

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 3rd April 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

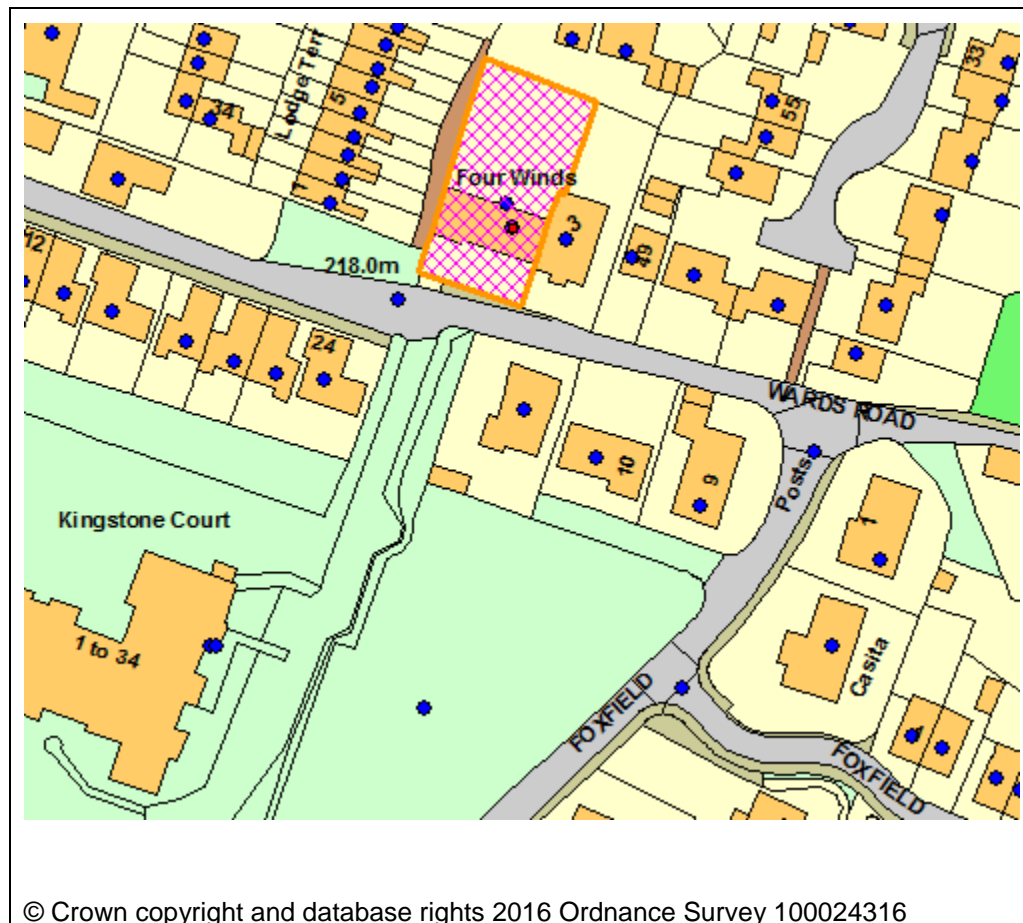
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	
I6/03408/FUL	<u>I Four Winds, Wards Road, Chipping Norton</u>	3
I6/03529/HHD	<u>Coombe House, Taynton</u>	12
I6/03856/FUL	<u>18 Sandford Park Charlbury</u>	20
I6/04255/FUL	<u>The Old Brewery, Priory Lane, Burford</u>	29
I6/04256/FUL	<u>The Old Brewery, Priory Lane, Burford</u>	39
I7/00056/FUL	<u>Tyne Lodge, 2 Brook Lane, Stonesfield</u>	53
I7/00229/FUL	<u>19 Market Place, Chipping Norton</u>	58

Application Number	I6/03408/FUL
Site Address	I Four Winds Wards Road Chipping Norton Oxfordshire OX7 5BU
Date	22nd March 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chipping Norton Parish Council
Grid Reference	431632 E 227027 N
Committee Date	3rd April 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 gravelled 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 prevent 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 Parish 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.

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

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 The application was deferred from the previous planning committee held on 3rd April for members to visit the site on 30th April.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Design, scale and siting
 - Impact on the Residential Amenity of Existing Residents
 - Highways

Principle

- 5.5 Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. 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.
- 5.6 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. 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 (as referred to in the October 2016 Position Statement). 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. Whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.7 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

- 5.8 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.
- 5.9 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

- 5.10 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

- 5.11 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 west facing 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.

- 5.12 The west facing 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.
- 5.13 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 westernmost 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.
- 5.14 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.

- 5.15 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 east. 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.
- 5.16 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

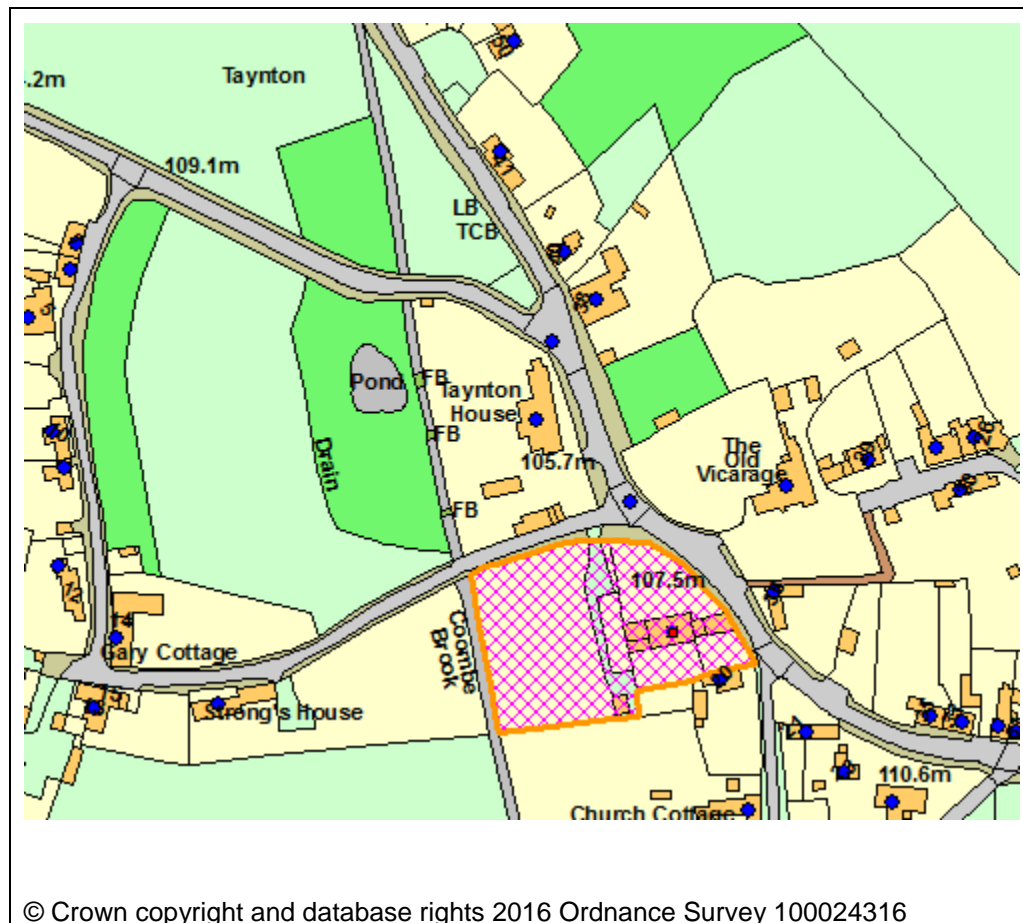
- 5.17 Whilst the principle of replacing two substandard dwellings with three dwellings of a significantly enhanced design is considered acceptable and officers accept that there would be demonstrable benefits resulting from both the increase in quality of the dwellings alongside the provision of an 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 incompliant 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	I6/03529/HHD
Site Address	Coombe House Taynton Burford Oxfordshire OX18 4UH
Date	22nd March 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Taynton Parish Council
Grid Reference	423390 E 213665 N
Committee Date	3rd April 2017

Location Map



Application Details:

Alterations to include raising of roof height and extend existing lower western end of property with insertion of new, larger dormer window. Construction of replacement entrance porch and single storey extension (both to South elevation), erection of new porch to North elevation and new ashlar chimney stack.

Applicant Details:

Mr And Mrs James Marks
Coombe House
Taynton
Oxon
OX18 4UH

I CONSULTATIONS

- I.1 Parish Council No Comment Received.
- I.2 WODC Architect
- 1) Re-working of the porch on the north elevation. Originally there was no porch here, just a threshing doorway, although there is now an odd, asymmetrical structure. I think that the proposed more conventional gabled porch, whilst increasing the volume and the prominence, would arguably be more consistent, and would be acceptable, on balance, from our point of view.
 - 2) Re-forming the cat slide on the south elevation. This would be reinstatement of the earlier form, and would arguably give a less domestic appearance. It is acceptable from our point of view.
 - 3) Re-working of the porch on the south elevation. There would be a slight increase in height and volume, but the open threshing doorway form is more consistent. It is acceptable from our point of view.
 - 4) Raising the roof line of the element on the west end. This appears to be a modern addition, and the proposed raising would not represent a huge increase in volume or a huge transformation of the basic form. However, it would have a very significant impact on views of the church tower from the roads to the north. It is not acceptable from our point of view.

2 REPRESENTATIONS

A total of 17 letters of objection were received in relation to the originally submitted plans, with 3 letters of support. The principle points of objection are summarised below:

- The scale of the extensions would be inappropriate.
- The development would block views of the Grade II* listed church which would cause harm to the setting of the listed building and the setting of the Conservation Area.
- There is an inaccuracy between the written description relating to the two storey side extension and the height increase shown on plan form.
- The design would be out of keeping with the character and appearance of the village.
- The design of the extensions would obscure the original agricultural character of the building.
- The level of glazing would be extensive and visually out of keeping, whilst increasing potential overlooking, this would also result in light pollution.
- The proposed window design would be inappropriate and out of keeping with the character of the building.

The comments made in support of the application are summarised below:

- The design would be traditional and in keeping with the character of the area.
- The removal of the existing front porch would be beneficial to the visual appearance of the building.
- The detail of the proposed two storey extension is a clever solution drawing influence from a traditional barn structure.
- The introduction of horizontal glazing bars which is a traditional detail in the village would bring the appearance of the building back in line with the local vernacular.
- The additional catslide to the central core will improve the appearance of this elevation.

In response to the receipt of the amended plans, a further 4 letters of objection have been received.

The objection letters state that the plans in general address many of the concerns surrounding the previous proposals, however the extent of glazing along the north, west and south elevations remain an area of concern. Concerns were also raised about loss of views of the church.

3 APPLICANT'S CASE

- 3.1 Planning legislation requires that proposals for development are determined in accordance with the Development Plan, unless there are overriding materials considerations to the contrary. The Built Environment policies appear to be the most applicable to the proposal that is the subject of this application with Policy BE2 requiring that new development should respect and, where possible, improve the character and quality of its surroundings and be well designed, to respect the existing scale, pattern and character of the surrounding area. The proposal has been designed to respect and enhance the form and appearance of the existing development, with matching materials to be used as well as traditional methods of construction so that the proposed works will make a positive contribution to the application site and its surroundings.
- 3.2 Policy BE3 concerns provision for movement and parking and, as previously stated, there is adequate space within the curtilage of this application site for any additional motor vehicles to be parked clear of the highway. The application does not propose a significant increase in the floor area of the property and, it will not, therefore, generate significant additional vehicle movements. In fact, once construction work has been completed, there will be little or no impact on vehicle movements or parking at the site.
- 3.3 The application site is within the Taynton Conservation Area where there is a statutory duty, echoed by Policy BE5 of the Local Plan, to ensure that any proposals for development will preserve or enhance the character or appearance of the Conservation Area. As recognised by the planning officer in the pre-application advice, the proposal represents an acceptable form of design which would harmonise with the appearance of the existing dwelling and with the area in general.
- 3.4 Policy H2 of the Local Plan refers to extensions or alterations to existing dwellings and sets out requirements for any proposal. The proposed extensions and alterations complies with this policy and also represents good design, as sought by the emerging local plan and national policy.
- 3.5 The proposed extensions and alterations to Coombe House would result in an appearance that would harmonise with the existing building and would preserve the Conservation Area in which it is located. The residential amenities of the occupiers of nearby buildings would not be harmed

by the proposed alterations to the rear of the building and existing landscaping will be retained, a matter that can be controlled by the imposition of a condition of planning permission.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

NE4 Cotswolds Area of Outstanding Natural Beauty

OS1NEW Presumption in favour of sustainable development

OS4NEW High quality design

EH7NEW Historic Environment

H6NEW Existing housing

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to a series of extensions and external alterations to a large unlisted converted former agricultural barn sited in the centre of Taynton within the designated Conservation Area and in the setting of a number of listed buildings. The original barn was converted in 1980 to a single residential dwelling (W80/0348) but has since been extensively altered in a generally unsympathetic manner. The original fabric of the building which previously consisted of a flat north facing frontage and rear elevation, featuring a projecting gable and deep roof pitch has been significantly compromised, most notably by the later addition of an unsympathetic and poorly designed front porch alongside alterations to the rear which cut away the previous deep catslide roof. A single storey side extension was approved in 1983, which is relatively low in height but includes a first floor element.
- 5.2 The proposals include the addition of a front gable extension, which would replace an existing single storey 1980's front porch addition, in addition to a rear projecting gable extension to the south elevation and infill extension. A replacement side extension is proposed which would increase the roof ridge height of this element of the property as well as other external changes including changes to the front and rear fenestration design. The roof ridge of the side element of the property would be raised to a position approximately 0.5 metres lower than the main roof ridge of the barn. The proposed plans have been amended and the revised drawings include changes to the height of the side element of the dwelling and alterations to the design of the proposed front and rear projecting gables.
- 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 of the proposed extensions.
 - Impact of the development on the setting of the Taynton Conservation Area and listed buildings, in particular the Grade II* listed Taynton Church.
 - Residential Amenities

