

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 8th May 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

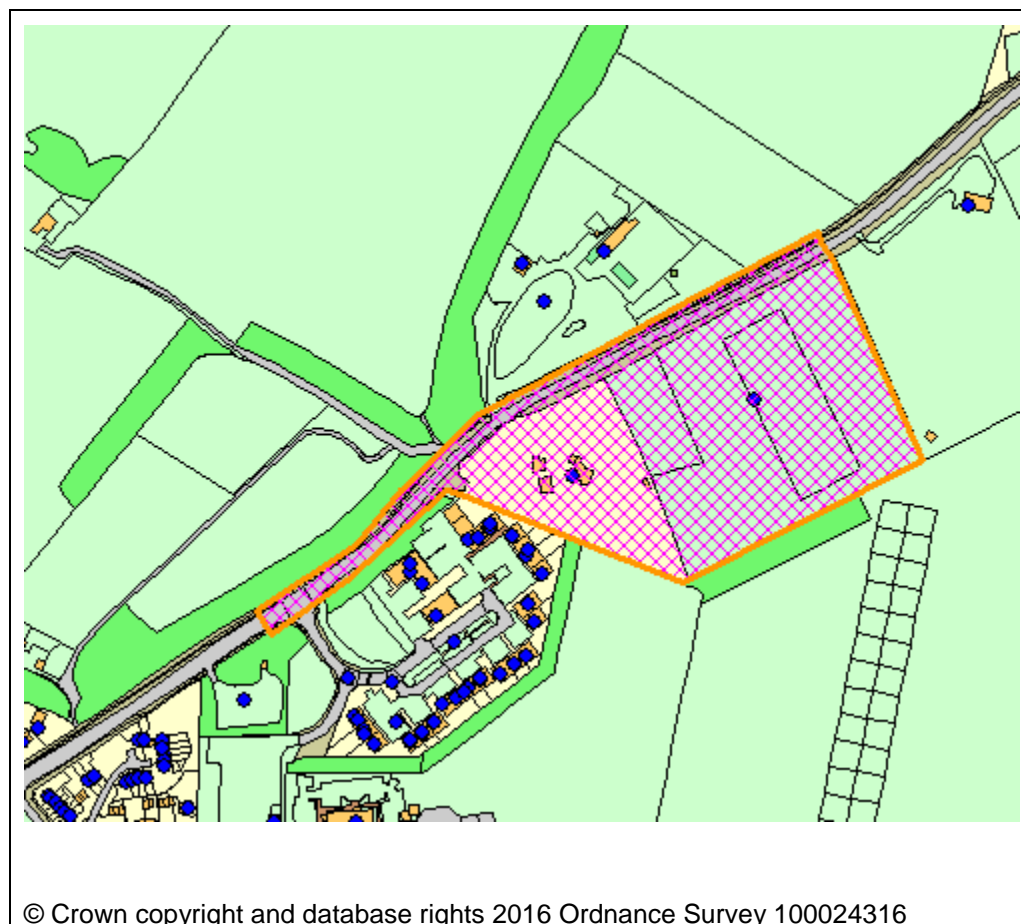
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	Page
I6/03416/OUT	<u>Land South of Banbury Road, Chipping Norton</u>	3
I6/03856/FUL	<u>18 Sandford Park, Charlbury</u>	20
I6/04230/FUL	<u>Land at London Road and Trinity Road, Chipping Norton</u>	32
I7/00236/FUL	<u>29 - 30 High Street, Chipping Norton</u>	50
I7/00237/LBC	<u>29 - 30 High Street, Chipping Norton</u>	64
I7/00569/FUL	<u>Barley Hill Farm, Chipping Norton Road, Chadlington</u>	69
I7/00780/FUL	<u>Heythrop Park Hotel, Heythrop Park, Heythrop</u>	77
I7/00832/FUL	<u>Land East of 26 The Slade, Charlbury</u>	84
I7/00918/FUL	<u>18 Maple Way, Ascott Under Wychwood</u>	96

Application Number	16/03416/OUT
Site Address	Land South of Banbury Road Chipping Norton Oxfordshire
Date	26th April 2017
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Town Council
Grid Reference	432201 E 227776 N
Committee Date	8th May 2017

Location Map



Application Details:

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

Applicant Details:
Gallagher Estates Ltd
c/o Agent

I CONSULTATIONS

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

water supply infrastructure has sufficient capacity to cope with the/this additional demand.

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

- | | | |
|------|-------------------------------------|---|
| I.11 | Town Council | The Town Council object to this planning application as to the previous response and also stress that the applicant must work with Oxfordshire County Council to make sure that a road goes through the proposed development of 100 houses and across to the London Road when OCC develop their site in this location. Some joined up thinking to actually produce an outcome which has been discussed for a few years. |
| I.12 | Major Planning Applications Team | see earlier comments |
| I.13 | WODC - Arts | see earlier comments |
| I.14 | WODC Architect | see earlier comments |
| I.15 | Environment Agency | see earlier comments |
| I.16 | ERS Env Health - Uplands | see earlier comments |
| I.17 | Biodiversity Officer | see earlier comments |
| I.18 | WODC Housing Enabler | see earlier comments |
| I.19 | WODC Landscape And Forestry Officer | see earlier comments |
| I.20 | WODC - Sports | see earlier comments |
| I.21 | Thames Water | see earlier comments |
| I.22 | Town Council | The Town Council ask the developer to reduce the number of dwellings on the proposed site to fifty. The link road from Banbury Road to London Road needs to be fed into this planning application ready for the next development behind the site. |

see earlier comments

- I.23 ERS Air Quality No objection
- I.24 ERS Env. Consultation Sites see earlier comments
- I.25 Major Planning Applications Team No Comment Received.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 The application is submitted in outline and proposes the erection of up to 100 new homes, with all matters reserved apart from means of access. Chipping Norton is recognised as a sustainable settlement by the Council in adopted and emerging Local Plans, and is identified as one of the top three settlements in the District. The suitability of the site for development has been recognised by the Council through the emerging allocation of the site as part of the wider East of Chipping Norton SDA. The site does not have any landscape or other Local Plan designations or restrictions.
- 3.2 The Council cannot demonstrate a 5 year supply of deliverable housing sites and the new Local Plan has not passed through all its stages. As such, as recognised by the Council in considering applications at recent planning committees (and through recent appeal decisions in WODC), the provisions of paragraphs 49 and 14 of the NPPF are engaged, such that the so called tilted balance in favour of development is invoked, unless the LPA can demonstrate significant and demonstrable harms that justify refusing consent.
- 3.3 Notwithstanding this the applicant has worked closely with WODC and OCC to ensure the proposals for the site form a first phase of the SDA. The development will deliver a signalised junction on to Banbury Road and the first section of the eastern link road proposed as part of

the allocation. Approval of the planning application will be a clear demonstration to the Local Plan Inspector of the deliverability of this important allocation for the District and provide an early release of housing to help towards meeting the Council's current 5 year housing land supply shortfall.

- 3.4 As demonstrated in the application submission, the development will provide a sustainable development comprising a mix of dwellings, which sensitively responds to the surrounding site context. The range of studies that have been undertaken to support this planning application demonstrate that a high quality development will be achieved at the site. Where the scheme has been amended to meet the requirements of the emerging policy context in respect of the eastern link road, updated technical notes have been provided which confirm that the amendments are acceptable. There are no identified environmental, technical or other reasons why planning permission should not be granted in this case. No infrastructure deficiencies have been identified that cannot be mitigated, and there are no highway objections to the proposals.
- 3.5 It has been clearly demonstrated that as such there is no identified harm which would significantly and demonstrably outweigh the substantial benefits which would be achieved. The applicant and its consultant team has sought to work closely with WODC and statutory consultees to address the comments received during the determination period, and to secure an appropriate package of measures to mitigate potential impacts of the proposed development through the Section 106 Agreement which will be attached to any grant of planning permission.
- 3.6 As such the proposals should be granted permission in accordance without delay, with the presumption in favour of sustainable development and accordingly the planning application and residential proposals contained therein are therefore commended to West Oxfordshire District Council.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
BE13 Archaeological Assessments
BE18 Pollution
H2 General residential development standards
H7 Service centres
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
NE6 Retention of Trees, Woodlands and Hedgerows
NE13 Biodiversity Conservation
NE15 Protected Species
H11 Affordable housing on allocated and previously unidentified sites
TLC7 Provision for Public Art
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
OS5NEW Supporting infrastructure
H1NEW Amount and distribution of housing

H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1NEW Landscape character
EH2NEW Biodiversity
EH5NEW Flood risk
EH6NEW Environmental protection
CN1NEW East Chipping Norton Strategic Development Area (SDA)
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

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

Principle
Siting, design and form
Landscape
Highways
Trees, landscaping and ecology
Drainage
Residential amenity
S106 matters

Principle

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

- 5.12 The identification of the suitability of the site in the SHELAA in the 0-5 year period supports its coming forward for development now, notwithstanding the fact that the proposed allocation of which it forms part is not yet adopted. The proposal includes the necessary provision of a road link into the adjoining land and it is considered that the strategic objectives of delivering allocation CN1 will not be materially prejudiced. The development will make proportionate contributions to infrastructure in this location.
- 5.13 Notwithstanding the intentions in the emerging Plan, the weight to be attached to policies for the supply of housing is currently limited. Therefore, with reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

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

Landscape

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

in mind that the site forms only a relatively small part of an extensive development area envisaged in this location.

Highways

- 5.21 Access would be taken from Banbury Road, by way of one main road, constructed to an appropriate standard to act as a link road to the strategic allocation. Secondary pedestrian/cycle access would be provided at the western end of the site to allow connectivity to the town. Rather than provide a footway on the south side of Banbury Road itself, a new footway would sit within the site boundary. This would make for a more pleasant environment for pedestrians. Appropriate crossing points would be installed at the junction with the Banbury Road and to the west of the site.
- 5.22 The proposed means of access from the existing highway is acceptable, and suitable dimensions and visibility splays at the junction have been shown on the revised plans submitted. There has been on-going discussion regarding the appropriate set-back of dwellings from the link road within the site, and a section to show the arrangement of the road has been provided. A minimum distance can be prescribed by condition. However, in any event, as this is an outline application the position of the dwellings is not yet fixed and would be determined at reserved matters.
- 5.23 From the centre of the site it would be approximately 1km to Chipping Norton town centre. This would be a 10-15 minute walk mostly downhill. It is however acknowledged that the return journey back to the site would be a more challenging walk given the gradient on Banbury Road.
- 5.24 There are existing bus services in Chipping Norton, linking to Oxford and Kingham Station, but it would be necessary to enhance service provision by way of a developer contribution of £1000.00 per dwelling. This would relate to additional services between Chipping Norton and Banbury. In addition, new stops would be provided on Banbury Road. This would be secured by legal agreement.
- 5.25 A number of off-site highways works will be required to facilitate traffic light junction and crossing points at Banbury Road. These will be the subject of a S278 agreement.
- 5.26 OCC will require contributions to changes to speed limits to move the 40mph limit on Banbury Road further east and the introduction of 20mph limit in the town.
- 5.27 Further comments on highways matters are awaited, including suggested conditions, and these will be reported at the meeting.
- 5.28 A travel plan will be required by condition.

Trees, landscaping and ecology

- 5.29 There are hedgerows and trees on all boundaries of the site. The development would not encroach into peripheral areas of the site, except for a small amount of removal to facilitate the new vehicular and pedestrian accesses. The peripheral planting would be largely retained.
- 5.30 Subject to the submission of a full tree retention and protection plan, which can be secured by condition, it is considered that there would be no significant detriment in landscape terms

arising from the treatment of trees on the site. The proposal therefore complies with Local Plan Policy NE6.

- 5.31 A reserved matters submission would include a landscaping scheme, and the illustrative plan indicates an intention to provide significant additional planting.
- 5.32 The submitted ecological report was considered by the Council's Biodiversity Officer and no objection is raised, subject to conditions.

Drainage

- 5.33 The site is within Flood Zone 1 and therefore at low risk of flooding. Subject to a sustainable drainage scheme being agreed, there is no reason to believe that the development would result in detriment as regards increased flood risk.
- 5.34 OCC as lead drainage authority expressed some concerns about the proposed drainage strategy in relation to on site attenuation and the potential discharge of surface water to the public sewer. OCC's updated comments will be reported at the meeting.
- 5.35 Thames Water has no objection as regards sewerage infrastructure capacity.
- 5.36 The existing water supply infrastructure has insufficient capacity to meet the additional demands of the development. Thames Water therefore requires an impact study to be carried out by condition.

Residential amenity

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

Contamination

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

SI06 matters

- 5.40 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution. Policy BD3 of the Chipping Norton Neighbourhood Plan promotes the provision of affordable housing.

- 5.41 A contribution of £12,600.00 to enhance public spaces by creating artist-led bespoke features is required towards public art.
- 5.42 A contribution of £115,600.00 off site contribution towards sport/recreation facilities in Chipping Norton. In addition, £139,916.00 for the provision and maintenance of an on-site LEAP.
- 5.43 A contribution to Primary education of £380,427.00 is required for the necessary expansion of St Mary's CE Primary School.
- 5.44 A contribution of £38,710.00 is required towards nursery education.
- 5.45 A contribution of £24,591.70 towards local library provision in Chipping Norton.
- 5.46 Improvements to transport in the form of bus service contribution, provision of new bus stops, provision of new crossing points on Banbury Road and footway improvements, changes to speed limits, and travel plan monitoring. These will be secured by way of S106 and S278 agreements.
- 5.47 An agreement will be needed to reserve the means of access through the site to the allocated land beyond.
- 5.48 OCC has also requested an administrative fee to deal with the completion of the S106 and travel plan monitoring.

Other matters

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

Conclusion

- 5.51 The site adjoins a town, which provides a good range of services and amenities and is considered a suitable location for significant new development. This is recognised by policy OS2 of the emerging Local Plan and the proposed strategic allocation CNI. No technical consultees have raised objections in relation to infrastructure capacity and it is considered that conditions and legal agreements can address appropriate provision.

- 5.52 Existing trees and hedgerow would be largely retained, and a tree retention and protection plan can be secured by condition. The development would therefore sit within established landscape features, and additional landscaping would be provided as part of any future scheme. It is acknowledged that the development would represent a significant change in landscape terms and the character of the approach to the village would be affected to a degree.
- 5.53 The access to the site is capable of meeting OCC standards and no objection is raised in principle to the means of access from Banbury Road. The final comments of OCC will be reported at the meeting.
- 5.54 The site is at low risk of flooding and a sustainable drainage scheme can be secured by condition. The final comments of OCC will be reported at the meeting.
- 5.55 There would be no impact on protected species and mitigation and enhancements for wildlife can be secured by condition.
- 5.56 There is no reason to believe that residential amenity would be adversely affected and detailed layout and design will be considered at reserved matters in this regard. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place.
- 5.57 Given that the saved Local Plan Policies for the supply of housing are time expired, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently demonstrate a 5 year supply of housing. In this context, policies for the supply of housing are out of date and paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this context, significant weight is attached to the benefit of the provision of new housing, and in particular 40% affordable housing in this case. There are associated economic and social benefits arising from this, such as employment in construction. This is considered to outweigh the landscape harm. Accordingly, it is recommended that the application is approved subject to completion of legal agreements.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the appearance, layout, landscaping and scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The development be carried out in accordance with the following plans:
REASON: For the avoidance of doubt as to what is permitted.

- 4 The development shall be carried out in accordance with the recommendations in Section 5 of the Ecological Impact Assessment report prepared by CSA Environmental Ltd dated September 2016. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained. Measures for the protection of habitats and wildlife must be implemented throughout the construction phase, and all measures must be implemented and completed in full prior to the development being brought into use. This Condition will be discharged on receipt of information (photographs, plans, etc) demonstrating all measures have been implemented as approved.
REASON: To ensure that the protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policy 9 of the Cotswold District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 5 All replacement bat roost features and bat access points shall be constructed in accordance with the submitted Ecological Impact Assessment, as modified by a relevant European Protected Species Licence, prior to first occupation of the development. Thereafter, all replacement bat roost features and bat access points shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that compensation is provided for Soprano pipistrelle bats in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and Policy NE15 of the West Oxfordshire Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 6 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Full specification of habitats to be created, including locally native species of local provenance and locally characteristic species; and details of integrated bat boxes to be installed within at least 25% of the new dwellings;
 - ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - iii. Landscape and ecological trends and constraints on site that might influence management;
 - iv. Aims and objectives of management;
 - v. Appropriate management options for achieving aims and objectives;
 - vi. Prescriptions for management actions;
 - vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
 - viii. Details of the body or organisation responsible for implementation of the plan;
 - ix. Ongoing monitoring and remedial measures;
 - x. Timeframe for reviewing the plan; and
 - xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The LEMP shall be implemented in full in accordance with the approved details.

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

- 7 The development shall not commence until an Impact Study of the existing water supply infrastructure has been submitted to, and approved in writing by, the local planning authority (in consultation with the water supply undertaker). The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.
REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

8 A. Site Characterisation

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

Moreover, it must include:

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

B. Submission of Remediation Scheme

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

C. Implementation of Approved Remediation Scheme

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

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B.

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

REASON: To ensure satisfactory development in the interests of the environment and human health.

- 9 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 10 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VIII Hours of operation
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.
- 11 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall

only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.

REASON: In the interest of improving connectivity in the District.

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

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

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

- 13 No development (including site works, demolition and site clearance) shall commence until a tree and hedgerow retention schedule and tree and hedgerow protection plan have been submitted to and approved in writing by the local planning authority. All existing trees and hedgerow which are shown to be retained shall be protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction'. This scheme shall have first been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be in place prior to the commencement of any development (including site works, demolition and site clearance) and kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the retention and protection of landscape features which it is important to retain in the interests of landscape quality and character.

- 14 Further OCC highways conditions to be advised.

