

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 4th September 2017

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

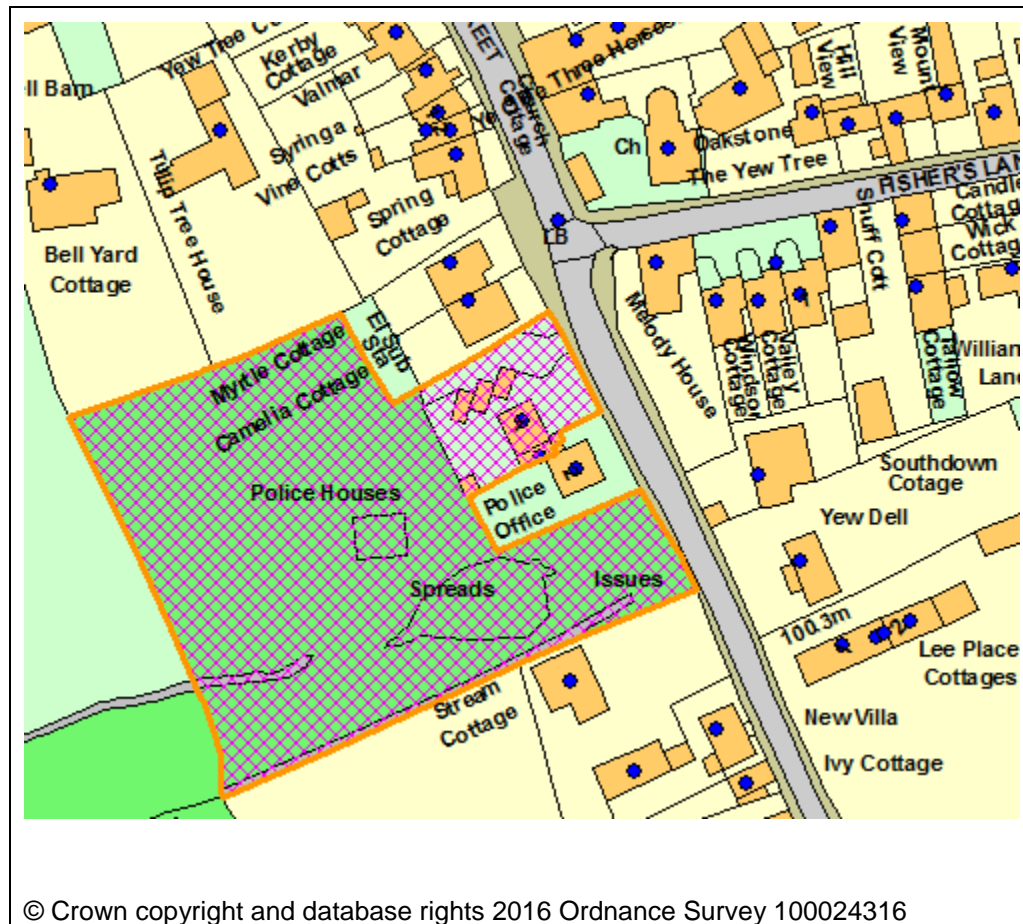
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

Please note that observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from www.westoxon.gov.uk/meetings

Application Number	Address	Page
17/00889/FUL	<u>I Police House, Hixet Wood, Charlbury</u>	3
17/01857/FUL	<u>I Four Winds, Wards Road, Chipping Norton</u>	27
17/02163/OUT	<u>Finstock Cattery, Wards Lane, Finstock</u>	36
17/02345/FUL	<u>Willow View, Swan Lane, Long Hanborough</u>	45
17/02365/S73	<u>Snowdrop Cottage, 15 High Street, Shipton under Wychwood</u>	50
17/02381/FUL	<u>The Great Tew Estate, New Road, Great Tew</u>	55

Application Number	I7/00889/FUL
Site Address	I Police House Hixet Wood Charlbury Chipping Norton Oxfordshire OX7 3SA
Date	22nd August 2017
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Town Council
Grid Reference	435819 E 219330 N
Committee Date	4th September 2017

Location Map



Application Details:

Demolition of existing Police House and adjacent garages. Erection of 8 cottages with access from Hixet Wood.

Applicant Details:

Mr Nathan Craker
Apollo House
Mercury Park
Woodburn Green
HP10 0HH

I CONSULTATIONS**I.1 Town Council**

The Town Council wishes to object to this application for the following reasons:

- a. The proposal does not meet the mixed tenure, including homes for rent, shared equity, self- build and co housing which the Town Council wishes to encourage
- b. This proposal represents an over development of a relatively small and difficult town centre open green space and does not enhance the Conservation Area.
- c. The site represents a "green corridor" in this part of Charlbury, from Tanners Court through to Park Street and, as such, encourages and supports flora and fauna, some of which we believe to be "red book" species. Development will inevitably lead to the destruction of a recognised habitat which currently supports a wide variety of species.
- d. The proposal will generate considerably more traffic in this narrow pinch point at the lower end of Hixet Wood. The area is already congested and represents the only area for many residents to park. Access to the site would inevitably lead to the reduction of current on street spaces to the detriment of existing users/residents with nowhere else to go. The parking proposals within the site are considered entirely unsatisfactory in design, layout and practical use.
- e. There needs to be significant provision for section 106 contributions to local infrastructure if the development proceeds, particularly for school spaces, water/ sewage, roads and footways and community facilities.
- f. This represents one of the last green field sites in the Town and is known for its springs and marshy condition (it abuts Spring Cottage). Is this a suitable site for development particularly in respect of the likely need for extensive foundation works and the inherent risk of flooding?
- g. It is considered that the various statements supporting the application are skewed and do not represent reality in terms of transport/ environment/access and similar.
- h. In a 2016 assessment WODC described the site as unsuitable for development, SHELAA update 2016 revised appendix 3, SHELAA reference 359a. This surely has not changed and, if it has, why is this so?
- i. In other previous proposals of a similar nature (Rushy Bank, Little Lees) the District Council required a public meeting to be held to explain and consult widely within the community. Surely this