Siting, Design and Form of Extensions and Alterations

- 5.4 The building which was formerly a vernacular barn has been extensively altered in character and appearance since its conversion in 1980, on the whole the alterations carried out since conversion have been detrimental to the character of the building and have altered the character of the building from one of a distinctively agricultural character to one of a more domestic and residential appearance. The agricultural character and form of the building remains noticeable albeit that the building has been compromised through unsympathetic works and additions.
- 5.5 The proposed works to the front and rear elevations of the building in officers opinion would be largely sympathetic to the character of the building and in the case of the rear infill extension and front gable extension there would be notable benefits to the appearance of the building arising from the development. The proposed front gable extension would be secondary in scale and would in officers opinion be a design enhancement to the front elevation of the building, given that the unsympathetic 1980's porch would be removed. The extension would be clearly set down from the main roof ridge of the property and would be constructed from matching natural stone. The proposed rear infill extension would extend the existing deep catslide roof and would infill a gap between a setback element of the rear wall of the property and the existing rear gable, which would also be extended to a minor degree. The proposed rear extension would bring the roof line of the rear section of the dwelling in line with the remainder of the roof line of the rear elevation of the property. The extension would bring the design of the rear aspect of the barn back in line with its previous appearance prior to conversion in 1980; this would be more consistent with the buildings agricultural character. Officers consider that the aforementioned extensions would be sympathetic to the character of the building and on balance the extensions could be seen as beneficial given the removal of unsympathetic previous additions and alterations to the property.
- 5.6 The proposals involve extensions to the side elevation of the barn which involve an increase in the roof ridge height of the side extension. The proposed roof ridge height of the side extension would be set approximately 0.5 metres below the main roof ridge of the building. Policy BE10 of the Existing Local Plan states that alterations to converted unlisted vernacular buildings should not extensively alter the existing structure or remove features of visual interest; or would include extensions or an accumulation of extensions which would obscure the form of the original building. Officers note that the footprint of the side element of the building would not be substantially extended as a result of the proposed development, although the proposals would involve raising the roof ridge height of the extended side section of the dwelling. The present side extension relates relatively poorly to the main building; however the extension is low in height and the form of the original building remains clearly discernible despite this relatively unsympathetic and uncharacteristic later extension. The proposed raising of the roof ridge height would further increase the mass of the side section of the dwelling; however the characteristic form of the building would still remain legible. On balance officers consider that purely in a design sense the principle of raising the roof ridge height could be considered acceptable.
- 5.7 With regards to the provision of glazing to the south, north and west elevations of the proposed side extension, officers consider that that the extent of the glazing sits awkwardly with the appearance of this side aspect of the dwelling and contrasts significantly with the design of the remainder of the dwelling. Whilst officers note that there are extensive sections of glazing on the front and rear gables, this takes the form of a glazed screen, reflective of the agricultural

character of the building. The glazing within the extended side element, by contrast consists of a large expanse of single panels of glazing punctuated by large stone pillars, which appear uncharacteristic and do not read well with the architectural language of the barn. Officers consider that the addition of the proposed extensive glazing would be significantly at odds with the architectural language of this converted vernacular barn as well as the general character of the wider conservation area. As such officers consider that the design of this element of the proposed development would fail to constitute good design that respects the character and appearance of the existing building and the character of the wider area. Subsequently officers consider that this would conflict with the provisions of Policies BE2 and H2 of the Existing Local Plan, as well as Policies OS4 and H6 of the Emerging Local Plan.

Impact of the Development of Conservation Area setting and designated Heritage Assets

- 5.8 The building is within the Taynton Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.9 The building lies within the immediate setting of a number of listed buildings, most notably this includes the adjacent property to the south of the site as well the Grade II* listed St John's Church. The Church is sited a reasonable distance from Coombe House, however there are key views towards the Church which would be affected by the development, namely the erection of the two storey side extension. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through development within the setting of a listed building. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits. In relation to the adjacent property to the South officers consider that the development would not significantly impact on the setting of this listed building.
- 5.10 Officers consider that the impact of the proposed development on the setting of the Grade II* listed St John's Church would be significantly more profound. Paragraph 132 of the NPPF states that the greater the importance of the heritage asset affected, the greater the weight that should be afforded to the assets preservation. In this case as the asset is a Grade II* listed building, which is a prominently sited landmark building within the Taynton Conservation Area, Substantial weight must therefore be given to preserving the setting of this building. When considering the setting of a heritage consideration must be given to how the asset is experienced within its immediate and wider context. The church tower is a landmark building within the Conservation Area and there are views towards the tower from a number of vantage points, most notably from the north where prominent views of the mid and higher points of the Church Tower are clearly discernible. The views of the Church Tower have to a degree been compromised by the erection of the single storey ground floor extension, however this would not justify further harm being caused to the setting of the Grade II* listed Church.
- 5.11 Officers note that the view from the road to the north is not identified as an important view within the Taynton Conservation Area Appraisal, notwithstanding this officers consider that the view is of clear importance and whilst not indicated in the Conservation Area document the

view in question is clearly contributory to how the asset is experienced and perceived in public views. Raising the roof ridge height would entirely restrict views of the upper and mid sections of the Church Tower including key features such as the Church clock, public views of this Grade II* designated asset would be irreversibly lost and officers consider that the development of the proposed side extension would amount to less than substantial harm to both the setting of the Taynton Conservation Area and the setting of the Grade II* listed Taynton Church. The less than substantial harm would in officer's opinion clearly fail to be outweighed by the limited public benefits of the scheme. Subsequently the development would be deemed contrary to the provisions of Policy BE5, BE8 of the Existing Local Plan; Policy EH7 of the Emerging Local Plan and the provisions of Paragraphs 132, 134 and 138 of the NPPF.

Residential Amenities

- 5.12 Officers consider that the scale and siting of the extensions would not be detrimental to the residential amenity of any adjacent properties by reason of overlooking, light loss or overbearingness.

Conclusion

- 5.13 Officers consider that the proposed development would in certain aspects be beneficial in removing incongruous later additions to this converted vernacular barn, most notably the poorly designed 1980's front porch addition. The addition of the front gable extension and rear extensions are sensitively designed and would be beneficial in better revealing the former agricultural character of the building.
- 5.14 The benefits to the external appearance of the building would not however outweigh the less than substantial harm caused to both the Conservation Area and the setting of the Grade II* listed St John's Church. The building is a highly designated heritage asset and preserving the setting of this building needs to be given substantial weight. The proposed raising of the roof ridge height of the Church would result in the loss of a significant public view of the Church Tower from the road to the north of Coombe House. The extent of public views that would be lost would be substantial and irreversible and the development would amount to less than substantial harm that would fail to be outweighed by the limited public benefits arising from the proposals. Whilst the general design of the extensions respect the character and appearance of the building, the addition of extensive glazing to the south, north and west elevations of the proposed side extension would be at odds with the character and design of this former vernacular barn. Consequently officers consider that the development would fail to comply with the provisions of Policies BE2, BE5, BE8 and H2 of the Existing Local Plan; Policies OS4, EH7 and H6 of the Emerging Local Plan and the provisions of Paragraphs 17, 132, 134 and 138 of the NPPF.

6 REASONS FOR REFUSAL

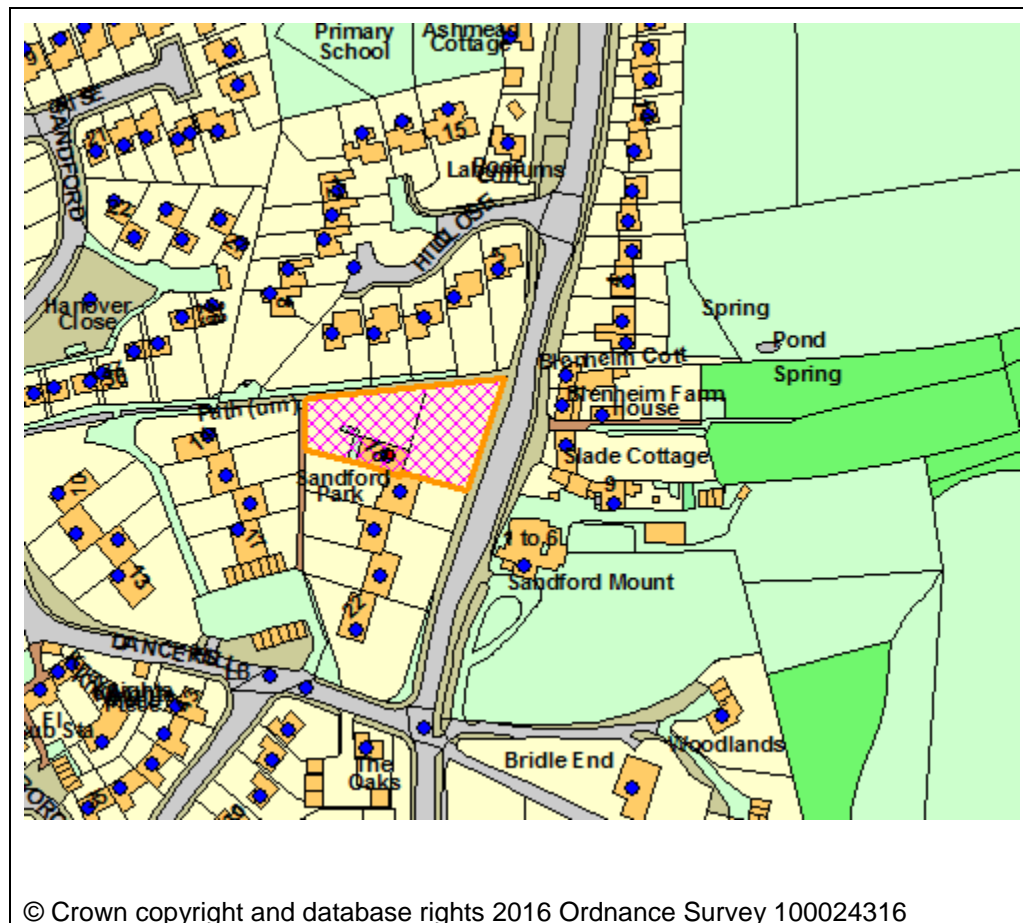
- I By reason of the scale and siting of the side extension, the development as proposed would result in the loss of important public views towards the Grade II* listed St John's Church, which contribute significantly to the setting of the listed building and how this asset is experienced in public views. The loss of these important views of the Grade II* listed church would amount to less than substantial harm to the significance of both the setting of the Grade II* listed St John's Church as well as the character and setting of the Taynton Conservation Area. The less than substantial harm caused to the setting of the listed building and the setting of the Conservation

Area would not be outweighed by the limited public benefits of the proposed development. The proposed development would therefore be contrary to the provisions of Policies BE5 and BE8 of the Existing West Oxfordshire Local Plan 2011; Policy EH7 of the Emerging West Oxfordshire Local Plan 2031; as well as the provisions of Paragraphs 132, 134 and 138 of the NPPF.

- 2 By reason of the extent and design of the proposed glazing to the north, south and west elevations of the side extension to the building, the proposed addition of these features would be at odds with the architectural language and character of the converted vernacular barn and would subsequently be of visual detriment to the design and external appearance of the building. As such the proposals would fail to comply with the provisions of Policies BE2, BE5 and H2 of the Existing West Oxfordshire Local Plan 2011; Policies OS4, EH7 and H6 of the Emerging West Oxfordshire Local Plan 2031 and the provisions of the NPPF, in particular Paragraphs 17 and 64.

Application Number	I6/03856/FUL
Site Address	18 Sandford Park Charlbury Chipping Norton Oxfordshire OX7 3TH
Date	22nd March 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Parish Council
Grid Reference	436131 E 219346 N
Committee Date	3rd April 2017

Location Map



Application Details:

Erection of new dwelling with new vehicle access and minor alterations to the existing house.

Applicant Details:

Mrs B Gorton
18 Sandford Park
Charlbury
OX7 3TH

I CONSULTATIONS

- | | | |
|-----|----------------|---|
| I.1 | OCC Highways | The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. No objection. |
| I.2 | WODC Architect | No Comment Received. |
| I.3 | Parish Council | Object to the application and request that the application be taken to committee and members make a site visit in the morning preferably when school is in session. Neighbours views need to be given careful consideration. Raised questions about covenants applying to the site. |

2 REPRESENTATIONS

13 letters of objection have been received in relation to the application, the objections refer to:

- The deemed unsuitability of the access causing a potential hazard for pedestrians and road users.
- The access would be on a steep slope which would be unsafe.
- There is a lack of visibility due to the high hedges and trees along this side of The Slade.
- A restrictive covenant is placed on the estate preventing further development.
- The existing properties in Sandford Park do not have direct vehicle access and utilise shared parking. The formation of the access would be detrimental to the character of the estate.
- Issues with sewerage and drainage which should be reviewed and upgraded if planning approval is granted.
- The removal of the tree and hedgeline will be visually detrimental and harmful to wildlife.
- Any overlooking of properties in Hill Close must be carefully considered.
- The development would cause harm to the setting of designated heritage assets (listed buildings) located opposite and would conflict with Paragraphs 128, 129 and 132 of the NPPF. The development would affect the following listed buildings: Blenheim Farmhouse, The Thatched Cottage; and Blenheim Cottage.
- The existing trees and vegetation provide an important contribution to the rural character of The Slade and the setting in which these listed buildings are experienced. The loss of the trees and vegetation in order to create the access will impact negatively on the setting of the heritage assets.
- The use of render would not be in keeping with the adjacent properties which area constructed from reconstituted Cotswold stone.
- The development would result in overlooking of existing properties in Hill Close, particularly numbers 5 and 6. The development would have a visually overbearing impact on the properties in Hill Close.
- The removal of the existing trees on the site would have a harmful impact on the character of the Conservation Area. There are large trees in the area with large crowns and a

sizeable root structure. There are concerns that the development could have a detrimental impact on the root structure of these trees and subsequently the safety of the occupants of the houses in Hill Close, an arboricultural survey is requested.

- No flood risk assessment has been provided or assessment of potential run-off.
- The orientation of the property would result in the overlooking of adjacent properties.
- The removal of existing trees would have a harmful impact on wildlife in the area.
- The new dwelling would cause detrimental light pollution.

Charlbury Conservation Area Advisory Committee made the following comments:

Members felt the new design of the house better reflected the distinctive character of the Sandford Park estate but remained opposed to the separate access to the house from The Slade. This conflicted with the principle of pedestrian-only access within the estate, with vehicular access confined to the communal area of garages entered from Dancer's Hill. The proposed access would also destroy part of the planting which helped to screen the estate from traffic on The Slade. The addition of a further garage to the existing block looked feasible and should be seriously considered to preserve the integrity and character of the estate as a whole.