NOTES TO APPLICANT

- I The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:

Biodiversity Planning toolkit:

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

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

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

<https://www.gov.uk/guidance/wild-birds-surveys-and-mitigation-for-development-projects>

West Oxfordshire District Council website:

<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-developmentframework/local-plan-evidence-base/>

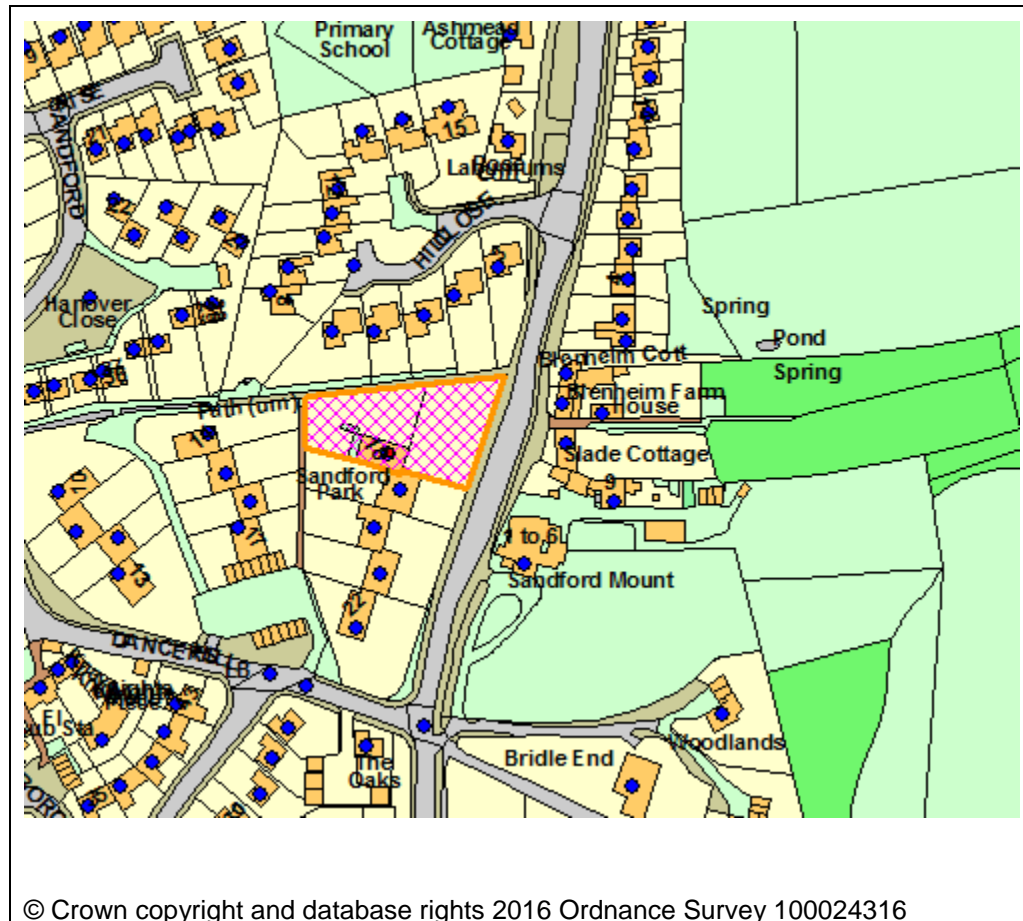
(download a copy of the 'Biodiversity and

Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)

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

Application Number	16/03856/FUL
Site Address	18 Sandford Park Charlbury Chipping Norton Oxfordshire OX7 3TH
Date	26th April 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436131 E 219346 N
Committee Date	8th May 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**

I travel along The Slade on a regular basis and know the surrounding area well. Prior to assessing this application and the previous application (16/00233/FUL) I visited the proposed site point of access during the peak hours (am and pm) and at times off peak. The site visits were timed to coincide with school drop off/pick up times to include observing pedestrian movements adjacent to the site.

Adjacent to the proposed access to the site The Slade is a 'B' class road that carries approximately 5700 vehicles AADT (Annual average daily total).

Vehicular speeds approaching the proposed site access were measured in accordance with guidelines given in TA22/81. Surveys were carried out with a dry carriageway surface and 2.5 mph deducted from the amounts to give the 85thile wet weather speeds of vehicles under free flow conditions. The 85thile wet weather speed of vehicles approaching the proposed access was calculated as 30.5mph from the south and 29.5 mph from the north.

Manual for Streets (MfS) gives guidance for visibility splays for lightly trafficked roads (Inspectors at appeal accept < 10,000 vehicles AADT to be lightly trafficked). MfS accepts visibility splays of 2.0 x 43m for an access point such as that proposed.

Vision splays from the proposed access measure 2.0 x > 100m in the leading direction to the south and 2.0 x > 43m in the trailing direction to the north (with minor trimming of overhanging vegetation).

Visibility at the proposed access complies with standards.

During my site visits I observed numbers of pedestrians walking along the footway across the proposed point of access. These included accompanied/unaccompanied children and younger children in buggies and pushchairs. I note the proposed site plan PSA-03 shows the removal of frontage hedge that will permit pedestrian awareness visibility either side of the proposed access in order that there is intervisibility between drivers of vehicles and pedestrians. The pedestrian awareness vision may be conditioned.

Vehicles travelling along The Slade during the AM peak hour do not form a continuous stream. I have observed frequent gaps in the platoons of vehicles that would permit turning movements to/from the proposed access without undue haste or excessive waiting.

Vehicles exiting the accesses on the opposite side of the road do so safely and easily.

Records show no accidents within the last five year period adjacent to the proposed access.

Concern has been expressed at the lower level within the site, the need for vehicles to accelerate up the drive to road level and the effect on safety to passing pedestrians. The application drawings show an open frontage adjacent to the point of access that would permit pedestrian/driver intervisibility. The maximum gradient of the driveway may be controlled by the following condition -

- The maximum gradient of the access and driveway shall be restricted to 1 in 40 for the first 5m from the carriageway edge and the remainder of the drive to 1 in 15

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 WODC Architect No Comment Received.

1.3 Town 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

2.1 13 letters of objection have been received in relation to the application prior to the previous committee meeting 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.
- The development including the removal of the Cherry Trees on the site would risk compromising the health of the Ash Tree located in the garden of 6 Hill Close.

2.2 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 th 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 The present application was deferred from the previous committee meeting held on 3rd April 2017 at the request of members. It was requested that a further written statement was provided by the highways officers regarding the deemed suitability of the access from the site onto The Slade.
- 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 Conservation Area setting
 - Highways impacts
 - Impact on the setting of the Grade II listed buildings opposite the site.

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 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

- 5.8 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 developments 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.

- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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

- 5.14 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.
- 5.15 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.
- 5.16 Further to concerns raised by members at the previous committee meeting, OCC Highways officers have provided a full consultation response concerning their recommendation of no objection, which provides a technical justification for this recommendation. The consultation response is included in full in the consultations section of the committee report.

Residential Amenities

- 5.17 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

- 5.18 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 one of the existing trees within the garden area of 6 Hill Close extends up to the corner of the proposed dwelling. The canopy areas of a number of other trees overhang the site. None of the trees in the immediate vicinity are subject of any TPO.
- 5.19 Officers note the concerns raised regarding the impact of the development on the existing trees in the rear gardens of 5, 6 and 7 Hill Close and the note the request by adjacent residents that an Arboricultural survey is carried conducted prior to the determination of the application.

Regarding this request officers would note that there is a relatively significant distance between the side wall of the proposed dwelling and the existing trees, which lie within the garden of the adjacent properties and also lie on the opposite side of both a public footpath and stream. The existing trees are not subject of a preservation order and consideration should be given as to the contribution of the trees to the character and appearance of the immediate area.

- 5.20 Whilst contributing to a minor degree to the setting of the public right of way and general character of the area, officers note that the existing trees have been significantly compromised in the past through lopping of the upper branches. Furthermore officers note that an application has recently been lodged to fell the tree in the garden of No.6 Hill Close, which incidentally is the tree within closest proximity to the site and proposed dwelling.
- 5.21 Given that there is a relatively significant distance between the side wall of the dwelling and the existing trees in the gardens of the properties in Hill Close and factoring in the condition of the existing trees officers consider that there would be insufficient planning grounds to refuse the application on the basis of potential harm arising to these trees, notwithstanding the fact that an arboricultural survey has not been provided at the present time. Notwithstanding this, officers consider it appropriate to condition that an Arboricultural Method statement should be provided prior to the commencement of development to ensure that the existing trees are afforded an adequate degree of protection during and following construction.

Conclusion

- 5.22 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 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.
- 5.23 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.
- 5.24 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 OS1, OS2, OS4, H2, EH7, T1, T3 and T4 of the Emerging Local Plan; as well as the relevant provisions of the NPPF.

6 CONDITIONS

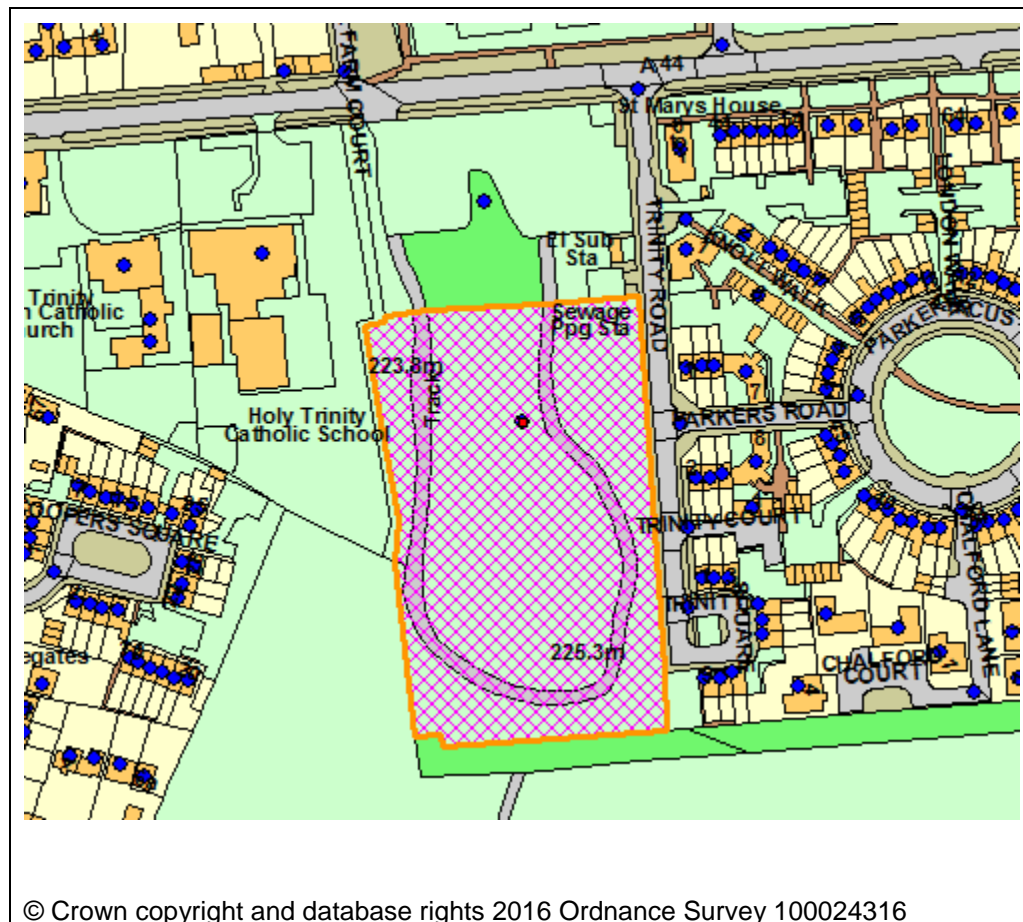
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 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.
- 4 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.
- 5 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.
- 6 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.
- 7 The 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.

- 8 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.
- 9 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.
- 10 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.
- 11 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.
- 12 Prior to the commencement of development details of an Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.
REASON: To ensure the protection of adjacent trees.
- 13 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.

- 14 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.
- 15 The maximum gradient of the access and driveway shall be restricted to 1 in 40 for the first 5m from the carriageway edge and the remainder of the drive to 1 in 15.
REASON: To ensure that a safe and suitable means of access can be achieved.

Application Number	I6/04230/FUL
Site Address	Land at London Road and Trinity Road Chipping Norton Oxfordshire
Date	26th April 2017
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Town Council
Grid Reference	431962 E 227279 N
Committee Date	8th May 2017

Location Map



Application Details:

Erection of Assisted Living (Extra Care) and Retirement Living Accommodation, landscaping and car parking.

Applicant Details:

Yourlife Management Services Ltd And McCarthy _ Stone Retire
4th Floor
100 Holdenhurst Road
Bournemouth
BH8 8AQ

I CONSULTATIONS

- I.1 Town Council
- The Town Council state that there is not a need for another old person's development in Chipping Norton. There is already a plan to build an older persons development across the road by the new Health Centre. The Town Council refer WODC to the CNNP. At the moment there are 12-14 vacant older people's properties in the town and these figures do not include the new Penhurst development. Town Councillors agreed that the town doesn't cater enough for the young people and insist that there is a need for more public sector housing to be built for the people who cannot afford to buy a house.
- I.2 Major Planning Applications Team
- Highways
- The county council no longer objects to this planning application. The applicant has submitted a revised site access plan showing how for the more southerly of the two accesses, the gate is now 8m back from the highway rather than the 5m previously shown. This means that refuse wagons or other large vehicles e.g. deliveries will not obstruct flow of traffic on Trinity Road whilst access through the gates is authorised.
- The applicant has also submitted a revised drawing showing how the 10.4m long refuse wagon used by West Oxfordshire refuse collection service can enter and leave the site in a forward gear. West Oxfordshire do not use an 11.4m long wagon. The county council is now satisfied that the surface water drainage on the site can be adequately dealt with by means of the imposition of a suitably worded planning condition (see below). Having said that, there are still some issues regarding the maintenance of the storage units. The units will need to be cleaned to prevent debris from blocking the soakaway and the storage system only shows an access chamber. The crates need to be Stormcell or similar to allow the system to be jetted and cleaned. This should be taken into account as any application to discharge the planning condition is made.
- Legal agreement required to secure:
- If West Oxfordshire District Council is minded to approve the application a S106 agreement will be needed to secure a financial contributions of:

£10,000 towards the surface upgrade of footpath 166/28 where it runs alongside the western boundary of the application site as far as its junction with the A44.

£5,000 towards parking controls on Trinity Road to prevent overspill parking by staff and visitors - if shown to be needed after full occupation

£1,240 towards the monitoring of the travel plan

Archaeology

An archaeological field evaluation of the application area was undertaken in 2011. This did not reveal the presence of any archaeological features. As such there are no archaeological constraints to this application.

Property

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

- I.3 WODC - Arts Should this proposal be granted planning permission then the Council would favour the following approach:
- A S106 contribution of £2,940 towards temporary artist-led creative work in the vicinity of the site, post occupation
- I.4 WODC Architect No Comment Received.
- I.5 Biodiversity Officer The site appears to be cleared and comprises existing hardstanding with some colonising ephemeral vegetation and a boundary of willow scrub/hedgeline. It therefore has limited ecological value. I am satisfied with the report, which makes recommendations in section 8 for site clearance to take account of nesting birds and for biodiversity enhancements to be incorporated within the proposed development, including native trees/shrubs and wildflower meadow areas within the landscaping scheme, and bird and bat boxes to be integrated into walls of new buildings.
- I.6 ERS Env Health - Uplands Having reviewed the report entitled 'Review of geo-environmental site appraisals', prepared by RSK, dated June 2016 (Ref 28458 R01 (00)), I agree with the conclusions therein related to land contamination that the site is suitable for the proposed future site uses.

It should be noted that full radon protection measures are required.

Karen Toomer
Senior Officer
Technical Pollution Services

- I.7 WODC Housing Enabler
I have been able to review the drawings relating to the C3 house types for the McCarthy and Stone scheme in Chipping Norton. In calculating the amount of financial contribution towards affordable housing regard has been given to 5.42 and 5.43 of the West Oxfordshire Local Plan : Submission draft including proposed modifications. Contributions to affordable housing are to be charged on a £ per M2 basis, in the same way that CIL is calculated, with the commuted sum being equal to £100 per M2.
In this case the sum will be calculated on the C3 dwellings, thus;
-Bungalow Type 1 x 2 = 17,370
-Bungalow Type 2 x 5 = 55,540
-House Type 1 x 2 = 26,440, and
-House Type 2 x 4 = 54,260
-The total contribution towards affordable housing using this calculation method = £151,610.
- I.8 WODC Landscape And Forestry Officer
No Comment Received.
- I.9 WODC - Sports
Should this proposal be granted planning permission then the Council would require a contribution towards sport and recreation facilities.

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

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

£1,156 x 14 = £16,184 off site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter 2016 using the BCIS All in Tender Price Index published by RICS.
- I.10 Thames Water
The proposed development is located within 15m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that habitable rooms should be at least 15m away from the pumping station assets as highlighted as best practice in Sewers for Adoption (6th edition)'. The amenity of those that will occupy new development

must be a consideration as set out in the National planning Policy Framework (NPPF) therefore we object to the application. In the event that the LPA consider that they will grant planning permission for the development, we would suggest the following informative is attached to the planning permission: 'The proposed development is located within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour and / or noise.

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

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

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

1.11 WODC Env Services - No Comment Received.
Waste Officer

2 REPRESENTATIONS

2.1 A total of 9 letters of support have been received in relation to the application, the principle reasons for support are summarised below: (Updated 15/02)

- The development would provide much needed elderly care.
- The development would be in easy reach of the health centre.
- Need for this type of accommodation in the area with easy access to facilities.
- There is an increasing need for facilities such as this in the town.
- The development would improve the existing site, which is an eyesore.
- The development will increase the vitality and vibrancy in the town.

2.2 A total of 1 letter of objection have been received, the principle objections are summarised below:

- The commercial viability of the S3 bus service to Oxford is dependent on the ability for operators to park buses on the site, without such parking being available the early morning outward and late evening services would be lost.
- Alternative arrangements for the overnight parking of busses are requested by condition.

- 6 letters with general comments have been received, which are summarised below:
- No details have been provided regarding sewage disposal.
- The different types of accommodation should be affordable.
- Bungalows would be more suitable than the proposed 2 storey dwellings.
- The provision for bat and bird boxes is welcomed; the applicant is encouraged to also provide Swift boxes.

