

Appendix A

Thank you for giving me the opportunity to address the Planning Committee;

I have **5 key points** to make in support of our application

POINT NUMBER 1) Local credentials

I am a Director of Apella, a small company that has undertaken a handful of property refurbishments, including the restoration of a Grade II listed building on Harrisons Lane in Woodstock.

I have been a resident of Woodstock for over 10 years and am acutely aware of its sensitivity as a location for development.

I live close to areas of significant ongoing development and am supportive of schemes that do not cause significant and demonstrable harm and that address local housing shortages.

POINT NUMBER 2) Addressing the first reason for refusal of planning permission which is that

"the development fails to respect the existing scale, pattern and character of the surrounding area and adjacent built form"

Policy OS2 of the emerging West Oxfordshire Local Plan states that development should:

"Form a logical compliment to the existing scale and pattern of development."

Consequently we have addressed this with:

- 1) a newly proposed design - the scale and massing of the semi-detached houses now align fully with the surrounding built area.
- 2) Our heritage assessment - demonstrating that the development does not impact upon any designated heritage assets.

POINT NUMBER 3) Second Reason for the Refusal of Planning Permission is that

“the development, would result in a loss of an open space which forms an important transition between the built form and the open countryside”

Policy H2 of the emerging West Oxfordshire Local Plan states that new dwellings **will** be permitted at service centres (including Woodstock):

“On undeveloped land adjoining the built up area where development is necessary to meet identified housing needs.”

Your officers are concerned that the dense hedgerow screening at the site would not be retained affecting natural visual containment.

But, the hedgerow is on land within our control and forms part of the application

and

we would be **more than willing** to accept a condition to **retain all planting** around the site.

POINT NUMBER 4) Significance of the emerging West Oxfordshire Local Plan and the Draft Allocation for 120 Dwellings to the North of Hill Rise

The Council has already concluded that:

“compared to other site options the landscape sensitivity of this site is considered to be **relatively modest** ... providing the ability to **integrate effectively** with the existing built form.”

Clearly, providing access to these dwellings from the A44 will result in a substantial engineering operation changing the character of this key approach into Woodstock.

This location has therefore already received significant consideration and support as to its viability for development.

POINT NUMBER 5) Your officer concludes that the proposed development will result in "Significant and Demonstrable Harm", but

Our:

- landscape appraisal,
- heritage assessment,
- revised plans

and

- offer to retain the hedgerow around the site

1. address the concerns raised
2. minimise visual impact and
3. are sympathetic to the adjacent built form.

On this basis, it is respectfully suggested that the proposed development will **not** result in **significant and demonstrable** harm

and in fact will

provide an opportunity to address the local requirement for sustainable development;

As such, I hope that on reflection, you will support our planning application in accordance with Paragraph 14 of the National Planning Policy Framework.

Thank you.

17/00889/FUL

In its SHELAA assessment of this site last year the Council classified it as unsuitable for development for two reasons, the first of which was because "development on the site would result in the removal of thick vegetation, severely harming the character of the Conservation Area and street scene."

This is a site containing a stream and numerous mature trees, particularly at the northern end of the site. The developers' own ecological survey noted that the trees and scrub represent a valuable wildlife resource and that the site acts as a wildlife corridor. However, the developers propose to remove almost all of the mature trees and to "landscape" the stream and surrounding area. This will result in a manicured, parks-and-gardens arrangement of little interest to wildlife, and will detract from one of the distinctive historic landscape features of this part of Charlbury.

Officers have failed to consider the impact of introducing a 21st century housing estate with an 11m bellmouth access road into a constrained central site in the Charlbury Conservation Area. Your Conservation Area Advisory Committee highlight this, and the failure of any of the development to address the public highway, a universal Conservation Area principle. This together with the loss of open space results in their very strong objection.

