

1. The development as proposed would adversely impact on the future viability of the public house as a business and community asset. The development would therefore be contrary to the aims of Policy TLC12 of the existing West Oxfordshire Local Plan 2011; Policies E1 and E5 of the emerging West Oxfordshire Local Plan 2031 and Paragraphs 21, 28 and 69 of the NPPF

2. The loss of parking resulting from the proposed development would result in pressure upon on street parking within the immediate vicinity of the development which would adversely impact on the convenience of the users of the adjacent public highway and would compromise the safe movement of traffic contrary to the aims of Policies BE2, BE3 and H2 of the existing West Oxfordshire Local Plan 2011; Policies OS2 and T4 of the emerging Local Plan 2031 and the relevant provisions of the NPPF.

- 5.3 The present application proposes two semi-detached dwellings fronting the High Street with associated landscaping and residential parking for the two properties to the rear and a further area of parking to serve The Hare Public House. Both The Hare and the proposed dwellings would be served by a single means of access to the side of the pub. The proposed dwellings would be located on an open area of vacant hardstanding to the side of the pub. This area of hardstanding previously formed part of an area of parking for the pub as recently as 2014 when a previous application was refused on this site. The land is now under separate ownership although the area continues to function as informal parking for the pub. The present application differs from the previous proposals as three further spaces are allocated for The Hare, providing a total of 10 spaces an increase of 3 spaces from what was previously proposed.
- 5.4 An application for four dwellings and an application for eight flats were both refused on the site in 2014; both applications were subsequently dismissed at appeal. A further three applications made in 2011 for single dwellings on the site were all refused. The previous refusal reasons have centred on design issues, issues of access and highway amenity and the loss of an area of the pub beer garden and parking and the subsequent impact on the viability of the business. The appeal inspector in 2014 upheld the Councils reason for refusal on viability grounds due to the deemed impact of the loss of the land on the future viability of the pub business.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of development
 - Design, scale and siting
 - Impact on highway safety, amenity and parking
 - Residential Amenity
 - Impact on the viability of the existing business

Principle

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

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

5.7 The Councils current position on housing land supply is a material consideration in the weight attributed to existing Local Plan Policies H4-H7 and Emerging Local Plan Policy H2. Given the existing situation it is considered that minimal weight can be attached to these location based policies. Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Milton under Wychwood is listed as a medium sized village and the development of appropriate sites within the settlement area is supported in line with the provisions of Emerging Local Plan Policy H2.

5.8 The site is brownfield land and the development of such sites is supported within Paragraph 17 and 111 of the NPPF. Officers consider that the site is a sustainable location for the development of two dwellings, given the sites proximity to existing services and facilities in the village.

Impact on the Viability of the Public House

5.9 The impact of the proposed development on the future viability of The Hare public House is a key consideration and is referred to in representations made by the Parish Council and third parties. Pubs are important community assets and development should where possible ensure their retention and should not compromise on the future viability of such assets. The importance of retaining community assets is referred to in Policy TLC12 of the Existing Local; Policy E5 of the Emerging Local Plan and Paragraphs 28 and 70 of the NPPF. The key issues raised relate to the potential loss of parking and its impact on the viability of the business in addition to the loss of available space for the pub to expand.

5.10 Previous applications have been refused on the grounds that the loss of the area of hardstanding in question would compromise the future viability of the public house. In the two joint dismissed appeals on the site which relate to the refusal of two separate applications in 2014 for eight flats (14/0229/P/FP) and four dwellings (14/0364/P/FP) the appeal inspector refers directly to the issue of the loss of the land adjacent to the pub and the subsequent impact on viability. The inspector considered that the development would result in a “significant reduction in the amount of land associated with the public house”. The inspector considered that the greater the area of land associated with the pub “the greater the asset” and “the greater opportunities to expand the business. It was considered that “without the larger area of land associated with The Quart Pot it would not have a viable future”. The inspector concurred with officer’s views at the time that the development would be contrary to Policy TLC12 of the Existing Local Plan.