3 APPLICANT'S CASE

- 3.1 The proposed scheme will have very low traffic generation and provides adequate on-site car parking as well as mobility scooter charging facilities. The scheme proposed would result in a high quality building. Accordingly, it is considered that the proposed development complies with the design policies contained within the NPPF and the adopted Local Plan. In particular, Paragraph 65 of the NPPF states that 'local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'
- 3.2 In providing much needed accommodation for the elderly population, the proposed development will optimise the use of this site, whilst also supporting local businesses. The site is ideally located for this type of Extra Care and the additional age exclusive bungalow and terraced properties as it is close to the amenities of Chipping Norton Town Centre, and would meet an identified specialised housing need in West Oxfordshire.
- 3.3 Careful consideration has to be given to the nature of the site including the development of the site and its relationship to its immediate surroundings. There is no doubt that a high quality development will make an effective use of this site. At the same time Extra Care is acknowledged to be a passive use, and an entirely sympathetic neighbour with extremely low levels of traffic generation in comparison to other potential housing uses of the site.
- 3.4 The proposed development complies fully with the NPPF's objective of a presumption in favour of sustainable development. It fulfils all three dimensions of sustainable development listed by the NPPF. Providing a range of economic benefits, including direct employment in its own right, supporting the local economy and revitalising the housing market through the release of under occupied family housing. Providing social benefits through the provision of specialist accommodation for older people and reducing pressure on health care facilities. Finally, providing environmental benefits through making effective and efficient use of a valuable land resource, assisting with the delivery of housing within a short term timeframe which would reduce pressures on other land for residential development.
- 3.5 The proposed development accords with both national (paragraph 50, NPPF) and local planning policies in respect to the delivery of older persons' accommodation, which the recent National Planning Practice Guidance has identified its delivery as 'critical'. Section Six of this report identified the extant need for older persons' accommodation within Chipping Norton and the current shortfall of private sector forms of retirement housing.
- 3.6 As set out by the accompanying Design, Access and Sustainability Statement, the proposed development has evolved through thorough pre-application engagement with the local community, local planning authority and where relevant statutory consultees.

- 3.7 In summary, the proposal is fully in accordance with national and local planning policy providing a scheme that epitomises sustainable development and contributes towards the provision of an identified local housing need as well as the overall supply of housing.

4 PLANNING POLICIES

EH7NEW Historic Environment
BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
H3 Range and type of residential accommodation
H7 Service centres
H11 Affordable housing on allocated and previously unidentified sites
NE6 Retention of Trees, Woodlands and Hedgerows
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
EH3NEW Public realm and green infrastructure
CN1NEW East Chipping Norton Strategic Development Area (SDA)
CN2 Chipping Norton sub-area Strategy
MP1 Employment Land (Chipping Norton Neighbourhood Plan)
MP8 Natural Environment
TM1 Traffic
TM2 Highways Network
TM4 Bus Access
TM5 Public Transport
TM5 Public Rights of Way
TM7 Walking and Cycling Routes
TM8 Easy Access for All
BD1 Built Environment
BD4 Housing for Elderly and the Disabled

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The site subject of this planning application comprises of 1.23 hectares of presents vacant, previously developed Brownfield Land sited to the south of the A44 London Road around 200 metres from Chipping Norton Town Centre. The site was last used for employment purposes by Parker Knoll as a furniture factory, which closed in 2003. The site has remained vacant since the closure of the factory, although there is considerable history of subsequent planning

applications most recently in 2011, when an application for the erection of a Sainsbury's supermarket and associated parking was refused (11/1360/P/FP).

- 5.2 The remainder of the former Parker Knoll site has been redeveloped for housing; this development comprises principally of two storey dwellings and three storey town houses and lies to the east of the site on the opposite side of Trinity Road. The frontage of the site is subject of a separate, current planning application relating to the erection of 4 commercial units (A1, A2, A3 and A5 use) and 4 residential flats (16/04244/FUL). A public right of way runs to the west of the site, passing between London Road to an area of presently open countryside to the south. The site lies outside the Chipping Norton Conservation Area, which extends up to the Grade II listed Holy Trinity Catholic Church, which lies around 60 metres to the west of the site. The site lies outside the boundary of the Cotswolds AONB.
- 5.3 The land to the south of the site comprises of open fields forming part of the Tank Farm site which is referred to in Policy CNI of the Emerging Local Plan as the East Chipping Norton Strategic Development Area. The site is allocated as a strategic development site within the West Oxfordshire SHLAA and is listed as offering development potential for the delivery of around 600 dwellings, this number has been scaled up and the site is presently viewed as having delivery potential for 1400 new homes.
- 5.4 The allocation remains in draft and will be the subject of debate at the Local Plan examination later in the year. As such it can only be given limited weight but nonetheless the inclusion of the application site within the SDA boundary provides a clear indication that the District Council considers the site to be suitable for some form of development. The site subject of the present application should be viewed not only within the context of the immediate development, but also within the context of the East Chipping Norton Development Area, given the sites key strategic location between any potential new development at Tank Farm and London Road, which forms one of the principal routes into the centre of Chipping Norton.
- 5.5 The planning application proposes the erection of a large building comprising of 52 self-contained assisted living apartments, falling within a Class C2 use; alongside the erection of 14 Class C3 residential (age restricted) dwellings. The proposed dwellings would consist of a mix of 8 bungalows and 6 terraced properties. The development additionally comprises of associated parking and areas of landscaping. Access to the site is proposed via two access points from Trinity Road, to the west of the site.

Planning History

- 5.6 03/2121/P/OP- Redevelopment of factory premises comprising housing, employment uses (b1 class use), community facilities, associated infrastructure and landscaping –Approved
- 5.7 07/2063/P/FP - Erection of two business units with associated roadways & parking – Approved
- 5.8 08/0828/P/FP- Erection of three business units with associated roadways, parking & landscaping – Approved
- 5.9 08/1639/P/FP - Erection of two business units with associated roadways and parking – Approved
- 5.10 11/1360/P/FP - Erection of supermarket with car parking facilities and construction of new roundabout together with associated works and landscaping – Refused

- 5.11 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
Loss of employment land
Developer and affordable housing contributions
Design, scale and siting
Access and Highways implications

Principle

- 5.12 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, plus a further 5% 'buffer' in accordance with national policy.
- 5.13 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites.
- 5.14 Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.15 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 4,514 dwellings (as referred to in the October 2016 Position Statement). This gives rise to a 5.5 year supply using the Liverpool calculation. Using the alternative "Sedgefield" method the 5 year supply is 4.18 years.
- 5.16 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying 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 and sustainable manner over the plan period.
- 5.17 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. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear.
- 5.18 Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. 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.

- 5.19 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. Chipping Norton is classed as a service centre within both the Existing and Emerging Local plans. Policy H7 of the Existing Local Plan is permissive of new residential development in circumstances where this constitutes a ‘rounding off’ of the settlement area. This applies to development that would logically complement the existing built form in the immediate area. Policy H2 of the Emerging Local Plan specifies that development of new dwellings is acceptable on previously developed or undeveloped sites within or adjacent to the main built up area of Services Centres including Chipping Norton, similarly where development would form a logical complement to the Existing built form.
- 5.20 The site exists as previously developed employment land which has remained vacant for an extended period of time. The effective reuse of previously developed (brownfield) sites for alternative purposes including the provision of housing is promoted within Existing Local Plan Policies OS2 and H2 as well as Paragraphs 17 and 111 of the NPPF. The site lies adjacent to existing development to the north, east and west, with the East Chipping Norton Development site located to the south of the site. Officers consider that in the context of the immediate area and owing to the contained nature of the site, the development proposed would be deemed to form a logical complement to the existing pattern of development. The site lies in close proximity to a range of Town Centre Services available in Chipping Norton and is located in close proximity to regular bus services. Due consideration is given to the loss of employment land within the following section of this report; however officers consider that in terms of the Councils location based strategy, the site would represent a sustainable location for new residential development.
- 5.21 The NPPF states that local planning authorities should ‘plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes). The Oxfordshire Strategic Housing Market Assessment (SHMA) 2014 states that ‘given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward’. The analysis of future requirements identified in the SHMA indicates a net need for at least 5,564 additional units of extra-care across Oxfordshire in the period to 2031. Notably, West Oxfordshire has the highest requirement at 1,891 additional units. This is a net figure that takes no account of replacement provision of existing accommodation that is no longer fit for purpose. The ‘gross’ need is therefore expected to be higher.
- 5.22 The emerging draft Local Plan 2031 recognises the need to increase the supply of such housing by encouraging specific schemes in suitable, sustainable locations. Draft Policy H4 which relates to the Type and Mix of New Homes states that ‘particular support will be given to proposals for specialist housing for older people including but not restricted to, extra-care housing. Opportunities for extra-care will be sought in the main and rural service centres and other locations with good access to services and facilities for older people.’ The concerns of the Town Council are noted with regard to the preference that the site should be developed to provide

non-age restricted housing, in particular affordable housing. There is however an identified requirement to provide further housing for elderly persons in the district, including within Chipping Norton, which is acknowledged in Policy BD4 of the Chipping Norton Neighbourhood Plan. Policy BD4 states that developments which increase the choice of different types of housing available to older and disabled persons will be supported including specialised and accessible housing.

- 5.23 In light of the above, whilst there are already committed and permitted residential schemes for older people within Chipping Norton, officers consider that this, in itself does not render a further assisted living scheme unacceptable in principle. The site is a sustainable location within walking distance of a range of existing services and facilities and is considered supportable in line with the specific provisions of the Existing and Emerging Local Plans as well as the locally specific provisions of the Chipping Norton Neighbourhood Plan.

Affordable Housing Provision

- 5.24 The applicant has provided a detailed statement to demonstrate that the 59 self-contained units fall within Class C2 (Residential Unit), the statement has been submitted in order to demonstrate that no affordable housing would be required and is accompanied by various appeal statements. Officers would not dispute that the 52 extra care flats would fall under Use Class C2 and the supporting appeal statements reach a similar conclusion that although residential units in such schemes are self-contained and residents enjoy a degree of independence, the explicit aim of the development of facilities such as is proposed within this application is to provide care, services and on site staffing and assistance which cannot be seen independently from the residential use.
- 5.25 Emerging Local Plan Policy H3 (including the main modifications) recognises the specific viability considerations that apply to supported living schemes (which are characterised by large amounts of communal space) and applies a reduced level of affordable housing provision in relation to supporting living accommodation including extra-care and sheltered housing. In the case of Chipping Norton which falls within the defined 'medium value' zone, an extra-care housing scheme would not attract an affordable housing requirement.
- 5.26 The overall proposal contains a mix of both C2 and C3 elements, the C3 dwellings comprise of 14 age restricted properties. Whilst these properties are age restricted, officers consider that there would be no specific reason why these properties should be exempt from an affordable housing contribution. The number of C3 units proposed falls below the threshold of 15 units specified within Existing Local Plan Policy H11, where an on-site provision of affordable housing would typically be sought. The number of units however falls above the 11 unit threshold specified within Policy H3 of the Emerging Local Plan, where a 40% contribution of affordable housing would be requested within 'medium value' zones in the district, including in Chipping Norton. The revised 11 unit threshold for affordable housing cited within the Emerging Local Plan is deemed to be in line with Paragraph 11 of the Governments PPG. Officers subsequently consider that there is strong justification to require an affordable housing contribution as part of the C3 element of the proposed scheme.
- 5.27 The applicants have suggested that the provision of on-site affordable housing would be unviable given the nature of the proposed development. An agreement has been reached however to provide a commuted sum towards the provision of off-site affordable housing. The contribution sought is based on a £per metre squared calculation, with the commuted sum being equal to

£100 per metre squared. In total based on the total floor area of the proposed C3 residential element of the scheme (15 dwellings) a total contribution of £151,610 is requested. The commuted sum would be provided as Part of a Section 106 Legal Agreement.

Loss of Employment Land

- 5.28 The site has been cleared and has remained in its present vacant condition for an extended period of time since the closure of the Parker Knoll factory in 2003. The site was however up to this point an important employment site and source of jobs within the town. It was envisaged that the site could be feasibly redeveloped for employment use and the suitability of the site for these purposes is referenced within paragraph 9.4.52 of the Emerging Local Plan. Permission was granted in 2008 (08/0828/P/FP) for three business units (Class B use) although this consent was not implemented. Given the former use of the site and in the context of the previous, unimplemented planning consent, officers consider that it would be reasonable to consider the site as constituting 'employment land'.
- 5.29 Policy E6 of the adopted Local Plan 2011 for example states that the change of use of existing premises and sites with an established employment use to non-employment uses will not be allowed unless:
- a) it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - b) the site or premises is considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - c) substantial planning benefits would be achieved by allowing alternative forms of development.
- 5.30 In a similar vein Policy E1 of the draft Local Plan 2031 states that non-employment uses on employment sites will be resisted except in the following circumstances:
- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6 – Town Centres; or
 - where substantial community benefits would be achieved by allowing alternative forms of development.
- 5.31 Chipping Norton Neighbourhood Plan Policy MPI lists the site as an area of land which should be safeguarded from non-employment uses unless it can be demonstrated that the site is no longer needed for such purposes or is replaced by equivalent or enhanced provision, or that the proposed replacement use would offer significant social, economic or environmental benefits.
- 5.32 The NPPF (paragraph 22) confirms that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses

of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

- 5.33 Whilst the site exists as employment land, officers would note that whilst a redevelopment of the site for an employment based use is desired, the land has not been specifically allocated within the Draft Local Plan Strategic Development Area Policy (SDA) for Chipping Norton. The Draft Local Plan instead identifies a 9ha area of land to the North of London Road.
- 5.34 Factoring in the draft SDA Policy context for Chipping Norton, alongside the provisions of Paragraphs 22 and 14 of the NPPF, alongside the longstanding vacant nature of the site and the fact that previously granted consents have not materialised in terms of development, officers consider that there would be significant justification for considering alternative sustainable uses on the site. Officers consider that the proposed use offers demonstrable social, economic and environmental benefits. The provision of new housing to meet an identified local housing need as well as the clear and significant benefits to the character and appearance of the area arising from the redevelopment of this large unsightly and long term vacant site, in officer's opinion justifies the principle of alternative non-employment development on this site. It is additionally noted that the development would provide limited employment within the care element of the scheme.

Design, scale and siting

- 5.35 The site has remained vacant for an extended period of time and the present condition of the land could be considered visually detrimental to character and appearance of the immediate area, particularly given the visual prominence of the site and its location adjacent to a key route into the town. Subsequently an appropriately designed development which would bring about a positive reuse of the site would be demonstrably beneficial in a visual sense.
- 5.36 The proposed development would be of a similar scale and massing to the properties immediately opposite the site along Trinity Road, which form part of a modern development consisting predominantly of reconstituted stone two storey dwellings and three storey townhouses. The site plan comprises of two elements; a large single building comprising of 59 assisted living flats, utilising shared facilities; with the remainder of the site comprising of age restricted properties, consisting of a terrace of 6 properties fronting Trinity Road and 8 bungalows to the rear.
- 5.37 The proposed Assisted Living building referred to as Trinity Court is a singular building, which is necessitated by the functional requirement that care facilities as well as other basic facilities be provided within the same building as the occupants living accommodation. To avoid the building reading visually as a singular block and to break up the mass of the building, there is a significant variation in roof ridge heights. Officers consider that this is managed well in design terms and ensures that the building does not appear visually imposing within the street scene and replicates a similar scale to the existing built form on the opposite side of Trinity Road. Similarly the building would be constructed from a mix of stone and render.
- 5.38 The frontage of the six terraced dwellings fronting Trinity Road has been amended to include a projecting front gable as opposed to the previously proposed rectangular projections with cat slide roofs. The proposed frontage of the dwellings is in officer's opinion, more reflective of the local vernacular character and creates an attractive frontage onto Trinity Road. The general scale and design is considered to be consistent with the existing built form opposite. The

proposed bungalows to the rear of the site are of an acceptable design and form and would be constructed principally of artificial stone to match the rest of the proposed development and the existing built form in the immediate area.

- 5.39 Officers consider that the scheme is appropriately landscaped. Requested amendments have been made to soften the boundary treatments facing the adjacent public footpath to the west of the site. The addition of railings and hedges to this boundary ensures that the development would not have an oppressive and enclosing impact on the amenity of the footpath, in contrast to the previously proposed close boarded fencing.
- 5.40 The site does not lie within the Chipping Norton Conservation Area, although the boundary of the Conservation Area extends to the boundary of the adjacent school to the west of the site. Notwithstanding this officers consider that the proposed development is appropriately designed and harmonises adequately with the character and appearance of the area. Given that the land appears unsightly at present, officers consider that the proposals would arguably enhance the appearance of the Conservation Area.

Residential Amenities

- 5.41 The C3 dwellings and assisted living flats to the east of the site would be sited approximately 17 metres from the side elevation of a number of existing properties in Trinity Road. There are first floor clear glazed windows in these properties, however these are small secondary windows and officers consider that the degree of overlooking which would arise as a result of the proposed development is likely to be limited. There are no properties to the south of the site. Mutual overlooking of the proposed dwellings and private amenity spaces would be limited and officers consider that the individual dwellings are afforded an acceptable quantity of private amenity space per property.

Highways and Access

- 5.42 The applicants have proposed two access points onto Trinity Road, which at present is not an adopted highway, although it is the intention that the road will be put forward for adoption in the near future. OCC Highways Officers in their assessment of the impact of the proposed development on the immediate highway network have considered that Trinity Road is suitable for the volume and type of traffic likely to be generated by the proposed development, likewise the junction with the A44 is similarly considered suitable for the likely levels of traffic generated. The applicants have provided further details showing refuse tracking. OCC Highways Officers are satisfied that the refuse wagon can now leave the development in forward gear and no longer object to the application.
- 5.43 The site is located approximately 600 metres from the Town Centre, which could be considered as a realistic walking distance for residents who are active. Pedestrian access is proposed from the site onto the adjacent footpath; OCC Highways Officers have requested a financial contribution of £10,000 for resurfacing and access improvements to this footpath, which officers consider is reasonably justified given that usage of the footpath is likely to be increased as a result of the proposed development and may increase to a far greater extent should the site at Tank Farm be brought forward as a strategic allocation as a result of the examination of the Draft Local Plan.