3 APPLICANT'S CASE

- 3.1 The concept is to construct a new house in the large garden adjacent to Number 18. The design is modernist reflecting the style of the existing houses in Sandford Park and seeks to exploit the orientation of the site with south and west facing windows. Minor alterations to Number 18 are proposed moving windows from the North elevation to avoid potential overlooking.
- 3.2 The dwelling is located to take advantage of this open site, positioned well back from The Slade to minimise noise and visual intrusion the new house is attached to number 18.
- 3.3 The scale would be in keeping with design concept of Sandford Park and would be located at the foot of a steep slope affording a discreet situation with little impact on the other buildings in Sandford Park.

4 PLANNING POLICIES

NE6 Retention of Trees, Woodlands and Hedgerows
BE8 Development affecting the Setting of a Listed Building
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE5 Conservation Areas
H2 General residential development standards
H7 Service centres
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to the erection of an attached dwelling, which would be located at the end of a terrace of single storey bungalows in Sandford Park within the Charlbury Conservation Area. Sandford Park consists of 1960's bungalows of a distinct character which are stepped according to the steep gradient of the land sloping from the north boundary of the site. The existing houses front a footpath which runs through the estate to a public footpath sited to the north of the site.
- 5.2 An application for a three storey dwelling was refused on this site by members of the planning committee in 2016 (16/00233/FUL), on the grounds that the development proposed was deemed by reason of its design, scale and siting to fail to preserve and enhance the character of the Charlbury Conservation Area and subsequently the development was deemed to be contrary to Policies BE2 (a) and (b), BE5 and H2 of the Existing West Oxfordshire Local Plan 2006; Policies OS2, OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of the NPPF, namely Paragraphs 17 and 64. Prior to the application being refused by committee, the majority of members attended a site visit in March 2016 where the site and the location of the proposed access were viewed.
- 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 Conservation Area setting
 - Highways impacts
 - Impact on the setting of the Grade II listed buildings opposite the site.

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. 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.
- 5.5 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. 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 (as referred to in the October 2016 Position Statement).

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. Whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.

- 5.6 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and Policy 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. Charlbury is listed as a service centre and the site lies in close proximity to a range of local services and facilities and would in principle be considered a sustainable location for residential development. The site exists as an area of undeveloped domestic curtilage space which runs parallel to a row of existing terraced properties and occupies an undeveloped space in an otherwise developed frontage facing The Slade. Officers consider that the proposed development would constitute infill based development, which would in principle be compliant with the provisions of Policy H7 of the Existing Local Plan as well as Policy H2 of the Emerging Local Plan. Furthermore the site is a sustainable location in terms of its proximity to local services and facilities in Charlbury.

Siting, Design, Form and Impact on Conservation Area setting

- 5.7 The previously refused planning application (16/00233/FUL) proposed a larger, detached dwelling which would have been two storeys and was of a differing design compared with the existing dwellings in Sandford Park. This application was refused by members on the basis that the design of the proposed dwelling failed to preserve or enhance the character of the Charlbury Conservation Area by reason of the development's design, scale and siting. The Sandford Park estate has a distinct character in terms of the layout, design and form of existing dwellings and consists exclusively of single storey split level, stepped bungalows. The amended application attempts to replicate this characteristic uniformity in its design.
- 5.8 The site lies within the Charlbury Conservation area and the impact of any development on the character and setting of the Conservation Area is a principle material consideration. Paragraph 138 of the NPPF requires that an assessment should be made as to the contribution of a building or element to the significance of a Conservation Area and whether development therefore constitutes substantial or less than substantial harm under paragraphs 133 and 134 of the NPPF. The development site additionally lies within the setting of three listed buildings and the subsequent impact of the development on the setting of these buildings must be given due weight. The listed buildings in question are the Grade II listed Blenheim House, Blenheim Cottage and the Thatched cottage, which are located opposite the proposed access to the site and front The Slade.
- 5.9 The proposed dwelling would be of a notably reduced scale compared to the previously refused scheme and replicates the scale and form of the existing properties in Sandford Park. The proposed dwelling replicates the stepped form of the existing properties in Sandford Park and would commensurate with the scale of the immediate built form. The proposed dwelling would also be attached to the adjacent property, extending the existing, distinctive terrace of properties. Design characteristics such as the fenestration detail, prominent use of glazing and the use of render would ensure that the design of the proposed dwelling would harmonise well with the character and appearance of the existing properties in Sandford Park. Given the

consistency of the building design with the existing design characteristics of the properties in the immediate vicinity, officers consider that the design approach would adequately preserve the character and appearance of this part of the Charlbury Conservation Area.

- 5.10 The dwelling would be sited close to an existing right of way to the North of the site, however given the general acceptability of the development in design terms and the limited scale of the dwelling; officers consider that the development would not appear visually detrimental when viewed from this public right of way. The proposed landscaping and lack of boundary treatment would retain the sense of openness presently experienced from the private right of way through Sandford Park and from the public right of way running to the North of the site.
- 5.11 Officers note that a section of boundary hedgerow fronting The Slade, along the western boundary of the site would be removed. The removal of the boundary hedgerow would be necessitated by the need to provide a new means of vehicular access onto The Slade. Whilst a section of the hedgerow would be removed a large proportion of this would be retained alongside three trees close to the boundary. The existing hedgerow provides an attractive frontage to The Slade and forms a relatively extensive area of rear boundary screening along the row of adjacent properties. Despite the removal of a section of the hedgerow the majority of the hedgerow fronting The Slade would be retained and officers consider that the removal of a proportionally small section of the hedgerow would not amount to harm to the Conservation Area setting. Likewise Officers consider that the development would not result in harm to the setting of the Grade II listed Blenheim House, Blenheim Cottage and the Thatched Cottage. Whilst the hedgerow and proposed access lies in the wider setting of these properties, officers consider that the impact on the street scene would not be significantly adverse and in officer's opinion the development would not harm the significance of these heritage assets.
- 5.12 In summary officers consider that the design amendments proposed would satisfactorily overcome the previous reasons for refusal and the proposed design would be consistent with the character and appearance of the existing properties in the immediate vicinity. As such the proposed development would adequately preserve the character of the Charlbury Conservation Area.

Highways

- 5.13 A centrally located means of access is proposed onto The Slade, a 30mph section of urban road. The access point lies in a considerable dip in the road, which restricts visibility in a southerly direction at the proposed entrance to the site for vehicles exiting the site. The means of access and visibility has previously been assessed by OCC Highways officers following receipt of the previous planning application (16/00233/FUL) which likewise proposed a means of access in the same position as is presently proposed.
- 5.14 OCC Highways officers deemed that an access point in the amended position would be acceptable and would meet the DFT Manual for Streets standards for visibility splays. The present proposals have been reassessed by OCC Highways Officers, who have stated that the development would not have a significantly detrimental impact on highway safety or amenity. Officers deemed that the access proposed as part of planning application 16/00233/FUL met required standards in terms of visibility and general access suitability. Whilst refusing this application on design grounds members at the time of assessing the previous application did not request the addition of a further highways based refusal reason relating to the proposed access. The site plan indicates the provision of parking forward of the existing dwelling and within the

attached garage space, which in officers opinion would be considered adequate for the size of the dwelling proposed.

Residential Amenities

- 5.15 Officers note that a separation distance of at least 31 metres would be retained between the proposed dwelling and the existing properties to the North of the site in Hill Close. Given the limited height and scale of the proposed dwelling it could not reasonably be argued that the dwelling would appear overbearing in relation to the rear aspects of the existing properties in Hill Close. Similarly the separation distance would, in officers opinion be sufficient to ensure that the rear windows and rear curtilage space of these properties would not be substantially overlooked by the proposed dwelling. Owing to the works proposed to the existing dwelling No.18 Sandford Park, namely the infilling of existing windows along the North facing elevation, the development would not significantly overlook this property or otherwise adversely impact on the amenity of this dwelling.

Impact on Existing Trees

- 5.16 The application proposes the removal of a number of small trees within the front garden area of the property, the removal of which would not have a substantial impact on the visual amenity of the area. The canopy area of a number of existing trees within the gardens of the properties in Hill Close extends up to the corner of the proposed dwelling. Whilst the canopy overcomes a small corner of the house, officers consider there should be adequate separation between the property and these trees to ensure that the trees are not compromised, leading to future damage or pressure to fell.

Conclusion

- 5.17 Officers consider that owing to the significant changes to the design of the proposed dwelling alongside the notable reduction in the scale of the proposed property, the proposals would satisfactorily overcome the reasons for the refusal of the previous planning application on this site 16/00233/FUL. Officers consider that the design proposed in terms of its scale, form and general character would adequately harmonise with the character and appearance of the existing properties in Sandford Park.
- 5.18 Officers consider that owing to the appropriateness of the design approach, the development would adequately preserve the character and appearance of the Charlbury Conservation Area. Whilst the removal of a section of the boundary hedgerow would have a minor impact on the character of the street scene officers consider that this would not amount to harm to the setting of the Conservation Area. Officers consider that owing to the reduced scale of the dwelling and owing to the separation distances between the proposed dwelling and the existing properties in Hill Close, the development would not have a significantly adverse impact on the residential amenity of the existing properties in Hill Close.
- 5.19 The proposals would be beneficial in providing an additional appropriately designed dwelling in a sustainable location within one of the main service centres in the district. Officers consider that there would not be adverse harm to the character and appearance of the Conservation Area or the residential amenity of the occupants of existing neighbouring properties, subsequently officers consider that the proposals would be compliant with the provisions of Existing Local Plan Policies BE2, BE3, BE4, BE5, H2 and H7; in addition to the provisions of Emerging Local

Plan Policies OSI, OS2, OS4, H2, EH7, T1, T3 and T4 of the Emerging Local Plan; as well as the relevant provisions of the NPPF.

6 CONDITIONS

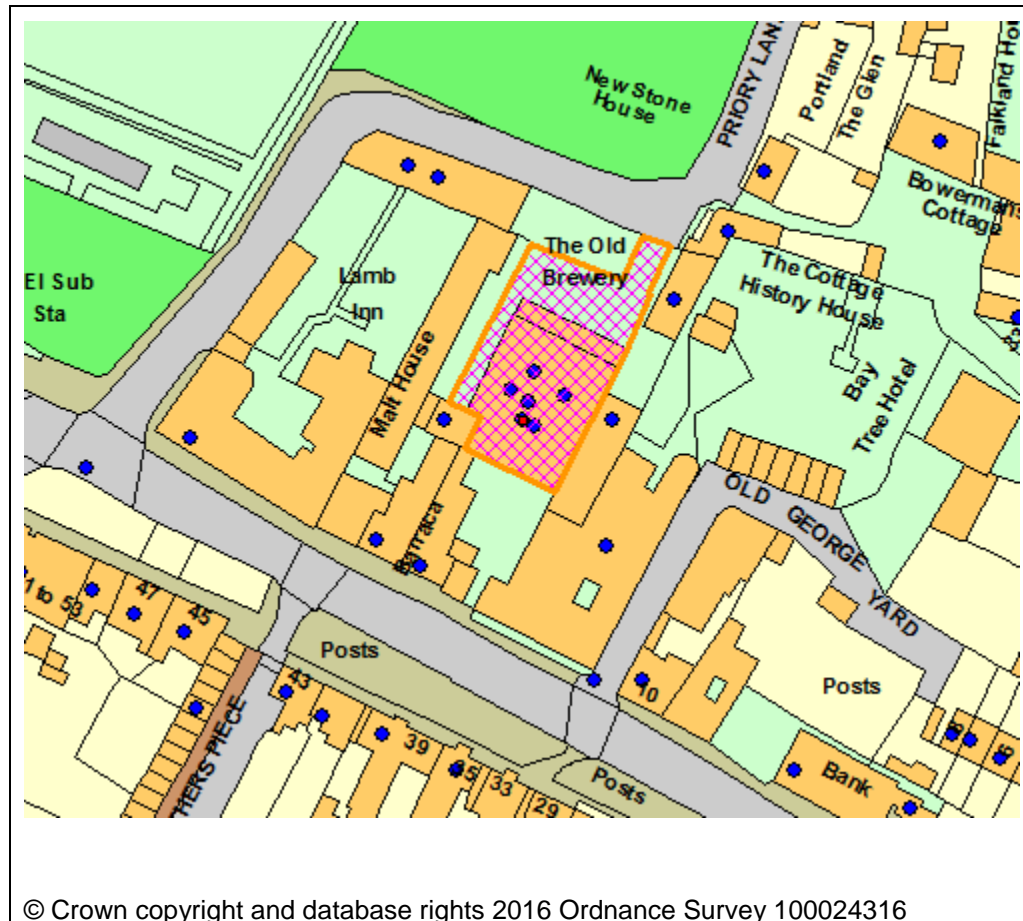
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The 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.
- 4 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.
- 5 Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the highway boundary of the land shall be retained and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.
REASON: To safeguard a feature that contributes to the character and landscape of the area.
- 6 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 7 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.

- 8 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 9 The dwelling shall not be occupied until the vehicular accesses and driveways, car parking spaces and turning areas that serve that dwelling has been constructed, laid out, surfaced 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
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no extension (or alterations) otherwise approved by Classes A, B, C or E of Part I of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.
REASON: To avoid over-development of the site and maintain the visual amenity of the area
- 11 Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.
REASON: In the interests of Highway safety.
- 12 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed dwelling and proposed access 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.
- 13 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that the premise 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.

Application Number	I6/04255/FUL
Site Address	The Old Brewery Priory Lane Burford Oxfordshire OX18 4SG
Date	22nd March 2017
Officer	Joanna Lishman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Burford Town Council
Grid Reference	425012 E 212240 N
Committee Date	3rd April 2017

Location Map



Application Details:

Remove existing building and erection of seven flats with associated works (amended).

Applicant Details:

Gentian Developments (Oxfordshire 3)
C/O Agent

I CONSULTATIONS

- I.1 Town Council We object to this application on scale, mass and design, with 'balconies' which are unseen anywhere in Burford and we feel are totally inappropriate.
- I.2 Major Planning Applications Team No Comment Received.
- I.3 WODC Architect
Welcome obviating the undercroft parking as per pending 10 unit scheme as awkward to access and wastful of space.

An improved internal layout on the 10 unit scheme.

Obtain screening roof structure details and re-consult.
- I.4 WODC Drainage Engineers No objection - condition.
- I.5 Thames Water No Comment Received.
- I.6 ERS Env Health – Uplands
ERS Pollution Consultation I recommend the following condition to ensure that the proposed flats are constructed to a acoustic design specification which accords with the current British standard BS.8233:2014 'Guidance on Sound insulation and noise reduction fro buildings'.
I note also there is no noise report attached to the application. A noise report is often desirable but not always essential.

