

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th June 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

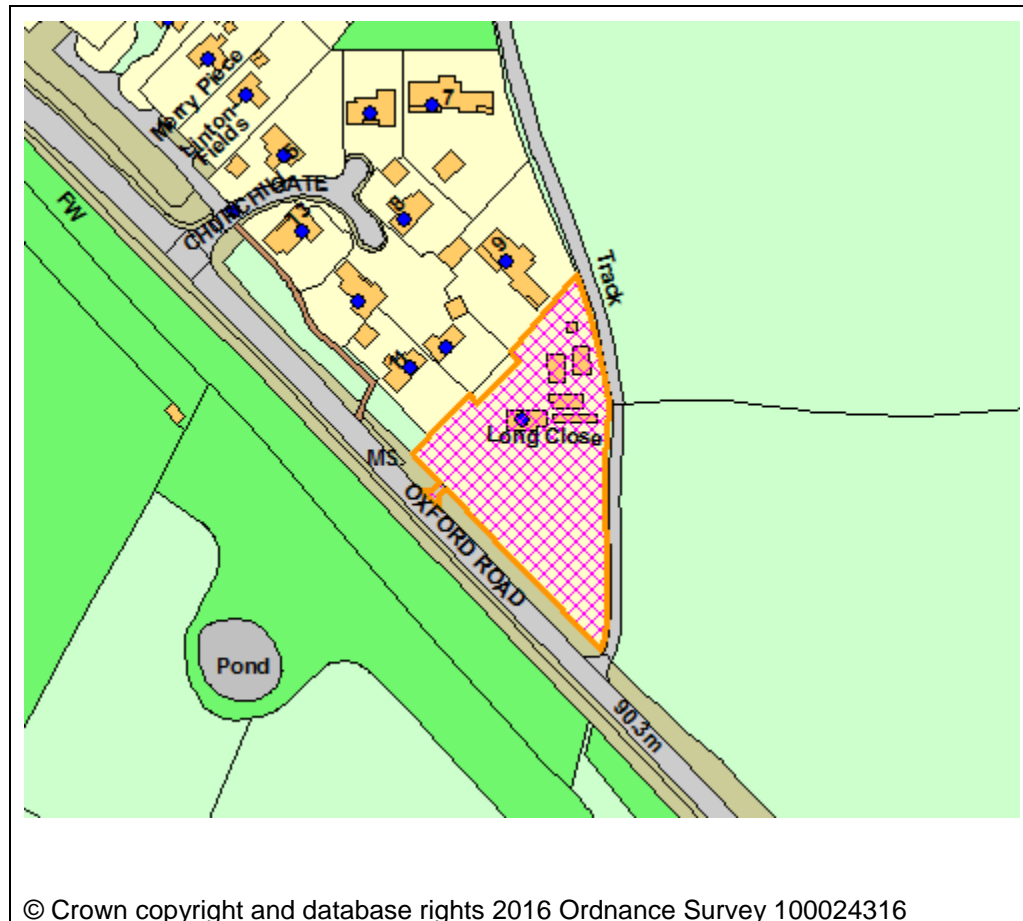
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	16/02515/FUL
Site Address	Long Close Oxford Road Woodstock Oxfordshire OX20 1QN
Date	23rd May 2017
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Blenheim Parish Council
Grid Reference	445234 E 216269 N
Committee Date	5th June 2017

Location Map



Application Details:

Erection of three detached houses and associated works

Applicant Details:

Mr Lewis
16A Bedbrook Crescent
Oxford
OX5 1RW

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|---|
| I.1 | OCC Highways | Visibility splays have now been submitted and the Highway Officer is satisfied that as the land is in the jurisdiction of OCC, as dedicated highway and it is a straight road, the appropriate 2.4m x 70m splay can be achieved. |
| I.2 | WODC Drainage Engineers | No objection subject to condition. |
| I.3 | ERS Env Health - Uplands | Noise condition recommended. |
| I.4 | WODC Architect | The plans have been amended and discussed with WODC Architect. On balance, the amendments are considered acceptable and the scheme would not warrant a refusal on design, scale and siting grounds. |
| I.5 | OCC Rights Of Way Field Officer | No Comment Received. |
| I.6 | Adjacent Parish Council | No Comment Received. |
| I.7 | Ecologist | No objection - conditions. |
| I.8 | WODC Landscape And Forestry Officer | Now the housing development to the east has been approved longer views across open countryside are less significant but it will be important to attempt to safeguard the character of the footpath/cycleway abutting the site which could become a very well used route.

In response to highway comments, an amended plan for the access has been submitted showing encroachment into the RPA. No objection subject to approval of the amended Tree Report including details of the no-dig technique and Landscaping Scheme. |
| I.9 | Parish Council | The Council has no comment on the proposed buildings, but wished to express their concern at the number of exit roads now coming out in this part of the A44 (Churchill Gate; Long Close - which has had minimal traffic for years and will now have significant traffic going in and out; the Ridges; and the Bladon Chains exit onto the A44), where traffic is often over the speed limits. |

- 1.10 WODC Drainage Engineers No Comment Received.

2 REPRESENTATIONS

- 2.1 One objection and one letter of support have been received as follows:

Support:

- 2.2 Plans look great will be in keeping with surrounding properties, will be good to see them up rather than the derelict house that is already on the approach to Woodstock, it will open the area up and look brighter for residence and also visitors to the area

Objection:

- 2.3 The proposed development at Long Close remains excessive, whilst the site is large, it is triangular shaped and does not support three large and imposing houses on three floors, this must be considered over development. It would erode the character of the approach to Woodstock from Oxford and negatively affect the wildlife at the edge of our town. The approach to Woodstock has previously been retained by building a stone wall in front of any development on this road. A pavement should be in place, to link to Churchill Gate so pedestrian access can be gained safely to and from the town centre and amenities around Woodstock.
- 2.4 The addition of a major access by Blenheim into their commercial offices at Ridge coupled with additional movement of traffic at Long Close is contrary to WODC previous views for safety along the A44. I would support two properties being built, similar to the proposed designs on this site, with attention that the height should not exceed that of Churchill Gate properties.

3 APPLICANT'S CASE

- 3.1 The conclusion to the Design and Access Statement states the following:

In conclusion we believe that the previous Pre-app and full Planning application has drawn out the criteria which we should comply with and this scheme for three units fulfils those criteria in full. In principle the site is considered acceptable for residential development and Planning Policy supports the intensification of use on this site. Even in its current location on the edge of the Town we feel that it is a suitable infill site and at Pre-app stage the Planning Officer agrees.

Concerns were previously raised as to the scale of development and we find that three house sit well within the context of the existing tress and the tress add to the quality of the residential environment. With mitigation measures to improve the site ecology and a no dig road solution (replacing some of the existing metalled road) the scheme will improve the habitat and protect the trees.

We don't feel that the proposal has any negative effects of the adjoining houses at Churchill Gate nor does it preclude the development of Woodstock East.

We also feel that the road access provided and existing access point is sufficient. If Woodstock East is permitted we suggest that the speed limit on the A44 should be extended further towards Woodstock roundabout and this would significantly improve the noise levels form the road.

The works to the site will improve the quality of the hedgerow against the registered footpath making this route easier to use. The proposal doesn't affect any other right of way.

We therefore feel that the proposal will be a positive element in the development of Woodstock and will improve the southernmost corner of the Town.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H7 Service centres
NE6 Retention of Trees, Woodlands and Hedgerows
NE15 Protected Species
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
EH1NEW Landscape character
EH2NEW Biodiversity
T1NEW Sustainable transport
H2NEW Delivery of new homes
T4NEW Parking provision

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the demolition of the existing dwelling and its replacement with three detached dwellings at Long Close, Woodstock. The application is before the Uplands Area Sub-Committee at the request of Ward Member Councillor Poskett and concern regarding the visibility splays.

Background Information

- 5.2 The application site is site is approximately 0.4ha in size and accessed from the main A44 into Woodstock. The site comprises an existing substantial two-storey detached property, known as Long Close, and a number of outbuildings.
- 5.3 The site is located outside of the Cotswolds Area of Outstanding Natural Beauty and Woodstock Conservation Area.
- 5.4 The site lies east of the modern housing development Churchill Gate and west of the land granted outline planning permission (subject to a S106) by Members of the Uplands Planning Committee in February 2017 (ref: 16/01364/OUT). The hybrid planning application comprised part outline/part full planning permission for up to a maximum of 300 residential dwellings. The part of the approved scheme adjacent to the application site has been granted full planning permission (subject to S106) with the dwelling sitings and orientations on the western boundary now fixed.

- 5.5 The application site itself is characterised by a landscaping screen on the eastern boundary and a landscaping scheme along the south boundary of the site which is subject to a Tree Preservation Area Order (Reference Chipping Norton No.6, 1966).
- 5.6 An application was submitted in September 2015 for the erection of four detached dwellings on the site however officers advised that this was too much development for the site and the application was withdrawn. The current application has been submitted for three dwellings with amendments made to the access, landscaping and drainage throughout the application process.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle
 Design, Scale and Siting
 Access and Highways
 Impact on Residential Amenities
 Ecology
 Trees

Principle

- 5.8 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.
- 5.9 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.
- 5.10 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 .
- 5.11 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.
- 5.12 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.

- 5.13 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.
- 5.14 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.
- 5.15 Essentially, the site is previously developed and is within the sustainable settlement of Woodstock which is identified as a one of the District's main Service Centres. It does not project beyond the existing boundary of the site and notwithstanding this, the adjacent site now has outline planning permission subject to a S106 legal agreement for housing development. Your officers support the principle of the redevelopment of this site for housing.

Design, Scale and Siting

- 5.16 The site is triangular in shape and would be bordered by the existing housing development to the north-west and enclosed by the future housing allocation to the east, subject to the recent outline planning approval.
- 5.17 The three proposed 2.5 storey detached dwellings draw on vernacular forms and a 'farmhouse' style with the use of traditionally proportioned windows, gables, dormers, etc. The design reflects the surrounding approved dwellings and would be in keeping with the more modern character of this part of Woodstock.
- 5.18 The materials proposed are natural stone, timber and clay roof tiles. The existing dwelling is not considered to be of any particular architectural merit. The proposed roof tiles are the same as on the existing dwelling, however the existing dwelling is rendered walls. A sample panel of walling and a sample of the roofing material, however, will be required to be agreed by condition.
- 5.19 Whilst located on the main road, the site benefits from a significant sense of enclosure created by the mature hedges and trees around the periphery. The site's relationship with the existing urban edge and adjacent approved development, has a bearing on its suitability for development. The site is an existing residential curtilage and is therefore not publically accessible. It does not represent an important gap, or perform a particular function in the area. Officers recognise that the development would represent significant change. However, change is not necessarily the same as harm. On balance, it is considered that the development would bring about some environmental improvements and produce a scheme that is in keeping with the built form nearby. In your officers' view the development would not be harmful, and the character of the area would be preserved.

Access and Highways

- 5.20 The speed limit in this location is 30mph. The Highway Officer agrees that because this proposed access sits on the edge of the town and is on a major 'straight' trunk road, visibility splays of 2.4 x 70m are more appropriate, in order to reduce the likelihood of a collision. The plans have been amended to show this is possible across land is in the jurisdiction of OCC. (Splays of 2.4 x 90m are also shown to be possible).
- 5.21 The existing access itself has an 8m bellmouth, which narrows to 3.5m after just 2.5m. The Highway Officer considered it unacceptable for an access off the A44 in this location and this has since been mitigated by way of a widened apron so that vehicles can enter and exit the site without the potential for a rear shunt collision on this stretch of the A44. The Highway Officer confirmed that the access should be at least 4.8m wide for at least the first 15m into the site, after which, the 3.5m is suitable. The Highway Officer has confirmed the amended access is acceptable (5m wide at the pinch-point) and has suggested that the widening will involve the applicant entering into a S278 agreement with OCC to carry out works to the highway.
- 5.22 The net gain is two dwellings, in parking standards this warrants parking for an additional four cars. Each property has a garage for two cars and a driveway for visitor parking. Cycle parking provision is within the garage as is bin and recycle storage.
- 5.23 The objection comment refers to the provision of a public footpath to link to Churchill Gate. The Highway Officer has not requested this as a requirement of the scheme due to the scale of the development. The occupants of the dwellings can walk along the verge the short distance to the footpath. Any formal footpath provision here could also potentially harm the root protection areas for the TPO's. Furthermore, it is envisaged that the large development to the east will include improvements to the public footpaths in both directions, in due course.

Residential Amenities

- 5.24 The current scheme reduces the number of units from four to three which sees the dwellings pulled away from the properties in Churchill Gate. Two dwellings are orientated towards the road so there is only one front elevation facing the existing dwelling. The separation distances involved are 22m from the front elevation of Plot 2 to the boundary and 40m to the main body of the relevant house in Churchill Gate). There would consequently be no material loss of light or a sense of any of the buildings being overbearing. There would also be no unacceptable overlooking.
- 5.25 With regard to the relationship with Phase 1 approved dwellings to the west, of the 4 dwellings located along the western boundary of the application site, the closest dwelling would be located 18m from the boundary with a single storey garage 11m from the boundary. The public footpath runs between the application site and the dwellings. Additional planting is proposed adjacent to the footpath to the front of the approved dwellings. Plot 1 is the closest dwelling to the western boundary. The single storey element is located 7m from the boundary. The degree of separation from the recently approved dwellings is considered acceptable and there would be no harm to residential amenity for the occupants of either scheme.
- 5.26 Within the site, all of the proposed dwellings would have acceptable interfaces. The relationship between the footprint of buildings, garden areas and open space is entirely appropriate. Overall

the proposal is considered to comply with West Oxfordshire District Council Local Plan 2011 Policies BE2 and H2, and emerging West Oxfordshire Local Plan 2031 Policy H2.

Trees

- 5.27 The updated Arboricultural Report dated 8th May 2017 states that on site there are 31 trees, 2 groups and 1 hedge. The following is a summary of tree removal taken from the report.
- No Category A trees are proposed to be removed.
 - A total of 17 trees, 7 groups and 1 hedge are proposed to be removed.
 - 1 TPO Hawthorn tree to be removed.
 - 3 category B trees to be removed which are located within the site and with limited public visual amenity.
 - 1 category B group to be removed. Located along the frontage, however have now become overly dominant with some of the TPO trees. Sustainable mitigating landscaping proposed.
 - 14 category C trees to be removed.
 - 7 category C groups to be removed.
 - 1 category C hedge to be removed.
- 5.28 The footprints of the 3 proposed dwellings fall outside the root protection areas (RPA's) of the retained tree stock and can be adequately protected during construction.
- 5.29 No dig techniques and porous surface treatment will be used to protect roots, particularly around the main access into the site and around the Copper Beech.
- 5.30 The TPO hedgerow to the front of the site will be protected and the scheme includes maintenance of the hedgerow to allow improved pedestrian access which is currently overgrown.
- 5.31 With regard to drainage, the submitted drainage details show that drainage can be implemented outside the RPA's of the proposed retained tree stock.
- 5.32 The Landscape Officer is satisfied in principle that the amendments to the entrance would result in the north-western edge of the existing driveway to remain unchanged and the apron widened.

Ecology

- 5.33 The Ecology Officer is satisfied with the methodology and findings of the submitted Extended Phase 1 Habitat Survey and Bat Survey Report dated July 2016 by Windrush Ecology. Three conditions are recommended relating to a landscaping scheme and bat and bird mitigation.

Drainage

- 5.34 The drainage for the site is proposed via soakaways and an on-site sewage treatment plant. The Drainage Officer is satisfied that a full surface water drainage scheme condition can be attached and discharged following an approval.

Conclusion

- 5.35 The adopted Local Plan is time expired and the Council is now moving forward with a revised plan up to the year 2031. The proposal is consistent with the need to deliver windfall housing on suitably located sites within the Eynsham-Woodstock Sub-Area, having regard to paragraph 14 of the NPPF.
- 5.36 The siting, design and form of the development are acceptable with reference to the character of the locality.
- 5.37 There would be no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.38 The development would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally. The visibility splays have been agreed by the Highway Officer with the width of the access to be agreed via condition.
- 5.39 Retention and protection of trees, appropriate landscaping, and suitable mitigation and enhancements for wildlife can be secured by condition.
- 5.40 Taking into account all of the above matters, the application is recommended for approval subject to conditions. Officers consider that the development as proposed would be acceptable and compliant with adopted Local Plan Policies BE2, BE3, NE4 and H2, H7, NE6, NE15 and emerging Local Plan Policies OS2, OS3, OS4, EH1, EH2, T1, H2 and T4.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 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
- 4 Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of an 11.4m refuse vehicle turning within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details. Note: The vehicle tracking must not overrun into the opposite carriageway
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 5 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas 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
- 6 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 7 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 8 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.
- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 10 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 11 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

- 12 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall include the location, size, and condition of all existing trees and hedgerows on and adjoining the site to be retained, together with measures for their protection during construction work. It must show details of all planting areas, including plant species, numbers and sizes. The proposed means of enclosure, hedges and screening shall be included together with details of any mounding, retaining structures, walls, fences and hard surfaces to be used throughout the development. The scheme shall have been fully implemented as approved by the end of the planting season immediately following completion of the development or the dwellings being brought into use, whichever is the sooner. The scheme shall be maintained in accordance with the approved details. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 13 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 14 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 maintain the character and appearance of the approved buildings and the site in general because of its prominent location at the entrance to Woodstock and its relationship with existing dwellings.
- 15 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 demolition and construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works
 - VIII Working hours during demolition and construction

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.

- 16 Before development takes place, details of the provision of bat roosting features and nesting opportunities for birds (House martin and House sparrow) into the new dwellings shall be submitted to the local planning authority for approval, including a drawing showing the locations and types of features. At least one bat box and one bird box shall be installed onto each dwelling. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.

REASON: To provide compensation for loss of bat roosts and to provide new nesting sites for birds as a biodiversity enhancement, in accordance with paragraph 118 of the NPPF, policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 17 No development shall take place until a landscaping scheme has been submitted and approved by the Local Planning Authority, including at least 75% native species of local provenance, a flowering lawn mixture (as appropriate) and a 5-year maintenance plan.