- 5.44 It is envisaged that a proposed development on an adjacent site (16/04244/FUL) relating to a commercial/retail based use could potentially serve as a neighbourhood centre for the proposed strategic allocation at Tank Farm to the south of the site. Were this application to be approved, officers would seek to ensure that an appropriate means of access between the strategically allocated site and Trinity Road can be delivered via the adjacent strip of land. Officers are aware of the presence of a covenant on the adjacent land and officers seek a resolution from members to allow delegated authority to ensure that access rights over the land are achievable.
- 5.45 OCC highways officers are satisfied with the proposed parking provision associated with the development; nevertheless a financial contribution of £5000 is requested towards parking controls along Trinity Road to prevent the likelihood of an overspill on street parking occurring along Trinity Road.
- 5.46 It is noted that the applicant is in agreement to provide the full financial contribution requested by OCC for the access improvements, parking controls and travel plan monitoring via a Section 106 Agreement.

Ecology

- 5.47 The site is identified as having limited ecological potential and no objection has been raised by the Councils Ecologist, subject to the development being carried out in accordance with the recommendations contained within the Councils Ecology report.

Other Considerations

- 5.48 A financial contribution of £2,940 towards temporary artist-led creative work in the vicinity of the site is requested as part of a section 106 agreement. The applicants have agreed to provide this contribution in full.

Summary

- 5.49 The application proposes the redevelopment of a presently unsightly and long term vacant brownfield site, which lies in a prominent location on a main route into Chipping Norton, close to the Town Centre. The site existed as former employment land, however as owing to the long term vacant nature of the site in addition to the non-implementation of previously consented employment uses, officers consider that there is significant justification in line with the provisions of Paragraph 22 of the NPPF, Policy E6 of the Existing Local Plan and Policy E1 of the Emerging Local Plan to consider alternative sustainable uses on the site.
- 5.50 Officers consider that the proposed development represents a positive reuse of a presently unsightly and long term vacant brownfield site. The proposed development would be beneficial in meeting an identified future need to provide a range of housing to meet the needs of ageing population as identified in Policy H4 of the Emerging Local Plan. The site represents a sustainable location for the provision of housing of this nature, owing to its relatively central location in the town and close proximity to existing services and facilities.
- 5.51 Officers consider that these factors, coupled with the significant visual benefits arising from what would be a well-designed development, represents socially, economically and environmentally sustainable development and the proposals would be compliant with the provisions of the Existing and Emerging Locals Plans as well as The Chipping Norton Neighbourhood Plan and the

provisions of the NPPF. Officers recommend that the proposed development be approved subject to a Section 106 agreement to provide the requested contributions towards affordable housing, public art and highways improvements.

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 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 Prior to the commencement of the development hereby approved, full details of the means of access between the land and Trinity Road including position, layout, vision splays and set back of 8m from any security gates to the carriageway of Trinity Road shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the vision splays above 0.65m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 6 No building shall be occupied until car parking spaces to serve that building have been provided according to details that have been previously submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.
REASON: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning

authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

REASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

- 8 Prior to occupation, a Travel Plan for the assisted living element of the development meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To encourage occupiers to use sustainable modes of transport as much as possible in line with the NPPF.
- 9 Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby approved, shall be provided to every resident on first occupation.
REASON: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.
- 10 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 CTMP shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 11 The development shall be completed in accordance with the recommendations in Section 8 of the Extended Phase 1 Habitat Survey report by Innovation Group Environmental Services dated 29th January 2016. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 12 Before development takes place, details of the provision of bat roosting feature(s) and/or bat boxes in trees and nesting opportunities for birds (House martin, House sparrow, Starling, Swift or Swallow) shall be submitted to the local planning authority for approval, including a drawing showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the dwelling(s) hereby approved are first occupied and thereafter permanently maintained.

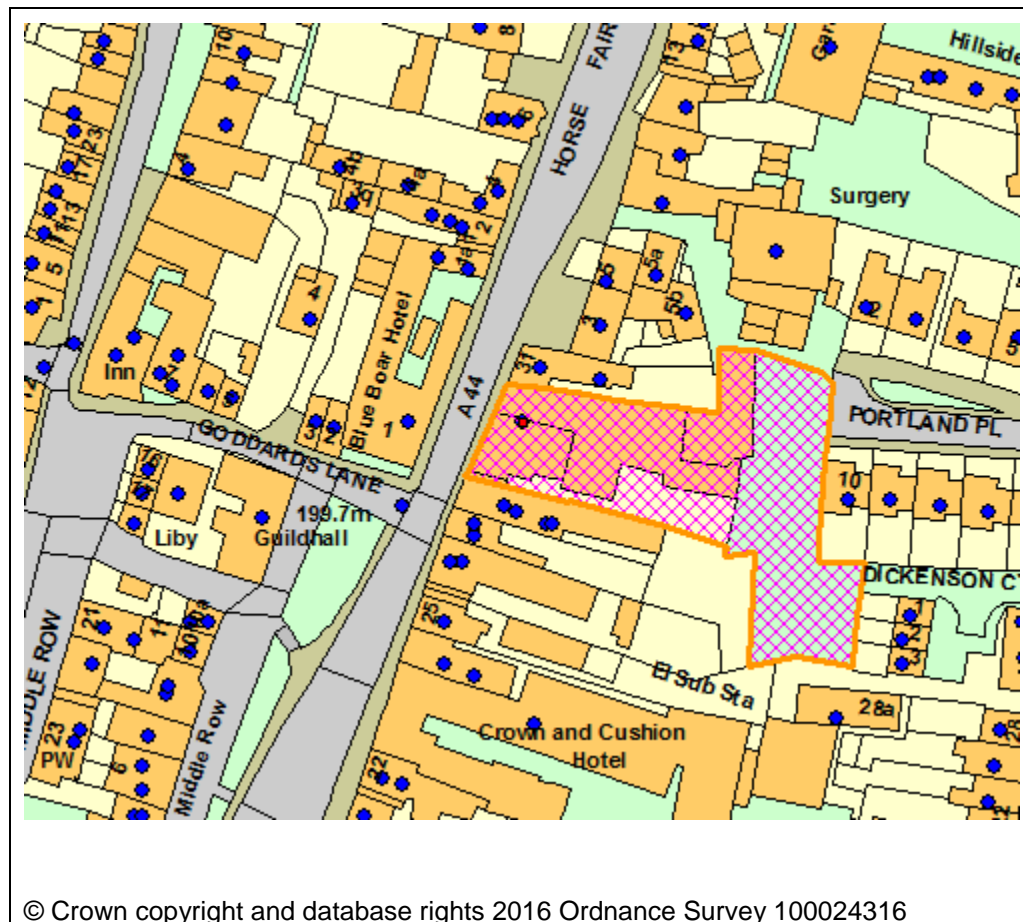
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011 and Section 40 of the Natural Environment and Rural Communities Act 2006.

NOTE TO APPLICANT

- 1 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email: roadagreements@oxfordshire.gov.uk

Application Number	17/00236/FUL
Site Address	29 - 30 High Street Chipping Norton Oxfordshire OX7 5AD
Date	26th April 2017
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431427 E 227246 N
Committee Date	8th May 2017

Location Map



Application Details:

Reconfiguration of retail space and shop front. Change of use of first and second floors from retail to two flats and erection of nine dwellings to rear with associated works.

Applicant Details:

Harpers Home & Garden Ltd
29 - 30 High Street
Chipping Norton
Oxfordshire
OX7 5AD

I CONSULTATIONS

- I.1 Town Council The Town Council have had a pre-application meeting and the applicants have not taken into account that there is not enough car parking on the site. The Town Council propose to remove units 7, 8, 9, 10 and 11 as the area is over developed, this would then accommodate the car parking for the site.
- I.2 Major Planning Applications Team Highways - The county council no longer objects to the development. I consider it to be reasonable for 3 of the residential units proposed to be car free given the town centre location and the good public transport offer within a short distance. This would then mean that there would be three visitor parking spaces. I am satisfied that the demand for visitor car parking exceeding the supply of three spaces could be satisfactorily accommodated in the town centre car parks.

On reflection I believe that the significantly reduced size retail unit can operate without any on site car parking in the light of the nearby public car park space.

I note the applicant's willingness to commit to all deliveries, servicing and refuse collection taking place from the rear of the site via Portland Place. This addresses my concerns about the collection of refuse for the retail unit and residential over it taking place from Horsefair. This arrangement must be secured by means of the application of a suitably worded delivery and servicing plan condition as already set out below. I note that the bin collection area has been enlarged.

Archaeology

No objection subject to conditions

Education

Based on the unit mix stated in the application, this proposed development has been estimated to generate 0.43 Nursery Pupils, 1.76 primary pupils, 0.98 secondary pupils. No pupils requiring education at an SEN school are anticipated to be generated.

OCC is not seeking Education contributions to mitigate the impact of this development on education. Existing nursery, primary, secondary and SEN education provision is forecast to be sufficient, taking into account this proposed development and other development already approved, given the anticipated pupil generation.

Property

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

- | | | |
|-----|--------------------------|---|
| I.3 | WODC - Arts | Based on the scale of the development no contributions are sought |
| I.4 | Biodiversity Officer | A full bat survey has been carried out and no evidence of roosting bats was found. Some evidence of nesting birds was found during the bat survey, the loss of which should be compensated for as part of the proposed development. Specific provision for nesting jackdaws is not required (not a priority species) and I recommend that provision should be incorporated for house sparrows, starlings, swifts and house martins. At least 1 bird box and 1 bat box should be integrated into the fabric of the walls of each new dwelling (birds on north/east/west and bats on south/east/west). Bird and bat box provision should be separated. Overall, there will be a minor impact on biodiversity and the opportunity to install bird and bat boxes within the new dwellings should provide a net gain. |
| I.5 | WODC Architect | <p>CONTEXT: Substantial C18 & C19 Listed shop/ house in prominent roadside setting within the CA, with accumulation of mainly C20 retail/ commercial extensions and open area to rear.</p> <p>OPINION: This has been subject to lengthy pre-app. and site visits. The proposals appear largely to accord with the pre-app. In terms of the primary LB, the proposed changes are fairly minimal, entailing renovation and some works to internal partitions and the building up of structural and external walling. There is clear potential for improvement with the shopfront. Overall, no objections to this aspect of the scheme.</p> <p>Re the rest of the scheme (new build, incl. stepped terrace and 2no. new units), units 1-8 seem fine and as per our discussions. There remains a question mark over units 9-11 (specifically in terms of how well a building of this type, scale and massing would work located here, and in respect of settlement pattern). The scheme would be a more comfortable one (including in terms of parking provision) if these were reduced or omitted.</p> |
| I.6 | ERS Air Quality | No Comment Received. |
| I.7 | ERS Env Health - Uplands | Mr ERS Pollution Consultation No objection subject to conditions |
| I.8 | WODC Housing Enabler | No Comment Received. |
| I.9 | WODC - Sports | Sport/Recreation Facilities |

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

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

Contributions

$£1,156 \times 11 = £12,716$ off site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter 2016 using the BCIS All in Tender Price Index published by RICS.

1.10 WODC Env Services - Waste Officer No Comment Received.

1.11 Thames Water No objections

2 REPRESENTATIONS

2.1 Four letters of objection to the proposals have been received, summarised as follows:

Residential amenities

- We reside at 10 Portland Place which directly overlooks the proposed building of 9, 10 and 11. These properties will have direct line of sight into our house and at certain times of the year our house and especially our garden will be cast in shadow.
- We have lived in our house 25 years and always enjoyed the sun in our garden and conservatory.
- We made a suggestion that the properties could be built as far back as possible in the car park which would allow for more light to our property.
- This would not have any detrimental effect on any of the other surrounding properties as they are not residential, effectively they would have a north facing garden instead of a south.

Parking

- We understand there are only going to be 11 car parking spaces.
- We don't think that 1 car parking space per household is adequate.
- We have three cars at our house, so where are the excess cars going to park?
- Where are their visitors supposed to park?
- How are the two proposed shops going to have deliveries if there is no back access.
- Does this mean lorries will be parked up along our roadblocking driveways?
- The irony of this dilemma is that you are building on a car park.

- Portland Place has limited access and is narrow we previously were blocked in by either delivery vehicle's and shoppers to the site .
- I note the comment that most deliveries were carried out by 7.5 tonne vehicles and vans and would argue strongly that this was not the case with the road blocked by 26 tonne delivery vehicles and articulated vehicles pulling down power cables in the process.
- This is the only residential road in Chipping Norton that commercial deliveries took place.
- The proposed 11 car park spaces is simply not enough and would cause over spill parking in Portland place as most house have 2-3 cars .
- We on a regular basis have our entrances blocked by people accessing the local restaurants in the Horse fair.
- I would also point out that Portland place is unadopted and belongs to the residents
- Considering the state of the car parking in Chipping Norton, we cannot understand the intent of building three houses on a perfectly usable car park. Considering the amount of houses that are planned for Chipping Norton three houses would not go a miss (Units 9,10 and 11)
- One of the drains down Portland Place was previously damaged by a heavy vehicle delivering concrete slabs at Harpers shop.
- Will this be a problem with the heavy construction vehicles that would be accessing the site?

3 APPLICANT'S CASE

3.1 The design and access statement submitted in support of the application is concluded as follows:

The plans, drawings and documents submitted with this application demonstrate how a high-quality conversion and infilling development can be accommodated on the site in a way that contributes to local distinctiveness, housing supply and economic viability through:

- A design approach which removes incongruous modern additions in favour of a new development that, through its scale and form and the use of appropriate materials, preserves and enhances local heritage assets;
- A site layout which respects the historical form of the site by aligning buildings along the burgage plot line;
- The provision of high quality and highly accessible dwellings that provide a mix of 1, 2 and 3 bedroom homes; and
- The retention of the High Street retail frontage (in the form of a 102 square metre unit).

3.2 The adopted Local Plan 2011 is now out of date with regard to the provision for housing and a substantial shortfall in housing supply has been identified. In such circumstances, paragraph 14 of the NPPF states that the proposal should be approved in accordance with the presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies related to designated heritage assets indicate development should be restricted.

3.3 An assessment has been undertaken through this statement and it is concluded that the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits.

3.4 The proposed development would not cause any harm, either of a less than substantial or a substantial nature, to the architectural or historic significance of the listed building or to the character and appearance of the conservation area.

3.5 In light of the above, planning permission should be granted without delay.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

H7 Service centres

H11 Affordable housing on allocated and previously unidentified sites

T1 Traffic Generation

T2 Pedestrian and Cycle Facilities

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

H2NEW Delivery of new homes

H3NEW Affordable Housing

T3NEW Public transport, walking and cycling

T4NEW Parking provision

NE15 Protected Species

NE13 Biodiversity Conservation

EH2NEW Biodiversity

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

5 PLANNING ASSESSMENT

Background Information

5.1 The proposal seeks consent to change the use of the first and second floors of the former Harpers DIY store to two flats and demolish the extension to the rear to erect 9 dwellings on the burgage plot and the car park to the rear. The dwellings comprise 4 one bed flats, 1 two bed flat, 4 two bed cottages and 2 three bed dwellings, and retains a retail unit.

5.2 The site is within the Conservation Area, the building is Grade II listed and the site also just falls within the Cotswolds AONB. The land rises from west to east across the plot.

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

Principle of development

Siting Design and Form

Highways

Residential Amenity

Principle

- 5.4 The site is centrally located within Chipping Norton and housing development would be considered under policy H7 of the adopted plan and policy H2 of the Emerging Local Plan.
- 5.5 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, plus a further 5% 'buffer' in accordance with national policy.
- 5.6 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites.
- 5.7 Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.
- 5.8 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 4,514 dwellings (as referred to in the October 2016 Position Statement). This gives rise to a 5.5 year supply using the Liverpool calculation. Using the alternative "Sedgefield" method the 5 year supply is 4.18 years.
- 5.9 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying 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 and sustainable manner over the plan period.
- 5.10 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. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear.
- 5.11 Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. 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.
- 5.12 The existing site was most recently in use as a DIY/Hardware store but it ceased trading in 2016. The upper floors of the listed building have been used as offices and shop floor, and to the rear there have been a series of extensions as the business expanded. It is considered that as a

retail use is being retained on the public facing elevation of the building, and that the site is brownfield within the built up area of the town that the proposal for additional housing units is considered to be acceptable.

- 5.13 With regard to affordable housing provision, historically this would have only been triggered on schemes of 15 or more in Chipping Norton under the adopted plan policy H11. The approach has since changed and the Emerging Plan seeks contributions towards affordable housing on schemes of 6-10 units within the Cotswolds Area of Outstanding Natural Beauty. The internal floor area of the 9 new units equated to a contribution of £49,296. The applicants agent has asserted that the scheme is borderline viable because of the extensive demolition of the buildings to the rear and the existing land use value. Officers are awaiting a viability assessment and based on the conclusions of the assessment this contribution may or may not be requested.
- 5.14 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."
- 5.15 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.
- 5.16 It is considered that the proposal will offer significant improvements to the character of the conservation area by the removal of the shop extensions to the rear, and by the improvement of the shop frontage which is in the public realm, and finally to the setting of the Listed Building. The proposals are therefore considered to be in accordance with the Heritage Asset policies.

Siting, Design and Form

- 5.17 The proposed scheme will remove the extensive extensions that have been allowed to the rear of the listed building on a piecemeal basis as the business grew, and replace with a terrace of 4 two storey cottages stepping up the hill (units 3-6), a more modern outbuilding will be replaced with a building of similar proportions to the existing building, and then 3 further units in one block on the existing car park. The scheme will also create two flats at first and second floor of the building and reconfigure the retail units at ground floor.
- 5.18 The terrace of four dwellings is sited on the line of the old burgage plot to the rear of the Listed Building, and it is considered to be in character with the conservation area, the Listed Building

and the neighbouring properties in terms of its scale and massing and the design. Each terrace property will be accessed from the north and have a small private garden area to the south.