Condition recommended to ensure internal noise levels:

'No development above ground level shall be commenced until details of an acoustic design scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme'

Advisory:

The acoustic design scheme shall accord with all the requirements of BS.8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings'
ERS Pollution Consultation Due to the previous use of the site, the land may have been subjected to land contamination. As the proposed development is sensitive in nature, a Preliminary Risk Assessment will be required as a minimum.

Please consider attaching the following conditions to any permission granted:

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

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

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

Reason: To ensure any contamination of the site is identified and appropriately remediated.

Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

I.7	Biodiversity Officer	No Comment Received.
I.8	WODC Rural Development	No Comment Received.
I.9	WODC Planning Policy Manager	No Comment Received.
I.10	OCC Archaeological Services	No objections subject to conditions.
I.11	OCC Highways	Highway officers originally submitted an objection to the initial 8 unit scheme based on:

- i. Inadequate parking spaces.
- ii. Inaccessible cycle parking, leading to a failure to maximise opportunities for sustainable travel as required by the NPPF.

Highway officers have agreed nine spaces for the reduced 7 unit scheme.

Approval of access to cycle parking to be confirmed.

- 1.12 Parish Council Reconsultation on 7 unit scheme - comments awaited.

2 REPRESENTATIONS

- 2.1 One comment of objection as follows:

The Planning Statement clause 5.1 refers to 6 2-bed and 2 1-bed flats. However the drawings show 8 2-bed flats. The Planning Statement clause 5.7 states 1 visitor parking space - I cannot see this on the drawings. The whole scheme is totally out of keeping with the existing architecture of Burford. The proposed balconies are particularly objectionable. There is inadequate parking provision as 2-bed flats are likely to entail at least 2 cars per dwelling.

3 APPLICANT'S CASE

- 3.1 The proposed development of the site with an apartment block containing 8 units has been assessed against both local and national planning policy. The building has been assessed as being of an uncharacteristic form and incongruous in relation to the character of the Conservation Area. Given this, it is considered that the loss of the building would not create significant harm and as such complies with paragraph 133 and 134 of the NPPF. The design of the application has been largely based on the extant permission for 10 flats. It is considered that the form and massing will be in keeping with the neighbouring properties and as such will not detrimentally impact on the Conservation Area. The application is supported by an employment report, which concludes that the current office market is poor for landlords seeking tenants and that there is very little demand due to current economic uncertainties. The office has been deemed to be too large for current demand. Even if the office was divided into two, it would still be too large. It is therefore considered that the site is unsuitable and not reasonably capable for employment purposes and as such complies with Policy E6. Given the 5 year housing land supply deficit which the local authority are experiencing and the lack of up to date local plan, the application needs to be assessed in the presumption in favour of sustainable development as outline in paragraph 14 of the NPPF. The proposal site is located within a sustainable location, and will provide much needed housing to the Burford area of West Oxfordshire. It is considered that the proposal is therefore compliant with both national and local policy and as such should be approved.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE6 Demolition in Conservation Areas
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards

NE4 Cotswolds Area of Outstanding Natural Beauty
 NE15 Protected Species
 E6 Change of Use of Existing Employment Sites
 T1 Traffic Generation
 H7 Service centres
 H11 Affordable housing on allocated and previously unidentified sites
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 T2 Pedestrian and Cycle Facilities
 T4NEW Parking provision
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH7NEW Historic Environment
 BC1NEW Burford-Charlbury sub-area
 E1NEW Land for employment
 BE19 Noise
 EH6NEW Environmental protection
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The application seeks planning permission for the removal of the existing offices located within The Old Brewery Yard, Priory Lane, and the erection of 7, 2-bed flats with associated parking and access. The access to the development would remain as existing, from Priory Lane.
- 5.2 The application is brought before the Uplands Planning Committee as the Town Council has raised an objection.

Background Information

- 5.3 The application site is within the Burford Conservation Area and the Cotswold AONB and is constrained by existing development surrounding the site. There are also a number of Listed Buildings in the vicinity.
- 5.4 The proposed development is to be constructed of natural random rubble stone with a blue slate roof.
- 5.5 The relevant planning history for the site is as follows:

16/0456/FUL - current 10 unit scheme - pending consideration.
 16/02024/FUL - Removal of the existing offices located within the yard and erection of 4no. 3-bed dwellings with associated parking and access (amended) - Committee refusal. 09.11.2016.
 16/01063/PN56 - Prior Approval - Offices to single residential unit (adjacent building) - Permitted
 13/1415/P/FP - Demolition of building and erection of ten flats with associated works - Approved (Extant until 26.08.2017). Comprised 6, 1-bed units and 4, 2-bed units.
 13/0821/P/FP - Demolition of building and erection of ten flats with associated works - Withdrawn
 11/1182/P/FP - Change of use of existing building to residential - Approved

- 5.6 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 of development,
Design, layout and impact on the Conservation Area and heritage assets,
Impact on residential amenity, and
Impact on highway safety.
Affordable Housing
SI06 Heads of Terms

Principle

- 5.7 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, currently 1,836 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 (as referred to in the October 2016 Position Statement). 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.
- 5.8 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying additional suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic manner over the plan period. Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate in advance of the resumption of the Examination in May 2017. Officers are of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Accordingly, although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost supply is clear. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.9 The principle of the erection of new dwellings in this location is controlled by Policy H2 and H7 of the West Oxfordshire Local Plan 2011 with increased weight given to the emerging Local Plan 2031 Policy OS2 and H2. These policies allow for the provision of new dwellings in Rural Service Centres, of which Burford is one, in the form of development within the built up area. It is also important to note that the Burford-Charlbury sub-area identified in the emerging Local Plan (Proposed Modifications, Nov 2016) seeks 1,000 new dwellings in the period to 2031.

- 5.10 The August 2014 planning permission for 10 flats remains extant (ref: 13/1415/P/FP). Officers accept the conclusions of the accompanying Employment Report and together with the extant consent, the requirements of adopted LP Policy E6 are satisfied.
- 5.11 It is noted that the Prior Approval process for office to residential would apply in this case but this application is for redevelopment of the site under full planning permission and therefore the correct information should be supplied to assess the proposal against the relevant development plan policies.
- 5.12 Officers consider the site to be in a sustainable location and in accordance with the adopted and emerging Local Plan policies listed herein.
- 5.13 The principle of demolition and the redevelopment in the Conservation Area is considered more fully under relevant paragraphs below in terms of the impact on its character and appearance. The extant permission deemed the demolition and redevelopment acceptable.

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

- 5.14 The site is within Burford Conservation Area and the majority of the buildings surrounding the site are Grade II listed. As such the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.15 In your officers opinion the existing building is of uncharacteristic form and is incongruous in relation to the character of the Conservation Area. Given this, officers are of the opinion that the existing building does not make a positive contribution to the character of the Conservation Area and as such, its loss would accord with paragraphs 133 and 134 of the NPPF and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.16 The proposed development will be constructed of a natural blue slate and random rubble stone walls. The extant flat development proposed natural dark blue slate or grey reconstituted stone tiles. The flat development also proposed natural stone and was conditioned with provision of a sample panel. Your officers would expect the same quality of materials for this proposed development.
- 5.17 The proposed development will change the character of this part of the Conservation Area. At present, the building is low in form and is barely visible in the street scene due to the high stone boundary walls. The application proposes a three storey building with parking both to the front and private amenity space to the rear. The proposed development is similar in design and form to the extant permission, with a series of gables facing towards Priory Lane. The design and form also reflects gable widths of the neighbouring development. The building would be lower than the three storey development to the rear however, due to the rising land levels the building to the rear will be obscured by the proposed development.
- 5.18 Your officers are satisfied that stepped appearance of the four gables, similar to the extant design, reduces the impact of the scale of the three-storey building. The scheme also provides clear separation from the adjacent building.

- 5.19 In terms of the height of the proposed building, the four gables would each be 11m in height with variation in heights. This scheme is 0.45m higher for the two centre gables than the extant consent. Officers consider that the variety of heights is required but that a height increase of 0.45m for the two central gables would not be harmful to the significance of the setting of the nearby Grade II listed property, over and above what has already been permitted. Amendments to the scheme are sought in this regard and also for the removal of the balconies.
- 5.20 Your officers consider that this part of the Conservation Area will change significantly and the character of the Conservation Area with a vernacular form of development would be preserved as part of this proposal, having regard to paragraph 134 of the NPPF. In weighing up the planning balance, the scheme would also result in the loss of the existing building which has no architectural merit and contributes nothing to the character of the Conservation Area.
- 5.21 The buildings to the rear of the development site (those fronting Sheep Street) are unlikely to be adversely impacted by the proposed development due to the separation distance and the retention of the boundary wall and roof slope above. The key Listed Building is The Long Barn incorporating The Malthouse which is prominent and visible in Priory Lane. The application site is located within 6.8m of The Malthouse (6.9m on the approved scheme) and steps back the existing building footprint on this flank elevation, away from The Long Barn. As with the Conservation Area, the proposed development will not be harmful to the setting or special interest of the Listed Building, over and above the extant permission.
- 5.22 On balance, subject to the amendments highlighted, your officers consider the scheme would not be harmful to the significance or settings of the designated heritage assets having regard to the extant permission as a material consideration and the assessment of the scheme against the relevant paragraphs of the NPPF.

Residential Amenities

- 5.23 In order to overcome overlooking issues to Baracca, Sheep Street, the applicants show the rear wall retained with half-roof structure above. A structural plan has been obtained by officers. The presence of this structure is key to preventing overlooking of the private amenity space of Baracca from bedroom windows and the external walkway located 7m from the boundary. The roof structure would overhang the cycle space and some outdoor amenity space, leaving a 4.8m wide amenity area not under the cover of the structure. Notwithstanding this, as a flat development of 7, 2-bed units in a service centre location, it is more accepted that significant amenity space provision is less likely to be provided. Officers do not feel that this would warrant a reason for refusal for this reason and also based on the provision associated with the extant scheme.
- 5.24 In terms of other commercial units within the yard it is acknowledged that the development will impact upon some of the window openings serving these units however, this impact is limited and would not give rise to such harm to the commercial nature of these units to justify the refusal of planning permission.

Highways

- 5.25 Highway officers originally submitted an objection to the initial 8 unit scheme based on:
- i. Inadequate parking spaces.

ii. Inaccessible cycle parking, leading to a failure to maximise opportunities for sustainable travel as required by the NPPF.

- 5.26 The reduction to the scheme to 7 units and nine parking spaces is now considered acceptable by highway officers. One visitor space is provided along the side elevation. It is also noted that the existing commercial use of the site would have the potential to generate many more vehicular movements than the proposed use.
- 5.27 Subject to final comments from the Highway Officer in relation to resiting parking spaces and access to cycle storage via the side path, officers consider the parking and cycle provision acceptable with recommended conditions.

Affordable Housing

- 5.28 The provision of affordable housing is a key objective of the Council and is dealt with in WOLP Policy H11 and EWOLP Policy H3. In addition, Government policy expressed in the NPPF requires the creation of sustainable, inclusive and mixed communities (paragraph 50).
- 5.29 The emerging Local Plan in accordance with national policy states that;
- "Affordable housing should generally only be sought on larger sites of more than 10 dwellings other than in designated rural areas such as Areas of Outstanding Natural Beauty (AONB) where a lower threshold can apply with medium-scale schemes of 6 - 10 dwellings being required to make a financial contribution towards affordable housing off-site."
- 5.30 Given the high level of affordable housing need within the District, the Council considers that it is reasonable to seek a financial contribution from schemes of 6 - 10 dwellings within the Cotswold AONB. This calculation is based upon the Gross Internal Area of the market homes proposed and charge a £100 per M2 in the same way that the Community Infrastructure Levy (CIL) operates.
- 5.31 Therefore in this instance the Council considers that the scheme viability would not be adversely affected thus: - Seven market dwellings with a combined floor area of 624 M2 would be required to make a contribution of £62,400. This payment will be deferred until after the scheme has been completed.

SI06 Heads of Terms

- 5.32 Affordable Housing Contribution - £62,400. This will be the subject of condition and legal agreement in the terms set out in the affordable housing section of this report.

Other Matters

- 5.33 Contamination - The Desk Study of the site has acknowledged the potential for contamination given the previous use of the site. A relevant contamination condition should be attached to any permission.
- 5.34 Drainage - OCC Drainage Officers recommend a Surface Water Drainage condition to be attached to any permission. Thames Water do not object the scheme.

- 5.35 Cycle parking - At the time of writing Highway Officers have not agreed the amended plans regarding access to the cycle stands. This will be updated prior to Committee.
- 5.36 Bin Storage - Provided along the side elevation.
- 5.37 The Ecology Officer requested an Ecology Survey for the vacant building as part of the previous housing scheme. The submitted Bat Survey recommends sensitive lighting. It is proposed to add a condition requesting that external lighting details are discharged.

Conclusion

- 5.38 In light of these observations and obtaining outstanding Highway comments regarding parking space layout and cycle access, and design amendments to the flank gables and omission of balconies, Officers request delegated authority to agree the above and approve the application subject to the legal agreement and conditions as detailed in this report.