5.11 In refusing the recent application in 2016, members expressed concerns that the loss of the parking within the existing area of hardstanding would adversely impact on the future viability of the public house as a business and community asset. The development would subsequently be considered contrary to the aims of Policy TLC12 of the existing West Oxfordshire Local Plan 2011; Policies E1 and E5 of the emerging West Oxfordshire Local Plan 2031 and Paragraphs 21, 28 and 69 of the NPPF.

5.12 In the determination of previous applications on the site, with the exception of the recent application in 2016, the land subject of this application was directly associated with the public house and was indicated as such on the red edged development area which covered both the

public house and adjacent land. The present application shows a red edged area only around the land adjacent to the pub and the access. The land subject of this application is under separate ownership although it is noted that the area of hardstanding functions as an informal parking spaces for visitors to the pub, however as the land is under separate ownership this space is no longer directly associated with the pubs function and operation.

- 5.13 In the consideration of previous applications prior to the recent application in 2016, officers gave weight to the function of the land as parking for the pub and considered that the reduction in parking may affect the viability of the business to reopen as well as the potential of the land to deliver future development which may enhance the future viability of the pub, for example the provision of a beer garden and outdoor seating. The land presently functions as informal parking, however there is no mechanism to ensure the continuation of the land for this use and the use of this space would be at the discretion of the owner, for example the land owner may under permitted development rights decide to erect a fence preventing parking on this site. The pub has reopened since the dismissed appeals and is trading without ownership of the application site. Officers supported the previous application for approval and remain of the opinion that the loss of the hardstanding and informal parking cannot in these circumstances be considered as a direct viability issue in terms of the pubs future ability to function or expand the business operations.
- 5.14 The present application proposes a further three parking spaces to be provided for The Hare. At present, discounting the parking on the area of hardstanding adjacent to The Hare, the pub has a total of seven parking spaces under its control, the proposals would provide a further three spaces bringing the total number of parking spaces to ten. Were the hardstanding to cease to be made available as informal parking for The Hare, the pub would be left with a total of seven spaces. The provision of a further 3 spaces which would be under the control of The Hare would, in officers opinion be considered beneficial to the long term viability of the pub and would provide permanent and formal parking to the serve the pub.

Siting, Design and Form

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

Highways

- 5.16 Concerns have been raised by residents and the Parish regarding the proposed provision of parking on the site and the loss of the area of hardstanding, currently functioning as informal parking. Concerns have also been raised that the loss of the informal parking would lead to an increase in on street parking on surrounding roads, notably the High Street. As cited in section 5.3 the Council would be unable to prevent the existing hardstanding from being blocked off

were the site owner to prevent parking within this area. The applicant proposes a net gain of an additional 3 spaces within the area of land presently under the ownership of The Hare; this includes two spaces sited parallel to the proposed Plot 1.