- 5.19 The replacement building for units 7 and 8 is considered to be acceptable as there is an existing store room associated with the retail unit in this position.
- 5.20 The least comfortable element of the scheme are plots 9, 10 and 11 which sit on the former car park and behind 27 and 28 High Street. Care has been taken to minimise impact on neighbours to the east and north by making unit 11 single storey, so the building reads as one dwelling but is in fact three separate units, but the whole thing does not relate as well to the scheme as a whole. However, the design is considered to be in keeping, and on balance your officers feel that the harms are not so significant to justify a reason for refusal.
- 5.21 The proposed materials are natural stone, brickwork, slate roofs and the proposed buildings include chimneys, porches and other appropriate vernacular features.
- 5.22 With regard to the retail unit, the proposed shop front with recessed central doorway and flanking shop windows (framed by pilasters supporting a fascia) has been brought forward and now in plane with the street elevation. Subject to joinery details etc., in principle the bringing forward of the flanking bays should give the main elevation a less undermined and more planted appearance, and would represent a net improvement for the building as a whole, and in the wider Conservation Area street scene.

Highways

- 5.23 The proposal is accessed from Albion Street and Portland Place to the east. The rear of the site has most recently been used as a car park for the DIY store and for deliveries to the store.
- 5.24 The proposal includes 11 parking spaces. OCC had concerns regarding this level of parking and regarding deliveries and raised a holding objection. The applicant has since revised the scheme and has proposed that the two flats to be created within the Listed Building and one of the proposed 1 bed flats are car free, with the remaining eight units having one space each and creating three visitor spaces. They have also confirmed that all deliveries will take place via Portland Place rather than Horsefair. This is based on the fact this is a town centre location in the third largest settlement in West Oxfordshire and it has reasonable transport links. After further consideration, the OCC objection has now been removed subject to conditions being imposed on any permission.
- 5.25 The objections received from local residents have been duly noted but as there is no technical highway objection it is not considered that the parking provision can be considered as a reason for refusal of this scheme.

Residential Amenities

- 5.26 The most affected neighbours are considered to be three properties to the east in Dickenson Court that back onto the site, and 10 Portland Place which is side on to the site.
- 5.27 The three units proposed to be sited within the car park area have been designed to have minimum impact on neighbouring properties. The unit closest to the site boundary is single storey with a lean to roof. Dickenson Court is on raised ground and the existing fence will be

higher than the proposed eaves of the single storey element. The proposed side elevation of the two storey element will be 12-13.5m from the rear of these properties. Therefore it is not considered that the proposed building will be unacceptably overbearing to the neighbours.

- 5.28 Units 9 and 10 are slightly offset to the rear of 10 Portland Place and the first floor windows are all serving bathrooms so will be obscurely glazed so there will be no adverse overlooking of the rear garden and windows of 10 Portland Place.
- 5.29 Given the above it is not considered that the proposed dwellings will result in unacceptable living conditions for future residents or the neighbouring properties.

Other matters

- 5.30 The District Ecologist has considered the application and is satisfied that the proposal will not result in unacceptable harm to protected wildlife subject to the inclusion of conditions.
- 5.31 The County Council have requested a drainage condition and Thames Water have specified informatives to include in any positive recommendation.

Conclusion

- 5.32 The propose change of use of the upper floors to residential, the retention of retail space at ground floor, and the erection of 9 new dwellings to the rear is considered to be in accordance with housing policies (in so far as it is an appropriate location) the design and amenity policies and the highway policies of the Adopted and Emerging Plan.
- 5.33 The provisional recommendation is to approve subject to the conditions below and confirmation of the affordable housing contribution position in line with Emerging Local Plan Policy H3. Officers will update verbally at the committee meeting.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, outbuildings or structures, other than those expressly authorised by this permission, shall be erected.
REASON: Control is needed to protect neighbour amenity and the character of the area.
- 4 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.

- 5 The external walls shall be constructed of either artificial stone or natural 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.
- 6 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.
- 7 Prior to the commencement of the development hereby approved, details of the parking and manoeuvring areas (to include surfacing, lighting and tracking drawings for vehicle movements) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 8 Prior to development, a Construction Travel Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and the residential amenities of people living in the vicinity of the development.
- 9 Prior to commencement of the development hereby permitted, a plan showing the number, location and design of cycle parking for staff, residents and visitors shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: To ensure sufficient amount of well-designed cycle parking is available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 10 Prior to commencement of the development hereby permitted, a plan showing bin storage for each dwelling and adequate capacity for bin collection shall be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of pedestrian safety and the residential amenities of people living in the development.
- 11 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

 - Discharge Rates
 - Discharge Volumes

- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

REASON: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

- 12 Prior to occupation of the development hereby permitted:
- (a) Approved remediation works shall be carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority in writing.
 - (b) A completion report shall be submitted to and approved in writing by the Local Planning Authority. The completion report shall include details of the proposed remediation works and Quality Assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the completion report together with the necessary waste transfer documentation detailing what waste materials have been removed from the site.
 - (c) A certificate signed by the developer shall be submitted to the Local Planning Authority confirming that the appropriate works have been undertaken as detailed in the completion report.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

- 13 Prior to the commencement of the development hereby permitted a land contamination assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority:
- (a) The land contamination assessment shall include a desk study and site reconnaissance and shall be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses, identify risks to human health and the environment, and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be submitted and approved in writing by the Local Planning Authority prior to investigations commencing on site.
 - (b) The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - (c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority. The Local Planning Authority shall approve such remedial works as required prior to any remediation

commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

- 14 The development shall be completed in accordance with the recommendations in Section 7 of the Bat Survey Report dated September 2016 prepared by Lockhart Garratt (sections 7.7 to 7.11 inclusive) .All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

REASON: To ensure that roosting bats and nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 15 Before development takes place, details of the provision of integrated bat roosting features and nesting opportunities for birds (House martin, House sparrow, Starling and Swift) into the new dwellings shall be submitted to the local planning authority for approval, including a drawing showing the locations and types of features, and confirmation of when they will be installed. Provision shall be at least 1 bat box on the south facing elevations and 1 bird box on the north facing elevations of each dwelling. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011 and Section 40 of the Natural Environment and Rural Communities Act 2006.

NOTES TO APPLICANT

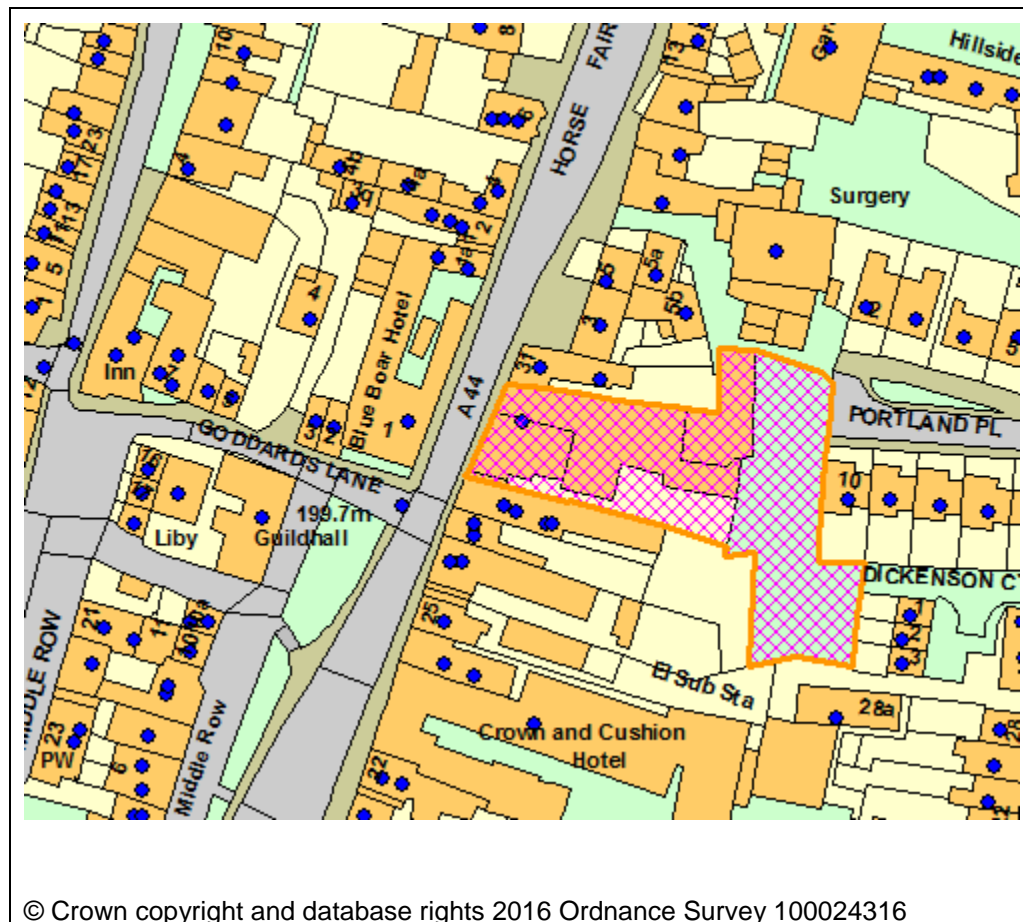
- 1 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
- 2 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not

permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 3 a) The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. ^In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works^. Further information can be found at the following websites:
- West Oxfordshire District Council website:
<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)
 - Bat Conservation Trust: <http://www.bats.org.uk/>
 - Natural England: <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>
- 4 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.

Application Number	17/00237/LBC
Site Address	29 - 30 High Street Chipping Norton Oxfordshire OX7 5AD
Date	26th April 2017
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431427 E 227246 N
Committee Date	8th May 2017

Location Map



Application Details:

Conversion of first and second floors to create two flats and alterations to the shop front at ground floor.

Applicant Details:

Harpers Home & Garden Ltd
29 - 30 High Street
Chipping Norton
Oxfordshire
OX7 5AD

I CONSULTATIONS

- 1.1 WODC Architect **CONTEXT:** Substantial C18 & C19 Listed shop/ house in prominent roadside setting within the CA, with accumulation of mainly C20 retail/ commercial extensions and open area to rear.
- OPINION:** This has been subject to lengthy pre-app. and site visits. The proposals appear largely to accord with the pre-app. In terms of the primary LB, the proposed changes are fairly minimal, entailing renovation and some works to internal partitions and the building up of structural and external walling. There is clear potential for improvement with the shopfront. Overall, no objections to this aspect of the scheme.
- Re the rest of the scheme (new build, incl. stepped terrace and 2no. new units), units 1-8 seem fine and as per our discussions. There remains a question mark over units 9-11 (specifically in terms of how well a building of this type, scale and massing would work located here, and in respect of settlement pattern). The scheme would be a more comfortable one (including in terms of parking provision) if these were reduced or omitted.
- RECOMMENDATIONS:** If recommended for approval, advise condition for demolition only where shown (LB), matching works (LB) and joinery (including all new windows and doors, roof-lights) at 1:20 and 1:5 (LB) in addition to conditions for new build.
- 1.2 Town Council The Town Council have had a pre-application meeting and the applicants have not taken into account that there is not enough car parking on the site. The Town Council propose to remove units 7, 8, 9, 10 and 11 as the area is over developed, this would then accommodate the car parking for the site.
- 1.3 Historic England On the basis of the information available to date, we do not wish to offer any comments.

2 REPRESENTATIONS

- 2.1 No comments have been received relating to the listed building application.

3 APPLICANT'S CASE

- 3.1 The design and access statement submitted in support of the application is concluded as follows:

- 3.2 The plans, drawings and documents submitted with this application demonstrate how a high-quality conversion and infilling development can be accommodated on the site in a way that contributes to local distinctiveness, housing supply and economic viability through:
- A design approach which removes incongruous modern additions in favour of a new development that, through its scale and form and the use of appropriate materials, preserves and enhances local heritage assets;
 - A site layout which respects the historical form of the site by aligning buildings along the burgage plot line;
 - The provision of high quality and highly accessible dwellings that provide a mix of 1, 2 and 3 bedroom homes; and
 - The retention of the High Street retail frontage (in the form of a 102 square metre unit).
- 3.3 The adopted Local Plan 2011 is now out of date with regard to the provision for housing and a substantial shortfall in housing supply has been identified. In such circumstances, paragraph 14 of the NPPF states that the proposal should be approved in accordance with the presumption in favour of sustainable development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or policies related to designated heritage assets indicate development should be restricted.
- 3.4 An assessment has been undertaken through this statement and it is concluded that the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits.
- 3.5 The proposed development would not cause any harm, either of a less than substantial or a substantial nature, to the architectural or historic significance of the listed building or to the character and appearance of the conservation area.
- 3.6 In light of the above, planning permission should be granted without delay.

4 PLANNING POLICIES

BE7 Alterations and Extensions to Listed Buildings

BE8 Development affecting the Setting of a Listed Building

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks consent to convert the first and second floors of the former Harpers DIY store and demolish the extension to the rear to erect 9 dwellings on the burgage plot and the car park to the rear.
- 5.2 The site is within the Conservation Area, the building is Grade II listed and the site also just falls within the Cotswolds AONB.

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:

- Impact on the listed building

Impact on the Listed Building

5.4 In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. 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 alteration. 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.

5.5 The proposed conversion of the first and second floors to two flats is considered to respect the character and form of the listed building. With regard to the retail unit, the proposed shop front with recessed central doorway and flanking shop windows (framed by pilasters supporting a fascia) has been brought forward and now in plane with the street elevation. Subject to joinery details etc., in principle the bringing forward of the flanking bays should give the main elevation a less undermined and more planted appearance, and would represent a net improvement for the building as a whole, and in the wider Conservation Area street scene.

5.6 On that basis the alterations to the listed building are considered to be of public benefit by improving the setting of the listed asset.

Conclusion

5.7 The proposal is considered to accord with Local Plan Policies and is recommended for approval subject to the following conditions.

6 CONDITIONS

1 The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) 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 demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

REASON: To preserve internal features of the Listed Building.

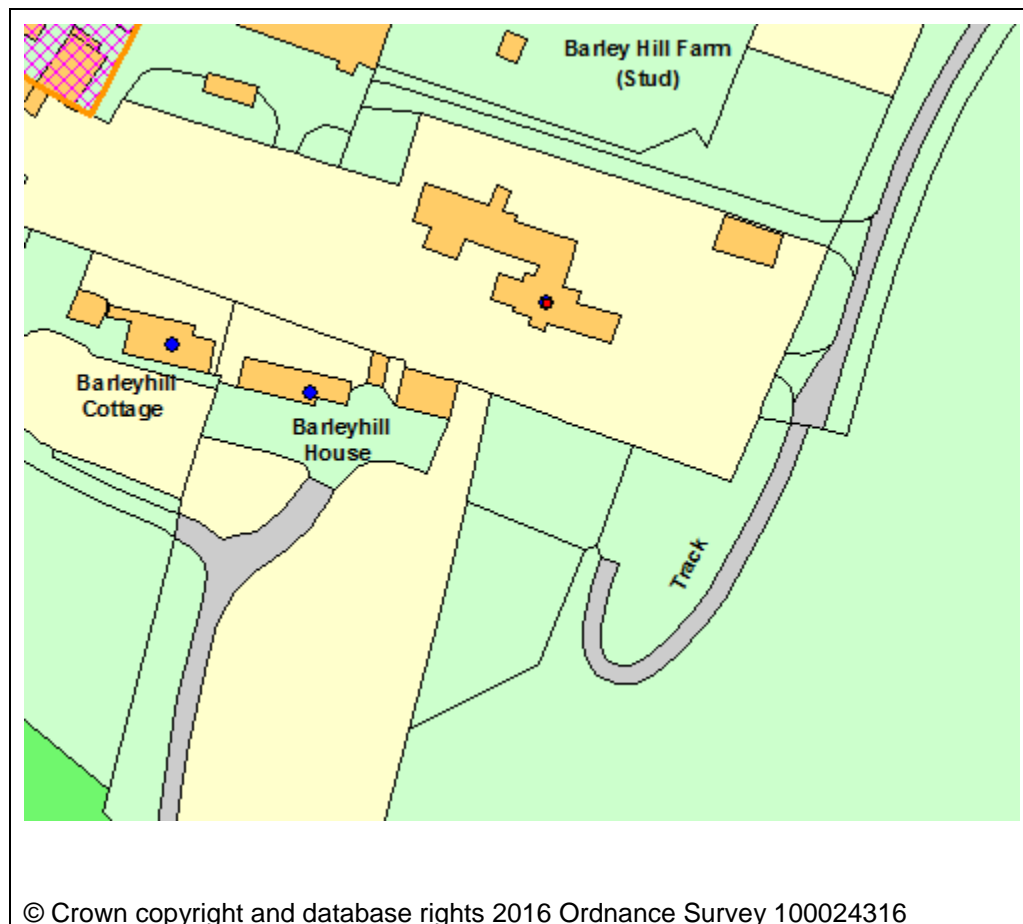
- 4 All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
REASON: To preserve the architectural integrity of the Listed Building.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors, rooflights and the shopfront, 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.

NOTE TO APPLICANT

- I The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. ^In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works^. Further information can be found at the following websites:
- West Oxfordshire District Council website:
<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)
 - Bat Conservation Trust: <http://www.bats.org.uk/>
 - Natural England: <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

Application Number	I7/00569/FUL
Site Address	Barley Hill Farm Chipping Norton Road Chadlington Chipping Norton Oxfordshire OX7 3NT
Date	26th April 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432318 E 222849 N
Committee Date	8th May 2017

Location Map



Application Details:

Demolition of agricultural building to allow for the conversion and subterranean extension of agricultural buildings to form one dwelling.