The entire landscaping scheme shall be completed by the end of the first planting season following the first occupation of the development hereby approved. If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To enhance the site for biodiversity in accordance with paragraph 118 of the National Planning Policy Framework, policy 9 of the Cotswold District Local Plan 2011 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 18 The development hereby approved shall be carried out in accordance with the recommendations made in sections 4.2.2.1 (birds), 4.2.2.3, 4.2.2.4 and 4.2.2.5 (bats) of the Extended Phase 1 Habitat Survey and Bat Survey report dated July 2016 prepared by Windrush Ecology.

REASON: To ensure adequate protection and mitigation for protected and priority species in accordance with Section 11 of the NPPF and policy NE15 of the West Oxfordshire District Local Plan 2011.

- 19 Internal ambient noise levels for the new dwellings shall accord with the following table (ref: BS 8233:2014 Guidance on sound insulation and noise reduction for buildings)

Indoor ambient noise levels for dwellings

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

Resting Living Room 35dB L Aeq, 16 hour

Dining Dining Room/ Area 40dB L Aeq, 16 hour

Sleeping (day time resting) Bedroom 35dB L Aeq, 16 hour 30dB L Aeq, 8 hour

Note 1: If relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation that does not compromise the facade insulation or the resulting noise level.

- 20 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.

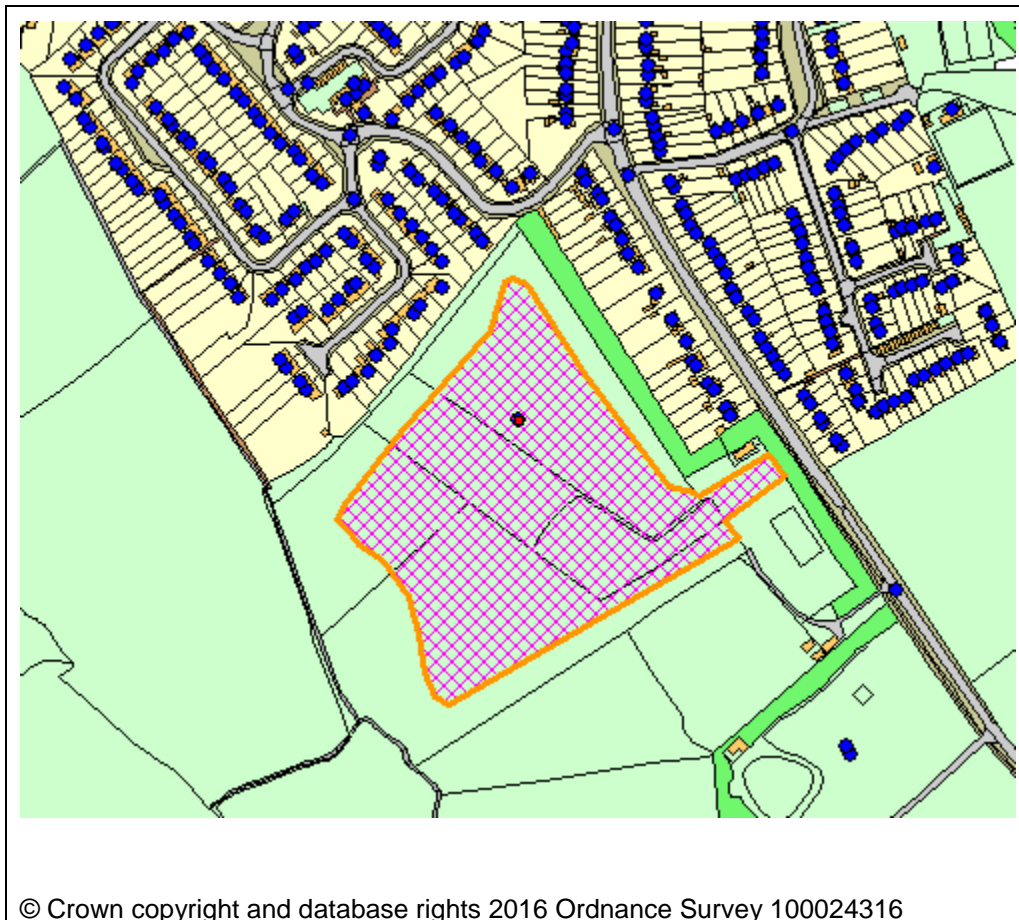
NOTE TO APPLICANT

The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
(follow link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>).
- CIRIA C753 SuDS Manual 2015

Application Number	16/03948/OUT
Site Address	Land West of Church Road Long Hanborough Oxfordshire
Date	23rd May 2017
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Hanborough Parish Council
Grid Reference	441778 E 213715 N
Committee Date	5th June 2017

Location Map



Application Details:

Residential development comprising ninety four dwellings, including starter homes.

Applicant Details:

Cantay Estates Ltd
C/O Agent

I CONSULTATIONS

- I.1 Adjacent Parish Council Freeland Parish objects. The following comments were originally submitted to Cantay Estates in October 2016.
The Parish Councillors wish to advise that they have serious concerns about the impact this development will have on the existing traffic problems, with no planned infrastructure to support it. They feel yet more homes on top of the others that have recently been agreed for Hanborough will simply exasperate the traffic problems further. With nothing as yet identified to mitigate these concerns, the Parish Councillors will be objecting to this proposal. I note that you are currently conducting your traffic assessments, and no doubt your results will come back with the development having "little or no impact", but for those of us who live in this area, yet more traffic on roads that are already operating to full capacity at peak times is simply unacceptable and intolerable. I urge you to visit the area at 7.30am on weekday mornings during term time and just observe the traffic on the A4095. Then perhaps you will consider where the extra 180+ cars (approx. 2 per house) generated from your development proposals will be able to go, on top of an extra 300+ cars that will be entering onto the A4095 just a little further down from another development recently agreed for 169 homes, plus another 100+ cars generated from a 54 home development that has also been agreed in Church Road. Having observed the traffic, and taken into account the additional traffic that will be generated from these housing developments, perhaps you can come up with a case that shows how this additional traffic will be able to merge into the existing area with no impact. Until that time, your proposals would not receive our Parish Council's support.
- It is also noted that the boundary of the development is right up against the boundary of the SSSI and that the proposed houses are too close in proximity to this site.
- I.2 Major Planning Applications Team Highways comments to be advised.
Education - no objection subject to legal agreement and condition
Archaeology - no objection
Property - no objection subject to library contribution
- I.3 WODC - Arts Contribution of £9,400.00 to develop on-site artist led interpretation.
- I.4 Wildlife Trust No Comment Received.
- I.5 WODC Architect Object on the following grounds:

1) The site is prominent in the landscape and the development would represent a very sizeable encroachment of built form into the open countryside.
2) Effect on green buffer between Long Hanborough and Freeland and

effect on distinctive local character of separate settlements.
 3) There is doubt about the effectiveness of proposed screening given the introduction of urban influences.

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| I.6 | CPRE | No Comment Received. |
| I.7 | Environment Agency | No Comment Received. |
| I.8 | Biodiversity Officer | No objection subject to conditions to cover:
Works being carried out in accordance with the submitted ecological report.
Submission of a lighting strategy.
Construction Environmental Management Plan (biodiversity)
Landscape, Ecology and Geology Management Plan |
| I.9 | ERS Env Health - Uplands | Mr ERS Pollution Consultation Information indicates that the site is a former Environment Agency landfill site receiving inert and industrial waste up to around 1990. The desk study report submitted with the application does not include any exploratory intrusive investigation, site characterization and conceptual model to demonstrate that the site in principal is suitable for development to residential with gardens.

It is recommended that before the application is determined this information is requested.

Karen Dixon
Technical Pollution Services |
| I.10 | WODC Housing Enabler | No Comment Received. |
| I.11 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.12 | Natural England | No objection subject to appropriate mitigation being secured.
As submitted the application would damage or destroy the interest features for which Long Hanborough Gravel Pits Site of Special Scientific Interest has been notified.
In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:
1) A site investigation to include the removal of molluscan material for amino acid dating, the removal of sediment samples for Optically Stimulated Luminescence (OSL) dating, and the collection of bulk samples for clast analysis.
2) A Management Plan for the geological SSSI, to include a regime to promote a grassy herbaceous sward with low scrub.
We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures. |

- I.13 WODC Planning Policy Manager No Comment Received.
- I.14 WODC - Sports £108,664.00 off site contribution towards sport/recreation/community facilities within the Parish of Hanborough.

£76,892.00 for the enhancement and maintenance of play/recreation areas within the Parish of Hanborough.
- I.15 Thames Water
Waste Comments
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.
There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit thameswater.co.uk/buildover.
Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed.
"Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above

recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

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.

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| I.16 | WODC Env Services - Waste Officer | No Comment Received. |
| I.17 | Adjacent Parish Council | No Comment Received. |
| I.18 | Parish Council | <p>A 36 page letter has been submitted by Martin Armstrong Planning on behalf of Hanborough Parish. Members are advised to read this in full. The main conclusions of the letter are as follows:</p> <ol style="list-style-type: none">1) WODC is now able to demonstrate a 5 year housing land supply, placing itself in a better position to defend the District's towns and villages from speculative developments on unallocated land.2) In meeting its housing challenge the Council has made a strategic change that is particular to Long Hanborough by downgrading its status and focussing new development on Eynsham, recognising that Long Hanborough was unable to cater for significant new growth through the deficiencies that exist in its highway and local service infrastructure, along with other constraints.3) The site is not necessary to meet objectively assessed housing need and would not fall within the definition of infilling or rounding off. The development would extend the built up area of Long Hanborough into open countryside.4) The incursion would be incongruous in an open and sensitive landscape character area and would erode the gap between neighbouring villages.5) The separation of the site from the built up edge of Long Hanborough is a vertical and horizontal one that would leave the development disrespecting the existing built form and scale, out of context and poorly integrated with the rest of the village.6) The proposal would cause unmitigated harm to the SSSI.7) The harm arising from the development would significantly and demonstrably outweigh the benefits. It would therefore not represent sustainable development.8) The application is extremely unpopular in the village, generating |

widespread concern and objection.

2 REPRESENTATIONS

2.1 115 objections have been received referring to the following matters:

- (i) Impact on surface water drainage and flood risk. The site regularly floods.
- (ii) Impact on gap between Long Hanborough, Freeland and Church Hanborough.
- (iii) Impact on wildlife and ecology.
- (iv) Increase in traffic and congestion - A4095 is already over capacity at peak times. Effect on highway/pedestrian safety, and effect on roads already in poor condition.
- (v) Development on this site has been refused in the past.
- (vi) Impact on infrastructure and services in Long Hanborough.
- (vii) Would create precedent for further development in this part of Long Hanborough.
- (viii) Effect on community life and community cohesion.
- (ix) Insufficient capacity in primary school and doctors surgery.
- (x) Impact on the landscape and attractive views.
- (xi) Inappropriately positioned vehicular access. Effect on existing residents as a result of vehicle movements and construction activities.
- (xii) Effect of light pollution.
- (xiii) Noise and air pollution and general disturbance.
- (xiv) Disproportionate scale of development in the village arising from a number of large schemes which is changing its character. The village is unsuitable for further development. Further speculative developments should be deferred until sound plan is approved.
- (xv) Loss of green space around the village and urbanisation and urban sprawl.
- (xvi) Impact on sewerage system and inadequate capacity.
- (xvii) If Garden Village goes ahead Long Hanborough will be downgraded from service centre to village. Garden Village will provide for the housing needs in this area.
- (xviii) Long Hanborough is being targeted because it lies outside the AONB and Green Belt.
- (xix) Inadequate public transport. Bus services have been reduced. Presence of railway station is not the panacea it is purported to be. The site is some distance from the station.
- (xx) Pressure for development is as a result of inflated housing projections. Effect of Brexit and reduced need for housing has not been considered.
- (xxi) Plan for the site is poor in terms of layout, density and scale. It would not be integrated with existing settlement. Not infilling or rounding off.
- (xxii) Removal of trees and shrubs from SSSI, as required for good management, would increase the visibility of the site. The site has not been managed properly in the past. There could be potential damage to the SSSI from the development and public access.
- (xxiii) Overlooking, loss of privacy and loss of light.
- (xxiv) New planting and buildings would block views.
- (xxv) Offer of affordable housing is a farce. It is still beyond the reach of many people. Exception sites bought at reasonable price provide genuinely affordable housing.
- (xxvi) Insufficient employment opportunities in Long Hanborough meaning that most people have to commute.
- (xxvii) Long Hanborough is becoming a dormitory settlement.
- (xxviii) Many houses for sale in the village remain unsold. Don't believe there is demand for all this new housing
- (xxix) Comparison with site east of Church Road is misleading as this will sit alongside and at the same level as existing settlement.

- (xxx) Potential hazardous waste in landfill site. Site is unsuitable because of made ground. Risk to future residents.
- (xxxi) Adequacy of loading, parking and turning.
- (xxxii) Effect on archaeology.
- (xxxiii) Plan to create educational resource/visitor facility at the SSSI is questioned.
- (xxxiv) More retirement homes needed to free up housing occupied by the elderly. More new houses not needed.
- (xxxv) Current planning is short term and risks destroying much of what makes West Oxfordshire a great place to live.
- (xxxvi) Pedestrian links indicated not feasible.
- (xxxvii) Cycling to Bartholemew School unrealistic.
- (xxxviii) Subsidence at the pit has already caused damage to existing properties.
- (xxxix) Applicants have disregarded concerns raised by residents before the application was submitted.
- (xl) Village has been subject to power cuts.

2.2 Hanborough Action Group has objected on the following grounds:

- (i) The northern and eastern boundaries of the site are steep gravel banks that delineate the southern boundary of Long Hanborough. Building on this site would erode the spatial gap between Long Hanborough, Freeland and Church Hanborough. Furthermore, building on land below houses that form this boundary would appear as an awkward extension to the village and an unsightly incursion into open countryside, providing a precedent for further development.
- (ii) The gravel bank forms part of an SSSI of national importance. Building on this site would involve a partial destruction of this site and work proposed on the bank could render them unstable.
- (iii) The bank provides a habitat for several protected species including slow worms and Roman snails. Any building on this site would be detrimental to these species.
- (iv) Carswell Brook and the site itself are known to flood after periods of heavy rain. The Applicant does not address the potential for increased flooding downstream towards Lower Road.
- (v) There is a history of foul water and sewage problems in the area and the Applicant has advanced no clear strategy to address these issues.
- (vi) The school and surgery need to be enlarged to cope with Long Hanborough's growth. Any improvements are reliant on other developers proceeding with their schemes. There are consequential issues with regard to phasing and capacity. The Applicant has advanced no firm proposals in this area, seeking to rely on these other schemes.
- (vii) This development at the bottom of an old quarry raises equality issues in respect of access for the elderly, disabled and those with health problems. The Applicant has not considered these aspects.
- (viii) In practice, many of the assumptions and assertions made in the Applicant's Transport Assessment are questionable. Many are impractical and issues arise regarding the A4095, the bus service, cycle commuting and the rail service.

2.3 8 expressions of support have been received referring to the following matters:

- (i) Opportunity to live in Long Hanborough.
- (ii) Permanent home will avoid need to move children from school to school.
- (iii) Need for affordable housing.

- (iv) Development is natural progression for ever expanding population.
- (v) Will benefit local economy.
- (vi) Good to see former quarry used for housing.
- (vii) Young and thriving community needed.

3 APPLICANT'S CASE

3.1 The following text is drawn from the final section of the applicant's planning statement.

3.1 The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously. Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'.

3.2 The proposal would result in the development of 94 dwellings, which would add to the local housing stock and contribute to the identified need for housing within the area. This would be a significant benefit of the proposal and having regard to the aim of the NPPF, to boost significantly the supply of housing, should be given considerable weight. In the absence of a 5 year deliverable supply of housing, the provision of housing should weigh heavily in its favour. The land is not covered by any statutory land designations and the emerging draft Local Plan, which seeks to downgrade Long Hanborough's status, carries no weight.

3.3 Furthermore, the scheme would make provision for 47 affordable homes, including starter homes which would be made specifically available for local people, in an area where there is a pressing need for affordable homes. Given the aims of the Framework, to deliver a wide choice of high quality homes and create inclusive mixed and balanced communities, including through the provision of affordable housing, this would add further weight as a benefit of this proposal.

3.4 The development would be located within good proximity of a number of local services and facilities, with ready access to good transport links. During development and following occupation, the development would have local economic benefits, including in support for existing services.

3.5 Whilst the proposal would have a limited localised adverse impact on landscape character in the infancy stages of its development, it has been found that in the long term the landscape management would result in a positive enhancement. This, coupled with the enhancement measures to the geological SSSI, are further benefits of the scheme.

3.6 The development is able to be provided with a safe and convenient vehicular access and would have no adverse impacts on highway safety and convenience. Whilst generating traffic this would not result in unacceptable highway impacts.

3.7 There are no flooding or drainage constraints.

3.8 On biodiversity issues no significant negative ecological impacts have been found, the development is capable of resulting in enhancements to biodiversity.

3.9 There would be benefits to the local economy from employment in construction, albeit for a limited period. There would be financial benefits to the district from the New Homes Bonus and local business may benefit from the additional local population increase.

3.10 Consequently the scheme would have significant social benefits, as well as a number of economic and moderately weighted environmental benefits, which weigh in its favour and contribute to the aim of achieving sustainable development.

3.11 In terms of Paragraph 7 of the NPPF, the proposals would:

- (i) Fulfil an economic role by helping to ensure that sufficient land of the right type is available in the right place and at the right time to support growth;
- (ii) Provide a social role in helping to provide the supply of housing needed to meet the needs of present and future generations in a location that provides accessible local services; and
- (iii) Fulfil its environmental obligations through the planned landscape and open space strategies, which are an integral part of the scheme.