The second SHELAA objection was the "significant access constraints in terms of vehicle movements along Hixet Wood". This too has not changed in the last 12 months. Footpath provision from the site to services is intermittent, narrow and often vehicle obstructed. This scheme does not meet access policy requirements.

Much of the scheme's parking provision is "tandem parking". The Oxfordshire "parking standards for new residential developments" document says: "Tandem parking is inconvenient and generally must be avoided ... as both spaces are rarely used." No visitor parking is provided, and the result of both these factors and the widened access will be an increase in parking on Hixet Wood and Sheep Street where lack of parking is already a major issue for residents, as the SHELAA assessment stressed.

WODC is under pressure to build houses. In much of the district the NPPF presumption in favour of sustainable development is being applied. However this presumption does not apply to harmful development in Conservation Areas or in AONBs. The law requires you to give great weight to harms to heritage and AONB landscape and this gives rise to a strong presumption against harmful development in these protected areas. There is no evidence that officers have applied the proper weight to this harmful development.

This development would contribute 7 homes towards a district wide shortfall. It is entirely inappropriate to continue to approve sites in protected areas to meet a district shortfall, as the inspector sought to highlight at the last local plan hearing. The Committee should hold to the SHELAA position. They had two good reasons not to develop this site last year and those reasons are still valid.

Prof Stephen Pulman
Tulip Tree House, Church Street, Charlbury, OX7 3PP

**Statement delivered by Peter Kenrick at the Uplands Planning Committee on Monday 7 August 2017
on behalf of the Charlbury Town Council objecting to the following application:
17/00889/FUL – 1 Police House, Hixet Wood, Charlbury.**

I am here today as chairman of Charlbury Town Council to underline the Town Council's objections to this proposal in the light of your officers' recommendation to approve, which we believe to be inconsistent with your council's recently stated position.

Charlbury is producing a Neighbourhood Plan aiming to ensure that developments in the town genuinely address local needs and respect the nature of the town, its strong landscape set within the Cotswolds AONB and its Conservation Area. We contend that this application does none of these things. A local housing needs survey, due to report this autumn, will provide key evidence to inform our NP and will be pertinent to cases such as this. I would like to make 4 points.

Firstly, to sustain Charlbury's role as a thriving community for all ages and demographics our top priority is to provide smaller homes (1,2 & 3-bed) with a range of tenures which members of the community can truly afford. This application does not offer the mixed tenure we wish to promote.

Secondly, this site was recently assessed by your council in the SHELAA published in December 2016 and was declared as unsuitable for development. The reasons for rejection were robust and entirely appropriate for a site within an AONB and Conservation Area. Reasons cited include severe harm to the character of the conservation area, traffic and access issues along narrow streets, loss of an important green space, loss of mature vegetation and consequent harm to the character of this part of the town. Location in Flood Zone 1 and impact on existing residents were also acknowledged. None of this has changed but we are now told that all of these issues should be set aside to permit this development – is this credible?

Thirdly, sustainable development depends on improved infrastructure and we are appalled to see yet another application which does little or nothing to support this need. Modest contributions for bus services and sports/play equipment are welcome but nothing has been requested or offered for key requirements such as primary school places and footways even though both were clearly identified in the SHELAA site appraisal. This is unacceptable. As to the derisory offer of £20k towards the provision of affordable housing offsite, that is frankly insulting!

Finally, I ask you to give careful consideration to the many comments and objections submitted by local residents and by the Conservation Area Advisory Committee.

All-in-all we do not believe that this application adequately addresses local need or respects the nature and requirements of the town and conservation area and that the recommendation to approve is unsound and inconsistent. Thanks for your attention.

Cllr Peter Kenrick – Chairman, Charlbury Town Council

Appendix D

Ms Leffman reiterated the points made by the previous objectors, indicating that she shared the concerns that they had expressed. Charlbury was a small Cotswold town and the local Conservation Area Advisory Committee had expressed its opposition to the development proposals.