6 CONDITIONS

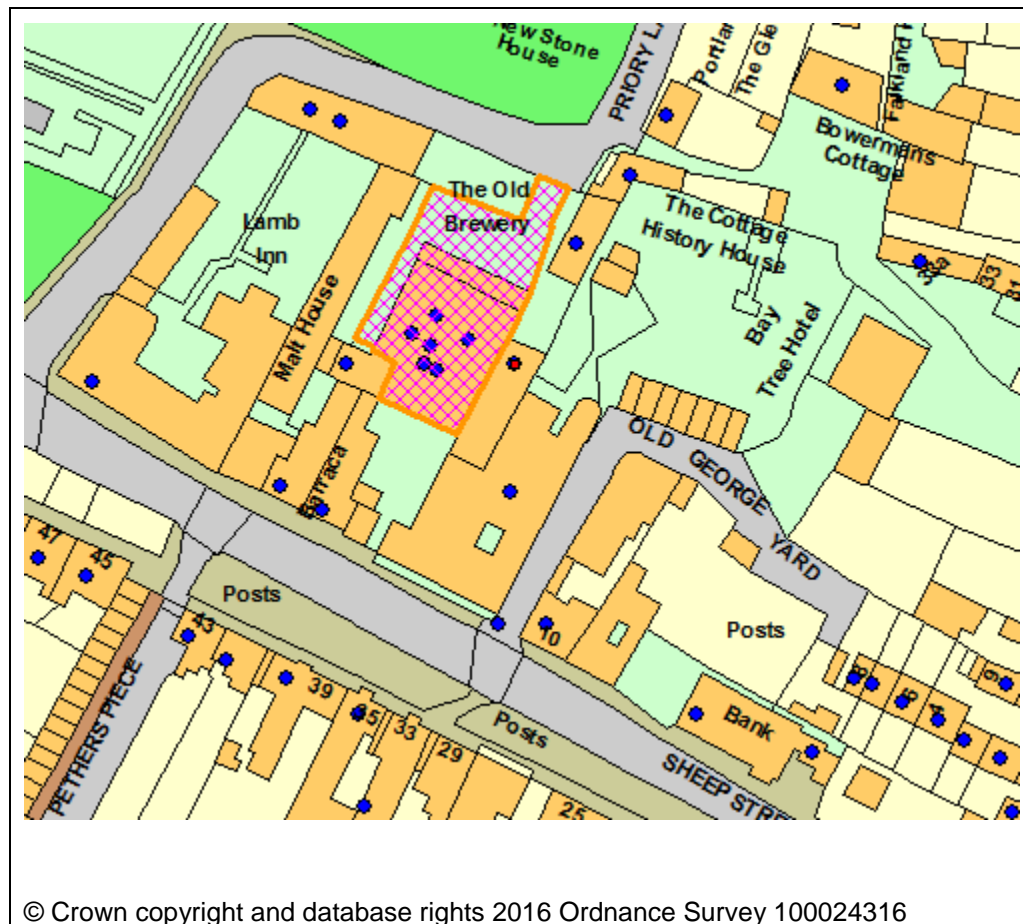
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Add conditions as per 16/04256/FUL.

NOTE TO APPLICANTS

The acoustic design scheme shall accord with all the requirements of BS.8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings'

Application Number	16/04256/FUL
Site Address	The Old Brewery Priory Lane Burford Oxfordshire
Date	22nd March 2017
Officer	Joanna Lishman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Burford Town Council
Grid Reference	425027 E 212240 N
Committee Date	3rd April 2017

Location Map



Application Details:

Remove existing building and erection of ten flats with associated works.

Applicant Details:

Gentian Developments (Oxfordshire 3)
C/O Agent

I CONSULTATIONS

- I.1 Major Planning Applications Team Detailed comments will be reflected in the main body of the report.
- Highways - Contribution sought towards the improvement of the 233 bus service. Clear access to cycle storage not demonstrated. Lack of useable car parking spaces.
- Oxfordshire County Council is not seeking a contribution towards library, central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling restrictions contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) which took effect from the 6th April 2015.
- Archaeology has no objection subject to conditions.
- I.2 Town Council We have consistently objected to this development on scale and mass and our views have not changed. This is overdevelopment, too high and too visible. We continue to object.
- I.3 WODC Architect Seek amendments to design and then re-consult.
- I.4 Thames Water No objection.
- I.5 WODC Drainage Engineers N/A
- I.6 ERS Env Health – Uplands ERS Pollution Consultation There is no noise report as far as I can see. In any event new build flats should accord with all the requirements of BS.8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings'

The following condition is recommended:

No development above ground level shall be commenced until details of an acoustic design scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Advisory:

The acoustic design scheme should accord with BS.8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings' ERS Pollution Consultation Due to the previous use of the site, the land may have been subjected to land contamination. As the proposed development is sensitive in nature, a Preliminary Risk Assessment will be required as a minimum.

Please consider attaching the following conditions to any permission granted:

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

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

1.7	Biodiversity Officer	No Comment Received.
1.8	WODC Rural Development	No Comment Received.
1.9	OCC Archaeological Services	Should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of suitable negative conditions.
1.10	WODC Planning Policy Manager	No Comment Received.

1.11 OCC Highways See response from Major Planning Applications Team.

2 REPRESENTATIONS

2.1 One objection received as follows:

The whole scheme is totally out of keeping with the existing architecture of Burford. The proposed balconies are particularly objectionable.

There is inadequate parking provision as even 1-bed flats may attract 2 vehicles. One visitor parking space for 10 dwellings is inadequate.

2.2 The previous application received 1 letter of objection and 76 letters of support from within and outside the District, some of which were employees of the Phone Co-op and customers as referred to in their letters.

3 APPLICANT'S CASE

3.1 The existing building has been assessed as being of an uncharacteristic form and in incongruous in relation to the character of the Conservation Area. Given this, it is considered that the loss of the building would not create significant harm and as such complies with paragraph 133 and 134 of the NPPF.

3.2 The design of the application has been largely based on the extant permission for 10 flats. It is considered that the form and massing will be in keeping with the neighbouring properties and as such will not detrimentally impact on the Conservation Area.

3.3 The application is supported by an employment report, which concludes that the current office market is poor for landlords seeking tenants and that there is very little demand due to current economic uncertainties.

3.4 The office has been deemed to be too large for current demand. Even if the office was divided into two, it would still be too large. It is therefore considered that the site is unsuitable and not reasonably capable for employment purposes and as such complies with Policy E6.

3.5 Given the 5 year housing land supply deficit which the local authority are experiencing and the lack of up to date local plan, the application needs to be assessed in the presumption in favour of sustainable development as outline in paragraph 14 of the NPPF.

3.6 The proposal site is located within a sustainable location, and will provide much needed housing to the Burford area of West Oxfordshire. It is considered that the proposal is therefore compliant with both national and local policy and as such should be approved.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE6 Demolition in Conservation Areas

BE8 Development affecting the Setting of a Listed Building

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

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Background Information

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5.4 The proposed development is to be constructed of natural random rubble stone with a blue slate roof.

5.5 The relevant planning history for the site is as follows:

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Impact on residential amenity, and
Impact on highway safety.
Affordable Housing
S106 Heads of Terms

Principle

- 5.7 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, currently 1,836 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 (as referred to in the October 2016 Position Statement). 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.
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- 5.11 It is noted that the Prior Approval process for office to residential would apply in this case but this application is for redevelopment of the site under full planning permission and therefore the correct information should be supplied to assess the proposal against the relevant development plan policies.
- 5.12 Officers consider the site to be in a sustainable location and in accordance with the adopted and emerging Local Plan policies listed herein.
- 5.13 The principle of demolition and the redevelopment in the Conservation Area is considered more fully under relevant paragraphs below in terms of the impact on its character and appearance. The extant permission deemed the demolition and redevelopment acceptable.

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

- 5.14 The site is within Burford Conservation Area and the majority of the buildings surrounding the site are Grade II listed. As such the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.15 In your officers opinion the existing building is of uncharacteristic form and is incongruous in relation to the character of the Conservation Area. Given this, officers are of the opinion that the existing building does not make a positive contribution to the character of the Conservation Area and as such, its loss would accord with paragraphs 133 and 134 of the NPPF and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.16 The proposed development will be constructed of a natural blue slate and random rubble stone walls. The extant flat development proposed natural dark blue slate or grey reconstituted stone tiles. The flat development also proposed natural stone and was conditioned with provision of a sample panel. Your officers would expect the same quality of materials for this proposed development.
- 5.17 The proposed development will change the character of this part of the Conservation Area. At present, the building is low in form and is barely visible in the street scene due to the high stone boundary walls. The application proposes a three storey building with parking both to the front and private amenity space to the rear. The proposed development is similar in design and form to the extant permission, with a series of gables facing towards Priory Lane. The design and form also reflects gable widths of the neighbouring development. The building would be lower than the three storey development to the rear however, due to the rising land levels the building to the rear will be obscured by the proposed development.
- 5.18 Your officers are satisfied that stepped appearance of the four gables, similar to the extant design, reduces the impact of the scale of the three-storey building. The scheme also provides clear separation from the adjacent building.
- 5.19 In terms of the height of the proposed building, the two central gables would be 11m in height with the outside gables stepping down to 10.15m. This scheme is 0.45m higher for the two centre gables and 0.10m higher for the flank gables than the extant consent. Officers consider that the variety of heights is welcomed and the heights increase of 0.45m would not be harmful

to the significance of the setting of the nearby Grade II listed property, over and above what has already been permitted.

- 5.20 Your officers consider that this part of the Conservation Area will change significantly and the character of the Conservation Area with a vernacular form of development would be preserved as part of this proposal, having regard to paragraph 134 of the NPPF. In weighing up the planning balance, the scheme would also result in the loss of the existing building which has no architectural merit and contributes nothing to the character of the Conservation Area.
- 5.21 The buildings to the rear of the development site (those fronting Sheep Street) are unlikely to be adversely impacted by the proposed development due to the separation distance and the retention of the boundary wall and roofslope above. The key Listed Building is The Long Barn incorporating The Malthouse which is prominent and visible in Priory Lane. The application site is located within 6.8m of The Malthouse (6.9m on the approved scheme) and steps back the existing building footprint on this flank elevation, away from The Long Barn. As with the Conservation Area, the proposed development will not be harmful to the setting or special interest of the Listed Building, over and above the extant permission.
- 5.22 The Conservation Officer has highlighted the depth of the units, particularly the two inner first floor units, which have no windows or rooflights to the kitchen area or bathroom. Your officers do not consider that this is a point worthy of refusal of the scheme. The extant scheme had four inner units of the same depth, without windows or rooflights to the bathroom, study and kitchen area.
- 5.23 On balance, your officers consider the scheme would not be harmful to the significance or settings of the designated heritage assets having regard to the extant permission as a material consideration and the assessment of the scheme against the relevant paragraphs of the NPPF.

Residential Amenities

- 5.24 In order to overcome overlooking issues to Baracca, Sheep Street, the applicants show the rear wall retained with half-roof structure above. A structural plan has been obtained by officers. The presence of this structure is key to preventing overlooking of the private amenity space of Baracca from bedroom windows and the external walkway located 7m from the boundary. The roof structure would overhang the cycle space and some outdoor amenity space, leaving a 4.5m wide amenity area not under the cover of the structure. Flats 1 and 2 benefit from a small sitting area to the front of their property, albeit next to the external parking area. Notwithstanding this, as a flat development of 10, 1-bed units in a service centre location, it is more accepted that significant amenity space provision is less likely to be provided. Officers do not feel that this would warrant a reason for refusal for this reason and also based on the provision associated with the extant scheme.
- 5.25 In terms of other commercial units within the yard it is acknowledged that the development will impact upon some of the window opening serving these units however, this impact is limited and would not give rise to such harm to the commercial nature of these units to justify the refusal of planning permission.

Highways

- 5.26 Eleven parking spaces are proposed at the development which is acceptable by highway officers based on the provision of 1-bed units. This is the same number of parking spaces as the extant planning permission for the 10 unit flat development. It is also noted that the existing commercial use of the site would have the potential to generate many more vehicular movements than the proposed use. Highway officers have submitted an objection based on:
- i. Lack of useable car parking spaces due to the insufficient dimensions of three bays in the undercroft area.
 - ii. Inaccessible cycle parking, leading to a failure to maximise opportunities for sustainable travel as required by the NPPF.
- 5.27 Subject to final comments regarding amendments to the siting of the parking space and access to cycle storage through the undercroft parking area, officers consider the parking and cycle provision acceptable with recommended conditions.

Affordable Housing

- 5.28 The provision of affordable housing is a key objective of the Council and is dealt with in WOLP Policy H11 and EWOLP Policy H3. In addition, Government policy expressed in the NPPF requires the creation of sustainable, inclusive and mixed communities (paragraph 50).
- 5.29 The emerging Local Plan in accordance with national policy states that;
- "Affordable housing should generally only be sought on larger sites of more than 10 dwellings other than in designated rural areas such as Areas of Outstanding Natural Beauty (AONB) where a lower threshold can apply with medium-scale schemes of 6 - 10 dwellings being required to make a financial contribution towards affordable housing off-site. "
- 5.30 Given the high level of affordable housing need within the District, the Council considers that it is reasonable to seek a financial contribution from schemes of 6 - 10 dwellings within the Cotswold AONB. This calculation is based upon the Gross Internal Area of the market homes proposed and charge a £100 per M2 in the same way that the Community Infrastructure Levy (CIL) operates.
- 5.31 Therefore in this instance the Council considers that the scheme viability would not be adversely affected thus: - Ten market dwellings with a floor area of 57 M2 would be required to make a contribution of £57,000 (£5,700 per unit). This payment will be deferred until after the scheme has been completed.

SI06 Heads of Terms

- 5.32 Highways - £10,000 contribution towards the improvement of the 233 bus service
- 5.33 Affordable Housing Contribution - £57,000 (£5,700 per unit). This will be the subject of condition and legal agreement in the terms set out in the affordable housing section of this report.
- 5.34 Despite SI06 contributions sought under the extant permission, Oxfordshire County Council is not seeking a contribution towards library, central library, waste management, museum resource centre or adult day care infrastructure from this application due to the pooling

restrictions contained within Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) which took effect from the 6th April 2015.

Other Matters

- 5.35 Contamination - The Desk Study of the site has acknowledged the potential for contamination given the previous use of the site. A relevant contamination condition should be attached to any permission.
- 5.36 Drainage - OCC Drainage Officers recommend a Surface Water Drainage condition to be attached to any permission. Thames Water do not object the scheme.
- 5.37 Cycle parking - At the time of writing Highway Officers have not agreed the amended plans regarding access to the cycle stands. This will be updated prior to Committee.
- 5.38 Bin Storage - Provided along the side elevation.
- 5.39 The Ecology Officer requested an Ecology Survey for the vacant building as part of the previous housing scheme. The submitted Bat Survey recommends sensitive lighting. It is proposed to add a condition requesting that external lighting details are discharged.

Conclusion

- 5.40 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is, on balance, acceptable on its planning merits.
- 5.41 The application is acceptable subject to the conditions set out below and the applicant entering into a legal agreement to secure financial contributions towards affordable housing, transport, waste management, museums, health and social care and libraries.
- 5.42 Officers therefore request delegated authority to agree parking layout and access to cycle storage and approving the application subject to the legal agreement and conditions as detailed in this report.

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 No dwelling shall be occupied until the vehicular accesses, driveways, car and 10 cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety (Policy BE3 of the adopted West Oxfordshire Local Plan 2011).