- 5.17 Public Houses fall under use Class A3, as opposed to 'non-food retail', which is referred to in the applicants supporting transport statement. A Class A3 use would typically require a maximum provision of 21 spaces. The proposed parking would evidently be below the maximum requirement suggested within the West Oxfordshire Parking Standards; however the quantity of existing parking which is under the control of the Hare needs to be accounted for, as does the location of the public house. Paragraph 39 of the NPPF states that in setting local parking standards for residential and non-residential development local authorities should account for the accessibility of the development, the type and mix of development, the availability of public transport, local car ownership levels and the need to reduce the use of high emission vehicles. In terms of accessibility for the local community, the pub is located in the centre of the village and is in walking distance for the majority of residents in Milton under Wychwood. It is acknowledged that a high number of visitors to the pub travel by car, however as previously stated, due to the land ownership issues, there is little scope to ensure that the development site is retained in the future as parking for the public house.
- 5.18 Officers conducted a site visit on a Friday afternoon at 2:00pm; it was observed that the car park was busy with 11 vehicles parked in the car park and a further 3 vehicles parked on the High Street immediately adjacent to the pub. The car park was at capacity, with vehicles parked on the grass area adjacent to The Hare. It was observed that 10 vehicles could be suitably parked within the area of hardstanding without causing an obstruction to other parked cars or encroaching onto the unsurfaced areas of the site. It could be reasonably assumed therefore that the maximum capacity of the car parking as presently proposed would be 10 spaces; this is in line with the original parking plan for the pub as shown in the applicants Design and Access Statement. Officers subsequently consider that the proposals would not result in either a net loss or gain in terms of parking provision and as the proposals would instead preserve the existing status quo.
- 5.19 As a consultation response to the previously withdrawn application in 2016, OCC highways officers commented that a decline in parking provision would not amount in itself to an adequate reason for refusal of the application. The key determination is whether the adjacent roads are capable of safely accommodating any overspill of parking. OCC Highways officers considered that both the previously proposed scheme and the present scheme would not be of substantial detriment to highway safety or amenity. In this regard Paragraph 32 of the NPPF states that development should only be prevented on transport grounds, where the residual cumulative impacts of development are severe. In the opinion of your officers and OCC Highways Officers, whilst the loss of informal parking may result in a minor increase in on street parking, officers consider that the cumulative residual impact of the development on the adjacent road network would not be severe in relation to the relevant tests applied within Paragraph 32 of the NPPF. Furthermore the impact of the development on the adjacent road network has been lessened through the provision of further parking as part of the amended scheme.
- 5.20 The optimum quantity of parking which could feasibly be delivered within the land under the present control of The Hare would be 7 spaces. In considering the lack of control over the future use of the hardstanding and the potential fall-back position resulting from this land ceasing to be made available as parking for The Hare, what is presented would essentially be the net provision of three additional spaces for the pub. Accounting for the land ownership issues

associated with the site and the subsequent fall-back position, officers consider that the proposals could be considered beneficial in terms of securing permanent, formal parking which would be under the control and management of The Hare, as opposed to the existing informal and uncontrolled arrangement. In relation to a fall back scenario where the site would cease to function as informal parking for the pub, leaving only seven spaces for The Hare, the proposed scheme could be considered as beneficial in reducing the extent of any overspill of on-street parking. The applicants have provided a swept path analysis of the proposed parking arrangement to suggest that the proposed layout could be realistically incorporated into the site area. OCC Highways officers have indicated that the 10 spaces proposed could be realistically achieved, whilst providing adequate space for manoeuvring of vehicles.

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

Residential Amenities

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

Conclusion

- 5.24 Officers consider that the proposals represent sustainable development and would provide two appropriately designed dwellings in a sustainable location on a brownfield site in the centre of Milton Under-Wychwood. Officers have given due consideration to the previously refused applications on the site and previous appeal decisions most notably the 2014 appeal decision and recently refused 2016 application.
- 5.25 The most recent and relevant application, this being the 2016 refused scheme similarly proposed the erection of two dwellings and the provision of parking facilities, although the parking facilities were notably lower than proposed within the present amended scheme. In making the recommendation of approval officers have taken into account a number of factors, which include the fall-back position relating a lack of future control over the existing informal area of parking, the capacity of the existing parking compared with the quantity of proposed parking; alongside the likely impact of the development on the surrounding road network and the subsequent impact of any overspill parking on highway safety or amenity.
- 5.26 On balance officers consider that accounting for existing parking provision in addition to the quantity of parking proposed; the development would not result in a substantial displacement of vehicles along the High Street. Any increase in on-street parking (if any) would be minor and would be significantly greater were the existing hardstanding to cease to function as parking for

The Hare, without the further three spaces being provided as a result of the development being proposed.

- 5.27 Given that the quantity of allocated and adequately ordered parking would remain as present, officers consider that the development would not detrimentally affect the viability of The Hare as a business. In considering these factors officers are of the opinion that the development would be compliant with the provisions of the Existing and Emerging Local Plans and the relevant provisions of the NPPF.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, doors and roof lights; at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 No dwelling shall be occupied until the vehicular accesses, car parking spaces and turning areas that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 7 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the character and landscape of the area.

- 8 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.
REASON: To safeguard the character and appearance of the area and because details were not contained in the application.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: To ensure the adequate provision of amenity space to serve the dwellings
- 10 Prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 30% CC event has been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 11 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.