The site was a unique space within the town centre which had remained undeveloped. If the area was to be managed as suggested its character would be lost by being turned into a suburban landscape. This would be detrimental to the Conservation Area and to the town in general.

Ms Leffman indicated that the site backed onto Lee Place and expressed concern that approval of the current application would set a precedent for further development in the vicinity.

Ms Leffman also expressed concern over the potential for flooding due to the stream that ran through the site and the danger that work to improve the flow could result in flooding elsewhere.

The local road network was narrow and parking was already a problem in the area. The construction of eight additional properties would exacerbate these difficulties

Notes on Committee Report PHC/2

Let me start by passing on David Parker's apologies at being unable to attend today, I am speaking today on his behalf.

Highways

We confirm that we do not want the road within the site adopting, we want to limit the extent of hard paving as much as possible and to that end we do not require full road widths in the whole of the development as traffic speeds will be very low due to the access road being just short of 6m wide, in keeping with the character of the conservation area. However, the highways officer is satisfied that service vehicles can access and turn in the site, cars can also pass service vehicles both at the turning head and in the access neck. This allows us to use the remaining available space for landscaping.

Drainage

Until the site is cleared it isn't possible to carry out the technical investigations necessary to develop a fully designed surface water drainage strategy but we anticipate permeable paving and on-site attenuation with surface water discharging into the stream. A suitable condition which must be sustained before development commences should be imposed.

Consultants

We did offer to meet and consult both the town council and the Charlbury Conservation Area Advisory Committee separately but both organisations refused our request. We did go through a full pre-application with your officers starting in December last year and have now amended the proposals several times as a result of various requests and following advice from professional officers, who have scrutinised this proposal very thoroughly.

Presentation

Knowing how sensitive this site is we went to extraordinary lengths to develop an appropriate design including preparing a 3D model of the site in its setting – the views and images generated from that model show this modest development of small cottages will integrate into the setting without being either prominent or detrimental to neighbour amenities. The view down the valley from the gap between Stream Cottage and No.2 Police House will be retained and enhanced by the proposed landscaping and ecological improvement, satisfying the main requirement of the Strategic Housing and Economic Land Availability Assessment.

Neighbours

With reference to No.2 Police House, the proposed scheme has been designed to integrate with either the existing house or the extant approval for a replacement house and if our scheme is approved we anticipate the developer will meet with the owners to ensure that all issues are addressed and a party wall agreement will be a pre-requisite.

Our drawing 17 PHC SS05 shows the relationships between the proposed houses and the neighbouring properties. The ground floor of Tulip Tree House is approximately over 4.5m higher than the proposed houses with a back to back separation of over 40m, with the existing stone wall and dense planting within the curtilage of Tulip Tree House the amount of overlooking and loss of privacy would be minimal.

Vanderbilt Homes intend to build out the proposals themselves and will agree to the proposals for consultations set out in your officer's report.

Finally, both in terms of the effect on the street scene and the area around the stream, it cannot be disputed these proposals would improve the utility and appearance along Hixet Wood and while we

recognise existing residents may want to resist proposals for new development in Charlbury this is exactly the sort of development which will work best in;

- Providing much required smaller family housing to match a balanced community
- As well as raising the standard of design
- While introducing a modest, relatively unobtrusive but attractive addition close to the centre of Charlbury, which must contribute to the vitality of the town and support local services.

Representation – Objector against 145 Main Road Retrospective Application – by Kin Man

Good afternoon All. I would like to thank the planning committee for the site visit to our home. I hope this was useful for you to get a closer feel for the impact this has on myself and my family.

I live at 147 Main Road and my living room is overshadowed by this development. It has caused me and my family a substantial loss of the enjoyment of our house. I have just one point to make, so I shall be brief. But before making that point I need to give you some background.

This retrospective application is necessary because my neighbor next door has not been built to the plans which were approved.

I bought my house after that consent was given but before the building work commenced. As soon as the work started I could see that it was being built in the wrong place;+, vmgh k 1.8m too far forward from the position marked on the plans relative to my house.