- 4 A surface water drainage scheme for the site will need to be submitted with a planning application. This will be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The scheme will need to include:
Discharge Rates
Discharge Volume
Maintenance and management of SUDS features (including details of who will be responsible maintaining the SUDS & landowner details)
Sizing of features - attenuation volume
Infiltration tests to be undertaken in accordance with BRE365
Detailed drainage layout with pipe numbers (to include direction of flow)
SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
Network drainage calculations (to prove that the proposals will work)
Phasing plans
Flood Risk Assessment
REASON: In the interests of highway safety and flood prevention and to comply with Government advice contained within the National Planning Policy Framework.
- 5 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.
- 6 Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.
REASON - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)
- 7 Following the approval of the Written Scheme of Investigation referred to in condition 1, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
REASON - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

- 8 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 9 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.
- 10 The roof(s) of the building(s) shall be covered with natural blue slate, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 11 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 12 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 13 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include:
a) details of the proposed paving material for the whole red line site area and how they relate to existing surrounding hard surfaces;
b) a soft landscape scheme of trees and other planting including a long term management plan for their maintenance;
c) details of the proposed rear covered area including materials and finishes for the internal roof, wall and ceiling areas, cycle racks and planters; and
d) bin enclosures, retaining walls, external steps and planters
The scheme approved shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

- 14 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.
- 15 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the safety of occupiers of the proposed dwellings.
- 16 No dwelling shall be occupied until the southern boundary roof structure has been erected. This boundary treatment shall be completed in accordance with the approved plans and details herein and retained thereafter.
REASON: To safeguard the character and appearance of the area and residential amenity of the occupants of the existing properties to the rear.
- 17 The development to which this planning permission relates shall not be implemented if any part of the development for which planning permission was granted pursuant to planning application reference no. 13/1415/P/FP is begun.
REASON: Permission is only granted as an alternative to the other development and implementation of both developments would constitute an overdevelopment of the site and would be harmful to the character and appearance of the area.
- 18 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.
- 19 No development above ground level shall be commenced until details of an acoustic design scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.
REASON: To ensure the creation of satisfactory living conditions in the dwellings.
- 20 I. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the

local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

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

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

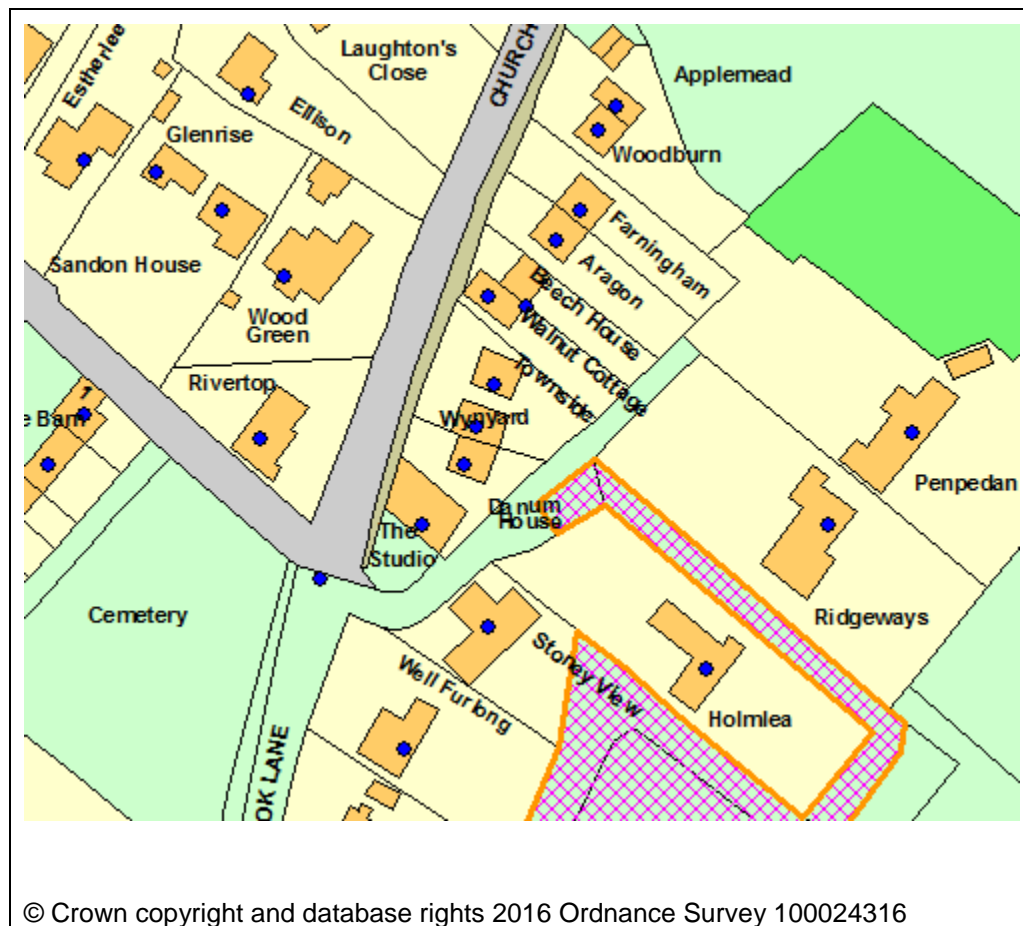
REASON: To ensure any contamination of the site is identified and appropriately remediated.

NOTES TO APPLICANT

- 1 Fire & Rescue Service recommends that new dwellings should be constructed with sprinkle systems.
- 2 The acoustic design scheme should accord with BS.8233:2014 'Guidance on Sound Insulation and Noise Reduction for buildings'

Application Number	I7/00056/FUL
Site Address	Tyne Lodge 2 Brook Lane Stonesfield Witney Oxfordshire OX29 8PR
Date	22nd March 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439381 E 216897 N
Committee Date	3rd April 2017

Location Map



Application Details:

Erection of detached garage/workshop within the curtilage of the approved chalet bungalow.

Applicant Details:

Mr Derek Hobbs

C/O Agent

1 CONSULTATIONS

- 1.1 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- 1.2 Parish Council The Parish Council looked at the plans and objected to this building. It was considered to be inappropriate and too large for the site and could be turned into a house.

2 REPRESENTATIONS

A total of two representations have been received in relation to this planning application:

Mr Rivett supports the application on the basis that the scale of the garage is considered suitable for the plot and a precedent has been set by the approval of the planning application on the adjacent site. The garage would have no significant impact on the amenity of the neighbouring properties.

Mr McShane supports the application on the basis that the scale is deemed appropriate and there would be no adverse impacts on the neighbouring properties. He also notes that permission has been granted for a garage on the adjacent plot.

3 APPLICANT'S CASE

- 3.1 Planning permission was recently granted by appeal for a similar detached outbuilding to serve the second new dwelling on land to the rear of Tyne Lodge under application 16/00328/FUL. This current application does not relate to this recently approved adjoining development.

Design and appearance

- 3.2 The proposed outbuilding would be 9 metres wide, 6 metres deep and would have a total height of 6.05 metres. A double garage and workshop would be situated at ground floor level with an ancillary office and storage area in the roof space. The design of the proposed outbuilding replicates the scale and appearance of the approved development on the adjoining plot. The proposed outbuilding would be sympathetic to the character and appearance of the approved chalet bungalow and the surrounding area through the use of traditional external materials and a dual-pitched roof that would mimic the form and design of the main dwelling.

Impact on Cotswolds AONB

- 3.3 Given the siting of the development - which would be in line with other outbuildings in the local area, such as the approved outbuilding on the adjoining plot - and its relatively small scale, it is considered that the special character and amenities of the Cotswolds AONB would not be harmed.

Impact on neighbouring properties

- 3.4 Due to the distance between the proposed development and the nearest neighbouring properties along Brook Lane, it is considered that the garage/workshop would not have any negative impact on the amenities of nearby residents. The only upper floor window would be inserted into the south-east elevation facing away from existing properties. As such, no overlooking would occur.

Parking provision

- 3.5 A combination of the large driveway serving the new chalet bungalow and the double garage space within the proposed outbuilding ensures that there would be ample parking provision within the site curtilage.

On the basis of the above, it is considered that the proposed development complies with the Council's adopted planning policies and national planning policy guidance.

4 PLANNING POLICIES

BE2 General Development Standards
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
OS2NEW Locating development in the right places
OS4NEW High quality design
EH1NEW Landscape character

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to the erection of a 1.5 storey detached garage located on a site where approval was recently granted for a detached dwelling approved in 2014 under planning reference 14/01443/FUL. The site lies on the edge of Stonesfield and consists of an open area of grass and former amenity space. Development has yet to commence on the approved scheme cited above. Approval was also recently granted for the erection of a further dwelling on a parcel of land to the south (Ref 15/01198/FUL). The site subject of this application lies outside the Stonesfield Conservation Area and within the Cotswolds AONB.
- 5.2 A recent application for a 1.5 storey detached garage was refused by members of the planning committee in 2016 (Ref 16/00328/FUL) on the grounds that the design, siting and scale of the garage would be excessive and would have an unduly urbanising impact on the rural character of the area and the landscape character of the Cotswolds AONB. The development was subsequently allowed at appeal (APP/D3125/W/16/3148341), where the appeal inspector found that there would be no adverse harm to the local landscape character, or the character of the Cotswolds AONB.
- 5.3 The proposed garage would be of a similar scale and would extend to a height of 6 metres to the roof ridge and would occupy a total footprint of 54 square metres.

- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Design, Scale and Siting of the Development
 - Principle of development
 - Impact of the development on the local landscape setting and AONB.

Principle

- 5.5 The application relates to the erection of an outbuilding for an ancillary domestic use to be associated with the recently approved dwelling on the site (14/01443/FUL). Officers note the concerns raised by Stonesfield Parish Council in relation to the use of the garage, however officers consider that a restrictive condition requiring that the building remains restricted to an ancillary domestic use would be sufficient to adequately control use of the building and there is no specific suggestion that the garage would be used as a residential dwelling or any other alternative non-ancillary use.

Siting, Design, Form and Impact on local landscape character

- 5.6 The site lies within the Cotswolds AONB; Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The proposed garage is deemed to be of a relatively modest scale and height and would lie within the curtilage area of an approved dwelling and alongside a further approved dwelling and would be sited in a position parallel to the garage which was recently consented at appeal. The proposed garage would be of a near identical scale to the garage on the adjacent site to the south which was allowed on appeal in 2016.
- 5.7 The proposed garage would sit below the roof ridge of the approved dwelling on the site and officers consider that the general design and form of the building would be appropriate in this setting and harmonises adequately with the appearance of the recently approved dwelling on the site, as well as the recently approved development on the adjacent site to the south. The use of materials has been amended to include natural stone walls as opposed to the previously proposed render finish. This would ensure that the materials are consistent with those of the neighbouring garage to the south.
- 5.8 Officers consider that the site is reasonably contained and in giving due consideration to the recently approved development on the site and on the adjacent land as well as existing development, including the single storey stables building to the east, officers consider that the erection of the proposed garage would not appear incongruous in the immediate setting and that the development would not have an adverse impact on the character and appearance of the Cotswolds AONB. Giving due weight to the appeal decision on the adjacent site, where the inspector found that there would be no significant adverse harm to the character of the AONB, officers consider that the proposed garage subject of this application would have even less of an impact given that the site is even more contained within the existing built form of the village.

Highways

- 5.9 No alterations are proposed to the existing access and officers consider that there would be no adverse impact on highway safety or amenity.

Residential Amenities

- 5.10 The garage would be sited away from the existing neighbouring properties and although the development would be sited adjacent to the curtilage area of the recently approved dwelling on the adjacent site, officers consider that the development would not have a likely detrimental impact on the amenity of potential future occupants of this dwelling.

Conclusion

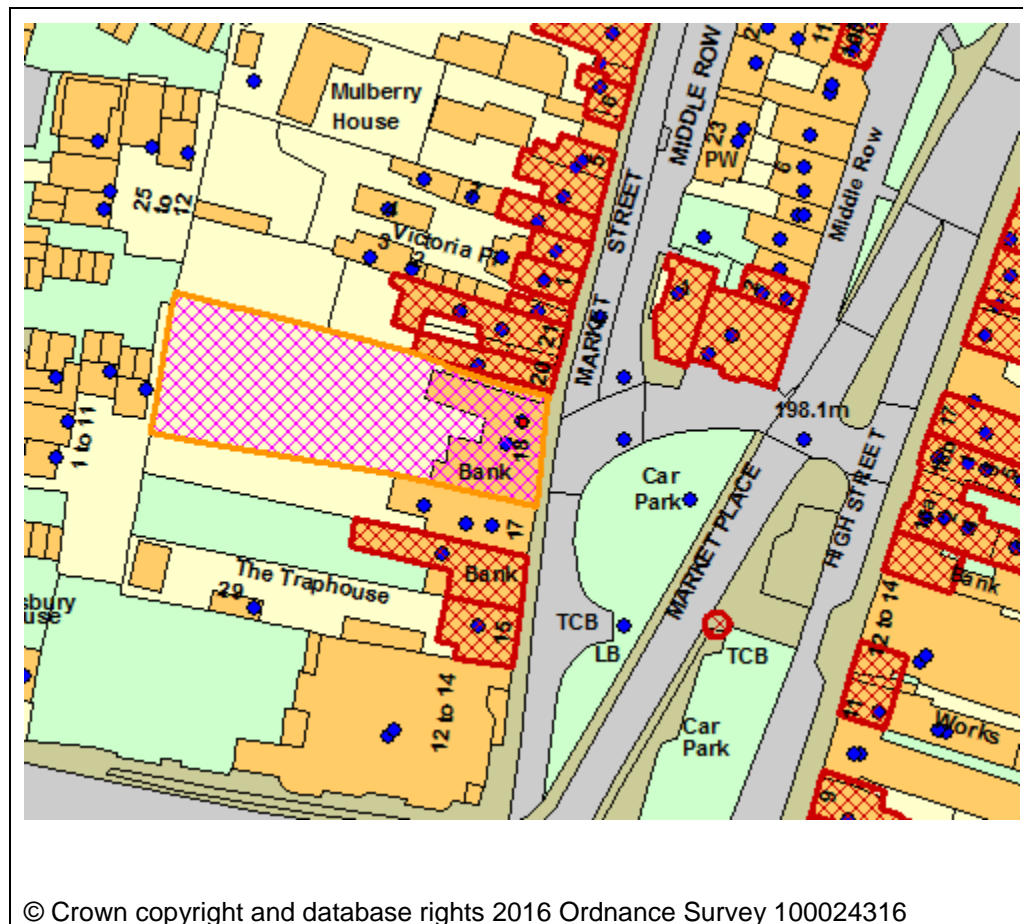
- 5.11 The application proposes a modestly sized garage, which would be sited within the curtilage of a recently approved dwelling and would be sited alongside a recently approved dwelling and garage on adjacent land to the south. Giving consideration to the contained nature of the site and the recent planning history on the site and adjacent land, most notably the recently dismissed appeal in 2016, in addition to the deemed acceptability of the design, officers consider that the development would be acceptable and compliant with the provisions of Policies BE2, NE1, NE3 and NE4 of the Existing West Oxfordshire Local Plan.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 5 The garage hereby permitted shall be used only for purposes ancillary to the residential use of the dwelling approved under application 14/01443/FUL and shall not be used for any other purpose, including commercial purposes.
REASON: To protect the character of the site and the amenities of the neighbouring residents and future occupants of the approved dwelling.