3.12 When assessed against the policies in the Framework taken as a whole there are clear benefits of the scheme. Consequently, the proposal would be sustainable development that would meet the aims of paragraphs 47-49 and 14 of the NPPF and the presumption should be in favour of the grant of planning permission without delay.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

BE18 Pollution

BE19 Noise

BE21 Light Pollution

H2 General residential development standards

H3 Range and type of residential accommodation

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

H7 Service centres

NE13 Biodiversity Conservation

NE15 Protected Species

NE14 Sites of Nature Conservation or Geological Importance

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

T1 Traffic Generation

T2 Pedestrian and Cycle Facilities

EH1NEW Landscape character

EH2NEW Biodiversity

EH5NEW Flood risk

EH6NEW Environmental protection

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3 Range and type of residential accommodation

H4NEW Type and mix of new homes

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design
OS5NEW Supporting infrastructure
H11 Affordable housing on allocated and previously unidentified sites
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
TLC7 Provision for Public Art
EW2NEW Eynsham-Woodstock sub-area
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 94 dwellings (including 50% affordable/starter homes) on a site to the south of the village of Long Hanborough. The applicant has submitted a blue line boundary to indicate land ownership, and within this a red line to denote the development area. The site is predominantly relatively flat and sits within an area of land which was formerly quarried and later subject to landfill. This lower land is bounded to the north and east by an embankment which was formed by the quarrying. This embankment exposes unusual geological formations as part of the "Hanborough Terrace" peri-glacial river gravel formation, which are designated a Site of Special Scientific Interest (SSSI). However, the bank has been colonised by trees and scrub over time and the geology is not visible. To the west of the site is a minor valley through which a watercourse runs. To the east of the watercourse is a line of hedgerow trees. To the south there is hedgerow and trees. The illustrative layout shows where the houses would be likely to be built and indicates the development would effectively form an island with an undeveloped margin around it. A range of supporting information has been provided. It is envisaged that the buildings would be up to 2.5 storey in height.
- 5.2 The site lies outside the settlement edge of Long Hanborough and is part of the countryside setting for the village. It is currently used for horse grazing. It lies considerably below the level of Church Road and is substantially screened in views from the road by the vegetation on the embankment and overgrown hedge, as well as a number of houses fronting Church Road. The site is, however, readily visible from public rights of way to the west, and in private views from residential properties to the north and east.
- 5.3 The site is not within a designated area and lies outside the Millwood End and Church Hanborough Conservation Areas, and the AONB. There are no listed buildings in close proximity.
- 5.4 The relevant planning history is as follows:
- W74/0104 -Erection of houses and bungalows (outline) - refused 15/6/74
W83/1462 - Erection of link and detached houses (outline) - refused 4/1/84
W87/1891 - Residential development with new access taken from Church Road (outline) refused 2/12/87 and dismissed on appeal 21/02/89. The Inspector considered whether the proposal was in accord with the planning policies for the area, and the effect of the proposed development on the character and appearance of the surrounding area. On the first issue, she concluded that the "erection of 100 dwellings on the edge of this village would be contrary to the aims of the approved Structure Plan and emerging Local Plan policies which seek to direct new residential development to the 4 country towns and to restrain development elsewhere in

order to protect the character of the rural area". On the second issue, it was concluded that the development "eats into the open field which forms part of the open countryside", and would "unacceptably extend the built up area of Long Hanborough into this open land and would be a prominent feature of the landscape when viewed from Church Road to the south east and from the public footpath to the south west. I consider that the open space between Long Hanborough and Freeland and Church Hanborough is important in retaining the sense of separation between these settlements and that to extend the existing built up area of Long Hanborough beyond its existing limits would harm the appearance of this important and vulnerable swathe of open land which separates these villages". On the question of the relationship of the site to the SSSI, the Inspector's conclusion was "the reserved strip of land around the SSSI surrounded by housing development, would create difficulties. It seems to me that where the cliff face is highest, to the north and east of the site, it could dominate the outlook of the new houses closest to it. I also agree with the Council that the reserved area of land might become an unkempt, overgrown strip of land susceptible to tipping from adjoining dwellings".

5.5 The site has been put forward in the SHELAA November 2016, as site 225. It is deemed unsuitable for housing development and the summary finding is - "Development would cause harm to the landscape and would be poorly integrated with the settlement. Harmful to the setting of the village, the character of the countryside and impact on geological features of the site." The site has not therefore been allocated in the emerging Local Plan. The Inspector's report into the current Local Plan 2011 concluded as follows in relation to the proposal to allocate this site: "The quarry lies at the southern edge of the village and forms part of an attractive valley which divides Long Hanborough from Freeland. Looking towards Long Hanborough from the footpath that links the village to Freeland, the houses on Isis Close and Church Road sit on top of the cliffs and together clearly mark the boundary between the built environment and the adjoining open countryside. Any new buildings would sit below the adjoining housing and I have no doubt that the site would be extensively landscaped. Nevertheless, I am not satisfied that development could take place without harm either to the setting of the village or the character of the surrounding countryside".

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
Effect on SSSI
Highways
Trees, landscaping and ecology
Drainage
Residential amenity
SI06 matters

Principle

5.7 Long Hanborough is classified in the Local Plan 2011 as Group C settlement (service centre). Based on the settlement sustainability, weighted assessment (Nov 2016), the village is ranked eighth of the nine service centres assessed in terms of services and facilities available.

- 5.8 The village benefits from services, including a primary school, community buildings, recreation facilities, shops and pubs.
- 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, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.11 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. 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 .
- 5.12 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.13 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.
- 5.14 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions timetabled for July 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. 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.
- 5.15 Emerging Local Plan 2031 Policy OS2 refers to the main service centres being the focus for a significant proportion of new homes. However, it is important to note that the Plan envisages the replacement of Long Hanborough in the hierarchy with the Garden Village, and demotion of Long Hanborough to the village category. The villages are noted as suitable for limited

development which respects village character and local distinctiveness and would help to maintain the viability of these communities. Two allocations at Myrtle Farm and Olivers Garage are made at Long Hanborough. Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria (now expressed in OS2), and is consistent with other policies in the plan. The emerging Local Plan does not impose a ceiling on development in any given settlement or sub-area, and Officers are mindful of the Government requirement that authorities should boost significantly the supply of housing.

- 5.16 The red line site area does not adjoin the existing built up area of the village, and the physical feature of the SSSI creates significant separation. In this respect it does not fulfil the criteria of H2 and OS2 in locational terms.
- 5.17 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

- 5.18 An indicative layout has been provided, and this shows that a scheme of 94 dwellings could be accommodated within the site area. However, the arrangement is very suburban in concept and lacks a clear design philosophy that would create a sense of place and reflect the particular rural valley location of the site and its surroundings. It is understood that the buildings would be up to 2.5 storey and a mix of house types and sizes is indicated.
- 5.19 The layout shows an intention to locate buildings set back from the SSSI, with new landscaping introduced, some within the red line and some beyond. This would create a large peripheral area that would rely on effective planting (bearing in mind the made ground) and long term management to ensure that planting remained in place and flourished, and addressed the potential for anti-social behaviour such as fly tipping (potential issues noted by the 1989 appeal Inspector). However, whilst landscaping would be desirable to provide screening and amenity, such a belt around the site would reinforce the sense of it being an island of development separate from the village. It is not clear to what extent public access would be permitted into the landscaped area, although the applicant envisages greater access to the SSSI. However, from the point of view of protecting the geology from damage, and from a health and safety point of view, it seems to Officers that limiting access would be more appropriate than encouraging it. It would be possible to allow access for specific purposes, such as the study of the geology by students but open access appears entirely inappropriate. Nevertheless, whilst Officers have significant concerns about the number of dwellings and layout, it is acknowledged that this is an outline application and layout, scale, appearance and landscaping would be reserved for future consideration.
- 5.20 The applicant has referred to the provision of potential footpath links to the public right of way to the west and Churchill Way to the north east corner of the blue line area. However, the feasibility of achieving this has not been demonstrated and it appears aspirational. The footpath to the west lies beyond the watercourse and would need bridging and possible use of third party land. Access to Churchill Way would require encroaching into the SSSI and construction of steps or a ramp given the steep gradient. Pedestrian permeability is not demonstrated and this reinforces the view that the site would be isolated.

Landscape impact

- 5.21 The site lies within the Eynsham Vale character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is semi-enclosed rolling vale farmland. The principal factors that potentially threaten landscape quality in this area include: intrusion from built development; and expansion of rural settlements and suburbanisation of the wider countryside.
- 5.22 The development would have significant visual impact locally, in replacing open countryside with a substantial amount of housing which would be visible in both public and private views. There is a very clear and defensible boundary formed by the SSSI and associated substantial change in levels from Church Road to the proposed development area. Developing beyond this would be anomalous and out of keeping.
- 5.23 The introduction of the means of access and its associated breaching of the frontage hedge and engineering to navigate the slope of the SSSI would have an urbanising effect on the frontage to Church Road.
- 5.24 From the public right of way to the west, which is well used and links Long Hanborough to Freeland, the valley and the position of the site within it can be readily appreciated at various points along its length. Although urban influences are visible on the existing edge of the settlement, the site reads very much as part of the countryside.
- 5.25 From Church Road there is currently limited perception of the site because of the density of screening along the road and houses which front onto Church Road. However, Natural England advise that proper management of the SSSI would require removal of trees and tall shrubs whose roots can lead to damage to the geology. They stipulate mitigation by way of condition or legal agreement to include returning the vegetation to grassy herbaceous sward with low scrub. On this basis a substantial amount of existing planting could be removed, considerably opening up a section of the Church Road frontage and increasing visibility of the site.
- 5.26 Both the adopted and emerging Local Plans (Policies BE2 and OS2 respectively) refer to protection of the landscape settings of settlements and the relationship of development to its surroundings. In the 1989 appeal the Inspector concluded that the development "eats into the open field which forms part of the open countryside", and would "unacceptably extend the built up area of Long Hanborough into this open land and would be a prominent feature of the landscape when viewed from Church Road to the south east and from the public footpath to the south west". The Inspector's report into the current Local Plan 2011 concluded "...I am not satisfied that development could take place without harm either to the setting of the village or the character of the surrounding countryside". Officers do not consider that there has been any pertinent and material change in circumstances that would lead to a different conclusion on landscape grounds now. The proposal would adversely affect the landscape surrounding Long Hanborough, it would not easily assimilate into the landscape, and would not form a logical complement to the character of this location.
- 5.27 Further to these concerns, the 1989 Inspector stated: "I consider that the open space between Long Hanborough and Freeland and Church Hanborough is important in retaining the sense of separation between these settlements and that to extend the existing built up area of Long Hanborough beyond its existing limits would harm the appearance of this important and vulnerable swathe of open land which separates these villages". Adopted Policy BE4 and emerging Policy OS2 (introduced after the 1989 decision) refer to the question of the

distinctiveness of settlements and coalescence. Officers are of the view that the site does represent an important area of land that separates the settlements, as it forms the northern corner of a notional triangle of open countryside that separates Long Hanborough in the north, the main built up area of Freeland to the south west and Church Hanborough to the south east. With respect to the comments of the applicant as regards other cases, it is acknowledged that permission has been granted on land to the east of Church Road for 50 dwellings (14/1102/P/OP and 17/00443/RES). However, that site has a different relationship to the existing settlement edge of Long Hanborough, i.e. it is contiguous with it and on the same level, and does not have a clear physical or visual connection with land between Long Hanborough and Freeland. Officers were concerned about coalescence between Long Hanborough and Freeland in relation to the development of 169 dwellings on land south of Witney Road (14/1234/P/OP). The Inspector in that case found that coalescence would not occur, in the sense of physically merging development together and he referred to the particular characteristics of the site, the proposal, and its surroundings in reaching his conclusions. Neither case should be viewed as establishing a precedent for the application site under consideration here, as regards an appropriate relationship with Long Hanborough itself, and neighbouring settlements.

- 5.28 In the view of Officers, the development would result in physically and visually closing the gap between settlements to an unacceptable extent which would be contrary to Policies BE4 and OS2.
- 5.29 Lighting to streets and parking areas, as well as light spillage from the houses themselves, would have significant visual effects on this relatively unspoilt area of the valley. Whilst it is acknowledged that there is street lighting to the built up section of Church Road and Churchill Way/Isis Close, light spillage would be perceptible from the development into the open countryside beyond. This would urbanise a currently undeveloped part of the setting of Long Hanborough.
- 5.30 Notwithstanding the submitted landscape assessment and the assertions of the applicant in referring to its findings, Officers are of the view that there would be significant visual and landscape harm arising from the proposal. The development would unacceptably urbanise the rural character and the tranquillity of the area would be affected. This harm needs to be factored into to the planning balance.

Site of Special Scientific Interest

- 5.31 The proposed site access would cross the SSSI which is designated for its geological significance rather than ecological significance. The remainder of the site area would lie close to the SSSI. There are constraints over much of the SSSI with regard to invasive investigation. The development of the access road would provide an opportunity to carry out such investigations without major concerns as to long term stability or encroachment onto existing adjacent properties. Natural England recommends a site investigation to include the removal of molluscan material for amino acid dating, the removal of sediment samples for Optically Stimulated Luminescence (OSL) dating, and the collection of bulk samples for clast analysis. There is also a requirement for a Management Plan for the geological SSSI, to include a regime to promote a grassy herbaceous sward with low scrub.
- 5.32 The site investigation would need to be fully scoped prior to initiation of development, and the investigation would need to be timed to integrate with the development of the access road.

Costs of the investigation should be covered by the developer and the findings of the investigation should be made available to the public.

- 5.33 The Illustrative Layout and Planning Statement both indicate that there will be standoff between the development and the SSSI of 25m. This standoff is welcomed since, in order to facilitate management of the SSSI, sufficient space is needed to allow a machine (such as a JCB with front and rear buckets) to operate freely. Natural England advises that any future submissions influencing the layout of the development should retain this 25m standoff.
- 5.34 The condition relating to the Management Plan should detail when it is to be planned, instigated and actioned, and how it is to be funded. It should include detail on how damage to the SSSI from root disturbance and wind throw will be reduced, and include removal of trees and tall shrubs and stump treatment to inhibit regrowth. In general, the vegetation management within the stand-off area needs move the habitat towards a grassy herbaceous sward with low scrub. A strategy would be required to address management of the stand-off buffer area, for example, by discouraging fly tipping (such as garden waste) and removal of any deposited material periodically.

Trees, landscaping and ecology

- 5.35 Part of the boundary of the blue edged land with Church Road is formed with established trees/hedgerow. The boundaries to the north, south and west feature significant numbers of trees.
- 5.36 The illustrative site plan indicates that the development would be set well away from existing boundaries and there would be no loss of trees within the main red line area. However, some removal would be necessary to provide the vehicular access to Church Road. It would be theoretically possible to retain peripheral trees, but appropriate management of the SSSI envisages that trees would need to be removed from within the designated area. It would be necessary to introduce new planting outside the designated area to off-set the loss and provide appropriate greening of the development. This would need to be detailed at the reserved matters stage.
- 5.37 Notwithstanding the intentions of the applicant as regards new landscaping, it is considered that given the scale and extent of the development proposed the buildings would be unlikely to be satisfactorily screened and successfully assimilate into the environment in this location.
- 5.38 The submitted ecological report was considered by the Council's Biodiversity Officer and no objection is raised subject to conditions. However, it is important to note that in relation to the treatment of the SSSI, the ecological report deals only with the implications of creating the access as regards loss of habitat. It does not deal with the implications of potentially large scale removal of trees and vegetation in the SSSI. The parts of the site to be directly affected by the development have limited ecological value at present and other land within the blue edged area could be managed and maintained to enhance biodiversity. However, further details in relation to maintenance, enhancements and on-going management are required. A number of detailed conditions are recommended in this regard. These would include a Construction Environmental Management Plan and Landscape, Ecology and Geology Management Plan.

Highways

- 5.39 Access would be taken from Church Road by way of one estate road. The site is located within a reasonable walking and cycling distance of the village facilities, but convenient pedestrian access has not been fully demonstrated in terms of deliverability of links to the public footpath to the west and Churchill Way to the north east. A number of objectors have referred to a lack of employment opportunities locally and it is acknowledged that there is considerable out commuting from the village.
- 5.40 As a result of a number of housing proposals in Long Hanborough there is a growing body of evidence that the junction of the A4095 and Church Road is over capacity. A great many objectors refer to concerns about traffic volumes, congestion, and highway safety. The Inspector in commenting on transport matters in the appeal decision on the CEG site (15/03797/OUT dated 13th February 2017) found as follows: "The application was accompanied by a transport assessment which included modelling of various junctions in the local highway network. The Church Road/Main Road roundabout in Long Hanborough is of concern to local residents. It is already operating over capacity in the peak hour and this is likely to get worse with the general growth in traffic, with or without the appeal scheme. However, the amount of additional traffic attributable to the appeal scheme would be small relative to the total volume of traffic passing through the junction. The highway authority is not seeking any physical improvements to this junction. The conclusion of the transport assessment was that there would not be a severe impact on the highway network, either at the Church Road/Main Road roundabout or at any other junction".
- 5.41 In their initial comments on transport, OCC objected on the following grounds:
- (i) The impact of traffic generated by the development on the A4095/Church Road junction would be severe.
 - (ii) The applicant has not carried out an assessment of the A4095/Bladon roundabout junction and as such has not demonstrated that the impact of the traffic generated by the development would be acceptable.
 - (iii) The tracking information provided is not clear.
However, subsequently, the applicant has been in discussion with OCC and has recently submitted further information that seeks to address these matters. At the time of writing the updated OCC position was not available. It is envisaged that further comments will be provided at the meeting and the implications of the 170 dwellings now proposed north of Witney Road will have a bearing on this.
- 5.42 Off-site works in respect of the relocation of the village entry traffic calming feature and 30mph speed limit would be required, but it is noted that such works are also a requirement of the scheme east of Church Road which is likely to be implemented shortly. Provided this has been carried out the applicant would not need to deliver it.
- 5.43 There is concern about how the ramped access into the site would be engineered in terms of width, gradient and ground conditions, but ultimately such details could be conditioned and subject to a highways agreement.
- 5.44 Some objectors have suggested that the position of the access would adversely affect their amenity. This is dealt with elsewhere later in this report.

- 5.45 OCC advise that Long Hanborough is relatively well located on the County's public transport network. The site is located within 400m of bus stops on the current No.11 route and within 600m of the bus stops on the No.233 route. Objectors have referred to a recent reduction in the No.11 service and the distance to Hanborough station but no objection is raised by OCC in relation to public transport. Contributions are sought towards enhancing the No.233 service and providing new pole, flag and information units at existing bus stops.