I could immediately see that my house would be overshadowed, so on 14th December 16 I wrote to the Council. The response from the Council was, I'm sorry to say, slow. It was not until after an inspection had been made (2 months later), that on the 23rd February your officer wrote to tell me that the roof of the building had been constructed 400mm higher than on the approved drawings, and placed inaccurately in relation to my house. My consulting architect has confirmed this. Unfortunately, since receiving that email, the Council appears to have been back-tracking from these observations.

It is important to have knowledge of this because in the officer's report before you, on page 41 and paragraph 5.4, it is stated that it is necessary "to assess the additional impact of the increase in height of 25cm [of the extension] in comparison to the previously approved scheme."

My consulting architect, who has made a proper land survey showing the juxtaposition of the extension and my own house, has confirmed the following:

- The drawn information on the current application is still grossly incorrect in height and thickness of eaves.
- The figure of 25cm given in the officer's report is not correct; it takes no account of the sloping ground.
- The officers has not mentioned that the mass of the overhanging eaves has increased over 3 times of the approved size.
- The officer's report fails to take account of a host of relevant planning considerations including the overshadowing of my living room and the loss of amenity to my family.

I am advised that each and every application should be taken on its merits. If, as the officer suggests here, the principle here is to assess the difference between this and the approved but already incorrectly drawn plans, then the developer is being permitted to benefit from his own mistake. That would not only be unfair, it would be a further iniquity for my family to bear. To allow this developer to gain from his own mistakes would be a decision that no reasonable authority could reasonably allow.

This application should be taken solely on its merits. The building is not built in accordance with the approved plans and creates a gross intrusion on the amenity of my family life by depriving us of natural light. Members have seen with their own eyes how intrusive it is and how far it goes against local and national planning policies. The proposed extension absolutely **does not** meet with local planning policy **H2 & BE2 of the 2011 local plan** and of **H6 & OS2 of the 2031 local plan** as shown by my photos by way of overshadowing and dominance

Judge by local planning policy, this application has no merit. I ask for you to vote against this.

Backup on for local and and national planning policy

H2 2011 Local Plan - create unacceptable living condition of existing/new residents – by virtue of loss of privacy or daylighting or are overdominating will not be permitted

BE2 2011 Local Plan - new buildings or extensions to existing buildings are designed to respect or enhance the form, siting, scale, massing and external materials and colours of adjoining buildings, with local building traditions reflected as appropriate; c) the proposal creates or retains a satisfactory environment for people living in or visiting the area

H6 2031 Local Plan - alterations, extensions or sub-division of existing dwellings will respect the character of the surrounding area and will not unacceptably affect the environment of people living in or visiting that area

OS2 2031 Local Plan -it forms a logical complement to the existing scale and pattern of development and/or the character of the area; it would not have a harmful impact on the amenity of existing occupants;

Also the National planning policy framework → **Core planning principles** – always secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Officers Report to the committee was misleading and recommendation was not aligned with Local and National Planning Policy

Officers are meant to provide professional guidance towards the members. Must be honest, factual and impartial.

I have a substantive legitimate expectation that the local authority will carry out its duties with sufficient care so as to protect my reasonable interests. In the original application the local authority permitted the application to proceed even after a complaint had been made by me that a) the submitted plans were inaccurate, and b) that even those inaccurate plans were not being followed. The developer was thereby allowed, unfairly, to profit twice from its own misdeeds. In this present application, the officers are recommending that a scheme which does not properly describe what my neighbour has done be approved. It is doing the same as it did before and it is permitting my neighbour to gain an unlawful advantage, also damaging the amenity of my house for a second time, contrary to all planning policy.