Application Number	I7/00229/FUL
Site Address	19 Market Place Chipping Norton Oxfordshire OX7 5NA
Date	22nd March 2017
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	431317 E 227147 N
Committee Date	3rd April 2017

Location Map



Application Details:

Erection of office building (amended).

Applicant Details:

Mr Woodell
19 Market Place
Chipping Norton
OX7 5NA

I CONSULTATIONS

- | | | |
|-----|-----------------------------|---|
| 1.1 | Town Council | The Town Council support this planning application as it will provide employment in the town centre. The Town Council still have concerns with the car parking and suggest the Phone Co-op talk to Premier Inn to try and work out an arrangement for staff parking in the daytime. |
| 1.2 | WODC Architect | Recommend refusal - see report. |
| 1.3 | Biodiversity Officer | No objection subject to condition. |
| 1.4 | ERS Env Health – Uplands | ERS Pollution Consultation No objections to this application. |
| 1.5 | OCC Highways | Oxfordshire County Council, as the Local Highways Authority, wish to object to the granting of planning permission for the above planning application, as I have strong reservations about the access for all users to and from the site, as well as a lack of detail about the construction of said proposals. |
| 1.6 | WODC Rural Development | No Comment Received. |
| 1.7 | OCC Archaeological Services | No objection subject to condition. |
| 1.8 | OCC Highways | No Comment Received. |
| 1.9 | Parish Council | No Comment Received. |

2 REPRESENTATIONS

On general comment as follows:

- 2.1 The proposal includes the felling of two significant trees in the Conservation Area. If development is approved I accept their retention is not appropriate; however the proposed landscape planting is more ornamental in character and does not replace the function of these two trees. Should development be approved I would ask that a meaningful contribution, secured through a planning obligation, is sought towards the cost of tree planting and maintenance elsewhere in the town for the purposes of maintaining the character of the town. Policy context is provided in the Neighbourhood Plan e.g. Policy MP9 and others.

The recent transport assessment does not appear to make reference to the Neighbourhood Plan. Whilst I have no reason to doubt the phone co-op's commitment to encouraging sustainable travel by staff (and I note the inclusion of showering and clothes drying facilities for staff) there are policies in the Neighbourhood Plan e.g. TM5 that make clear the contribution that new developments are expected to make to securing long-term improvements in sustainable travel within the town.

Two letters of support as follows:

- 2.2 I wholeheartedly support this application. Twenty years ago 50% of the working population in Chipping Norton were employed locally. That figure is currently below 30%. Employment is a key priority for Chipping Norton, so this application, bringing employment to the town centre, deserves to succeed. In addition, those employees will spend money in the town and thereby support the local traders.
- 2.3 As a small business in the town centre, we support the development of the site. We believe that an employer with 50+ staff will enhance the economic development and viability of the town centre, in particular for retailers and food & drink outlets who will all benefit from increased footfall during the day.

3 APPLICANT'S CASE

Proposal

- 3.1 The proposal is for a new office building, located to the rear of the site, which has been designed with sustainable design principles in mind. This new office will be of contemporary design, sensitive to the site location, with minimal visual impact to surrounding context.

Scale and Amount

- 3.2 The contemporary new offices will involve the removal of ground in the garden to allow level access, with a sedum roof which is level with the ground level of the existing building. This will negate the impact of the construction, and reduce the visual scale significantly.

Layout

- 3.3 The office is positioned sensitively on site, allowing natural sun light into the office space, whilst also allowing staff to utilise the garden.

Appearance

- 3.4 The new proposed offices will be of contemporary construction, using limestone, timber, composite aluminium and green roof technologies. It is important that a high quality of design allows these materials to blend seamlessly with the surrounding context.

Landscape

- 3.5 The proposal will involve significant landscaping improvements. Level access will be provided to the offices at the bottom of the garden via a platform lift and outdoor terraces will promote comfortable habitation.

See arboriculturalist report for more details - produced by Jeff Marlow, Marlow Consulting Ltd.

Access

- 3.6 The rear of the site can currently be accessed either through the front door of the existing building, or via the side passage which offers a direct route from Market Place to the back of the site. It is not proposed to change this access in any way.

Ecology

- 3.7 No ecological constraints to the site
See ecology report for more details - produced by Fiona Sharpe, Sharpe Ecology

Viability

- 3.8 The proposal will allow the client to maintain their business within Chipping Norton and continue to contribute to the local economy.
See statement of viability for more details - produced by Per Simonsen, The Phone Co-op

Further Design

- 3.9
- Each individual department to be designed for their specific needs and requirements
 - Well planned heating and ventilation to provide a comfortable working environment
 - Improved acoustics for an office environment
 - Suitable lighting throughout the office, low energy consumption
 - Landscaping and safe access to the new garden office
 - Bicycle rack

This proposal represents sustainable development fully in accordance with national and relevant development plan policy and other material considerations. In accordance with paragraph 14 of the NPPF and Emerging Local Plan Policy OSI, this application should be approved.

4 PLANNING POLICIES

T4NEW Parking provision
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
OS2NEW Locating development in the right places
EH7NEW Historic Environment
E1NEW Land for employment
E3 Individual Premises
CN2 Chipping Norton sub-area Strategy
BE19 Noise
EH6NEW Environmental protection
BE4 Open space within and adjoining settlements
NE15 Protected Species
EH2NEW Biodiversity
T2 Pedestrian and Cycle Facilities

T3NEW Public transport, walking and cycling
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the erection of an office building to the rear of 19 Market Place in Chipping Norton. The application is before the Uplands area Sub Committee due to the Town Council having no objections to the scheme. The officer recommendation is to refuse the current scheme.

Background Information

- 5.2 The main premises, fronting Market Place, comprises a three-storey substantial and locally listed building within the Chipping Norton Conservation Area. It is also within the Cotswold AONB. The building is currently vacant but for HSBC bank using 1/3 of the frontage of the building known as no.18).
- 5.3 The application site is 0.11ha located to the rear of the building. It is an unused but significant area of greenery contributing visually to the character of the Conservation Area. There are several large Sycamore trees on site.
- 5.4 The applicants (The Phone Co-op) seek additional office space over and above that which is able to be provided in the main building. The proposed office building to the rear (270sqm footprint) will create 250sqm of office gross internal floorspace. Access is via a narrow covered side passage adjacent to the main building.
- 5.5 It is envisaged that the building will provide office accommodation for 30 full-time employees with the remainder of the company (30 employees) located in the existing three-storey building which will provide 308sqm of office space. The company's existing premises (6,000sqm) are located at Elmsfield Business Centre. The lease on the existing premises will not be renewed beyond July 2017.
- 5.6 The building is flat-roofed and proposed to be constructed of natural stone, timber, high levels of glazing and a sedum roof.
- 5.7 The area around the building is proposed to be landscaped and used as outdoor amenity space.
- 5.8 The proposal does not include car parking provision.
- 5.9 Provision for ten secure covered cycle parking spaces are referred to on page 8 of the Transport and Travel Plan.
- 5.10 Relevant planning history is detailed below:
16/02883/FUL - Second floor rear extension to roof - approved October 2016.
15/02506/FUL - Conversion of existing offices to create 5 flats together with associated works - approved at Committee in September 2015.
15/02503/FUL - Office to retail (part front ground floor) - approved August 2015.

More recently and of particular relevance:

- 5.11 Pre-application advice was given in the form of a meeting with the applicant and agent with the Case Officer and Conservation Architect in August 2016 followed up by a written letter. The Officers also visited the site and viewed the site clearly from the rear garden of no.17 Market Place and from Finsbury Place. The written advice given at pre-application stage is summarised as follows:
- 5.12 "With regard to the relocation of The Phone Company and its operational requirements, officers are supportive of the objectives. However, as you are aware from our meeting, we have some concerns regarding the appropriateness of the site for development and the alterations to the main building.
- 5.13 With respect to the existing building, there are relatively minor changes to openings at the rear of the existing building at basement level which the Conservation Officer considered to be generally unproblematic. With regard the new pitched-roof cross-wing is has not been possible to work out just why this is needed from the floor plans. Details and accurate sections were requested at the meeting. I note an application has since been submitted for this element and the impact on this characterful and prominent roofscape will be considered by the Conservation Architect.
- 5.14 The proposed new building at the west end of the site would have a large footprint (larger than that of the original building), albeit partly dug into the ground, and fitted with a flat sedum roof. Officers are generally satisfied with the contemporary form, however this would be a major intervention, and it would be very near to the houses on Finsbury Place and also to the adjacent domestic gardens. We understand the construction access is to be via the driveway of the nearest dwelling at the rear which will undoubtedly cause residential amenity impacts, particularly with the scale of excavation required. The scale of the building itself, despite being predominantly single storey within the site, will appear prominent at the rear from outside the site, sitting above the existing wall due to the basement below and topography of the site. Given the proximity to the residential uses and the intensification of use of this part of the site, officers would expect to see the inclusion of a Noise Assessment with a planning application.
- 5.15 The building appears to have been sited so as to have least impact on the existing trees on the site. These trees do contribute to the character and appearance of the Conservation Area and the setting of the historic buildings beyond. The impact of the building on the vegetation and the Conservation Area will require full justification through the submission of detailed Heritage Statement, Arboricultural Assessments, Method Statements for construction.
- 5.16 With regard to parking provision, any application should include a Sustainability Report which will include the justification for not providing off-street car parking and the ability of the existing town centre parking provision to cope with the number of staff being based at the site.."
- 5.17 The subsequent planning application ref: 16/03115/FUL was assessed again on a site visit from no.17 Market Place garden and first floor level and from Finsbury Place. A formal consultation response was obtained from the Conservation Architect amongst other consultees. That application was withdrawn prior to the December 2016 Committee. The officer recommendation was to refuse that scheme, which included a basement meeting room, for the following reasons:

1. The development proposal by reason of its scale and siting and subsequent loss of greenery would not be commensurate with the character of the area, failing to either preserve or enhance the Conservation Area and setting of the locally listed building as a designated heritage asset. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, BE5, E3, emerging West Oxfordshire Local Plan Policies OS2, EH7, E1 and Paragraphs 132 to 134 of the NPPF.
 2. The development proposal by reason of its scale and intensification of use of the site in close proximity to existing residential dwellings will adversely affect neighbouring amenity both during construction and operational phases by way of unacceptable levels of day-to-day activity and disturbance as a result of poor construction site access. The boundary treatment to screen the building would also appear overbearing and out of character adjacent to the residential properties. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, E7, emerging West Oxfordshire Local Plan Policies OS2, E1 and paragraph 17 of the NPPF.
- 5.18 Officers were to recommend to Members a third reason for refusal following Members Briefing citing the impact of the additional B1 office use on the vitality and viability of the town centre due to the generated additional pressure for car parking. The applicant was advised of this third reason and the application was withdrawn at the request of the applicant on the morning of the December Committee.
- 5.19 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
 Design, scale and siting and Impact on Heritage Assets
 Impact on Amenity
 Access and Highways
 Ecology
 Trees
- Principle
- 5.20 The Local Plan 2011 is time expired and subject to a saving direction. The extent to which its policies can be considered up to date, and the weight to be attached to them, will depend on the degree to which they are consistent with the NPPF.
- 5.21 The application site is within Chipping Norton which is classed as a Service Centre. The proposed development is in connection with relocation of an existing Chipping Norton-based company seeking alternative premises. The LPA supports the principle of expanding existing premises within or adjacent to Service Centres as defined by adopted WOLP Policy E7 and emerging WOLP Policy E1. The general policy approach is in line with the NPPF's aim of facilitating support for economic growth.
- 5.22 The adopted and emerging Local Plans seek new provision for the expansion of existing employment sites through new buildings which are commensurate with the scale of the town and character of the area.

Design, Scale and Siting and Impact on Heritage Assets

- 5.23 The L-shape building has been designed to appear low-key on the site, however despite appearing single storey, (predominantly 3m in height) its footprint and hard landscaped areas for sitting out are substantial for the context of the site, competing with the footprint of the main building. The basement meeting room has been omitted from this current application.
- 5.24 The boundary of the site is within 1.4m of no.11 Finsbury Place. This application proposes no increase to the height of the existing retaining wall and seeks 1m high railings above in place of the existing fence, adjacent to no.11 Finsbury Place. The plans for the previous scheme and original plans for this current application showed on plan a 7m high wall with railings. Officers remained of the view that the rear boundary treatment was too high as was the walling shown on plans along the boundary with no.20. The site has recently been resurveyed and all plans amended to show reductions in heights of the boundary walls. The reduced height of the rear wall on plans (to the existing wall height with railings above) has resulted in the building being visible from Finsbury Place. The visibility of the rear of the locally listed building no.19 and Grade II listed no.18, in the Conservation Area setting, would be interrupted by the office building in the foreground, the significance of which is discussed below. The applicant is proposing to amend the rear wall to include a fence above rather than railings. This is unlikely to screen the building from public vantage points but is likely to prevent overlooking to no.11 Finsbury Place (clarification to be provided by Officers).
- 5.25 The applicants propose the removal of two previously pollarded Sycamore trees (1&2), which are within the root protection area of the building, as part of this application. The Landscape officer has not objected to this on the basis that these two remaining trees are not in great condition and one is particularly close to the building.
- 5.26 As a locally listed building (and adjoining no.18) in the Conservation Area, the impact on both non-designated and designated heritage assets are a material consideration. The Government's National Planning Policy Framework (March 2012) defines a heritage asset as: "A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)".
- 5.27 Section 72 of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. In relation to adjoining Grade II Listed no.20, Section 66 of the Listed Buildings and Conservation Areas Act 1990 states that when deciding whether to grant planning consent for development affecting the setting of a Listed Building, special regard shall be had to the desirability of preserving its setting.
- 5.28 Paragraphs 132-135 of the NPPF (2012) require an assessment to be made to determine as to what extent a development would cause harm to heritage assets, designated and non-designated.
- 5.29 With regard to the impact on the Conservation Area as a designated heritage asset, paragraphs 132 states: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As

heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

- 5.30 Paragraph 134 refers to where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset. It is this element that officers are assessing this application, as opposed to having substantial harm under paragraph 133. In this regard less than substantial harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.31 National Planning Practice Guidance (NPPG, April 2014) states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Public benefits may include heritage benefits, such as:
1. sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 2. reducing or removing risks to a heritage asset
 3. securing the optimum viable use of a heritage asset in support of its long term conservation.
- 5.32 With regard to the impact on the Locally Listed buildings as heritage assets, paragraph 135 of the NPPF states: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- 5.33 Also of relevance to the consideration of this application are the Conservation Area policies within the adopted and emerging WODC Local Plan's referred to herein. Adopted Policy BE5 seeks preservation or enhancement of the character or appearance of the Conservation Area.
- 5.34 Emerging Policy EH7 (Historic Environment) follows more closely the NPPF in terms of conserving or enhancing the significance and settings of the District's heritage assets and also the WODC Design Guide (2016) Policy EH7 states:
- 5.35 "All development proposals should conserve or enhance the special character, appearance and distinctiveness of West Oxfordshire's historic environment, and conserve or enhance the District's heritage assets, and their significance and settings.
- 5.36 New development that makes a positive contribution to the District's environment will be encouraged and supported.