Drainage

- 5.46 The site area is entirely within Flood Zone 1, and therefore at low risk of flooding. OCC as lead drainage authority raises no objection on drainage grounds.
- 5.47 The Environment Agency has not commented on the application.
- 5.48 Thames Water has been unable to determine that the waste water infrastructure is sufficient. A condition is therefore recommended to require agreement of a drainage strategy prior to commencement of the development. In addition, Thames Water advises that the existing water supply infrastructure has insufficient capacity to meet the additional demands of the development and an impact study would be required by condition.
- 5.49 Surface water drainage would need particularly careful consideration in this location, as a number of objectors have referred to there being standing water on the site during the winter and in heavy rain. No details of proposed drainage features or where surface water would be discharged to have been provided. Nevertheless, it is considered that a surface water drainage strategy is capable of being addressed by way of condition. Although apparently counter-intuitive in view of the proposal to build 94 dwellings, it would be theoretically possible to engineer the development so as to improve the overall drainage conditions.

Residential amenity

- 5.50 It is possible that 94 units could be accommodated on the site and there is no reason to believe that suitable interface distances and relationships as regards adequate light could not be provided in respect of the application site itself. However, whilst there is a considerable distance between the red line area and the existing properties to the north and east, it is likely that given the difference in levels there would be a perception in some of the new dwellings of being overlooked by those existing properties at a significantly higher level.
- 5.51 There is no reason to believe that existing properties to the north and east would be materially affected in terms of overlooking or loss of light as a result of the siting of the proposed dwellings. Their outlook would be affected in terms of the loss of an attractive view, but effect on a private view is not material to the decision.
- 5.52 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, such impacts arising could be ameliorated through compliance with a construction management plan. There is no evidence to suggest that exhaust from domestic heating systems or cars on the site would be carried on the wind and unacceptably affect existing residents. The tranquillity of the area would undoubtedly be affected by a development of this scale on a site in the countryside and this has a bearing in terms of public amenity and experience of the rural environment. However, in terms of private amenity it is not possible to

say that the development would impact on existing residents in a materially harmful way as regards noise and disturbance. It is likely that suitable boundary treatments and planting would perform a function as acoustic barriers to nearby residents. A certain level of activity is already experienced by existing residents in terms of the layout, density and relationship of existing housing to each other and the highway.

- 5.53 Some objectors have referred to the proposed access position and the harmful effect this would have on residential amenity to properties in close proximity to it on the east side of Church Road. Officers agree that the location of the access would potentially affect residents in terms of headlights shining into windows, noise from vehicle movements, and disturbance during construction. They object to possibly needing to protect themselves from these effects with, for example, blinds and black out curtains. The gradient of the access isn't yet known but it is possible that car headlight beams would be elevated above normal level as cars emerge up a slope. Whilst Officers have considerable sympathy with the views of residents on this point, it is considered that this would not constitute a reason for refusal. Similar issues were raised at a recent appeal in Milton under Wychwood (15/03128/OUT) and the Inspector did not conclude that unacceptable harm would arise.

Contamination and land stability

- 5.54 The application was accompanied by a desk top contamination assessment, but not results of intrusive investigations. It is known that the site was subject to landfill and a number of objectors allege hazardous waste has been dumped, not just inert material. A further report has recently been provided and assessed by Environmental Health Officers. However at the time of writing their advice was not available. An update will be provided at the meeting.
- 5.55 Although consent is not sought under this outline application for siting and layout, the illustrative material indicates that buildings, roads and car parking areas would be spread throughout the red line area. It is known that there is made ground on the site and the site investigation report notes that: "The foundation solution will depend on groundwater levels and control measures. Spread foundations may be suitable, provided that they can be safely constructed above the water table. Alternative solutions, such as ground treatment or piled foundations may be preferred". On this basis, there remains uncertainty that the site is suitable for its proposed use taking account of ground conditions and land stability. Objectors have referred to subsidence affecting existing properties.

Effect on Infrastructure

- 5.56 A very large number of objectors have referred to strain on infrastructure and services in the village arising from disproportionate growth of new housing. Given the now permitted and planned level of development there will undoubtedly be greater demand for all sorts of services and facilities and an adjustment to a larger resident population will be necessary. However, particular concern is raised regarding the capacity at the primary school and doctors' surgery.
- 5.57 OCC notes that expansion of primary school provision in the area would be required as a direct consequence of this proposed housing. Hanborough Manor CE Primary School is the catchment school for this development. Hanborough Manor's current school site is significantly below the government minimum guidelines for a 1.5 Form Entry (FE) or larger school. To facilitate the necessary expansion of the school, sufficient and satisfactory additional site area for the school needs to be secured.

- 5.58 There are two current separate proposed routes towards securing sufficient site area:
1: The S106 agreement for the Witney Road, Long Hanborough development (14/1234/P/OP) secures the County Council an option on an off-site playing field which would enable the school to expand. The option period runs for 5 years from the date of implementation of the Witney Road permission, but this solution will only be guaranteed once this permission is implemented.
2: The planning application 14/1102/P/OP, Church Road, includes additional land for education purposes, and provides for the pre-school, currently on the school site, to be relocated. The site would also need to be implemented for the County Council to have an option on the additional school land.
- 5.59 The County Council does not yet have certainty that either option will provide the necessary land to enable the school to expand. However, in line with the approach agreed at the recent appeal on the CEG site (15/03797/OUT), the County Council is willing to not object to this proposal if planning permission is granted subject to a strict condition preventing occupation until the school's ability to expand has been confirmed, as set out below:
"No dwelling hereby approved shall be occupied unless and until the local planning authority has confirmed that either (a) the playing field land to be transferred to the County Council under the terms of the planning obligation dated 15 February 2016 between The Oxfordshire County Council, Vanbrugh Trustees Limited and Vanbrugh Trustees No.2 Limited and others relating to land south of Witney Road, Long Hanborough (Application No 14/1234/P/OP) has been transferred or (b) it is satisfied, in the event of that transfer not having taken place, that an alternative proposal can be undertaken to enable the expansion of Hanborough Manor Church of England School to accommodate the pupils generated by the development hereby permitted or (c) that other provision can be made for the primary education demand arising from the proposed development to be met."
- 5.60 In addition to the condition, contributions would be required towards primary, secondary and early years education.
- 5.61 As part of the permitted scheme at Witney Road (14/1234/P/OP) it is intended that a new doctors' surgery will be provided to allow relocation of the current surgery from its existing site. Officers accept that in the short term the surgery is oversubscribed and on a site that is no longer appropriate. However, there is no evidence to suggest that the new facility would be inadequate to cater for envisaged demand and no objection is raised by the surgery itself. Given that a reserved matters application is currently being considered on the Witney Road site, it is likely that scheme will be implemented well before any dwellings that might arise from the Church Road site under consideration here. There will therefore be timely delivery of this service.

Other matters

- 5.62 A number of objectors have referred to the potential effect on archaeology. However, the OCC Archaeology Officer raises no objection.

S106 matters

- 5.63 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution. This will be comprised of a combination of affordable and starter homes, with the exact mix to be the subject of a legal agreement.

- 5.64 A contribution of £9,400.00 to develop on-site artist led interpretation.
- 5.65 A contribution of £108,664.00 off site contribution towards sport/recreation facilities in the area. In addition, £76,892.00 for the enhancement and maintenance of play/recreation areas in the area.
- 5.66 A contribution to Primary education of £358,771.00 is required for the necessary expansion of permanent primary school capacity serving the area.
- 5.67 A contribution to Secondary education of £406,436.00 is required for the necessary expansion of permanent primary school capacity serving the area.
- 5.68 A contribution of £35,769.00 is required towards the expansion of early years education provision.
- 5.69 A contribution of £1,000.00 per dwelling towards bus services and £5,000.00 towards replacement of existing poles, flags and information units at existing bus stops. In addition, £1,240.00 will be required towards monitoring the travel plan.

5.70 A contribution to the library is required in the sum of £4,874.00.

Conclusion

- 5.71 The site is located within a reasonable distance of the village of Long Hanborough, which provides a range of amenities and is considered a suitable location for some new development. This is recognised in policy OS2 of the emerging Local Plan, and two specific site allocations are made. The strategic requirements for development in this part of the District have been considered. In addition, a review of the SHELAA has appropriately had regard to sites promoted for development in this location. The application site, has been deemed unsuitable for housing development.
- 5.72 Existing trees and hedgerow/shrubs could be removed as part of the appropriate management of the SSSI and it is not clear what the visual effect of this would be, or what the requirements for additional landscaping would be. However, a full tree retention plan and landscaping plan are capable of being delivered. Nevertheless, even with additional planting, it is considered that the development would not assimilate satisfactorily into the landscape and environment of this location.
- 5.73 The site is located in the countryside beyond the existing settlement edge of the village. The development would encroach unacceptably into a largely unspoilt part of the minor valley in this location. It would fail to relate satisfactorily to the village or the existing rural environment which provides a setting for the village, and it would not easily assimilate into its surroundings in resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be detached from the settlement edge, both in terms of siting, presence of geological features and levels, and would be seen as an isolated island of development. It would be highly prominent in public views from open countryside to the west along a public right of way, and from Church Road to the east. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. The development would encroach

into the countryside separating the settlements of Long Hanborough, Church Hanborough and Freeland, leading to coalescence and loss of identity of these distinct settlements.

- 5.74 OCC raises no objection in principle to the position of the access to the highway, but appropriate pedestrian linkages have not been demonstrated. The final comments of OCC will be reported at the meeting.
- 5.75 Although consent is not sought under this outline application for siting and layout, no information has been provided to demonstrate that the site is suitable for the proposed use having regard to ground conditions and stability.
- 5.76 The site is in Flood Zone I and at low risk of flooding. Foul drainage and surface drainage can be addressed by condition.
- 5.77 Ecological mitigation, enhancements and management are capable of being addressed by condition.
- 5.78 Insufficient information has been provided to demonstrate that the Long Hanborough Gravel Pits Site of Special Scientific Interest would be protected from damage, destruction, and fly tipping, and would be appropriately managed to remove inappropriate vegetation and return the SSSI to a grassy herbaceous sward with low scrub. The applicant has not entered into a legal agreement to secure an appropriate Management Plan.
- 5.79 There is no reason to believe that the residential amenity of existing residents or future residents would be affected to an unacceptable degree by the development. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place.
- 5.80 As regard the various contributions required, as set out above, satisfactory legal agreements have not been completed and this therefore adds to the grounds of refusal in the proposal failing to make provision for affordable housing, education, sports/recreation, public art and bus services.
- 5.81 Given that the saved Local Plan Policies for the supply of housing are out of date, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently definitively demonstrate a 5 year supply of housing. In this context, 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.
- 5.82 The applicant has suggested that a number of benefits arise from the scheme, as set out in the "applicant's case" above. In this context, significant weight is attached to the benefit of the provision of new housing, and in particular 50% affordable housing in this case. The economic benefits associated with the construction of new dwellings and local spend are acknowledged.
- 5.83 As regards New Homes Bonus, a recent appeal decision in the District (North Leigh APP/D3125/W/15/3136376) notes as follows in relation to this and Council Tax receipts: "The development would also generate New Homes Bonus (NHB) and Council Tax receipts for the Council. As the former is an incentive for local planning authorities to provide housing on suitable sites, the latter is essentially a means for the Council to cover its costs arising from an increased local population, and no direct beneficial link between the spend of the NHB and

North Leigh has been established, I do not consider that these matters attract weight as benefits in the planning balance".

- 5.84 There is no evidence to support the applicant's view that "Whilst the proposal would have a limited localised adverse impact on landscape character in the infancy stages of its development, it has been found that in the long term the landscape management would result in a positive enhancement". There would be harm as identified in this report. The suggested "enhancement measures to the geological SSSI" have not been demonstrated.
- 5.85 The assertion that the "development is able to be provided with a safe and convenient vehicular access and would have no adverse impacts on highway safety and convenience. Whilst generating traffic this would not result in unacceptable highway impacts" will be addressed at the meeting in the light of OCC advice.
- 5.86 With respect to this analysis, it is considered that the harm to the landscape, visual amenity and character of the area outweighs the benefit of housing delivery in this case. There remain unresolved concerns with regard to ground conditions and land stability, and appropriate treatment to, and management of, the SSSI. A suitable mitigation package by way of legal agreement has not been resolved. Accordingly, the proposal does not represent sustainable development and is recommended for refusal.

6 REASONS FOR REFUSAL

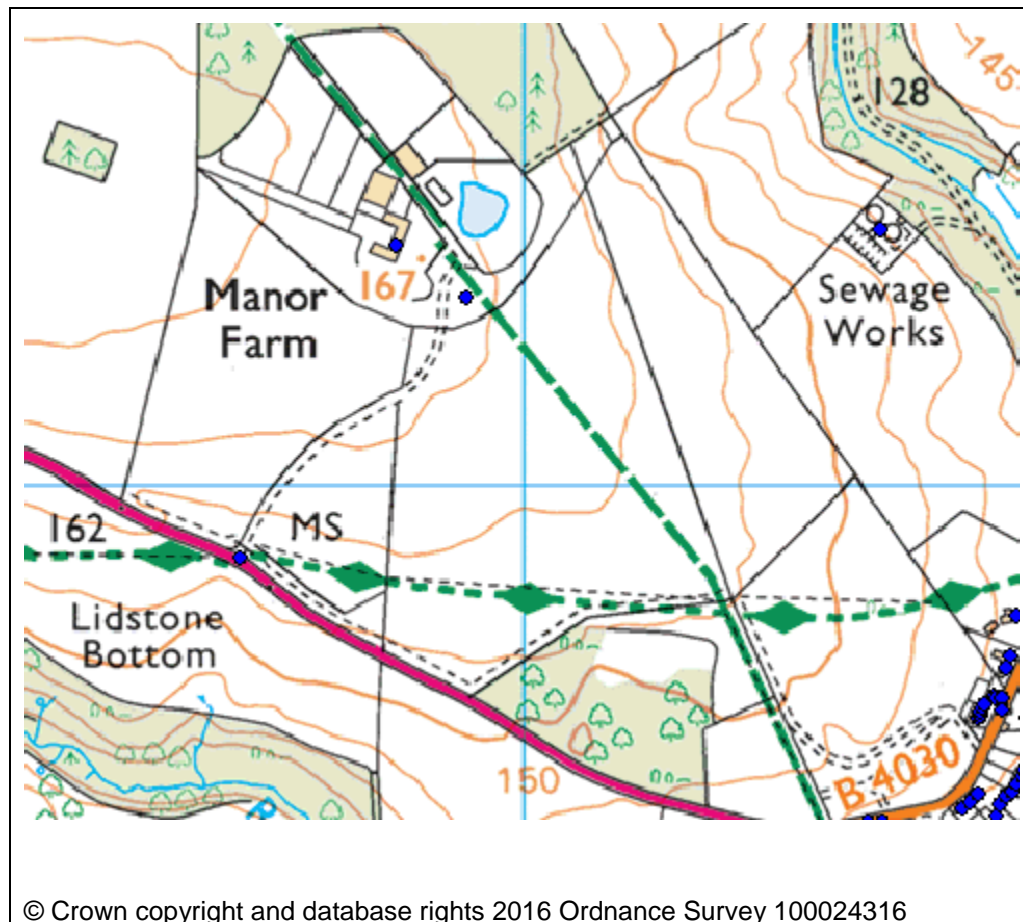
- 1 The site is located in the countryside beyond the existing settlement edge of the village of Long Hanborough. The development would encroach unacceptably into a largely unspoilt part of the minor valley in this location. It would fail to relate satisfactorily to the village or the existing rural environment which provides a setting for the village, and it would not easily assimilate into its surroundings in resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be detached from the settlement edge, both in terms of siting, presence of geological features and levels, and would be seen as an isolated island of development. It would be highly prominent in public views from open countryside to the west along a public right of way, and from Church Road to the east. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. The development would encroach into the countryside separating the settlements of Long Hanborough, Church Hanborough and Freeland, leading to coalescence and loss of identity of these distinct settlements. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE2, NE3, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, EH1, and EH3, and the relevant policies of the NPPF, in particular paragraphs 17, 58, and 109.
- 2 The site is located on a former quarry site which has been subject to landfill and therefore comprises made ground. Insufficient information has been provided to demonstrate that the site is suitable for the proposed use having regard to ground conditions and land stability. The proposal is therefore contrary to the relevant policies of the NPPF, in particular paragraphs 109, 120 and 121.
- 3 Insufficient information has been provided to demonstrate that the Long Hanborough Gravel Pits Site of Special Scientific Interest would be protected from damage, destruction, and fly tipping, and would be appropriately managed to remove inappropriate vegetation and return the SSSI to a grassy herbaceous sward with low scrub. The applicant has not entered into a legal

agreement to secure an appropriate Management Plan. In the absence of certainty on these matters, the proposal is contrary to West Oxfordshire Local Plan 2011 policy NE14, emerging West Oxfordshire Local Plan policy EH2, and the relevant policies of the NPPF, particularly paragraphs 109, 117 and 118.

- 4 The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, and makes an appropriate contribution to public transport provision and public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraphs 17, 50, 69, 70, 72 and 203 of the NPPF.

Application Number	17/00485/FUL
Site Address	Land West of Enstone Manor Farm Oxford Road Enstone Oxfordshire
Date	23rd May 2017
Officer	Michael Kemp
Officer Recommendations	Defer
Parish	Enstone Parish Council
Grid Reference	436113 E 225370 N
Committee Date	5th June 2017

Location Map



Application Details:

Erection of an exceptional and innovative new country house (para 55, NPPF) and formation of vehicular access. Construction of self contained guest accommodation with car parking underneath.

Applicant Details:

Mr And Mrs Zibarras, c/o agent

I CONSULTATIONS

I.1 CPRE

CPRE objects to the application.

Firstly, the size and scale of the building is not appropriate or in-keeping with the area. It is a very substantial house. It is built on a quarry site, but the developed area is significantly larger than the quarry demise, once hard-standing, external 'living' areas, garaging, guest accommodation and the access lane are taken into account.