Applicant Details:
C/O Agent
Barley Hill Farm
Chipping Norton Road
CHADLINGTON
OX7 3NT

I CONSULTATIONS

- I.1 WODC Drainage Engineers A drainage plan must be submitted showing all components of the proposed surface water drainage system. In addition, sizing of the components will need to be shown.
- An exceedance plan must be submitted, showing the route at which surface water will take, if the proposed surface water drainage system/s were to over-capacitate and surcharge, with all exceedance flows being directed towards the highway and not towards private property or land. This plan must include existing/proposed CL, FF/slab levels.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.
- I.3 WODC Architect The approved scheme for conversion of this little building works entirely within the envelope of the traditional fabric, and whilst there would be some new windows, it is all quite restrained. By contrast, this latest proposal uses the traditional fabric for just the living and kitchen areas, with a completely new extension now providing three sizeable bedrooms. It is notable that the footprint of the extension is somewhat larger than that of the traditional building, and it is notable that a flat-roofed garage would also be formed, by conversion of part of a more recent adjacent structure. There has been an attempt to mitigate the impact of this additional volume by digging it into the rising ground to the north and west of the traditional building, although to maintain some sort of quality of space within the sunken extension, the land would be cut away on the south-west side, exposing the extension to the land beyond; there would also be a sunken courtyard in a re-entrant angle to the north-east. I note that the extension floor level is set some 800 mm lower than that of the existing building - and as no steps are shown within the proposed ground floor plan, there are concerns that they may be planning to lower the floor level in the traditional barn too - which would involve massive disruption, underpinning, etc. This needs to be clarified. I also think that we need detailed sections actually running through the new extension, both SW-to-NE, and SE-to-NW, showing the relationships between the green roofing and the surrounding land, and showing any guarding they will need for the drops into the courtyards - none of which is entirely clear from the current drawings. However, even with this clarification, it doesn't appear to chime with policy - noting

that H10 requires that such buildings must be capable of conversion without major reconstruction and enlargement, and that E3 requires that the existing form of such buildings should not be harmed, and that there should not be excessive extensions or alterations. Having said that, I do note that the huge riding arena would be removed, which is a not inconsiderable benefit - but is it enough to justify straying from policy, and risk setting a dangerous precedent?

- 1.4 Parish Council Chadlington Parish Council have visited this site and considered the application to which they have no objection. The key points in its favour are:

This is a brownfield development within the 'footprint' of existing buildings/outbuildings. The lie of the proposed building will not exceed the ridgeline of the current derelict building and some of the new building will be discreetly 'submerged'.
A new family property will be created where none existed before.

2 REPRESENTATIONS

No third party comments have been received in relation to this planning application.

3 APPLICANT'S CASE

- 3.1 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: and economic role; a social role and an environmental role. The benefits and adverse impacts of the proposal are summarised under these headings.

An economic role

- 3.2 The proposal will provide a dwelling where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.

A social role

- 3.3 The development will provide a sustainable form of development in rural areas, where it will enhance the vitality of the rural community.

An environmental role

- 3.4 In developing the design strategy, particular regard has been given to the impact of the physical landscape and the visual character of the area. Existing mature trees and landscaping of significance will be retained and enhanced. Safe and suitable access, appropriate drainage and acceptable levels of amenity can be achieved. The proposal will lead to environmental benefits, notably as a result of the ecological enhancements and high quality design. There are no significant and adverse environmental impacts.

The planning balance

- 3.5 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits and planning permission should be granted without delay.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE10 Conversion of Unlisted Vernacular Buildings

H4 Construction of new dwellings in the open countryside and small villages

H10 Conversion of existing buildings to residential use in the countryside and

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

H2 General residential development standards

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

EH1NEW Landscape character

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval to convert and extend a small vernacular agricultural barn at Barley Hill Farm, located approximately 1.5 miles to the North West of Chadlington. The site is located within the Cotswolds AONB. The barn sits within an elevated position in the landscape although wider public views are fairly limited as there are no rights of way running adjacent to the site. The site consists of a number of detached properties and large utilitarian steel framed barns, including a barn to the north east of the site, currently used as a stables and a barn immediately to the north, which is used as a covered riding arena. Were the application to be granted approval it is indicated that the existing covered riding arena would be demolished. The site is accessed via a long concrete access driveway onto Chipping Norton Road to the North East.
- 5.2 The existing barn is a small vernacular stone building, presently used as stables. A corrugated canopy is attached to the existing barn, which would be removed. An existing workshop building is attached to the barn, which would be retained and used as covered parking. The existing barn has consent for conversion to a residential use (14/1431/P/FP) although the consent does not include extensions to the existing building.
- 5.3 The site was subject of a further planning application in 2015 (15/0156/FUL) which related to the erection of a new dwelling and the conversion of the barn to form an ancillary outbuilding related to the proposed dwelling. This application was refused on the basis that the site represented an isolated, unsustainable location for a new dwelling and that the development

would be subsequently contrary to the provisions of Paragraph 55 of the NPPF. The inspector in dismissing the subsequent appeal supported the assessment that the site represented an unsustainable location for a new dwelling. Furthermore the inspector raised concerns that the proposed development would be harmful to the character of the area.

- 5.4 The present application proposes the conversion of the existing barn, alongside the addition of a large 'L' Shaped extension, measuring 13 metres in total length, which would extend off the North elevation of the barn, in the position of the existing riding arena. The extension would be subterranean and would be subsequently set down in relation to the existing barn.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development

Design, Scale and Siting

Impact of the development on heritage assets

Landscape, visual impact and impact on the character of the Cotswolds AONB

Principle

- 5.6 The site lies approximately 1.5 miles to the north of Chadlington and although there is an existing cluster of buildings on the site, it is considered that the building lies within a remote area of open countryside, therefore the provisions of Policy H4 of the Existing Local Plan, Policy H2 of the Emerging Local Plan and Paragraph 55 of the NPPF are applicable. The provisions of the latter two aforementioned policies allow for the conversion of appropriate existing buildings within the open countryside, Policy H10 of the Existing Local Plan is permissive of the conversion of Existing buildings within the open countryside, providing that the building is of substantial construction and capable of conversion without major reconstruction and enlargement. Policy BE10 of the Existing Local Plan similarly specifies that the conversion of existing unlisted vernacular buildings should not extensively alter the structure or include extensions or an accumulation of extensions which obscure the form of the original building.
- 5.7 Officers accept by virtue of the previously deemed consent (14/1431/P/FP) that the existing building is of substantial merit and given the traditional vernacular character of the building, there would be benefits arising from the conversion of the building which could justifiably be considered a heritage asset. It should be noted that the previous deemed consent did not include extensions to the building and therefore on the basis of what was previously proposed officers accepted that the building was of a significant scale and of significant substance that it could be converted to a small dwelling, without the requirement to extend.
- 5.8 In summary officers accept that the principle of the conversion of the existing building is acceptable, however the key consideration is whether the design, scale and siting of the extensions comply with the specific policies H10 and BE10, which seek to ensure that development involving conversion adequately preserves the character of the building subject of conversion.

Siting, Design and Form

- 5.9 The existing barn is a modestly sized traditional stone agricultural barn and occupies a prominent position in the immediate landscape. The recently approved scheme (14/1431/P/FP) retained the character of the barn and other than necessary alterations including the addition of new windows and doors, the consented conversion involved minimal change to the external fabric and form of the building. The consented scheme was deemed to be beneficial in preserving the traditional character and appearance of the barn and was a contributory factor in justifying the principle of the acceptability of the conversion. The building is deemed to be of a significant heritage merit, whereby it could reasonably be considered a non-designated heritage asset. Officers consider that the heritage character of the building is derived from the fact that the building is a small, quaint vernacular barn.
- 5.10 The original fabric of the building would be retained as part of the proposed scheme, although the scale of the extensions would be undoubtedly substantial. Policy BE10 of the Existing Local Plan similarly specifies that the conversion of existing unlisted vernacular buildings should not extensively alter the structure or include extensions or an accumulation of extensions which obscure the form of the original building.
- 5.11 The extension would measure 13 metres in length and would more than double the footprint of the existing barn. The applicant's justification for the scale of the extension is that the additional footprint would be subterranean and subsequently would not appear visually prominent in the immediate landscape context or in relation to the existing barn. Furthermore it is cited that the existing riding arena, a large steel framed barn to the north of the building would be removed.
- 5.12 Whilst officers note that the extensions would be subterranean and would be less visually prominent than a regular extension, the extensions would visibly alter the form and character of the barn and would still conspicuously read as a significant domestic extension to a building of an agricultural character. The extensions would be of a significant scale, which officers consider would be unduly transformative and dominating of the modest form of the existing vernacular agricultural building. Whilst the extension has been designed to ensure that the visual impact of the extension is minimised in terms of wider views and prominence, the design fails to complement the character and appearance of the existing modest stone agricultural building. This is owing to both the scale of the extension as well as its appearance and notably large expanse of flat roof. Although it is accepted that the extension would not appear highly prominent in wider views, this would not offset the harm caused to the character and appearance of this traditional agricultural building. Particularly in immediate views from the East it is clearly discernible that this would be a large extension which officers consider would appear incongruous in relation to the appearance of the existing barn.
- 5.13 Officers consider that the extension would be unduly transformative and would erode the traditional character of the presently modest stone agricultural barn. Furthermore it is considered that the development would be excessive in scale and would be unduly transformative of the character and appearance of the existing barn. Officers therefore consider that the proposed extension would result in harm to the character and significance of this non-designated heritage asset and would subsequently run contrary to the provisions of Paragraph 135 of the NPPF; furthermore the development would clearly conflict with Policies BE10 and H10 of the Existing Local Plan which aim to preserve the character and appearance of vernacular agricultural buildings.

- 5.14 Officers note that reference is made to a planning application made in 2014 (14/0225/P/FP) at Walcot, near Charlbury. The extensions in this case were also subterranean, although officer's note that the original barn in this case was much larger than the barn subject of this particular application, the extension to this particular building also appears less transformative of the character and form of the barn.

Landscape and Visual Impact

- 5.15 The site is within the Cotswold AONB. Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB.
- 5.16 Officers note that the proposals involve the removal of the existing covered riding arena. In assessing whether the removal of the riding arena provided a justification for the erection of new dwelling on the site, proposed under planning application 15/00156/FUL, the appeal inspector concluded that buildings such as this are a feature of rural areas and that the removal of this building would not outweigh the harm resulting from the proposed development.
- 5.17 Notwithstanding this assessment it is clear that the level of development proposed within the present application is of a lesser degree than was proposed in the aforementioned application. Whilst officers consider that the development would be harmful in relation to the character and form of the barn, officers consider that as the extension would be subterranean and subsequently would not be visually prominent in wider views. The site is not widely visible in public views and owing to the relatively low height of the extension, particularly in relation to the topography of the site, officers consider that the proposed development would not result in harm to the landscape character of the Cotswolds AONB.

Highways

- 5.18 The development would be served by an existing means of access onto Chipping Norton Road. The likely level of traffic generated by the proposed development would be low and it is noted in the determination of previous applications on the site, access and highways impacts have not been cited as reasons for refusal. The development would be served by an adequate quantity of parking.

Residential Amenities

- 5.19 The siting of the barn is relatively remote in relation to other existing properties. The only property which is in relatively close proximity is Barleyhill Cottage, which is in an offset position in relation to the barn subject of proposed conversion. Officers consider that the scale and siting of the development would not impact significantly on the amenity of the occupants of this property with regards to overlooking, overshadowing or loss of light.

Other Issues

- 5.20 The findings of the supporting Ecology survey are accepted by officers who are satisfied that with adequate mitigation, the proposed development would not result in ecological harm.

Conclusion

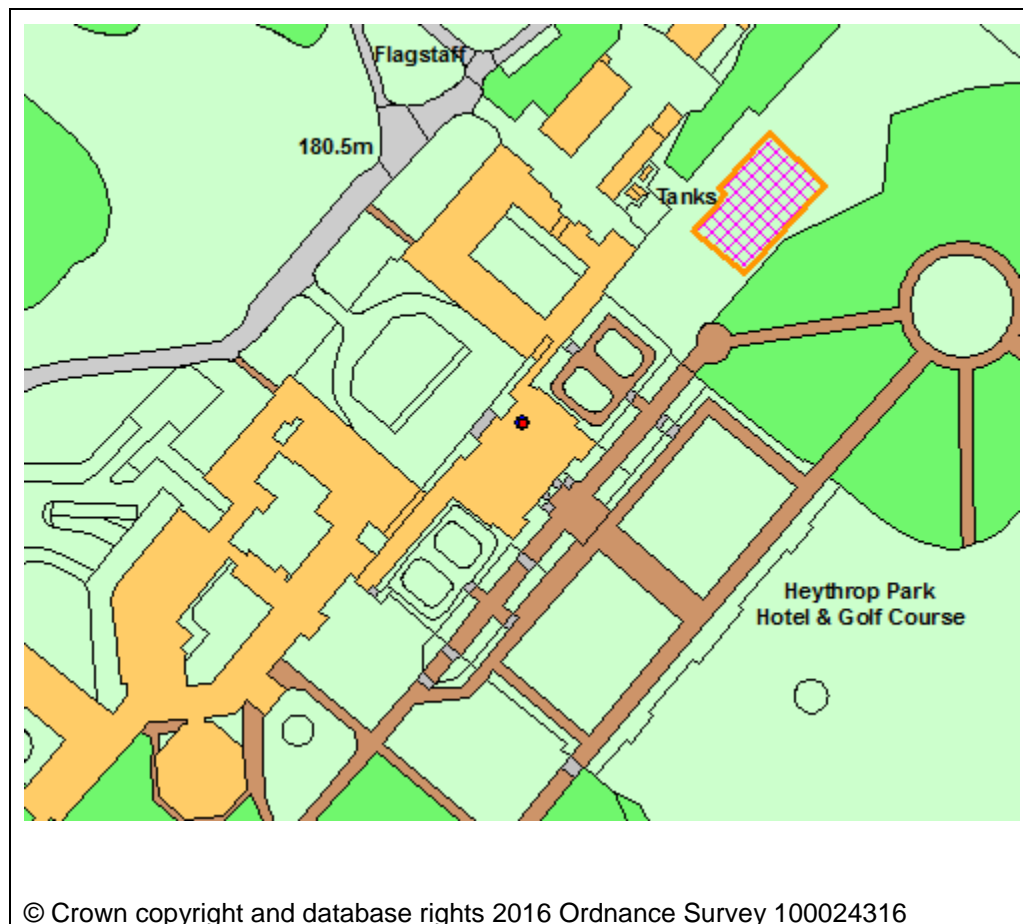
- 5.21 Officers consider that the existing barn is of significant character and heritage merit and an appropriate conversion of the building, which retains the character and form of the vernacular agricultural building is beneficial to the character and appearance of the area. In granting planning approval to convert the existing barn it was accepted that the existing barn is of a significant scale and substance that conversion can be realistically achieved without the requirement to extend the building.
- 5.22 The proposed development would involve the addition of substantial extensions which in officer's opinion compromise the traditional character and form of what is a characteristically small and modest barn. Officers consider that the proposed development would result in harm to the character and significance of this non-designed heritage asset. The proposed development is therefore deemed to be contrary to the provisions of Policies BE2, BE10, H2 and H10 of the Existing Local Plan; Policies OS4, EH7 and H2 of the Emerging Local Plan as well as the relevant provisions of the NPPF, in particular Paragraphs 17, 64 and 135.

6 REASON FOR REFUSAL

- I The proposed extensions by reason of design, scale and siting would have a dominating and unduly transformative impact upon the form and appearance of the existing vernacular stone barn which would be of detriment to the character and significance of this non-designated heritage asset. The development as proposed would consequently be contrary to the provisions of Policies BE2, BE10, H2 and H10 of the Existing West Oxfordshire Local Plan; Policies OS4, EH7 and H2 of the Emerging West Oxfordshire Local Plan 2031; as well as the provisions of the NPPF, in particular Paragraphs 17, 64 and 135.

Application Number	I7/00780/FUL
Site Address	Heythrop Park Hotel Heythrop Park Heythrop Chipping Norton Oxfordshire OX7 5UE
Date	26th April 2017
Officer	Kim Smith
Officer Recommendations	Approve subject to Legal Agreement
Parish	Heythrop Parish Council
Grid Reference	436395 E 226447 N
Committee Date	8th May 2017

Location Map



Application Details:

Erection of a temporary marquee structure for a period of 5 years.

Applicant Details:

The Firoka Group

C/O Agent

I CONSULTATIONS

- | | | |
|-----|-------------------------|---|
| I.1 | Parish Council | No reply at the time of writing |
| I.2 | OCC Highways | No reply at the time of writing. |
| I.3 | Adjacent Parish Council | No reply at the time of writing. |
| I.4 | Historic England | In the past Historic England has expressed concerns about locating a marquee on the Archery Lawn as this would harm the significance of the grade II* listed Heythrop House and the grade II* registered park in which it sits. Heythrop is Thomas Archer's most important country house. As the original interior was largely destroyed in a fire of 1831 the exterior, and in particular Archer's masterly handling of the main façades, are the most important part of the building. |

A permanent marquee on the archery lawn would have an impact on the appreciation of the exterior of the house. It would be most apparent in views of the side elevation from the north-east drive - one of the principal approaches to the house - as well as a presence in close up views of the garden front. As a marquee would be an alien feature that was out of character with the architecture of the main building we conclude that it would entail a high degree of harm to the setting, and thus the significance, of the grade II* listed building. It would also harm the significance of the park; compromising the open nature of this part of it, which is of significance in itself due to its historical interest as an area created for archery in the 19th century and for the aesthetic role it plays as part of the approach to, and immediate environs of, the house.

However, following a site visit on 21 April we understand the perceived business need for a space for large functions and appreciate that the large size of the existing hotel requires large events in order to fill it. The application is for a temporary structure which would be removed after five years. We understand that the owners are preparing a masterplan for the site and have already identified a potential location for a permanent structure in the courtyard of the Shrewsbury Wing. This would involve a much lower degree of harm than any building on Archery Lawn. The underused service area adjacent may also be suitable and a building could be accommodated here without any harm to the significance of the house or its landscape. Therefore a marquee on Archery Lawn would be a truly temporary structure, with no scope for lengthening the time of the permission so that in effect it becomes a permanent feature, and the marquee offers clear advantages in testing the market for large events and building this aspect of the business without the risk of investing in

a permanent building.

In this context, we consider that the harm entailed would be reduced as the structure would only be in place for a limited period of time. We are also content that the harm is justified, as required by paragraph 132 of the NPPF, as alternative locations for the marquee have been considered and found to be impractical. We can see that there is a public benefit in terms of ensuring the ongoing commercial viability of the site as a hotel and country club, which is a heritage benefit as this is likely to be the optimum viable use for the site in the medium term. Therefore if the Council, when weighing harm against public benefit as required by paragraph 134 of the Framework, concluded that the public benefits outweighed the harm we would consider that this was a reasonable conclusion from a heritage point of view.