I would respectfully suggest that in reaching a decision on this application, the Committee should consider only the genuine planning considerations that are material to this development. That my neighbour has built a building that is in breach of planning consent and seeks justification for these errors without any support of planning policy is a material planning consideration that militates unequivocally against approval. That the current application seeks to regularise this injustice is not based on any planning merit or policy. This too should lead the Committee to refuse this application. Every planning application must be considered on its merits. It would be insidious to allow this application which seeks only to legitimise the developer's breach of planning.

Judged by local planning policy, this application has no merit. I ask you to vote against it.

Appendix G

LPA ref: 17/01551/FUL – OBJECTION to Application at 2-4 High St, Woodstock, OX20 1TF.

We are appreciative of the agreement by the Officers to bring our case before the Uplands Committee on Monday August 7th 2017. Unfortunately Mrs Atkinson and John Brimble will be unavoidably away then. As we are unable to attend we trust that this summary will assist in your deliberations.

The WODC notice posted outside 2-4 High Street headed PLANNING PROPOSAL states – *‘In the opinion of the Council, this application may affect the character and appearance of a Conservation Area or the setting of a listed building’.* Though planning permission was granted originally six years ago and updated 3 years ago this appears to present Mrs Atkinson with a legitimate opportunity to treat this as a new application. **This has resulted in a detailed submission of her six page covering letter (Dated 25th June 2017) plus supportive Appendices 1 to 17 emailed in full to Ms Hannah Wiseman. 27th June 2017.**

A Material Consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material Considerations we believe include (but are not limited to) - Overlooking/loss of privacy, Loss of light or overshadowing, Effect on listed building and conservation area, Layout and density of building, Design, appearance and materials, Proposals in the Development Plan, Previous planning decisions (including appeal decisions). We recognise ‘loss of view and possible negative effect on the value of properties are not material considerations’:-

Overlooking/Loss of privacy – Noise. Conversation from seating on the presently flat felted roof, adjacent to opening Roof Lights above the Conservatory/Dining Room and Kitchen (Appendix 14) at 6 High Street, can be clearly heard when the Roof Lights are open. This would inevitably be accentuated by the proposed Patio layout coupled with increased traffic at this level from house to extension doors giving great loss of privacy. Sight lines to and from the Bathroom will also prejudice privacy at close quarters.

Loss of light or overshadowing – Upon much closer examination we have realised that the Applicant’s Daylight and Sunlight submission based on The Building Research Establishment (BRE) guidelines (Appendix 13) is nebulous and extremely unconvincing using the words *‘reduction Allowance of 20%’, ‘reasonable’, ‘the adjacent properties will be largely unaffected’, ‘suggesting’, ‘reduction in daylight will not be perceptible’* and claims *‘fully meets the BRE’s guides target criteria for daylight and sunlight availability’*, which **IT DOES NOT**. The end apex wall would loom vertically directly over the opening Kitchen Roof Lights, thus unacceptably overshadowing the Kitchen. Continuing northwards the base of the apex would partially overshadow the Automatically opening Conservatory Roof Lights and be detrimental to the valuable and well established plants displayed beneath. The Dining Room and Conservatory are one room and the only source of light is from the Conservatory. Any reduction in light would adversely affect both the Dining Room and the

plants growing in the Conservatory, which would be totally unacceptable to Mrs Atkinson, a Botanist.

Effect on listed building and conservation area – Heritage Asset Impacts – Character or appearance of the area is positively harmed. The East to West pitched roof ridge is not aligned with other neighbouring extension(s) (Appendix 14). This would most certainly affect the character to the rear of 6 High Street; a Grade 2 listed Building recognised as deserving of a Plaque to record 6 and 8 High Street as the home of the parents and birthplace of the real Ancient Mariner. Permission (Appendix 6 LPA 11/0718/P/FP) was granted just 3 months **after** permission was granted to the Applicant.