Secondly, only a phase I ecology study has been carried out. Construction on this scale, so close to woodland is bound to have a damaging effect. Also, the light from the building in use will affect bats, which are bound to be present around trees and hedgerows. The application isn't specific on the detail of the design, but the earthworks and concrete installation are likely to be significant and it's likely that during construction the site will be scarred over a large area. This is particularly the case in view of the drainage system required and the swimming pool, which will require substantial excavations. Concrete and other wet trades result in chemicals leaching into the ground. The environmental considerations focus on the use of the house, but construction is equally important, as any damage done, cannot be reversed.

Thirdly, the building is relatively prominent, particularly from the bridleway, despite nestling within existing quarry excavations. The design is ultra modern with mostly metal cladding and therefore in CPRE's view, not in-keeping with the area. Modern design can become outdated, where traditional design stands the test of time, which is important in a rural and historic area. The existing mast would be removed by the telecomms provider in any event if it is no longer needed, so the visual effect cannot be offset against the improvement brought about by the mast's removal.

Finally, it would not normally be acceptable or in accordance with policy, to build in open countryside away from a settlement. To meet the requirements of paragraph 55 and count as a special circumstance, the design must be of exceptional quality or innovative. Such a design should:

1. be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
2. reflect the highest standards in architecture;
3. significantly enhance its immediate setting; and
4. be sensitive to the defining characteristics of the local area.

Whilst this is a subjective matter and it is clear that the design is well

considered and interesting, all 4 aspects must be met and CPRE would question points 3 & 4 in particular. We are not sure that mirroring the appearance of dual span, metal shed farm buildings is the best choice for the site, although we can see that it allows for the most modern solution. These sorts of farm buildings may last decades, but inevitably fall into disrepair and are replaced, probably in future by something less utilitarian. Therefore, at that at some point the house under this application could have no link at all with surrounding architecture.

- I.2 Parish Council Enstone Parish Council has no objection to this current planning application.
- I.3 WODC Architect The proposed house has been the subject of two consultations with the Design South East panel - which has resulted in considerable refinement of the thinking behind the project, and a somewhat less arbitrary feel to the form, although the design is now more staid than inspired, I feel. This is perhaps inevitable when a committee becomes involved in the design process.

Anyway, we are now presented with a main house that is rooted in the quarry, but which rises two storeys above the general ground level with two linked portal-framed duo-pitch sheds, of roughly similar section, that we are told are inspired by agricultural buildings. There is no single model for such NPPF paragraph 55 houses, but we do note that the design should: 1) be truly outstanding and innovative; 2) reflect the highest standards in architecture; 3) significantly enhance the setting; 4) be sensitive to the defining characteristics of the local area. Focusing on the detail of the current proposal, and dealing with these tests in turn, I note: 1) the design is certainly outstanding and innovative by comparison with the vast majority of our usual planning applications, which may be enough - although if it is outstanding and innovative on a national level is very debatable - and I am not sure that its high energy efficiency alone is sufficient justification; 2) I suppose it does arguably reflect the highest standards in architecture - a lot of care has been put into every aspect of the form, and its relationship with the site; 3) It is not clear that the proposal would significantly enhance the setting, noting that the site is currently a quietly overgrown piece of land - and would a glassy, metallic structure on the hill top really represent enhancement? - but this is very subjective, and I suppose it could be argued that the new building would bring some interest to the landscape, whilst the prominence is limited by it being set against a sizeable wood, and partly screened by other mature trees to the east; 4) I am not sure that the proposal is hugely sensitive to the defining characteristics of the local area (DSE did suggest that this needed further work) - and whilst there is an argument that the local stone in the basement areas and the agricultural portal forms do make references, in my view they have missed an opportunity to make much more of the very particular quarry setting, where references could have been made, for

example, to geological strata, load-bearing stone forms, earth-sheltered forms, troglodytic forms, etc.

Also of concern is that in addition to the main house, there would be a completely separate guest house. This would be of duo-pitched form, the section chiming with that of the main house ranges, and I note that it would actually be as tall as the tallest part of the main house. However, it would be set some way to the south-west of the main house, and there would be sizeable expanses of render. In my view the physical relationship between the two structures is tenuous, and the guest house is starting to feel like another house in the countryside. In my view, this structure should be of much more secondary form, much lower and ground-hugging, and it should be in closer proximity to the main house.

So, in summary, it seems that the proposal comes close to the NPPF tests - although it does not unequivocally pass them all, in my view. And it hasn't exactly been deemed to have passed all of the NPPF tests by DSE, as stated in the D&A Statement - because the DSE report highlights the need for further work in terms of entrance hierarchies and in terms of references to local exemplars.

- | | | |
|-----|-------------------------------------|---|
| I.4 | OCC Highways | <p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network</p> <p>No objection</p> |
| I.5 | WODC Drainage Engineers | <p>The SuDS hierarchy must be adhered too at all times. The surface water drainage system must be designed to accommodate all surface water in a 1 in 30 year storm event + 40% CC, however the site must contain all surface water up to and including a 1 in 100 year storm event + 40% CC and therefore we recommend that the surface water drainage system is designed to accommodate all surface water up to and including a 1 in 100 year storm event + 40% CC, otherwise the site would need to flood itself.</p> <p>General</p> <p>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.</p> |
| I.6 | WODC Landscape And Forestry Officer | <p>No Comment Received.</p> |

I.7 Biodiversity Officer

No objections subject to the receipt of further details.

The Phase I Habitat Survey Report dated January 2016 by Windrush Ecology Ltd is considered to be satisfactory, however, the main recommendation of the report for the retention of as much of the unimproved grassland (calcareous, priority habitat) does not appear to have been translated across into the design of the southern part of the site or the landscape design statement. The driveway, ponds and tree planting appear to affect this priority habitat and the design needs to ensure that this habitat is retained and protected as much as possible. The loss of priority habitat must be adequately compensated and further details of habitat creation and enhancement, particularly in the meadow to the north of the dwelling are required before determination. A clear and focused compensation strategy should be submitted for approval before determination. This is likely to mean that an amended Landscape Design Statement or a combined landscape and ecology design statement is required.

I am satisfied that the management of retain, enhanced and newly created habitats can be approved as a condition of planning consent, e.g. a Landscape and Ecology Management Plan. Mitigation, compensation and enhancements for species, including reptiles, butterflies, nesting birds and roosting bats should also be incorporated within the site.

Further details of the proposed external lighting is required in sensitive locations such as adjacent to the plantation woodland on the northwestern side of the site (shown as a pink coloured light, but no specification included).

4. Legislation, Policy and Guidance Considerations

All relevant legislation, policy and guidance considerations have been taken into account as part of this response, including the following:

- o Wildlife and Countryside Act 1981 (as amended)
 - o The Conservation of Habitats and Species Regulations 2010 (as amended)
 - o Countryside and Rights of Way Act 2000 (as amended)
 - o Natural Environment and Rural Communities Act 2006
 - o Protection of Badgers Act 1992
 - o Hedgerow Regulations 1997
 - o ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and their impact within the Planning System
 - o National Planning Policy Framework - paragraphs 7, 9, 17, 109 and 118
 - o Planning Practice Guidance (how development can affect biodiversity and how biodiversity benefits can be delivered through the planning system)
- <http://planningguidance.communities.gov.uk/blog/guidance/>

- o West Oxfordshire Local Plan 2006 policies NE13, NE14 and NE15
- o Natural England Standing Advice

5. Conclusion

Further details are required before determination with regard to the loss of priority habitat (unimproved calcareous grassland); can the loss of this habitat be minimised further by re-designing the route of the driveway, location of ponds and tree/scrub/hedgerow planting? An amended landscape design statement is required to incorporate ecological mitigation, compensation and enhancement recommendations contained within the Windrush Ecology report.

Additional enhancements for species such as reptile hibernacula, bird boxes, bat boxes should be incorporated, and along with the appropriate management of the site for biodiversity, including the meadow to the north of the dwelling, this can be conditioned as part of planning consent - a Landscape and Ecology Management Plan to be submitted for approval.

2 REPRESENTATIONS

- 2.1 No third party letters of objection have been received in relation to this planning application.
- 2.2 I Letter of support has been received from Tracey Holt on behalf of Eureka Estates limited (land owner of the site). The letter confirms support of the improvements to site ecology and the innovative design approach, including low emission energy sources including biomass and PV. Support is expressed for access and location of the site, which it is noted would not adversely affect Broadstone Estates farming needs.

3 APPLICANT'S CASE

- 3.1 The application is accompanied by both a planning and design and access statement. The following section made in support of the application is taken from the Executive summary of the applicants planning statement, which assesses the schemes deemed compliance with the provisions of Paragraph 55 of the NPPF; and Chapter 11 which includes a summary of the schemes deemed compliance with Local Planning Policy.
- 3.2 Paragraph 55 of the National Planning Policy Framework (NPPF) refers specifically to the special circumstances where isolated homes in the countryside are permitted. Broadstone Quarry is located in isolated position, 1.2 miles from Enstone, located on the Broadstone Estate and with direct access off the Oxford Road (A44).
- 3.3 The scheme's exceptional quality is realised principally by compliance with the sub-tests of the clause.
- 3.4 In addition, the new country house in its architecture and landscape architecture is considered exceptional in its response to the 'genus loci' of the site and care taken to integrate a new house into the site responding to its specific character. The contribution of the house to the character

of the site and the creation of future value, together with the creation of a precedent of exemplar design within the local and District area, is considered exceptional.

- 3.5 The Framework reference relates to 'the exceptional quality or innovative nature of the design of the dwelling.' This infers both the design process and response to the site, as well as, the finished house and its surrounding landscape. It is equally in the design process response to the site and the finished design that the project is considered exceptional.
- 3.6 Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas.

Innovative

The new house is innovative on the basis of a combination of the following:

- The house is designed to achieve Passivhaus (PH) Plus standard and will be the largest PH Plus house so far in the UK;
- Utilisation of a thermal bank storing heat underground via a 60m deep borehole;
- Electricity generated using 92 PV panels sympathetically designed and located on the roof;
- Rainwater harvesting innovatively built into the non-insulating fabric of the building;
- Mechanical ventilation with heat recovery (MVHR); and
- Interseasonal thermal store.

DSE response 12/1/2017: "...the proposed energy efficiency standards are commended by the Panel, with high levels of energy innovation proposed..."

The new house is 'outstanding' if it is of exceptional design and further more if it 'stands out' - both are considered to apply in this case.

The house will raise standards of design in this rural area as follows:

- Provision of an exemplar development within the local area and District;
- Seymour-Smith Architects are highly experienced in delivering built para 55 dwellings and here they are pushing on with these learning experiences and creating innovations that will filter down to smaller scale houses. The Architects are already engaging with Housing Associations on their completed projects to enable them to see how Passivhaus works. A locally built Passivhaus Plus will add significantly to their learning experience of those applying new innovations in their projects; and
- Provision of an educational resource via a website which raises a local, regional and national awareness of the design challenges and innovations applied to the project build.

DSE response 12/1/2017: "...we can foresee no reason that this design should not be considered an outstanding and innovative proposal for the purposes of paragraph 55 of the NPPF."

Reflect the highest standards in architecture

- A high-quality design from a highly innovative practice;
- A design demonstrating creativity and an exceptional response to its site and its heritage interest;
- The inspiration for the design is to reverse engineer the architectural history of a Cotswold manor house construction. The house takes the historic DNA of a hall house and

implements a modern farm barn portal frame structure as a natural evolution of the oak beam; and

- Three materials are used in the palette following the materials used for agricultural buildings and field enclosures of the areas - Cotswold stone used on the walls, metal cladding for roof and upper walls, timber for louvres.

DSE response 12/1/2017: "With the new proposals, the design narrative is much stronger, the form references the kinds of structures found within the open landscape setting of the locality; collections of barns and large houses. The decision to use these as precedents has helped root the proposal in the architectural language of the location, and this helps to make the proposal easier to read as appropriate for the site. In this way the Panel feels this proposal addresses the tests of para 55 of the NPPF, feeling more connected to local design and forms."

Significantly enhance its immediate setting

- An enhancement of the future value of the quarry site and local area through creation of a new house which aspires to the status of a future listed building;
- A visual enhancement - a beautiful and elegant house fully integrated into the site, using the levels and topography to great effect for both living accommodation and mitigating impact;
- A visual enhancement based on the principle that high-quality buildings throughout time have been considered to enhance the landscapes in which they are sited; a principle set out in case law on new country houses;
- The restoration of the site in a high-quality landscape response to the site's character;
- Ecological enhancement through implementation of a number of targeted measures as set out in the Habitat Survey Report and Landscape Design Statement accompanying the application.

DSE response 12/1/2017: (in referring the landscaped gardens) "The approach is supported by a strong rationale and the detailing is well considered and integrated in to the overall approach to the rest of the scheme."

Be sensitive to the defining characteristics of the local area

- The submitted Landscape Statement and Landscape Visual Statement provide the details on how the scheme responds to local character.

DSE response 12/1/2017: (this response best exemplifies how this criterion is met) ".....the design reflects both elements of vernacular built form and response to local landscape setting. The use of barns and local country houses as precedents is a step forward in terms of the design narrative, and this approach has had myriad benefits in helping the design meet the requirements of para 55 of the NPPF."

Conclusion on Local Planning Policy

- 3.7 It is clear that NPPF para 55 is the key policy determinant for this application. It is a specific policy allowing the special circumstance for a dwelling of exceptional quality or innovative nature. That policy is not found in local plan policy, saved or emerging. Local plan policy is silent on this special circumstance. The provisions of NPPF para 55 are by definition sustainable development. The NPPF and emerging Policy OSI provide a presumption in favour of sustainable development. This policy assessment demonstrates that there are no adverse impacts from the proposed development, indeed there is the opposite, a proposal that provide for both enhancement of the site and its setting.

- 3.8 The final built dwelling will be something the District will be justifiably proud in its involvement. It will leave a lasting legacy for learning and for the future enjoyment of its residents and visitors.
- 3.9 The dwelling design has been subject of three independent appraisals by Design South East, the following paragraph is taken from the summary section of the DSE panels latest response to the proposed scheme:
- 3.10 At the December review the Panel concluded that, there was scope to further improve the design and went on to highlight a number of areas that needed further attention relating to the site entrances, the detailing of the balustrades and building fascias, how the site entrance worked and how the renewable energy technology was integrated into the building. The Panel noted that 'provided that these revisions and adjustments to the building entrances are dealt with satisfactorily, we can foresee no reason that this design should not be considered an outstanding and innovative proposal for the purposes of paragraph 55 of the NPPF.'
- 3.11 The main revisions suggested during the last review related to the site entrance and pergola on the secondary entrance which was felt to be confusing and overscaled, the balustrade detailing to the terraces, the treatment of the building fascias (including the screening grillage to the gable elevations) and eaves, and the way photovoltaics were integrated into the roof. The design team have, in the Panel's view, satisfactorily addressed the concerns raised in the previous reviews through the redesign of these elements, and it is the Panel's opinion that this proposal now fully meets all the tests of Paragraph 55 of the NPPF.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
H2 General residential development standards
H4 Construction of new dwellings in the open countryside and small villages
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
EH2NEW Biodiversity
EH3NEW Public realm and green infrastructure
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The following report outlines your officers assessment of the principle issues associated with the proposed development. Officers seek the views of members of the committee following their site visit and prior to making a recommendation at a later meeting.
- 5.2 The application seeks planning permission for the erection of a new build residential dwelling sited within a remote and isolated area of open countryside. The application site lies

approximately 1.5 miles to the west of Enstone, to the west of Manor Farm. The site lies immediately to the North of the A44 and is bounded by open fields to the south, east and west. A wooded plantation lies to the North West of the site.

- 5.3 The application site comprises mainly of land formerly used as a quarry, and includes associated excavated areas of land. The site is presently overgrown and is somewhat untidy, overgrown and unmanaged. A telecommunications mast is located to the west of the site, which would be removed as part of the proposed development. The land lies in a reasonably elevated position in relation to the immediate landscape to the north, the boundaries of the Grade II* listed Heythrop Park lies in a position further north of the site area. Officers note that notwithstanding the elevated position of the site, wider public views of the site are relatively limited. The principle means of access to the site at present is via a public bridleway and gated access from which views are more prominent.
- 5.4 The dwelling is proposed under the specific provisions listed under one of the specific criteria of Paragraph 55 of the NPPF, which refers to the development of isolated new dwellings within the open countryside: namely that the dwelling would be of an exceptional or innovative design. The proposed development would comprise of a two storey detached dwelling of a contemporary design and form, which broadly takes inspiration from the character and form of a modern utilitarian agricultural building. The building would be set into the existing excavated landscape and the main dwelling would measure 30 metres in length and would extend to a total height of 9.5 metres to the roof ridge, although the building height, particularly the height which would be visible varies considerably given owing to the change in levels. The height of the rear of the building would measure 6.9 metres to the roof ridge. The scheme also includes an ancillary guest accommodation building forward of the principle elevation of the dwelling. The scheme includes a new means of access onto the A44, including an access road approaching the site from the South East. The scheme includes substantial landscaping and includes an ancillary, two storey building, which would be used as guest accommodation.
- 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 of the dwelling
Access and Highway Amenity
Site Ecology/Biodiversity considerations
Landscape and Visual Impact

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. The site clearly lies within what officers consider to be an isolated area of open countryside. The nearest settlement of any significant scale is Enstone, which is located around 1.5 miles to the west of the site. There is no safe and suitable pedestrian access to the site from Enstone and it is considered that the occupants of the proposed dwelling would be wholly dependent on private vehicular transport.
- 5.14 Policy H4 of the Existing Local Plan and Policy H2 of the Emerging Local Plan are relevant to new residential development within areas of open countryside, in addition to the provisions of Paragraph 55 of the NPPF. Each of these policies are highly restrictive of new development within isolated areas of open countryside, though the provision of Policy H2 of the Emerging Local Plan and Paragraph 55 of the NPPF are permissive in special circumstances of development, which would be of an exceptional or innovative design. It is outlined that each of the following criteria should be met in order for a design to meet the criteria of Paragraph 55. It is expected that the dwelling should:

- be truly outstanding or innovative, helping to raise standards of design

More generally in rural areas:

- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

- 5.15 Officers consider that the acceptability of the scheme, as proposed would be wholly dependent on compliance with each of the above criteria; this is assessed in the following sections of this report.