Recommendation

Historic England has no objection to the application on heritage grounds.

We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 132 and 134. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

- | | | |
|-----|-------------------|---|
| 1.5 | The Gardens Trust | No response at the time of writing. |
| 1.6 | WODC Architect | The Council's architect is generally supportive of the proposal subject to certainty about what will replace the temporary marquee. |

2 REPRESENTATIONS

- 2.1 No representations received at the time of writing.

3 APPLICANT'S CASE

- 3.1 This proposal represents a temporary solution to meet the functional needs of Heythrop Park whilst respecting the heritage assets and wider listed parkland.
- 3.2 The application comprises an area of 0.09ha at the southern end of the archery lawn and is for a marquee 35m deep by 27m wide.
- 3.4 Heythrop Park is a Grade II* listed Park and Garden. The main house is Grade II* and the adjoining wings are Grade II.

- 3.5 Heythrop's conference opportunities are limited by an insufficient banqueting capacity and as a result significant conference and wedding business opportunities have been and continue to be lost.
- 3.6 As part of the emerging Heythrop Masterplan a number of areas have been identified as appropriate long term solutions to the provision of a function room to meet the lost business opportunities. These include the inner courtyard of the 'Shrewsbury Wing' and the service yard to the north east.
- 3.7 The long term solutions require substantial investment. Given the missed business opportunities it would take a significant amount of time to recover the cost of the long term solution. It is also risky given that the projected business increase is untested.
- 3.8 In light of the above it is considered prudent to explore the market potential with a temporary solution that would be less harmful to the commercial viability of the business and have no long term impact on the area. The 5 year temporary period is considered long enough to allow for commercial awareness to develop and for funding of the long term permanent solution to be raised.
- 3.9 Delivering an increased level of income will support the commercial viability of the business and allow Firoka Group to fulfil their role as custodians of the heritage asset. The temporary marquee would achieve the objectives of securing and upkeeping the heritage assets.
- 3.10 The temporary nature of the marquee is considered to result in less than substantial harm as it will pave the way for an innovative, yet long term business solution while helping to finance the upkeep of the heritage assets within Heythrop Park. The less than substantial harm to the heritage asset will be outweighed by the public benefits (monies towards the upkeep of the heritage assets within the park and creation of jobs).

4 PLANNING POLICIES

BE2 General Development Standards
 BE11 Historic Parks and Gardens
 BE8 Development affecting the Setting of a Listed Building
 EH7NEW Historic Environment
 BE3 Provision for Movement and Parking
 E7 Existing Businesses
 TLC1 New Tourism, Leisure and Community Facilities
 TLC3 New Build Tourist Accommodation
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 EH1NEW Landscape character
 T1NEW Sustainable transport
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application proposes the erection of a marquee for a 5 year temporary period on the archery lawn within Heythrop Park to provide banqueting facilities in association with the applicants weddings and conference business.
- 5.2 The marquee is required because the facilities within the existing buildings are insufficient at present and conference and wedding business opportunities continue to be lost. The marquee will allow the applicants to explore the market potential of these elements of their business and at the same time recover costs to fund a long term permanent solution should the business model be successful.
- 5.3 The applicants have agreed to enter into a legal agreement in order to secure a permanent solution by way of a planning permission and listed building consent within three years from the date of any grant of permission for the marquee. This will ensure that once the marquee permission expires that no further extension of time for the marquee can be justified.
- 5.4 At the time of writing your Officers are actively engaged with the applicants and their agent in developing a Masterplan for Heythrop Park.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle

- 5.6 Given the existing business use on the land the principle of the temporary marquee is considered compliant with both the business and tourism policies of the adopted and emerging Local Plans and the sustainability objectives of the NPPF.

Siting, Design and impact on Heritage Assets

- 5.7 In considering the impact of the development on heritage assets relevant policies of the adopted and emerging Local plan need to be considered as well as a number of paragraphs of the NPPF, in particular 131,132 and 134.
- 5.8 Paragraph 131 of the NPPF identifies that Local Planning Authorities should take account of the desirability of sustaining and enhancing heritage assets by putting them to viable uses. Paragraph 132 requires any harm to a heritage asset to be clearly justified. Paragraph 134 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.9 In addition to the above, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for the marquee special regard should be given to the desirability of preserving the setting of the listed building or any features of special architectural or historic interest which it possesses.
- 5.10 Officers consider that the location of the marquee on the Archery Lawn will harm both the significance of the grade II*listed Heythrop House and the grade II*registered park. It will be an alien feature that is out of character with the architecture of the main building and as such will result in a high degree of harm to the setting of the grade II* listed house. Further, by

reason of its size, design and siting it will compromise the open nature of this part of the historic park and as such will harm the significance of the park.

5.11 However, it is recognised by Officers that this application needs to be considered with the following in mind:

- There is a perceived business need for the space to service large functions to enable the large number of bedrooms of the existing hotel to be filled;
- The application is for a temporary structure which will be removed from the land after a maximum of 5 years;
- The owners are preparing a masterplan for Heythrop Park and have already identified potential locations for a permanent structure to replace the marquee;
- The applicants are willing to enter in to a legal agreement to ensure that planning permission and listed building consent are granted for a permanent solution to the lack of facilities within 3 years of the grant of planning permission for the marquee;
- That following consideration there are no alternative locations for the marquee that work operationally given the existing site constraints;
- There is a public benefit in terms of ensuring the ongoing commercial viability of the site as a hotel , which is a heritage benefit as this is likely to be the optimum viable use for the site in the medium term and will generate income to allow the applicants to secure and upkeep the heritage assets .

5.12 Having regard to the above matters, Officers consider that the high degree of harm that has been identified to both the setting of the listed building and the historic parkland are outweighed by the public benefits in this instance and that the siting of a marquee on the Archery Lawn for a temporary period of 5 years satisfies both the requirements of relevant paragraphs of the NPPF and the statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways

5.13 At the time of writing the consultation response from OCC Highways remains outstanding. It is anticipated that a verbal update will be given at the meeting.

Residential Amenity

5.14 Given that the proposed marquee is located within the Registered Park and some distance from third party properties, the noise and activity generated by the use is not considered to have an adverse impact on residential amenity. However, it may be appropriate to impose conditions upon the volume and timing of amplified music. At the time of writing this matter is still under consideration. Members will be updated on this matter at the Sub Committee meeting.

Conclusion

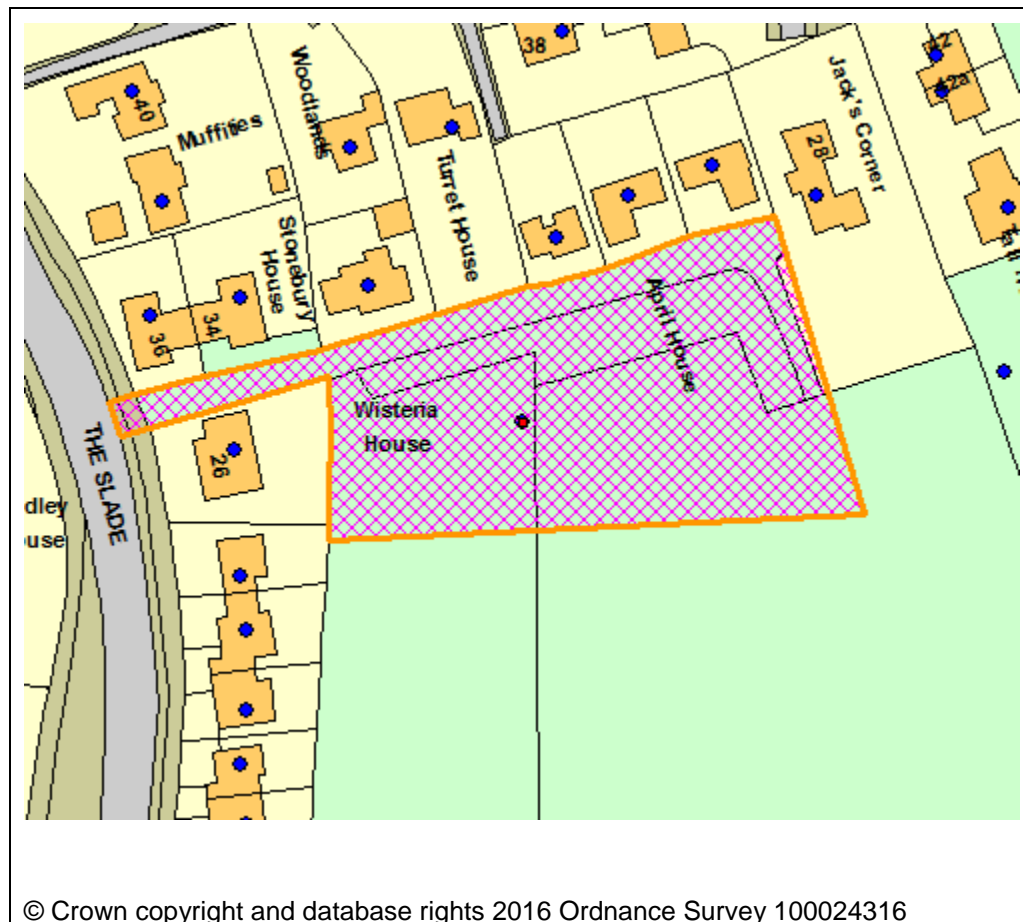
- 5.15 In light of the above assessment and subject to OCC Highways raising no objections, the application is recommended for conditional approval subject to the following:
- A planning condition that the marquee is removed from the land and the land restored to its former condition on or before 5 years from the date of the granting of planning permission;
 - A legal agreement that planning permission and listed building consent for a permanent solution as an alternative to the marquee will be granted within 3 years of the date of the planning permission for the temporary marquee.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The marquee hereby permitted shall be removed and the land restored to its former condition as defined in the attached schedule, on or before 5 years from the date of this grant of planning permission.
REASON: A permanent permission is inappropriate given the significance of the designated heritage assets.
- 3 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

Application Number	17/00832/FUL
Site Address	Land East of 26 The Slade Charlbury Oxfordshire
Date	26th April 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436264 E 219537 N
Committee Date	8th May 2017

Location Map



Application Details:

Erection of four dwellings with associated access and landscaping.

Applicant Details:

Mr J Gomm
C/O Agent

I CONSULTATIONS

- I.1 OCC Highways
- The existing access drive is private and not public highway. Even though the drive has restricted width adjacent to the large tree there is adequate geometry to serve the proposed site.
The proposed site layout will provide a turning facility and hence improve the safety of using the existing drive.
- Visibility at the junction of the private drive with The Slade complies with standards.
- Vehicles park in the layby along The Slade adjacent to the existing access. Notwithstanding the advice detailed in Manual for Streets that parked vehicles do not obstruct visibility I consider it appropriate and an improvement to highway safety for a ' build out ' to be marked out on the carriageway in accordance with a scheme to be submitted and approved.
- The proposal, if permitted, will only generate an additional 2 or 3 vehicular movements during the peak hour (which coincides with ' drop off ' time at the school). An additional vehicle every 20 or 30 minutes during that period cannot have a significant impact on the safety and convenience of highway users at that time.
- At the appeal into the refusal of the previous application, 16/00939/FUL, the Inspector considered a range of objections including highway safety. He concluded that he did not share the concerns of objectors on this subject.
- The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- No objection subject to
- G28 parking as plan
 - G25 drive etc specification
 - G35 SUDS sustainable surface water drainage details
- I.2 Thames Water No Comment Received.
- I.3 WODC Landscape And Forestry Officer No Comment Received.
- I.4 Biodiversity Officer No Comment Received.
- I.5 Town Council No Comment Received.

2 REPRESENTATIONS

2 Letters of objection has been received in relation to this planning application, the principle reasons for objection are summarised below:

- The approach road to the site is dangerous and unsuitable for additional traffic.
- The entrance and exit to the proposed development onto The Slade is dangerous.
- Concerns are raised regarding the impact of the access on the safety of parents and children walking to the nearby school.
- There would be no affordable housing provision/contribution.
- The proposals would allow for further development of the site.
- The development would have a detrimental impact on the character of the Charlbury Conservation Area and Cotswolds AONB.
- The development would exacerbate flooding/contamination of 2A The Slade and risks contaminating the domestic water supply of the houses and flats at Sandford Mount.
- Flooding and contamination would have a detrimental impact on local wildlife.

3 APPLICANT'S CASE

- 3.1 The proposal has been amended in light of the recently dismissed appeal for 5 dwellings on the site, the reasons for which related solely to the potential impact on the residential amenity of Nos 24 and 26 The Slade. The development has been redesigned having regard to the Inspectors comments, as well as to the site constraints and submitted ecology report.
- 3.2 Charlbury is a suitable location for further housing development being a local service centre. The proposal site lies on the edge of the village but within easy access of the village amenities.
- 3.3 The current proposal is for a small, high quality development of 4 dwellings which will adjoin and round off existing housing development at The Slade. The key elements of the proposed design may be summarised as:
- The dwellings have been set back away from existing dwellings and limited in height to 1.5 storeys so not to be overbearing.
 - Development is located outside the root zones of the mature Lime trees on the western boundary – enabling these important trees to be retained.
 - The building designs and materials proposed reflect the local vernacular of the Conservation Area.
 - The dwellings are arranged in a loose grouping with space for planting and views through – avoiding presenting a line of houses as recommended by planning officers.
 - A native hedge and groups of specimen trees to the south of the development will soften and filter views from across the minor valley and provide a positive contribution to the character of the area, setting of the settlement, Conservation Area and AONB.
- 3.4 In terms of the relevant planning policy framework, it is clear that the existing Local Plan 2011 is now out of date with regard the provision of housing. In such circumstance, the NPPF paragraph

14 dictates that the proposal be considered against the presumption in favour of sustainable development. This requires an assessment of planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

- 3.5 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: and economic role; a social role and an environmental role. The benefits and adverse impacts of the proposal are summarised under these headings.
- 3.6 The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs and will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.
- 3.7 The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The proposal has been carefully designed so not to have any significant or adverse impact on the amenity of existing residents. The proposal will facilitate an improved access for existing and proposed residents through the provision of a turning head within the site and improved visibility with the B4022 The Slade. The proposal has social benefits with no significant and demonstrable adverse impacts.
- 3.8 In developing the design strategy, particular regard has been given to the setting of the town within the Conservation Area and AONB. Existing mature trees of significance will be retained and the proposal will not be prominent in the street scene. In views from across the minor valley to the south, the development will be seen in the context of existing housing and will not harm the character or visual amenity of the settlement edge. Rather the development has been designed to allow filtered views between buildings and the native hedge and tree planting on the southern boundary will in time soften and screen the existing and proposed development – leading to an overall enhancement. The proposal will lead to environmental benefits with no significant and adverse impacts.
- 3.9 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits and planning permission should be granted without delay.

4 PLANNING POLICIES

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
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design

H2NEW Delivery of new homes

EH1NEW Landscape character

EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the erection of four detached dwellings on an area of land comprising of an open agricultural field located on the eastern edge of Charlbury. The site is accessed via an existing surfaced track leading from The Slade. The Site in its entirety lies within the Charlbury Conservation Area. Existing development in the immediate vicinity comprises of linear development running parallel to The Slade, immediately to the West of the site. There is existing relatively modern development to the north of the site adjacent to an existing private access road serving these properties and the site. An new dwelling to the East of the site (South of Ticknell Piece) which was recently granted planning consent is presently under construction.
- 5.2 A planning application relating to a similar development of five dwellings was refused on this site by members of the Uplands Committee in 2016 (16/00939/FUL). The application was refused for the following reasons:
1. The site is located within the Charlbury Conservation Area and Cotswolds Area of Outstanding Natural Beauty. The location, siting, and scale of development would fail to respect or enhance the character of the area and its landscape, and would be harmful to visual amenity. Further, it would erode the character and appearance of the surrounding area as a result of encroachment into open countryside which makes an important contribution to the setting of the settlement. In addition, it would set an undesirable precedent for similar, further development in this sensitive location. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4, BE5, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, H2, EH1 and BC1, and the relevant policies of the NPPF.
 2. By reason of the location, siting, design and scale of the proposed development, and land levels within and adjoining the site, it would give rise to unacceptable impacts on residential amenity with regard to privacy and the overbearing appearance of the development, particularly as regards the relationship with existing residential properties which adjoin the site at The Slade. The proposal is therefore contrary to West Oxfordshire Local Plan Policies BE2, and H2, emerging Local Plan Policies OS2, and H2, and the relevant policies of the NPPF.
- 5.3 The applicants appealed the Councils refusal decision for the above application. The subsequent appeal (APP/D3125/W/16/3155795) was dismissed by the planning inspector on amenity grounds consistent with refusal reason 2, whilst the inspector concluded that there would not be adverse harm caused to either the Conservation Area character or the character of the Cotswolds AONB. The inspector concluded that harm would be caused to the amenity of the occupants of the nearby properties in The Slade, namely Nos. 24 and 26 by reason of overlooking and the overbearing appearance of the dwellings, owing significantly to the raised

topography of the site in relation to the properties in The Slade, which sit at a notably lower level.

5.4 To attempt to address refusal reason two of planning application 16/00939/FUL, the applicants have reduced the number of dwellings to four and have set the proposed dwellings further back into the site increasing the separation distance between the proposed dwellings and the existing properties fronting The Slade.

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

Principle of Development

Design, scale and siting

Amenity Impacts

Impact on Conservation Area setting

Principle

5.6 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,836 dwellings, plus a further 5% 'buffer' in accordance with national policy.

5.7 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites.

5.8 Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .

5.9 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 4,514 dwellings (as referred to in the October 2016 Position Statement). This gives rise to a 5.5 year supply using the Liverpool calculation. Using the alternative "Sedgefield" method the 5 year supply is 4.18 years.

5.10 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying 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 and sustainable manner over the plan period.