Applications which affect, or have the potential to affect, heritage assets will be expected to:

- 5.37 i) describe the significance of the asset and its setting, using appropriate expertise; at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal; using appropriate references such as the Historic Environment Record, National Lists of designated assets and their descriptions, Conservation Area Appraisals and the County Historic Landscape Character Assessment and, if necessary, original survey (including, for assets

of archaeological interest, an appropriate desk-based assessment and, where necessary, a field evaluation); and

ii) set out the impact of the development on the heritage assets and its setting and a suggested mitigation that is proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets as well as recording loss and advancing knowledge.

- 5.38 Proposals that will lead to harm to the significance of a designated (such as listed buildings, Scheduled Monuments, conservation areas and Registered Historic Parks and Gardens) or non-designated heritage asset (such as those of local significance as identified on local lists, archaeological deposits and historic landscapes) or its setting will be refused, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm, taking account of the importance of the asset or area; the scale of harm and its potential to be avoided, reduced or adequately offset through modifications or conditions; and the nature and significance of the public benefit, using the balancing principles set out in Paragraphs 131-5 of the NPPF, including the four tests set out in Paragraph 133."
- 5.39 Policies BD1 and BD2 of the Chipping Norton Neighbourhood Plan (2015) are also relevant and refer to the scale of harm and significance of the heritage asset and back to the NPPF. Policy BD2 requires development in the Conservation Area to be compliant with a number of criteria. Of particular note in this case is the requirement that:
- I. The form, design, scale and materials respect the host building (where applicable), Conservation Area, townscape and any landscape setting.
- 5.40 Officers acknowledge that the site is unlikely to be considered as significant open space or have significant trees, however consideration of the special character or appearance of the Conservation Area is key here.
- 5.41 Officers consider the harm to the significance of the Conservation Area and the setting of the locally listed building should be assessed in conjunction with each other as has been done in the supporting Heritage Assessment (February 2017). The report states that the key aesthetic (architectural) value is limited from the rear, with restricted views of the building to small number of glimpses of the rear of its upper stories and roof, namely from Finsbury Place. Paragraph 4.15 states that the burgage plots have been removed and the significance in terms of historical (medieval) associations have long since been removed. Officers are satisfied that walling identified in the Conservation Area Appraisal would be retained and preserved. This is seen as a heritage benefit from the scheme. The report also conveys that the other heritage benefits of the scheme may also derive from the refurbishment and re-use of the presently vacant building, increase accessibility of the locally listed building, its garden and probable medieval masonry incorporated into the folly, to allow for a better appreciation of these heritage assets.
- 5.42 Your officers are of the view that the contemporary design is acceptable and quite successful in its own right. The Conservation Architect has also welcomed the omission of the basement, and thus the massive amount of engineering work that it would require, greatly reducing the amount of disruption, and also limit the impact upon surrounding fabric. However, it remains, as before, a very sizeable structure on plan. Officers comments regarding supplanting a large area of wooded garden are now superseded based on the clearance of the site of vegetation, felling

trees agreed with the Landscape Officers and substantial pollarding to the two remaining trees now proposed for removal. The site was further described as being a backland strip of greenery which makes an important contribution to the Conservation Area, by virtue of the simple fact that they are undeveloped. Furthermore, officers consider it is these pockets of rurality that give the town its special character, and very much set it aside from more densely urban settlements.

- 5.43 Taking a balanced view of the change to the existing character of the site, now a more visually open but still undeveloped site, officers maintain that bringing this scale of B1 office development forward on this site, would not be commensurate with the character of the area. Built form resulting not just from the building but terraced areas for seating and cycle storage all combine to impact as substantial harm on the significance and setting of the locally listed building and character of the site and wider Conservation Area. The amendments to the scheme are welcomed however, the overall level of development and heritage benefits are not considered to outweigh the harm to the designated and non-designated assets.

Impact on Amenity

- 5.44 Following on from the design and siting referred to above, the building and surrounding outdoor amenity space would be located within 5m and 2m respectively of the residential dwellings at no.11 Finsbury Place and within 1m of the boundary with no.17 Market Place.
- 5.45 It is not clear whether the land associated with Grade II listed no.20 Market Place is in commercial or residential use. Notwithstanding this, the proposed building would again be within 1m of the boundary and likely to be visible at the rear of the garden based on the submitted plans, due to raised levels in no.19. There would be no unacceptable amenity impacts on no.20 in terms of overlooking into the site given the positioning of openings along this boundary. Sitting out areas are also located on the opposite site of the building.
- 5.46 The neighbouring properties are likely to be affected by this proposal during construction and long-term through the intensification of the use of the site and the resulting amenity impacts.
- 5.47 The survey plans have been amended to show that the existing heights of the boundary walls are to remain. The building will now be visible above the height of the boundary walls towards the bottom of the site.
- 5.48 The previous application included within the Design and Access Statement reference to the construction period and the issue of access for construction. This has not been addressed as part of this application so the impacts on Finsbury Place residents and Market Place cannot be fully considered in this regard.
- 5.49 The previous scheme submitted a noise assessment relating to mechanical and electrical systems including Mechanical Ventilation and Heat Recovery system, Air Source Heat Pump and Server ventilation. This report has not been submitted as part of this application.
- 5.50 The proposed office building and associated hard landscaping areas and additional structures, would result in this belt of open space between the Finsbury Place properties and the rear of the Market Place properties being lost with the site becoming fully developed and intensified in its use as a commercial office development, providing office accommodation, internal and external for in the region of 30 employees. The outdoor area can of course be used by all the

employees in both buildings at any given time. Consequently, your officers are of the view that whilst the site can accommodate some small scale development to the rear, the scale of development proposed and resulting level of day-to-day activity, is not acceptable in this location given the proximity to and resulting harm to the neighbouring occupants in terms of disturbance.

Access and Highways

- 5.51 The applicants have been located on the edge of Chipping Norton for a number of years. The company currently employs 57 staff, of which the Transport Statement confirms, the majority are local to the area.
- 5.52 The submitted Transport Statement states that the existing office building (stated as 412sqm) would generate a requirement for around 8-10 car parking spaces throughout a typical day. The proposed new building (250sqm GIA and 30 employees) would generate an additional need for car parking spaces albeit it the applicants propose that in order to reduce the impact of the proposed move of The Phone Co-op into Chipping Norton, it is proposed that a Travel Plan will be implemented by the company. This will seek to ensure that single occupancy vehicle trips are reduced to a level that is typically no more than 12 vehicles. It is also reasonable to believe that some employees would get the bus or walk to work, so would not require a parking space.
- 5.53 The Highway Officer confirms that in this town centre location, the parking standards do not apply until a B1 space passes a threshold of 500m², therefore the parking standards would not be applied. Based on the threshold for requiring parking spaces the Highway Officer concludes that there is no objection to the office development. That said, the combine floorspaces of the existing and proposed building will increase pressure on the town centre for parking as there is no onsite parking provision.
- 5.54 Parking in Chipping Norton can be found in New Street and Albion Street car parks and on street at various locations, including the Market Place. The Chipping Norton Neighbourhood Plan (2015-2031) and Chipping Norton Transport Options Study (OCC, 2016) have been produced to guide development in the town and these documents make specific reference to the parking and traffic issues.
- 5.55 The Car Parking Survey (October 2017) states that the main conclusion about off-street car parks in Chipping Norton is that the New Street and Albion Street car parks on weekdays have very high occupancy at over 95% for a long period of the day. The survey has shown that on weekdays the average occupancy of these roads was approaching 75% at the busiest times.
- 5.56 For clarification the extant permission for 5 flats was calculated to generate a need for 7 spaces.
- 5.57 Cycle storage is to be provided as part of the application, albeit it is not shown on the plans at the time of writing. Cycle access is from Market Place via an alleyway to the side of the building. The Highway Officer has confirmed that for a cyclist to push there bike along, they require approx. 1100mm of width and therefore, to avoid them scraping the walls, we would require at least a 1500mm width.
- 5.58 Disabled access to the office is via the side passage. The Design and Access Statement states that it can be accessed via the main front door to the building, however there are two steps here. A platform lift is referred to in the Statement, however this is not shown on the elevation

and floor plans and there appears to be no ramped access to the proposed building. The Highway Officer objects to the proposal on the basis of not demonstrating access to the site for all. The Officer states that 'the alleyway access looks to be rather narrow and the plans do not show the dimensions of this access... 1500mm would also allow for a wheelchair user and pedestrian to pass each other easily. A wheelchair user on their own would need the minimum of 1100mm too, to allow for their hands not to scrape along the bounded edges of the alleyway. Disabled access to the building is via a platform lift.

- 5.59 Taking the proposed building together with the existing building, your officers consider a rounded view that that use of this site not only by the company proposed, but by future occupiers, who may be less environmentally inclined, will introduce an intensity to the site which may be detrimental to the vitality and viability of the town centre by way of the increased pressure for car parking. Highway Officers object to the proposal based on access for all not being demonstrated.
- 5.60 In conservation terms your officers were of the view that the trees on the site contributed to the character and appearance of the Conservation Area and the setting of the historic buildings beyond. However the site has been extensively cleared recently leaving two pollarded Sycamore trees (T1 and T2). The current application seeks to remove the now pollarded Sycamore trees (T1 and T2) completely. The applicants state this is primarily due to over shading to the gardens of 19 Market Place and neighbouring properties. It is proposed that these will be replaced with a selection of species suited to the garden. A line of pleached Hornbeams will provide some screening where the wall is lower adjacent to no.17.
- 5.61 The Tree and Landscape Officer previously sought clarification on the tree pollarding and removal and is satisfied with the information provided. The officer made reference to the mention of a landscape design being prepared that would compensate for the loss of vegetation. The Landscape Plan has not been submitted as part of this application.

Ecology

- 5.62 The Ecology report concludes that no statutory designated sites are considered likely to be affected by the proposed development and therefore no specific mitigation is required.
- 5.63 In order to deliver net enhancement of the site for biodiversity, in line with the local Plan, NPPF and NERC Act (2006), the following measures are suggested in the report:
1. The placement of between 1-2 bat boxes on the retained mature trees within the garden. Suitable bat boxes include 2F Schwegler bat box (general purpose) and/or Kent bat box (see Appendix A for design). Bat boxes should be located at a height of 4m or above in a sunny location (south or southwest side of tree).
- 5.64 The Ecology Officer is satisfied with the recommendations and in the event of approval, would recommend a condition to ensure the above mitigation is carried out.

Archaeology

- 5.65 Domestic and industrial evidence has been found in the vicinity of the burgage plots. Therefore a watching brief would be recommended as a condition of an approval.

Other Matters

- 5.66 The Homes and Communities Agency (HCA) recommends 12sqm of space per each full-time employee. Based on the GIA of 250sqm this building would accommodate 20 full time employees. The applicant has subsequently confirmed that as a 'call-centre' use requires 8 sqm per person (12sqm for a standard office), therefore 30 employees require 240 sqm and the proposed building has a GIA of 250sqm.

Conclusion

- 5.67 Taking into account all of the above matters and weighing all material considerations and those raised through third party consultations, officers are of the view that whilst the principle of small scale development of the site is considered acceptable, the scale and siting of the development as proposed, it is unacceptable within this setting. Its failure to preserve or enhance the heritage assets, level of intensification of use of the site, resulting impacts to the amenity of nearby residential properties and the potential for harm to the vitality and viability of the existing town centre businesses through further loss of parking spaces is not considered acceptable, having regard to the adopted and emerging Local Plan policies and the relevant paragraphs in the NPPF referred to in this report.
- 5.68 Officers consider this is a balanced decision; however the harms as identified are not considered to outweigh the benefits of helping the business to stay local. As such your officers recommend refusal.

6 REASONS FOR REFUSAL

- 1 The development proposed by reason of its scale and siting would not be commensurate with the character of the area, failing to either preserve or enhance the significance or setting of the Conservation Area or locally listed building as heritage assets. Furthermore the public benefits are not considered to outweigh the harms. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, BE5, E3, emerging West Oxfordshire Local Plan Policies OS2, EH7, E1 and Paragraphs 132 and 134 of the NPPF.
- 2 The development proposal by reason of its scale and intensification of use of the site in close proximity to existing residential dwellings will adversely affect neighbouring amenity both during construction and operational phases by way of unacceptable levels of day-to-day activity and disturbance as a result of poor construction site access and overlooking and intervisibility to/from the garden area and rear elevations of no.17 Market Place. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, E7, emerging West Oxfordshire Local Plan Policies OS2, E1 and paragraph 17 of the NPPF.
- 3 The proposed office development accommodating additional staff, within the site would result in intensification of the site and subsequent negative impact on the vitality and viability of the town centre in terms of the pressure for car parking spaces in a location where there is already capacity issues. As such the development is considered contrary to adopted West Oxfordshire Local Plan 2011 Policies E7, emerging West Oxfordshire Local Plan 2031 Policies E1 and E6 and relevant paragraphs of the NPPF.