Design and visual Impact

- 5.16 The proposed dwelling is of a contemporary design and form, the concept design is derived from that of a Cotswold Manor House, although the building design and form replicates the appearance of steel framed utilitarian agricultural buildings commonly found within mainly rural landscapes, including those commonly but not limited to those commonly found within the local landscape context. The proposed dwelling would be a large structure extending to a total height of 9.5 metres to the roof ridge, although the dwelling would be partially set into the ground limiting the height of the building, particularly when viewed from the rear. The lower sections of the building would be constructed from limestone, the upper sections of the building would be steel clad and the roof of the building would be constructed from zinc. The building features prominent sections of glazing including louvres to limit the extent of light spillage into the open countryside.
- 5.17 The design has been informed considerably by Design South East through a series of design review panel meetings which officers also attended. Following each of the meetings the panel prepared feedback reports indicating whether in the opinion of the panel, the scheme was deemed to meet the provisions of Paragraph 55 of the NPPF. Officers note that in the most recent report, based on the present plans, the panel state that in their opinion the development meets all of the tests of Paragraph 55 of the NPPF. The design review panel have assessed the application against each of the specified tests and their opinion should be afforded significant weight in the planning balance albeit that this does not preclude the LPA from reaching a differently conclusion providing this is soundly based.
- 5.18 The first of the relevant criteria of Paragraph 55 requires the design of the building to be outstanding or innovative and should help to raise standards of design more generally in rural areas. Officers note that building would incorporate demonstrably high standards of energy efficacy resulting in Passivhaus plus performance. Other innovative measures are proposed with regards to rainwater harvesting and heat storage. The design is carefully considered and is undoubtedly of a high architectural standard, whilst the high standards of energy efficiency are welcomed and are reflective of the highest standards of architecture; officers consider that does not in itself make the design in exclusivity represent innovation. A recent appeal decision APP/B1550/W/16/315972 relating to the development of two Passivhaus homes at Rayleigh, Essex determined that whilst achieving Passivhaus standards should be applauded, homes of this nature are no longer rare and as such this alone should not be a benchmark for innovation when considered against the criteria of Paragraph 55 of the NPPF.

- 5.19 Regarding point 3 of Paragraph 55 officers have reservations on whether the proposed development would 'significantly enhance' the immediate setting of the site. Officers would not dispute that the design is well considered and officers concur with the opinion of the Design South East review panel that the development responds positively to the context of the site, particularly in terms of the siting of the dwelling and its response to the natural topography of the site as well the immediate landscape context as and site specific context, including the former use of the site as a quarry. Whilst officers would not dispute that the design responds well to the site context, 'responding' to the site context and immediate setting, in officer's opinion differs from development which actively 'enhances' the immediate setting.
- 5.20 The site was presently used as a Quarry and contains areas of exposed, formerly excavated land, lying at a lower level than the adjacent right of way. In its present form appears slightly untidy and unkempt largely owing to the fact that the site has not actively managed since its former use as a quarry ceased. The site also contains a telecommunications mast, which it is indicated will be redundant in the near future, although this is a relatively small installation and the installation of telecommunications based development in the open countryside is fairly commonplace in such a context even if there would be some minor visual benefit in removing the mast.
- 5.21 Notwithstanding the slightly untidy condition of the site, officers consider that the land in its present condition reads as fairly innocuous rather than actively incongruous and in this sense it is difficult to envisage how the development would enhance the immediate setting, given that the structure would be large and prominent in the immediate context as experienced. There would be some undoubted benefits arising from the provision of the proposed landscaping, which is well considered and would represent an enhancement on the presently untidy condition of the site. This would however be partially offset by the addition of hard engineering including an access road and widened road junction onto the A44, which would have a conspicuous urbanising impact on the immediate character of the area.
- 5.22 When examining the present context of the site from outside the immediate confines of the site and adjacent footpath, there is no sense that the site is untidy or in a poor condition, given that the excavated sections of the site are not visibly discernible in any views beyond the immediately adjacent right of way. Officers note that the dwelling would be set into the former excavated quarry land allowing for a reduction in the visual mass and the visual prominence of the dwelling when viewed in immediate and longer distance views. Officers note that wider public views of the site are limited from the north, including from the public bridleway leading from Enstone Village as well as the public right of way through Heythrop Park. Officers consider that the design narrative including the use of natural quarry stone, as well as the innovative way the development works with the topography of the site is a clear response to the character of the site. It is evident that the setting has been carefully considered and this is clearly referenced within the DSE Panels report. Notwithstanding this, even when accounting for this and the high architectural standard of design officers have significant doubts that that the addition of a large new build dwelling would represent an enhancement of the immediate setting.
- 5.23 In terms of responsiveness to local character, officers note the cited reference towards the vernacular built form in terms of the site layout and dwelling footprint, which is said to be derived from that of a Cotswold Manor House. Barton House, in the neighbouring Stratford District and Greenways, an Elizabethan House in the Cotswolds are specifically referenced as examples of buildings which are of a similar form to the proposed building. The form of the Cotswold Manor House is in officers opinion reflected in the form of the building, although the design narrative also takes inspiration from the design, form and materials commonly found

replicated within utilitarian steel framed agricultural barns which typically are steel clad, with lower sections of blockwork/stone.

- 5.24 What would be discernible, particularly in views from the north would be a building which visually reads as a modern steel framed barn. As referenced by the applicants, modern utilitarian buildings are commonly found within the district and the Cotswolds Area and are undoubtedly an architectural feature of most rural landscapes. As such a steel framed building of the proposed scale and design, using the proposed materials would not be an unexpected sight within an area of open countryside such as this. The extent to which replicating the design of such utilitarian buildings represents local distinctiveness is however contentious. By the nature of their intended use modern agricultural buildings are purpose built and the design, scale and form of these buildings is reflective of their functional purpose. As such, unlike many vernacular barns in the district, which clearly reflect the architectural character and heritage of the area, utilitarian buildings are of a standardised design replicated not just throughout the district, but nationally. As such utilitarian barns are commonplace in almost all rural settings throughout the country and do not exclusively represent a locally unique or distinctive architectural feature of the district. In a similar vein, particularly since the establishment of Class Q (formerly Class MB) of the General Permitted Development Order 2015, the conversion of modern steel framed utilitarian buildings to residential dwelling within a contemporary manner has become relatively common within rural districts nationally and no longer substantially innovative.
- 5.25 In summary officers consider that the building is evidently driven by a clear design narrative and whilst a building of this design and form would not be unexpected within a location such as this, officers would express doubts whether the building is locally distinctive and fully reflects the defining characteristics of the local area as required within Paragraph 55 of the NPPF.

Highways

- 5.26 The proposed dwelling would be accessed via a newly formed means of access onto the A44 in a position to the east of the existing bridleway. This would consist of a wide access in order to achieve acceptable visibility splays. A new access road would lead from the A44 to the entrance of the proposed dwelling. In terms of the vehicular access onto the A44, officers are satisfied that there would be adequate visibility in both directions and that the means of access would not be detrimental to highway safety or amenity. Officers note that no objections have been raised by OCC Highways officers with regard to the suitability of the proposed access. Sufficient parking is proposed to serve the dwelling.

Residential Amenities

- 5.27 The dwelling is sited within a remote location and there would be no impact on the residential amenity of any existing properties. Officers are satisfied that the proposed dwelling would have a high standard of amenity.

Conclusion

- 5.28 The application site lies within an isolation location in the open countryside, where new residential development would not typically be supported in line with the requirements of Policy H4 of the Existing Local Plan, Policy H2 of the Emerging Local Plan and Paragraph 55 of the NPPF. Officers consider that the acceptability of the scheme is dependent on whether the

development, as proposed meets each of the criteria of Paragraph 55 of the NPPF to be considered exceptional in design terms.

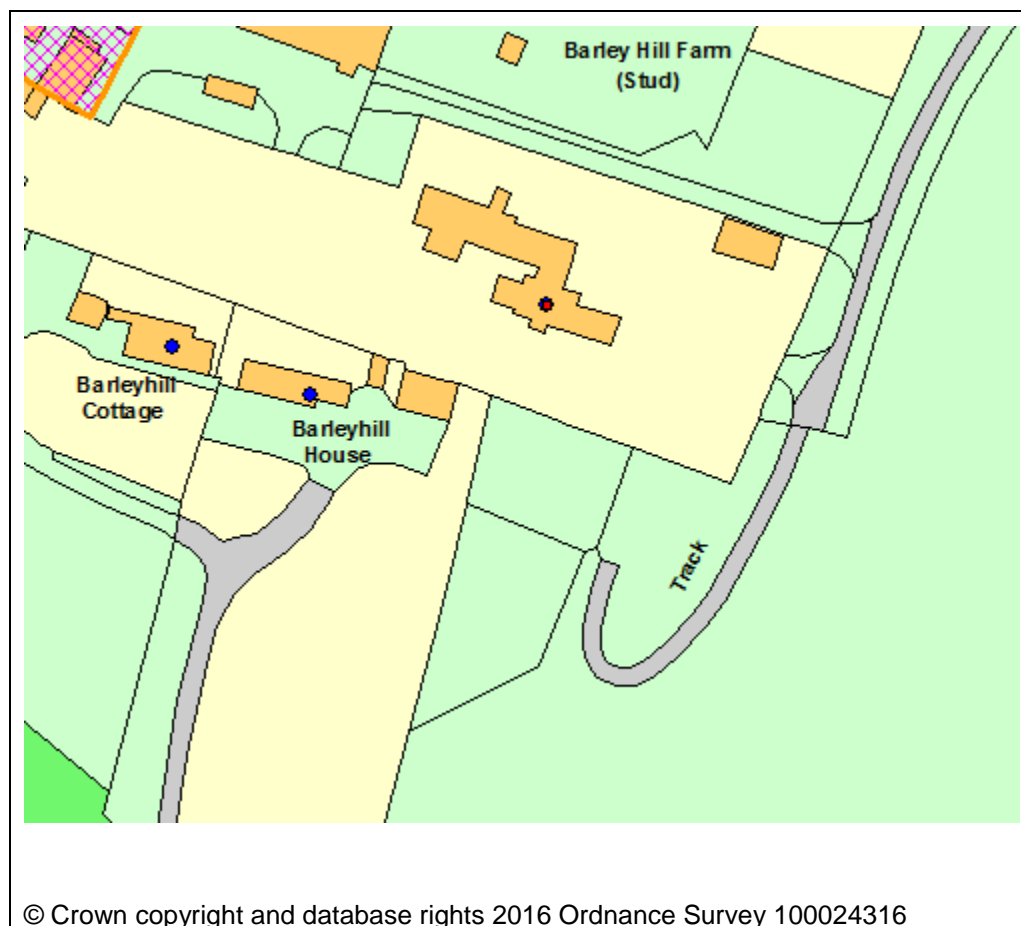
- 5.29 Officers seek the views of members as to whether they consider that the design meets each of the criteria of Paragraph 55 of the NPPF. As expressed by officers in the preceding section of this report, it is considered that the design represents a high standard of architecture and would generally help to raise standards of design. Whether the addition of a new dwelling would significantly enhance the immediate setting is in officers opinion significantly more contentious given the previous condition of the site. Furthermore officers express doubts regarding the local distinctiveness of the design and its sensitivity to the defining characteristics of the local area. In summary officers consider that the development partially meets the criteria of Paragraph 55 of the NPPF, but not fully and as such officers do not consider that a Paragraph 55 exemption is justified. However this view is not supported by DSE and before a formal recommendation is made officers seek members' views as to whether members wish to support, reject or seek amendments that can be the subject of a future meeting a formal recommendation to a future meeting.

6 RECOMMENDATION

Defer.

Application Number	I7/00569/FUL
Site Address	Barley Hill Farm Chipping Norton Road Chadlington Chipping Norton Oxfordshire OX7 3NT
Date	23rd May 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432318 E 222849 N
Committee Date	5th June 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 I note that you consider that the proposed extension will fundamentally alter the vernacular form and character of the barn and that you are unable to support the application. This is of course disappointing. The proposed extension was designed to ensure that the vernacular form and character of the barn was maintained, through its subterranean form and use of the existing topography. Furthermore, the removal of the large modern agricultural building and the evergreen conifers provide the opportunity to positively enhance the setting of the vernacular building.
- 3.2 I note you consider that the proposed development is contrary to policy BE10 and H10 of the adopted West Oxfordshire Local Plan 2011.
- 3.3 As you are aware, Policy BE10 identifies the criteria whereby the conversion of unlisted vernacular buildings will be considered and states:
- The conversion of unlisted vernacular buildings should not:
- a) Extensively alter the existing structure or remove features of interest;
 - b) Include extensions, or an accumulation of extensions, which would obscure the form of the original building.
- 3.4 Policy BE10 does not preclude the provision of extensions to vernacular buildings, but simply seeks to resist them where they would obscure the form of the original building. The proposed subterranean extension which utilises the significant change in levels across the site, will not obscure the form of the original building. Furthermore, the removal of the large modern agricultural building and the evergreen conifers provide the opportunity to positively enhance the setting of the vernacular building.

- 3.5 I would suggest that the demolition of the large modern agricultural building and evergreen hedge would provide the opportunity to positively transform the character and appearance of the existing barn. It is also important to note that the removal of the modern agricultural building and the evergreen hedge were not secured under planning permission 14/1431/P/FP.
- 3.6 As such, I consider that the proposed development accords with Policy BE10 of the adopted West Oxfordshire Local Plan 2011. However, if you reach a different conclusion, I would like to understand on what basis you consider the proposed extensions obscure the form of the original building.
- 3.7 Policy H10 of the adopted West Oxfordshire Local Plan 2011 identifies the criteria whereby the conversion of existing buildings to residential use in the countryside and small villages will be considered. Criterion C requires:
- c) The building is capable of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement.
- 3.8 On the basis that you consider that the proposed development is contrary to Policy H10, I assume that this on the basis that the proposal represents a significant enlargement. The proposed development involves the removal of the existing pole barn and modern agricultural building. I can confirm the following:
- 1) The floor area of the existing barn and pole barn is 145 sqm; and
2) The floor area of the existing barn and extension is 128 sqm.
- 3.9 On the basis of the above, the proposed development represents a reduction in the built form of the existing building. This calculation does not take into consideration the loss of the large enclosed riding arena, which is clearly a benefit which weighs in favour of the scheme. The enclosed riding arena has a floor area of 542 sqm. The building is very prominent in the wider landscape. As such, on the basis that the proposed extension does not represent a significant extension to the existing building, I would suggest that the proposed development accords with Policy H10 of the adopted West Oxfordshire Local Plan 2011.
- 3.10 The above view was shared by the Council in respect of its consideration of the consented scheme at Walcot Barn, Forest Road, Charlbury. Planning permission was granted under application reference 14/0225/P/FP on the 12th June 2014 for the conversion of the existing barn to dwelling, workshop, office and parking. Walcot Barn is located on the Cotswolds AONB, immediately adjacent to the Oxfordshire Way.
- 3.11 In considering this application, the case officer stated that:
- The subterranean element, by its very nature, is not prominent in the wider landscape would not be of harm to the character of the immediate setting, the character and setting of the footpath or the agricultural form of the building.
- I note that you consider that the original barn in this case was much larger than the barn the subject of this particular application and the extensions were considered to be less transformative. In this instance, the Council concluded that the proposed semi-subterranean extension at Walcot Barn, in arguably a more prominent and constrained location than the barn at Barley Hill Farm:

- a) Include extensions, or an accumulation of extensions, which would obscure the form of the original building; and
- b) The building is capable of substantial construction and capable of accommodating residential use without major reconstruction or significant enlargement.

On the basis of the above, I am unclear as to how reasonably the Council could come to a different view that the proposed development at Barley Hill Farm is not in accordance with Policy H10 and BE10 of the adopted West Oxfordshire Local Plan 2011.

- 3.12 As you are aware the Parish Council has not raised any objections to this application. The Parish Council has consistently raised objections to previous applications at Barley Hill Farm. However, the following a site visit by the Parish Council they were able to appreciate the merits of the current application.

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 application was deferred from the previous committee meeting held on 8th May at the request of members, to allow for a site visit to take place.

- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
 Design, Scale and Siting
 Impact of the development on heritage assets
 Landscape, visual impact and impact on the character of the Cotswolds AONB
- Principle
- 5.7 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.
- 5.8 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.

- 5.9 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

- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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.
- 5.14 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.