Layout and density of building – Amenity Impacts – This is **not** a ‘*relatively modest extension*’ (Drawings Appendix 16 & 17). Our concerns would have been largely unfounded had the Applicants proposed a single storey (no Mezzanine floor) with the same floor level as at 6 High Street and a roof ridge parallel to that at 6 High Street. With respect we request that if the building, as shown on plan, must go forward it is revolved 90 degrees in order to improve *Overlooking/Loss of privacy, Loss of light or overshadowing, Effect on listed building and conservation area, Design, appearance and materials* and that the Officers of the WODC satisfy themselves that *Proposals in the Development Plan* in regard to tests of statutory, national and local planning policy, as questioned in the Conclusions listed in the Kemp and Kemp letter dated 7th June 2011 (Appendix 1 pages 5 and 6 Paras 1 to 3), will not be contravened.

Design, appearance and materials – Substructure and superstructure of the Joint Ancient Wall between properties (Appendix 12) is at undefined risk due to planned excavation a further metre below floor level shown at 6 High Street. Approval should only be given on the basis of specific Conditions to secure proper scrutiny, before commencement of works, to meet rigorous application of Building Regulations.

Previous planning decisions (including appeal decisions) – We have come to the conclusion that over the last 6 years the Planning Permissions granted were given too lightly bearing in mind some, if not all, of the above mentioned considerations and so we request that you now **REJECT** the application until, and if, all legitimate objections have been resolved by means of a better thought out sympathetic and architecturally based proposal.

Appendix H

Mr Cooper noted that the Officer recommendation of approval was made 'on balance' and suggested that, in determining the application, the Council should have regard not only to the National Planning Policy Framework but also to the designation of Blenheim Palace as a World Heritage Site.

He considered that visitors entering the grounds through Hensington Gate should be able to enjoy an uninterrupted view of the Palace. Whilst there were already some visual distractions such as a fence and kiosk, the creation of a surfaced parking area would intensify the existing interruptions and ought not to be permitted.

Mr Cooper noted that the World Heritage Forum often drew attention to the impact of parking in the vicinity of heritage sites. If approved, the current application would result in more congestion to the eye and have an adverse impact upon the setting of this World Heritage site.

Mr Cooper drew attention to the concerns expressed by the Garden Trust and suggested that the Council owed a duty to UNESCO to protect this site by refusing the application as being contrary to Policy BE2 of the Local Plan.

Mr Cooper endorsed the note set out on page 61 encouraging the Estate to devise a sustainable long term car parking strategy and expressed his disappointment at the failure to address this problem.

In conclusion, Mr Cooper questioned the accuracy of the plan provided in the report.

Appendix I

Mr Yapp apologised for failing to submit a planning application, explaining that his fencing contractor had advised him that permission was not required. He also expressed regret that the fence had been constructed on a highway verge but clarified that this had occurred because it had been based upon the title plan. A revised location had been agreed with the highway authority.

Mr Yapp advised that the frontage to the property was overgrown and fencing was required as a condition of his public liability insurance to prevent members of the public from falling. Mr Yapp indicated that he wished to provide a secure boundary and provide protection from speeding traffic.

He considered that a 1.4 metre high close boarded fence covered by planting would be the best and most rapidly implemented solution and confirmed that the proposed planting would be carried out as soon as possible.

Mr Yapp indicated that he had been initially advised by the Council's Officers that a 1.5 metre high fence would be acceptable and stressed that the current application was for a fence 1.4 metres in height. If the current application was not approved, Mr Yapp indicated that he would construct a 1 metre high fence which was allowable as permitted development, but not carry out any planting.

In conclusion, Mr Yapp advised that there was already a 1.8 metre high fence some 300 metres away from his property in a location closer to the Conservation Area. He contended that his proposal for a fence and planting would provide a better option for wildlife.

Appendix J

Whilst not a disclosable interest, Mr Cooper advised that he was a Member of the Woodstock Town Council which owned land adjacent to the application site.

He contended that Members could not fully appreciate the potential impact of the development and suggested that the Sub-Committee defer consideration of the application in order that a site visit could be held.