- 5.11 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. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear.
- 5.12 Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. 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.
- 5.13 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 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 classed as a service centre within both the Existing and Emerging Local plans. Policy H7 of the Existing Local Plan is permissive of new residential development in circumstances where this constitutes a 'rounding off' of the settlement area. This applies to development that would logically complement the existing built form in the immediate area. Policy H2 of the Emerging Local Plan specifies that development of new dwellings is acceptable on previously developed or undeveloped sites within or adjacent to the main built up area of Services Centres including Charlbury, similarly where development would form a logical complement to the Existing built form.
- 5.14 The site lies on the edge of the settlement, adjacent to existing development to the North and a recently approved dwelling to the West. Whilst the development does not entirely represent a rounding off of the settlement area, the development is reasonably complimentary to the existing built form and would not be incongruously sited. With regards to the siting of the development it is noted that the inspector did not consider that the development would conflict with either the Existing or Emerging Local Plan Policies regarding locational provision of new housing. The site whilst located on the edge of Charlbury lies in relatively close proximity to a range of local services and facilities and could be considered a generally sustainable location for residential development in this regard.
- 5.15 In accordance with Policy H3 of the Emerging Local Plan and NPPG Paragraph 31 there would be no requirement on behalf of the applicant to provide affordable housing as part of the scheme.

Siting, Design, Form and Impact on Conservation Area

- 5.16 A development of four dwellings, each with a detached garage is proposed within a small cul-de-sac development. The proposed dwellings would be 1.5 storeys and would be constructed from Cotswold Stone. The general layout and design approach does not greatly differ from the previous application, albeit that the number of dwellings proposed has been reduced by 1 property.
- 5.17 The property is within the Charlbury Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

- 5.18 The general design approach is reflective of the existing dwellings in the immediate area and is broadly in keeping with the local vernacular. The site exists as open space of an agricultural character although public views of the land are relatively limited. Officers note that the inspector in the previous appeal on the site concluded that the development would be 'set against the backdrop of existing development and would consist of only 5 dwellings of one and a half storey height constructed of sympathetic local materials'. The inspector considered that the development would not cause harm to the character and appearance of the Conservation Area setting or the setting of the AONB.
- 5.19 The quantum of development proposed within the present application is less than previously proposed and officers consider that the visual impact would be of even lesser degree than the previous scheme. Consistent with the inspector's assessment of the site, officers consider that the development would adequately preserve the setting of the Charlbury Conservation Area and Cotswolds AONB, is appropriately designed and would not result in adverse harm. To reduce the visual impact of the development, the provision of a comprehensive landscaping plan is requested by condition. It is advised that soft landscaping in the form of hedges be provided along the south, east and west boundaries. The retention of the existing boundary hedge is required by condition to protect the character and appearance of the immediate area.

Highways

- 5.20 The development would be served by an existing private means of access from The Slade. The level of traffic generation is likely to be low and officers note that the previously proposed scheme comprising of an additional dwelling was not adjudged to be harmful in terms of highway safety and amenity. Officers note that no objections have been raised by OCC Highways Officers subject to conditions.

Residential Amenities

- 5.21 Refusal reason 2 of planning application 16/00939/FUL cited that the development by reason of its siting "would give rise to unacceptable impacts on residential amenity with regard to privacy and the overbearing appearance of the development, particularly as regards the relationship with existing residential properties which adjoin the site at The Slade". In an attempt to lessen the amenity impact of the proposed development on the occupants of the immediately adjacent properties fronting The Slade, the applicants have significantly increased the separation distance between the proposed dwellings and the boundary of the existing properties. Previously a separation distance of 28 metres was proposed between the proposed dwellings and Nos. 24 and 26 The Slade, with a distance of 15 metres proposed between the rear of the proposed dwellings and the site boundary of the aforementioned properties.
- 5.22 The site is significantly elevated in relation to the existing properties fronting The Slade; the inspector in the recent appeal considered that owing predominantly to the topography of the site, the separation distance between the proposed dwellings and the existing properties would be inadequate in preserving the amenity of the occupants of Nos. 24 and 26 The Slade and the development would overlook these properties and would also appear overbearing and dominant in terms of scale.
- 5.23 Regarding overlooking a separation distance of 21 metres between facing rear elevation windows is generally applied as a minimum rule of thumb, however this is dependent on site specific factors including site topography. The proposed dwellings have set back further into the

site than previously proposed. There would consequently be a separation distance of 41 metres between the rear of Plot 1 and No.26 The Slade and a distance of 44 metres between the rear of Plot 2 and No.24 The Slade. This is an increase of 13 metres compared with the previously proposed 28 metre separation distance between the respective properties. There would also be a separation distance of 30 metres between the rear gable of Plot 1 and the rear curtilage area of No.26. Officers note that first floor windows are proposed on the rear elevation of Plots 1 and 2. The proposed dwellings would extend to a total height of 7.6 metres to the roof ridge. As previously proposed the dwellings would be sited in an elevated position in relation to the nearby properties to the West of the site, owing to the site topography.

- 5.24 The proposed separation distance of 41 metres between the existing and proposed dwellings is in officer's opinion substantial, notwithstanding the fact that the proposed dwellings would be located on higher ground. Whilst the previous separation distance was 7 metres above the recommended separation distance of 21 metres, the proposed development is near double the usually applied minimum separation distance rule. The distance of 30 metres between the rear windows of the proposed dwellings and the boundary of the properties fronting The Slade is more than double the typically recommended separation distance of 12 metres applied when assessing the likely impact of direct overlooking on areas of private curtilage space.
- 5.25 Considering the substantial respective separation distances, officers are satisfied that the siting of the proposed dwellings would not result in a substantial loss of privacy to the occupants of the adjacent properties fronting The Slade, even when accounting for the increase in levels across the site and the elevated position of the properties on an area of higher ground. Likewise accounting for the separation distance as well as the relatively modest height of the properties, officers consider that the development would not appear overbearing in relation to the existing properties to the West, even when accounting for the difference in topographic levels.
- 5.26 Reasonable separation exists between the proposed dwellings and the existing properties to the north of the site. It is noted that the proposed windows in the side elevations of these properties serve bathrooms and can be conditioned as being obscure glazed. Officers consider that the proposed development would not compromise the amenity of these properties.

Ecology

- 5.27 Officers note the findings of the supporting Ecology report which identifies the site as being improved grassland of low ecological potential. Officers therefore consider that the proposed development would be unlikely to result in adverse ecological harm.

Conclusion

- 5.28 The application proposes the development of four dwellings in a layout similar to that of a recently refused application for five dwellings (16/00939/FUL) which was subsequently refused and dismissed at appeal on the basis that the development would result in harm to the amenity of the nearby properties to the West of the site, fronting The Slade. Officers conclude similarly that the presently proposed development would not result in harm to the character and appearance of the Charlbury Conservation Area and would be appropriately designed in a manner which harmonises adequately with the existing built form.
- 5.29 The proposed dwellings have been repositioned further to the east, which has greatly increased the separation distance between the proposed dwellings and the existing properties fronting

The Slade, as well as the associated amenity space. Officers consider that the minimum separation distances of 41 metres between the existing properties fronting The Slade and the proposed dwellings and 30 metres between the rear of the proposed dwellings and the amenity space of Nos. 24 and 26 The Slade is adequate in ensuring that the amenity of these properties would not be significantly compromised through overlooking or the overbearingness of the built form.

- 5.30 Officers subsequently consider that the proposals overcome the previous reason for refusal as upheld at appeal and the proposals represent sustainable development in accordance with the provisions of Policies BE2, BE3, BE4, BE5, NE1, NE3, NE4, H2 and H7 of the Existing Local Plan; Policies OS2, OS4, H2, EH1 and EH7 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 external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area.
- 6 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

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

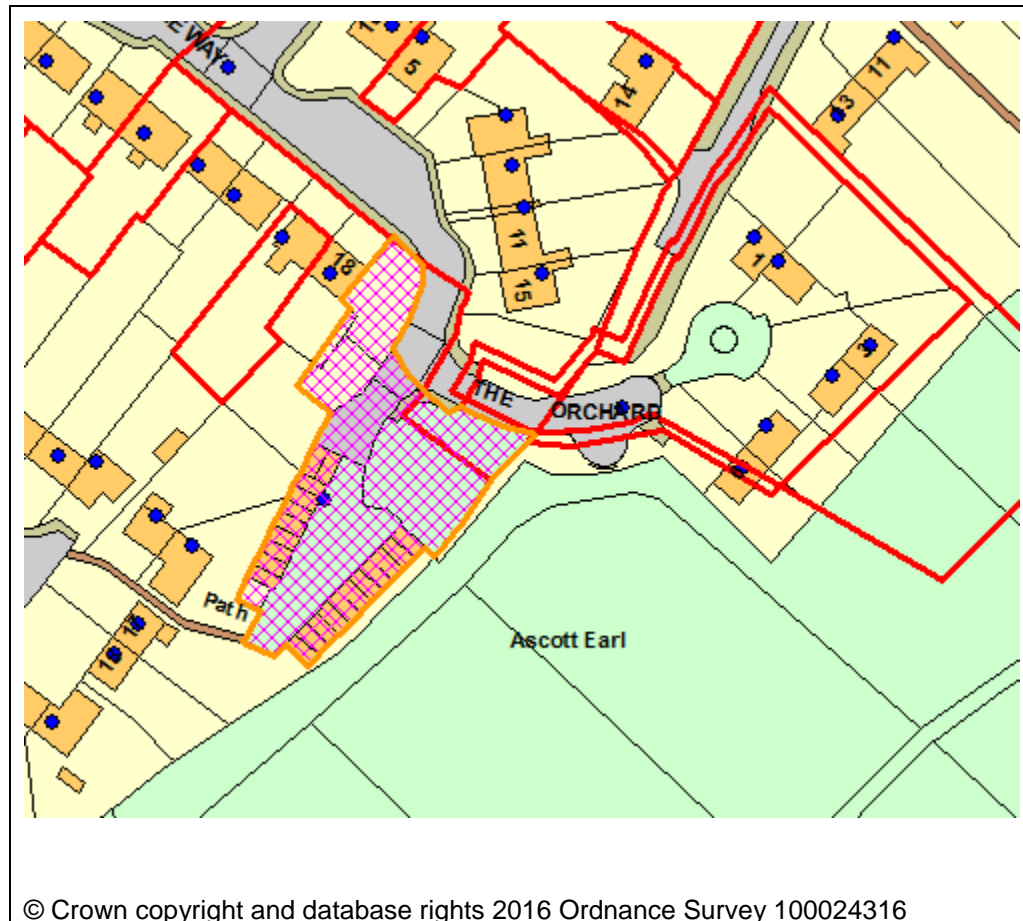
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 7 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 8 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.
- 9 Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the north boundary of the land shall be retained at a height of not less than 2 metres; 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.
- 10 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers, rooflights, external doors, chimneys, flues, porches, eaves, verge and garage doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the architectural details match the character and appearance of the area.
- 11 No dwelling shall be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
REASON: In the interests of highway safety and amenity.
- 12 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the dwelling to which those spaces relate and shall thereafter be retained and used for no other purpose.
REASON: In the interests of highway amenity.

- 13 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - VIII Working hours at the site.
- REASON: In the interests of highway amenity.
- 14 Before first occupation of any dwelling all bathroom/WC window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.
- REASON: To protect the privacy of the occupants of the proposed dwellings and the amenity of the adjacent properties.
- 15 All site works, including site clearance shall be carried out in accordance with the recommendations in Section 5 of the Phase One Habitat Survey (Windrush Ecology.com Dated March 2016). This shall include the submission of details to the Local Planning Authority of integral bat and bird boxes in each dwelling and in the retained lime trees, and new tree and hedgerow planting. All mitigation and enhancement works so approved in writing by the Local Planning Authority must be completed before the dwellings are first brought into use and must be permanently maintained thereafter.
- REASON: To prevent ecological harm arising and to provide adequate mitigation.
- 16 Prior to commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that each dwelling can connect to and receive a superfast broadband service (>24mbs). The connection will either be to an existing service in the vicinity (in which case evidence from the supplier that the network has sufficient capacity to serve the new premises as well as means of connection must be provided) or a new service (in which case full specification of the network, means of connection and supplier must be provided). The Council will be able to advise developers of known network operators in the area.
- REASON: In the interest of improving connectivity in the District.

Application Number	17/00918/FUL
Site Address	18 Maple Way Ascott Under Wychwood Chipping Norton Oxfordshire OX7 6AU
Date	26th April 2017
Officer	Abby Fettes
Officer Recommendations	
Parish	Ascott Under Wychwood Parish Council
Grid Reference	429883 E 218485 N
Committee Date	8th May 2017

Location Map



Application Details:

Demolition of existing garaging, erection of 4, two bedroom houses and two, 3 bedroom houses with associated car parking and landscaping.

Applicant Details:

Cottsway Housing Association
Cottsway House
Heynes Place
Avenue 2
Witney
OX28 4YG

1 CONSULTATIONS

- | | | |
|-----|--------------------------|----------------------|
| 1.1 | Parish Council | No Comment Received. |
| 1.2 | Parish Council | No Comment Received. |
| 1.3 | WODC Drainage Engineers | No Comment Received. |
| 1.4 | OCC Highways | No Comment Received. |
| 1.5 | WODC Architect | No Comment Received. |
| 1.6 | ERS Env Health - Uplands | No objections |
| 1.7 | Ecologist | No Comment Received. |
| 1.8 | Parish Council | No Comment Received. |

2 REPRESENTATIONS

- 2.1 No representations received to date. Publicity expires 18th May.

3 APPLICANT'S CASE

- 3.1 The reasons cited in the decision notice for the previously refused scheme (16/02793/FUL) relate to the 'scale, proximity and location' and how this would have been 'unacceptably overbearing' and result in 'perceived overlooking'.
- 3.2 The reason for refusal and relevant local plan policies on neighbour amenity have been carefully considered in the development of this revised scheme which significantly increases the separation distances between the existing and proposed dwellings. The layout now submitted is the result of an extensive dialogue between Cottsway Housing Association, the Parish Council, local residents, the Planning Officer and the WODC Design Officer. As such, the concept for the scheme arranges the dwellings both to continue the building-line found on Maple Way and, importantly, keep the proposed buildings as far as possible from the existing dwellings; in excess of 12m (40ft) from properties in Dawls Close and 23m (75ft) from 18 Maple Way.
- 3.3 Given these substantial separation distances there will be no harm to neighbour amenity. New parking for 15 Dawls Close and 18 Maple Way has been provided in consultation with these neighbours. The site is currently accessed from both the north east via a pedestrian footpath

(from Dawls Close) and by the vehicular access into the existing garage court from Maple Way. This arrangement shall continue although it is intended that the development will bring a new relevance to the existing pedestrian footpath.

- 3.4 Throughout the design process, and indeed as with the previous scheme, an aspiration for the scheme is that it should foster a sense of community and create an intimate public realm. In this respect, reference has been made to the principles of the "home zone". A home zone is a street which is designed primarily to meet the needs of pedestrians, cyclists, children and residents and where the speed and dominance of the motor vehicle is reduced. Home zones often involve the use of shared space, where the street is not strongly divided into exclusive pedestrian and traffic areas. Pedestrians have priority, and the line between motor-vehicle space and pedestrian (or living) space is deliberately blurred.
- 3.5 Although the site is not within a flood risk area a Flood Risk Assessment and Drainage Statement is submitted as part of this application to explain how the onward flow of surface water from buildings and paved surfaces will be regulated. Generally, storm water will be dealt with on site via permeable paving - preventing run-off to adjacent areas. One of the benefits of this scheme, and part of the general site concept, is that it shall significantly reduce the amount of non permeable (or non free draining) surfacing within the site area to less than half the existing area - from 745 sq.m to approximately 328 sq.m.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
NE4 Cotswolds Area of Outstanding Natural Beauty
NE15 Protected Species
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
H12 Affordable housing on rural exception sites
OS2NEW Locating development in the right places
OS4NEW High quality design
H3 Range and type of residential accommodation
T1NEW Sustainable transport
T4NEW Parking provision
EH1NEW Landscape character
EH7NEW Historic Environment
H2 General residential development standards
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

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

5.2 Members will recall that an alternative scheme was considered and refused at Uplands committee in December 2016 on the grounds of its unneighbourly siting and impact to no. 18 Maple Way in particular. This application has only just come in but the publicity expires after the committee so in order to make an expedient decision officers are requesting delegated authority to determine it once the publicity period has expired.

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

Principle

Siting, design and form and Residential amenity

Highways

Drainage

Principle

5.4 The proposal is for the demolition of 21 garages and a parking area (and some land reclaimed from adjacent gardens) and erection of three pairs of two storey semi detached dwellings.

5.5 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, plus a further 5% 'buffer' in accordance with national policy.

5.6 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead -in times on large, strategic sites.

5.7 Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.

5.8 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 4,514 dwellings (as referred to in the October 2016 Position Statement). This gives rise to a 5.5 year supply using the Liverpool calculation. Using the alternative "Sedgefield" method the 5 year supply is 4.18 years.

5.9 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying 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 and sustainable manner over the plan period.

- 5.10 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. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear.
- 5.11 Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. 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.
- 5.12 Taking all of the above into consideration, the balance of weight for this scheme is that is on previously developed land, and would provide six much needed affordable dwellings. The minutes of the December meeting when the previous scheme was considered indicate that members were generally happy with the principle of development, but not with the form.

Siting, Design and Form and residential amenities

- 5.13 The scheme has moved the dwellings to the south east side of the site so that the built form is further from existing properties so that there are no adverse impacts to the residential amenity of neighbouring properties. The particular concern of the previous scheme was that of overbearing and overshadowing nature of a terrace of properties along the boundary of the garden of no. 18.
- 5.14 The proposed design is considered to be simple and unfussy and generally in character with the surrounding properties in terms of their scale and form.

Highways and drainage

- 5.15 County as Highway Authority and District Drainage Engineers have yet to respond to the consultation but neither objected to the previous scheme on technical grounds so it is not anticipated that any new issues will be raised.

Conclusion

- 5.16 The proposal is considered to address the previous concerns of the committee and the local people. However, publicity does not expire until after the committee meeting (18th May) so officers are requesting delegated authority to determine the application once the publicity has expired, subject to no new and substantive issues being raised.

6 RECOMMENDATION

That officers' have delegated authority to determine once publicity has expired.