- 5.15 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

- 5.16 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.
- 5.17 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.
- 5.18 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

- 5.19 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

- 5.20 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

- 5.21 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

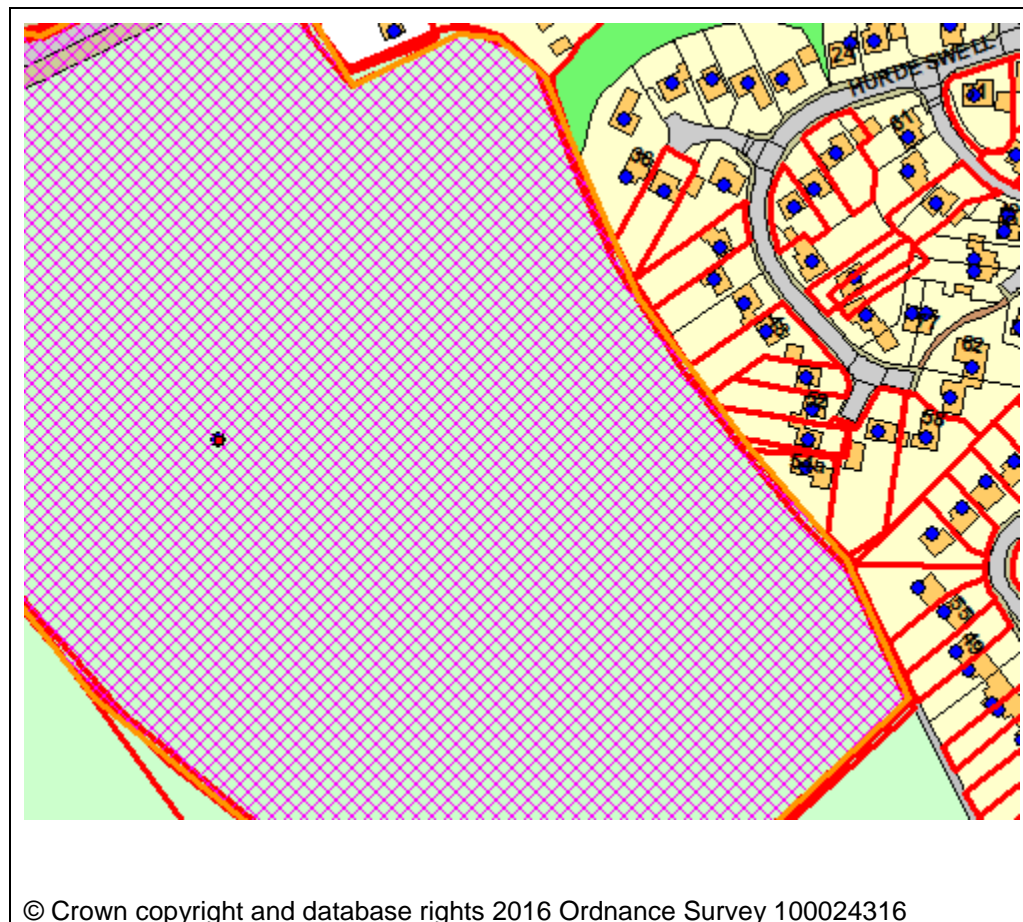
- 5.22 Officers consider that the existing barn is of significant character and heritage merit and an appropriate conversion of the building, which retains the character and form of the vernacular agricultural building is beneficial to the character and appearance of the area. In granting planning approval 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.
- 5.23 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	17/00578/RES
Site Address	Land South of Witney Road Long Hanborough Oxfordshire
Date	23rd May 2017
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	441246 E 213984 N
Committee Date	5th June 2017

Location Map



Application Details:

Application for the approval of appearance, landscaping, layout and scale for 169 dwellings, open space and associated works for planning permission 14/1234/P/OP.

Applicant Details:

Mr Graham Flint
Pye Homes
Langford Locks
Kidlington
OX5 1HZ
Oxon

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|---|
| I.1 | Major Planning Applications Team | Transport

No objections subject to conditions including parking and manoeuvring, waste storage and collection and an informative reminding that a section 38 agreement will be required if any of the roads are offered up for adoption.

Archaeology

No objection - Condition 13 of the original consent requires a written scheme of investigation. |
| I.2 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.3 | Thames Water | No Comment Received. |
| I.4 | WODC Architect | No Objections subject to the amendments to house types and layout as discussed. |
| I.5 | WODC Housing Enabler | No Comment Received. |
| I.6 | Adjacent Parish Council | No Comment Received. |
| I.7 | Parish Council | Objections- on grounds of Design and Layout (Full submission can be read in full on Councils Website) summary of points copied below;

a) The developer should go back to the Revised Illustrative Masterplan, SK100, July 2015, as endorsed by Planning Officers, for basis for layout.

b) Provide better range of houses, unique to Long Hanborough, and based on local vernacular.

c) Reduce number of houses, particularly on the east side of the estate near to Hurdeswell.

d) Establish 10m boundary between Hurdeswell boundaries and boundaries of houses on east side. |

- e) Plant mature hedging along the whole length of the Hurdeswell boundary.
- f) Plant mature hedging on the Hurdeswell boundary at outset of construction work on site to ensure privacy to Hurdeswell residents is in place before any houses built in the Heritage Area.
- g) Use locally sourced material, from West Oxfordshire, for housing and walls
- h) Provide more car parking spaces at the surgery.
- i) Provide further hedging to mitigate traffic movement from surgery car park, which is likely to operate seven days a week
- j) Strict enforcement of construction traffic regulations, with OCC Weight Restriction Orders in place.
- k) WODC required provision of accessible/adaptable and wheelchair adaptable houses for elderly and disabled persons
- l) Developer's footpath designated through Hurdeswell removed from the Masterplan.
- m) No approval of 17/00578/RES until approval of application for the surgery passed - design of surgery has major impact on appearance of the whole front of the Witney Road.
- n) Redesign of Gateway Area so it does not stand out inappropriately and incongruously in its location as a successful piece of townscape, urbanising the road between Long Hanborough and Freeland.
- o) Installing a Pelican or Puffin road crossing instead of an Uncontrolled Crossing near the entrance to the Development.
- p) Road leading through 'The Street' towards the western boundary must not be an access road to the neighbouring field, and allowing the possibility of further development there at a later stage.

2 REPRESENTATIONS

2.1 There have been 21 objections submitted from members of the public, and 2 more general comments. In the main these relate to:

- Distances of houses to those in Hurdeswell and the vegetation screening
- Habitat disturbance
- Loss of privacy from adjacent plot
- Mediocre design does nothing to enhance the village
- Landscape gap between Hurdeswell has gone
- Properties will be close and impact on privacy in terms of overlooking

- Increased parking due to location of surgery
- How will the maintenance of the green areas be managed?

3 APPLICANT'S CASE

The applicants have submitted a Design and Access Addendum to the application which sets out the design approach and themes throughout the scheme. This includes the house types and landscape plans. The full report can be read on line with the rest of the application details.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 H2 General residential development standards
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 OS4NEW High quality design
 EH1NEW Landscape character
 EH3NEW Public realm and green infrastructure
 H6NEW Existing housing
 T4NEW Parking provision
 T3NEW Public transport, walking and cycling
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This is a reserved matters application pursuant to outline approval of application ref. 14/1234/P/OP which was allowed on appeal 4/7/16. Therefore the principle of the development has already been considered by the Inspector at appeal. The first condition of the appeal decision was;
- "Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development is commenced and the development shall be carried out as approved."
- 5.2 This application is the submission of the those details, as such the assessment within this report will deal only with matters of detail in terms of appearance, landscaping, layout and scale. As this application is of significant size and interest to the residents of Long Hanborough Officers are presenting the application to Members in the interests of clarity and expediency.
- 5.3 All other matters raised by Condition in the appeal decision have been satisfactorily complied with in consultation with specialist consultee's as necessary. Those details are found under application reference no. 17/00574/CND.
- 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, Layout and Scale
Landscaping
Impact on Residential Amenities

Siting, Design and Form

- 5.5 The masterplan for the development originally submitted within this application altered a little from that put forward for the Inspector's consideration at the Inquiry in that due to incorporating a green swathe through the middle section of the site (east to west) and maintaining a green buffer to the south and west of the site, dwellings are now located in the triangular section to the east of the site.
- 5.6 Other than that main change, dwellings will still occupy most of the red line site area apart from the sections of green space and corridors as described above. The proposal includes the indicative location of the Doctors Surgery (formal application for this to be submitted at a later date), a main access from the A4095, with a 'Main' Street running through the site north to south, with formation of cul de sacs stemming from this main route.
- 5.7 Officers met with the applicants during the application process and made some suggestions regarding the layout, in particular:
- letting the Doctors surgery be read as a 'stand alone' building, setting the fronting dwellings back a little in order to achieve this.
 - Making the first two dwellings on the 'Street' be gatepost dwellings of good design and presence.
 - increase the green swathe through the site to connect to the footpath to the rear of Slatters Court and Hurdeswell.
 - Bring in dwellings to the south west corner of the site to maintain a strong green buffer to the western edge.
- 5.8 There were also a range of suggestions on the house types proposed, which, in the main involved removing many of the unnecessary 'Gablets' and results in more simplified roof forms on most of the house types. The porches and canopies have also been simplified and many are now inset and the massing of all the canopies and bay windows have been reduced.
- 5.9 The layout, whilst formed around the road layout, has been constructed in 'character areas', broadly defined by more traditional forms and design on the eastern edge closer to the core of the village, and a more contemporary form on the western edge which has been named the 'rural edge'. This approach takes in the main 'Street' and street scenes have been provided which show the more vernacular house types at the 'heritage edge', turning in to a more contemporary modern form at the western edge.
- 5.10 The changes, whilst subtle, have led to a more appropriate and functional layout which better reflects the character of the area and takes on board the Inspectors comments at appeal, consultation responses and Officers advice. As such officers considered the design, in terms of form, scale, layout, materials and house types are considered acceptable.

Landscaping

- 5.11 As a result of the revised layout plan, the green swathe in the middle section of the site from west to east to link with Hurdeswell and Slatters Court has been enlarged and the main street through the site has been enhanced and will be tree lined to ensure this is the 'read' as the main avenue.
- 5.12 The area of open green space to the south west corner of the site has been increased from the original appeal scheme, and as a result increases the landscape edge along the whole of the western boundary. The attenuation pond has been retained along the south of the site and again has been increased slightly due to the re arrangement and reorientation of the properties in the part of the development.
- 5.13 The inspector, at the appeal commented, '... the illustrative plans accompanying the application show how a housing scheme might be accommodated. This could include a substantive landscaped south-western edge where there is no current demarcation, areas of open land with an attenuation pond and reinforced planting within the south-eastern portion of the site, additional planting to the Witney Road frontage and an open landscaped link through the centre of the site. Detailed layout and landscaping, which could ensure that established boundary vegetation is retained and incorporated, and the sloping topography of the site which provides a degree of natural containment, would all provide the ability to mitigate overall landscape impact, mitigation increasing over time as planting matures.'
- 5.14 The reserved matters details have taken on board these comments and the details submitted represent a well-considered scheme which introduces appropriate species and defines the development boundaries and green spaces whilst enhancing the existing vegetation on site.
- 5.15 The maintenance of the public open spaces will be undertaken by a management company and the roads would be subject to adoption from the Highway Authority, however officers suggest imposing conditions to ensure the planting is carried out as shown and that any species are replaced if they die within five years of the completion of the development. As such, your officers consider the landscaping scheme as proposed is considered acceptable.

Impact on Residential Amenities

- 5.16 There have been several objection comments received in relation to the submission of the reserved matters details. These have mostly related to the layout changes to the north eastern corner of the site, where the illustrative plan at appeal stage showed the properties rear facing in the northern most section and then separated by an access road where the remainder were back to back north/south facing. The reserved matters scheme shows these now backing on to the rear gardens of the properties in Hurdeswell as well as two with side elevations to Hurdeswell.
- 5.17 Within the appeal decision the Inspector commented; "The development would clearly transform views from some existing residential properties, particularly on the edge of Long Hanborough within Hurdeswell and in Marlborough Crescent since occupants would be viewing residential development rather than farmland. However, the planning system does not protect private as opposed to public views. I have no reason to believe that control over detailed design, siting and landscaping at the reserved matters stage would not adequately serve to ensure the

protection of living conditions of existing residents in terms of privacy and overbearing development.”

- 5.18 In considering the impact on neighbouring amenities, officers note that the distances between the properties as shown in the layout has, at the closest point, a distance of approx. 25 metres between the side elevation of plot 158 and the rear elevation of no 34. Hurdeswell. There is approx. 30m distance between the rear elevations of those backing on to the development from Hurdeswell to the rear elevations of the closest properties. The side elevation of Plot 7, fronting the Witney Road, is set 12m from the side elevation of the Old Police House. These distances are considered acceptable within ‘back to back’ and ‘side to side’ development situations as providing sufficient distances between properties in residential areas as to not result in any unacceptable impact on neighbouring amenities in terms of loss of light or privacy.
- 5.19 A significant and semi mature screen is proposed to be planted and maintained along the eastern boundary of the site in this location which officers consider will help provide further privacy screening and soften the appearance of the dwellings which will form part of the new landscape. Therefore whilst officers note the outlook from the properties in Hurdeswell will be altered, the scheme has been designed to take account of protecting the living conditions of both existing and future occupiers of the site and as such is not considered to result in any levels of unacceptable harms to residential amenity that would warrant the refusal of these details.

Conclusion

- 5.20 The Inspector commented within the conclusions of the appeal decision that the housing proposal would lead the visual transformation of the western edge of Long Hanborough by introducing built development. However it was noted that this was in a localised context and that with the attention to the detailed design and landscaping, a well-integrated development could result.
- 5.21 Officers consider that the applicants have had due regard to the Inspectors comments and Officers input and as a result have designed a development that demonstrates a suitable mix of house styles and forms and within it has distinct development areas with slightly different materials palettes and forms. The green areas and connectivity both within the site and to the rest of the village help to mark the different areas whilst harmonising it within the surrounding area and context. A strong green and rural edge is maintained to the west and the siting of the modern Doctors Surgery to the front of the site will act as an identifying and landmark building within the village.
- 5.22 For the reasons set out above officers consider the submitted reserved matters details are acceptable in terms of appearance, landscaping, layout and scale and should therefore be approved in line with the conditions suggested.

6 CONDITIONS

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 14/1234/P/OP or two years from the date of this approval.
REASON: To comply with the requirements of the Town and Country Planning Act 1990.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.

- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 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 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors, on each house type, 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, cills and mullions bars, shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 Prior to first occupation of any dwelling, all bathroom/WC windows to that dwelling shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the neighbouring properties.
- 7 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas including the access roads and footways, and vehicle tracking for a refuse vehicle, 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 the first occupation of the development hereby approved, the waste storage and collection areas shall be provided in accordance with the plan approved. Thereafter, the waste storage and collection areas shall be retained in accordance with this condition and shall be unobstructed except for the storing of refuse bins at all times.
REASON: In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.
- 9 The approved scheme for the landscaping of the site as shown on plan ref. *** including the retention of any existing trees and shrubs and planting of additional trees and shrubs, 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 that approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

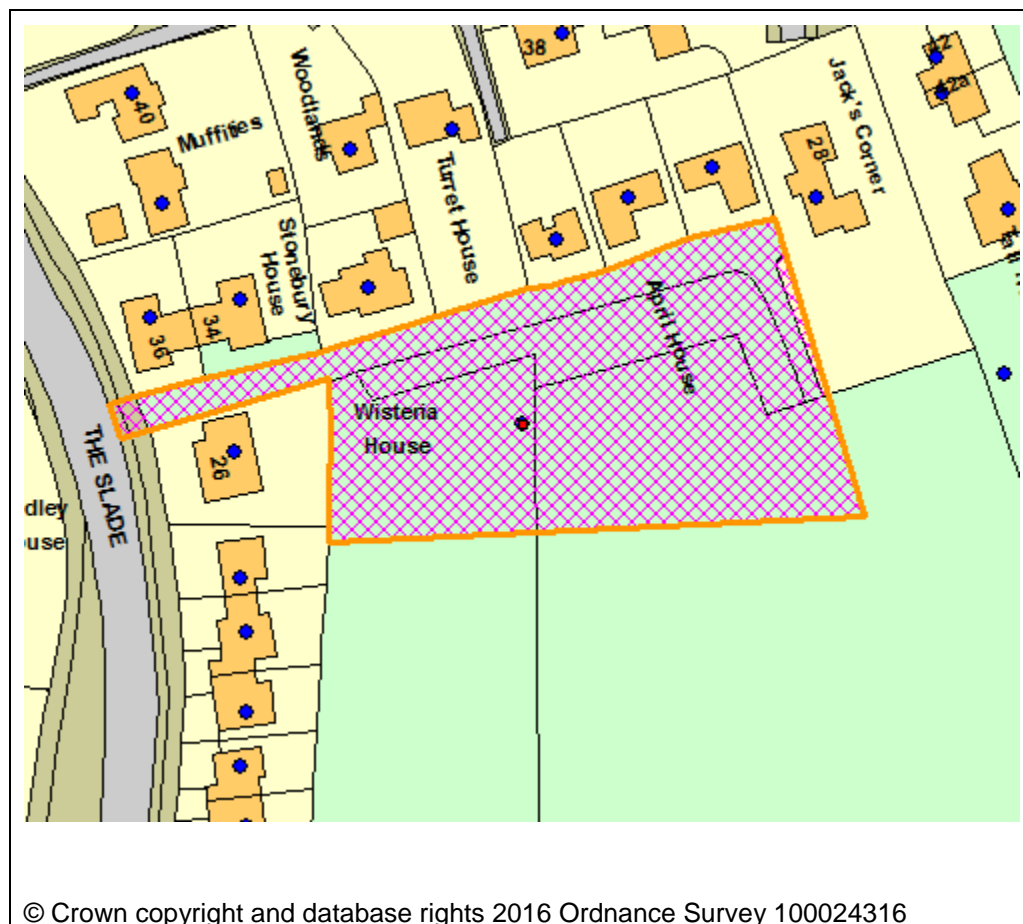
- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
REASON: To safeguard the character and landscape of the area.

NOTES TO APPLICANT

- 1 If any of the roads within the new development are to be offered up for adoption to the Local Highway Authority, a S38 Agreement will be required. For any private roads, a Private Road Agreement will be required between the developer and Oxfordshire County Council. For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865 815202 or email RoadAgreements@oxfordshire.gov.uk.
- 2 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	17/00832/FUL
Site Address	Land East of 26 The Slade Charlbury Oxfordshire
Date	23rd May 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436264 E 219537 N
Committee Date	5th June 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 I have read through the Updated Phase I Habitat Survey Report dated 19th February 2017 prepared by Windrush Ecology, and I am satisfied with the methodology, findings and recommendations. The recommendations for nesting birds in section 5.2.1 and amphibians in section 5.2.3 should be implemented during site clearance and construction as a planning condition.

I also recommend that a Landscape and Ecology Management Plan (LEMP) should be submitted for approval as a planning condition to ensure that the biodiversity enhancements recommended in the Updated Phase I Habitat Survey Report are translated into the proposed development and that they are appropriately maintained and managed in the long-term, including the provision of new hedgerows, trees and native or recognised wildlife-friendly plants as part of the landscaping scheme; and integrated bird and bat boxes within the dwellings.

- 1.5 Town Council Charlbury Town Council made the following comments regarding the application.
- Restriction should be placed to prevent further development, particularly where this seeks to avoid Section 106 affordable housing contributions.
 - Object to the application on the grounds of access. There would be benefit in promoting discussion with the developer and Town and District Councils.

2 REPRESENTATIONS

- 2.1 21 Letters of objection has been received in relation to this planning application, the principle reasons for objection are summarised below:

- 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.
- The access leading to the site is unsuitable due to the narrowness of the access and restricted visibility. Increase in the use of the access would be dangerous for pedestrian safety.
- The development would have an adverse impact on the residential amenities of the neighbouring properties in The Slade, in particular No's 24 and 26 by reason of overlooking, overbearingness and loss of light.
- The plans indicate that the buildings would be taller than those previously proposed on the site.
- The plans would result in the partial loss of an area of the grass verge which would impact on pedestrian safety.
- The applicant's ecology report is flawed and contains errors.
- The development contains no affordable housing provision.
- The development would result in the loss of 10 mature trees, which would have a resulting detrimental impact on wildlife.
- Increased development on the land will increase water discharge.

- The removal of existing hedgerows will be harmful to site ecology.
- The development would compromise the open aspect of the area.
- The development would have a detrimental impact on the character of the Cotswolds AONB.
- The site was considered as unsuitable for development in the SHELAA.
- The provision of 4 dwellings will be limited in meeting local housing supply targets.

2.2 Charlbury Conservation Area Advisory Committee made the following comments:

While the slight reduction in dwellings was an improvement, the committee reiterated the need for detailed landscape proposals to mitigate the development in views across the Conservation Area from the Public footpaths, the absence of affordable housing and the possible precedent for further development of the field in the future. No details of fencing or surfaces were provided with the current application and it was noted that the submitted drawings showed no south side elevation of Plot 2 which differed from Plot 3 because of the garage location. This was a critical elevation in external views of the development.

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 The application was deferred from the previous committee meeting held on 8th May at the request of members, to allow for a site visit to take place.
- 5.3 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.
- 5.4 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.
- 5.5 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.

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

Principle of Development
Design, scale and siting
Amenity Impacts
Impact on Conservation Area setting

Principle

- 5.7 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,836 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.8 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.
- 5.9 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 .
- 5.10 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.
- 5.11 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.
- 5.12 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.

- 5.13 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.
- 5.14 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. 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.
- 5.15 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 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.
- 5.16 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

- 5.17 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.
- 5.18 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.
- 5.19 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.

- 5.20 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

- 5.21 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

- 5.22 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.
- 5.23 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.
- 5.24 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.

- 5.25 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.
- 5.26 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.
- 5.27 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

- 5.28 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

- 5.29 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.
- 5.30 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.

- 5.31 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 The development shall be completed in accordance with the recommendations in Section 5.2.1 (nesting birds) and 5.2.3 (amphibians) of the Updated Phase I Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359_rep_land off The Slade Charlbury_19-02-17). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.

Measures for the protection of habitats and wildlife must be implemented throughout the development period, and all measures must be implemented and completed in full prior to the development being brought into use. This Condition will be discharged on receipt of information (photographs, plans, etc) demonstrating all measures have been implemented as approved.

REASON: To ensure that precautionary measures for nesting birds and amphibians are implemented 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.

- 16 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Full specification of habitats to be created, including new hedgerow planting using locally native species of local provenance and locally characteristic species, integrated bird and bat boxes; and other features in accordance with the recommendations in Section 5 of the Updated Phase I Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359_rep_land off The Slade Charlbury_19-02-17);
 - ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - iii. Landscape and ecological trends and constraints on site that might influence management;

- iv. Aims and objectives of management;
- v. Appropriate management options for achieving aims and objectives;
- vi. Prescriptions for management actions;
- vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
- viii. Details of the body or organisation responsible for implementation of the plan;
- ix. Ongoing monitoring and remedial measures;
- x. Timeframe for reviewing the plan; and
- xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

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

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

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

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), 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.

- 17 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.

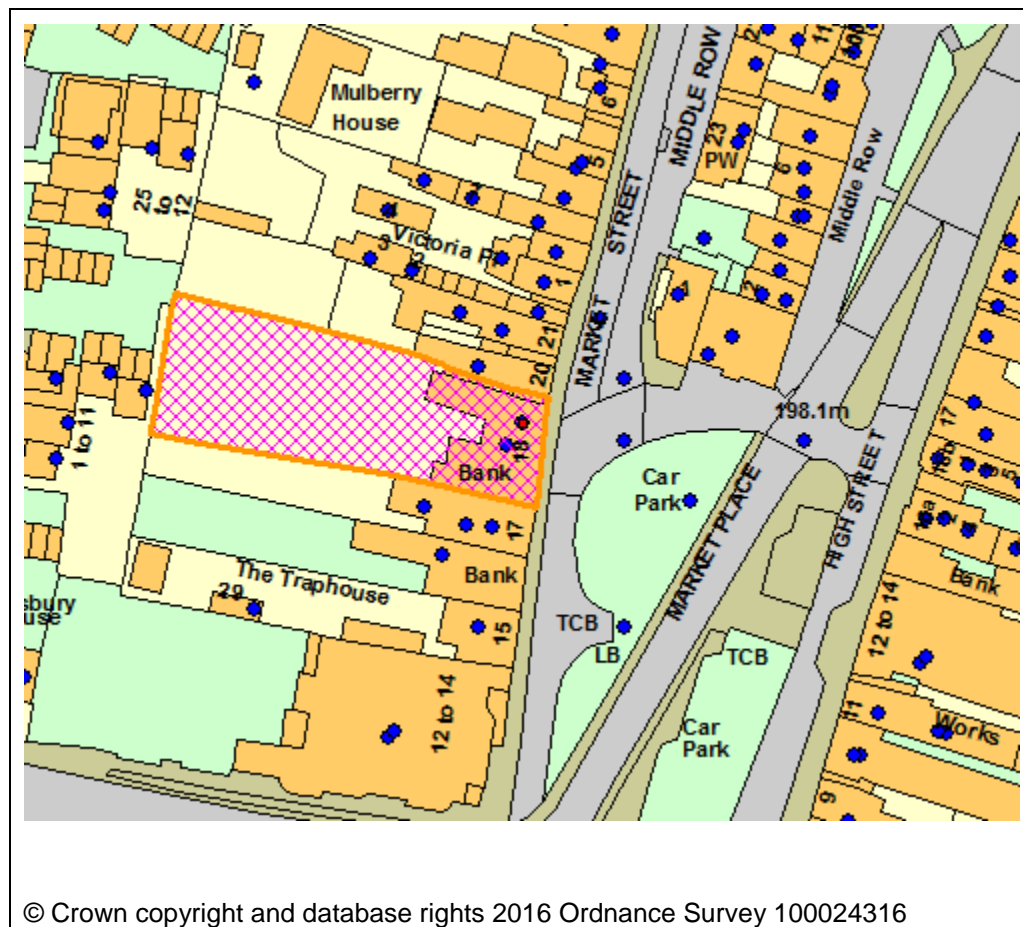
NOTE TO APPLICANT

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

West Oxfordshire District Council website: <http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)
 Biodiversity Planning Toolkit:
http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species

Application Number	17/01420/FUL
Site Address	19 Market Place Chipping Norton Oxfordshire OX7 5NA
Date	23rd May 2017
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431317 E 227147 N
Committee Date	5th June 2017

Location Map



Application Details:
Proposed office extension

Applicant Details:
Mr Vivian Woodell
5 Elmsfield Ind Est
Worcester Rd
CHIPPING NORTON
OX7 5XL

I CONSULTATIONS

- 1.1 Town Council No Comment Received.
- 1.2 OCC Highways No Comment Received.
- 1.3 WODC Architect No Comment Received.

2 REPRESENTATIONS

2.1 One objection received from neighbouring occupants:

- 1. They don't seem to have addressed the issue of shear numbers, parking, changing the local environment etc.
- 2. To us the plans are unclear as to the exact roof elevations of the new build. Are they the same height as the existing wall or is there an implication of raising the wall slightly? Also I assume workers are prohibited from going on the flat green roof as that would really impinge on our privacy.

3 APPLICANT'S CASE

Proposal

3.1 The proposal is for a new office building, located to the rear of 19 Market Place, which has been designed with sustainable design principles in mind. This new office will be of contemporary design, sensitive to the site location, with minimal visual impact to surrounding context. The building takes advantage of the split levels on the site in order to gain the maximum usable floor area, with minimal contextual impact.

Scale and Amount

- 3.2 The contemporary new offices will have a proposed footprint of 235 sqm, and a total GIA of 240 sqm. The proposal will include for a single storey pitched roof element which will have a ridge height equal to the first floor of the existing building. The massing has been designed such that the building fits with the scale, ordering and visual flow of the site and its surrounding context.
- 3.3 The building will also incorporate a sedum roof which is level with the ground level of the existing building. This will negate the impact of the construction, and reduce the visual scale significantly when viewed from above.

Layout

- 3.4 The office is positioned sensitively on site, allowing natural sun light into the office space, which will provide a pleasant aspects looking down the garden.

Appearance

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

Landscape

- 3.6 The proposal will not involve a large amount of landscaping. However, the top soil from the construction will be used to fill in uneven areas of the garden towards the bottom of the site. Appropriate tree planting will be used within the garden which will help to blend the change of use from commercial on Market Place, and residential in Finsbury Place.
- 3.7 See aboriculturalist report for more details - produced by Jeff Marlow, Marlow Consulting ltd.

Access

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

Ecology

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

Viability

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

Further Design

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

4 PLANNING POLICIES

- 4.1 The employment, conservation area, transport and residential amenity policies of the adopted and emerging Local Plan and the policies of the adopted Neighbourhood Plan are of most relevance.
- 4.2 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the erection of an office building to the rear of 19 Market Place in Chipping Norton. Officers seek delegated authority to approve the current scheme.

Background Information

- 5.2 The main premises, fronting Market Place, comprises a three-storey substantial and locally listed building within the Chipping Norton Conservation Area. It is also within the Cotswold AONB. The building is currently vacant but for HSBC bank using 1/3 of the frontage of the building known as no.18.
- 5.3 The application site is 0.11ha located to the rear of the building. It is an unused but significant area of greenery contributing visually to the character of the Conservation Area. There are several large Sycamore trees on site.
- 5.4 The applicants (The Phone Co-op) seek additional office space over and above that which is able to be provided in the main building. The proposed building will have a proposed footprint of 235 sqm, and a total GIA of 240 sqm. Access is via a narrow covered side passage adjacent to the main building.
- 5.5 It is envisaged that the proposed building together with the existing building will provide office accommodation for 56 full-time. The company's existing premises (6,000sqft) are located at Elmsfield Business Centre. The lease on the existing premises will not be renewed beyond July 2017.
- 5.6 The proposal comprises a single storey pitched roof element which will have a ridge height equal to the first floor of the existing building. The building includes a sedum roof which is level with the ground level of the existing building.
- 5.7 The area around the building is proposed to be landscaped and used as outdoor amenity space.
- 5.8 The proposal does not include car parking provision.
- 5.9 Provision for ten secure covered cycle parking spaces are referred to on page 8 of the Transport and Travel Plan.

6 BACKGROUND INFORMATION

- 6.1 Of most relevance is application ref 17/00229/FUL. This was recently refused for the following reasons:

- 1 The development proposed by reason of its scale and siting would not be commensurate with the character of the area, failing to either preserve or enhance the significance or setting of the Conservation Area or locally listed building as heritage assets. Furthermore the public benefits are not considered to outweigh the harms. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, BE5, E3 and E7, emerging West Oxfordshire Local Plan Policies OS2, EH7, E1 and Paragraphs 132 and 134 of the NPPF and Policies BD1 and BD2 of the Chipping Norton Neighbourhood Plan 2015-2031.
 - 2 The development proposal by reason of its scale and intensification of use of the site in close proximity to existing residential dwellings will adversely affect neighbouring amenity both during construction and operational phases by way of unacceptable levels of day-to-day activity and disturbance as a result of poor construction site access and overlooking and intervisibility to/from the garden area and rear elevations of no.17 Market Place. As such the development is considered contrary to adopted West Oxfordshire Local Plan Policies BE2, E7, emerging West Oxfordshire Local Plan Policies OS2, E1 and paragraph 17 of the NPPF and Policies MPI and MP2 of the Chipping Norton Neighbourhood Plan 2015-2031.
 - 3 The proposed office development accommodating additional staff within the site would result in intensification of the site and subsequent negative impact on the vitality and viability of the town centre in terms of the pressure for car parking spaces in a location where there is already capacity issues. As such the development is considered contrary to adopted West Oxfordshire Local Plan 2011 Policies E7, emerging West Oxfordshire Local Plan 2031 Policies E1 and E6 and relevant paragraphs of the NPPF and Policies TM2 and TC4 of the Chipping Norton Neighbourhood Plan 2015-2031.
- 6.2 These refusal reasons set the context for assessing the merits of the current proposals. In parallel with that resolution Members also encouraged the applicants to engage with Officers to seek to design a scheme which had a better chance of securing planning permission and this scheme represents the culmination of that process.
- 6.3 Members will also recall that they gave Delegated Authority to Officers to approve a scheme that addressed the refusal reasons. The consultee period for this application expires after this meeting such that potentially an adverse consultee response could be received after the meeting that was an issue not previously considered and which would require the application being delayed until the July cycle of meetings. Members will therefore be asked to give initial consideration to the application so that they can decide whether, having viewed the amended plans; they wish to confirm the delegation even if any wider issues arise such that a decision can be issued at the termination of the consultee period on 16/6/17.
- 6.4 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:
- Planning Assessment
- 6.5 The refusal reasons centred on three key issues - the impact on the Conservation Area/heritage assets, the impact of the buildings and activity on the amenity of neighbours and the pressure on

car parking with attendant adverse consequences for the trading environment for the other town centre businesses.

Design and Siting and Impact on Heritage Assets

- 6.6 In seeking to address the first issue the scheme has been radically redesigned and relocated. Rather than pushing towards the western extremity of the site the form has been concentrated to the rear of the existing buildings. The fall in the levels away from the existing buildings has meant that the new structure can be set into the slope such that its relative impact upon the rear of the existing building is substantially lessened. It will not be widely visible in the public domain and the space created beyond the built form offers the opportunity for some substantial new planting to remedy the adverse impact that the loss of the pre-existing tree cover has had upon the area. The largely flat roofed form with a green roof will further add to this sense of the formerly open nature of the site being better retained. The transition between the existing traditional frontage building at a higher level and this new more modern form at the lower level has been achieved by a small rear wing projecting from the rear of the existing building that sits on top of the flat roofed form and allows an internal staircase and lift to be formed. Externally the patio area created between the rear of the host building and the new building will be landscaped and a new cycle and bin store structure created. The proposals are now considered to have a neutral/positive impact on the setting of the relevant Heritage Assets.

Residential Amenity

- 6.7 Neighbourliness was the second key concern. There were issues with the massing of the structure, the passage of employees down the shared boundary and the potential for mutual overlooking of the neighbours to the side and rear. The impacts on the property to the rear have now been avoided by the relocation of the building and creation of replacement planting. The L-shaped form has been re configured such that the building now offers its shortest side to the adjoining neighbour and the built form and external walkways are set down such that the impact on the outlook and amenity of the neighbours is substantially lessened. With conditions to ensure obscure glazing of side facing windows and doors and that emergency doors be kept closed other than in times of emergency the built form is now considered acceptable. As to the impact of the use the key change is that the activity is now to be more closely concentrated at the rear of the existing buildings. This preserves better the more tranquil elements of the further extremities of the neighbours garden but could have the potential to introduce too much activity at the point closest to the house. To counter this potential concern a bike store has been sited at the base of the large intervening wall to push external activity further into the plot and away from the neighbours. This aspect is now also considered acceptable

Highways, Parking and Construction

- 6.8 The final and perhaps most problematic issue to resolve is the pressure on car parking that introducing a major traffic generating use into the town centre will cause. In response to the concerns raised that the development would mop up much of the already scarce parking early in the day making it much harder for shoppers to find spaces and as such would harm the vitality and viability of the town centre the applicants are now proposing a number of measures.
- 6.9 The provision of secure cycle storage along with showering facilities is aimed at inducing those who live locally to cycle rather than drive to work. It is also proposed that a car sharing club be created for employees living further afield along with additional opportunities to work from

home to avoid the need to travel altogether. It is proposed to implement these measures by way of a travel plan that has as its aim the objective of reducing single person occupancy trips to 12 vehicles per day. This will be monitored by a travel plan coordinator with annual reviews to secure compliance.

- 6.10 In addition to the above there is the prospect of considerable disruption as the new building is built out as the access to the site is so limited such that contractor parking, materials storage etc will need to be carefully handled to ensure that the implementation of the scheme does not unduly disrupt the business life of the remainder of the town or key events such as the markets or fayres. It is considered that this can be addressed in some part by the imposition of a condition requiring a construction management plan to be agreed in liaison with the Town Council before works commence.
- 6.11 Whilst it is far from ideal that in a location where parking is at such a premium that a major new traffic generator is being proposed that could inhibit the operation and viability of other town centre uses your officers consider that with the other refusal reasons having been addressed and with the measures in place to seek to limit /minimise the adverse impacts that this element alone no longer justifies refusal.

Conclusion

- 6.12 At the time of agenda preparation the consultation period is yet to expire and all the consultation responses are outstanding. Members gave delegated authority to approve the application if the refusal reasons were addressed and following considerable negotiation and amendments that is now the position as far as officers are concerned such that at the expiry of the consultation period it is intended that a delegated approval be given. However the terms of the resolution were such that if a "new" issue were raised then the delegation would not apply and determination would have to be extended to the July cycle of meetings. The application is thus placed before members such that they can give any opinions as they see fit and to decide whether they wish to extend the delegation fully to officers should any new issues arise. A full verbal update will be given at the meeting. If delegated authority is given then it is intended that conditions be attached to cover the following matters:

Time limits

Levels

Materials

No use of flat roofed area

No use of outside areas beyond 5.30 pm

Requirement to implement travel plan

Pre agreement and implementation of construction management plan

Provision of the cycle store

Obscure glazing of the key side facing windows

No opening of emergency doors other than in emergency situations

BI use only and no pd rights for alternative uses

Implementation and maintenance of landscaping scheme

Any further conditions as may be recommended by consultees or deemed necessary to make the application acceptable

6 RECOMMENDATION

Delegate with a view to approval at the end of the consultation period.