should also be applied in this case where the proposal is for a sensitive and contentious site?

j. The proposal is not public transport friendly and encourages the use of cars in an area which is entirely unsuitable in terms of width, with equally narrow and congested approach roads. An increase in traffic can only exacerbate an existing problem and is not acceptable to residents in this area and generally.

k. There will be considerable overlooking of adjoining properties numbering some five or six including Stream Cottage which seems to have been overlooked in the submission. This will lead to a loss of visual amenity and intrusion in to near neighbours views.

1.2 Major Planning
Applications Team

Highways

On 23 June 2017 I recommended objection to this application on the grounds of the lack of an appropriate drainage plan, the shared space area of the access road being only 4.8m in width and therefore not suitable for adoption as public highway, and the levels of some of the footways in the development being too steep to be adopted as public highway.

Regarding surface water drainage, I originally recommended objection on the grounds that Oxfordshire County Council cannot adopt an attenuation tank that is built and located underneath an adoptable highway, and because the applicant had not shown that the tank was of an appropriate size to allow the site to drain safely. On 28 July 2017 I received Plan No. 5587:P01-B which shows that the pipes to the attenuation tank are of an appropriate size to allow the surface water to drain from the site. The applicant also confirmed that they do not intend to offer the access road or the drainage system for adoption as public highway, and that both will be maintained by the applicant. Therefore, subject to the applicant demonstrating that they have the appropriate permission to allow surface water to drain into an ordinary watercourse south of the site, I am prepared to withdraw my objection on these grounds.

On 20 July 2017 I also received Plan No. 17 PHC SP07-E, together with an accompanying e-mail from the applicant which stated that, although they intended to seek an agreement with the Local Highway Authority under S278 of the Highways Act 1980 to build a bell-mouth access to adoptable standards, the access road beyond the bell-mouth will be a private road so will not be constructed to adoptable standards. They have also confirmed that the second pedestrian access south of the main vehicular one will not be offered for adoption. Therefore, although it is still my view that any shared space area should be a minimum of 6m in width to allow vehicles and pedestrians to move safely within the development, and that some of the levels will make it difficult for those with mobility issues to move around within the development, the road and pedestrian access will not be offered for adoption so I withdraw my objection on these

grounds.

The access road is 4.8m in width, which is sufficient to allow two cars to pass each other safely. Due to the location of the refuse collection point, refuse vehicles will not need to enter the site. There are also hardstanding areas outside houses and behind parking spaces that can be used as pedestrian refuges if required.

Archaeology - No objection.

I.3 WODC - Arts

We have considered the scale and mix of development in this application and as it falls beneath our threshold we will not be seeking S106 contributions towards public art at this site.

I.4 WODC Architect

'I note that ten dwellings are proposed, including a single replacement dwelling on Hixet Wood, with three pairs of semis and a terrace of three to the rear, all of two-storey form, with the usual neo-vernacular aesthetic. Considering the proposed layout, I note that the development is kept on the higher ground to the rear of the Hixet Wood buildings, although Plots 4 and 5 do nonetheless encroach somewhat on the watercourse. In my view, they need pull the development in this corner of the site back to the north and east - and it seems likely that they need to omit something here. They could perhaps omit one unit, and join the other onto Plots 1 and 2, although I suspect that omission of both would give a better strategy for the site. And note that omission of buildings in this more exposed part of the site would greatly lessen the impact on the views along Hixet Wood. Considering the proposed designs, I note that these are fairly convincing evocations of traditional forms, and are all of fairly modest scale. However, I do find the Plots 6, 7 and 8 terrace the least successful - mainly due to the cat-slide roofs with the bulky dormers, which are fussy by comparison with the other forms, particularly on the rear elevation; the ridge lines here are also somewhat long and dominant'.

Considering their new scheme, I note that that they have followed our advice on the south-west corner of the site, and have omitted the two dwellings that were previously located here - and it is notable that they have not tried to squeeze the lost dwellings in elsewhere, and are now proposing just eight dwellings. As a result, the scheme feels more relaxed, and less urban - and in addition the prominence of the development will be greatly reduced in the important views along Hixet Wood.

Turning to the designs, I note that the same neo-vernacular forms are proposed, generally well-proportioned and well-composed. I still have reservations about the terrace of three houses, which retains the slightly uncomfortable massing around the cat-slides and dormers, although this is a small point, and they have already made very significant compromises.

- I.5 Biodiversity Officer Additional ecological mitigation and enhancements can be approved as conditions of planning consent rather than further amended plans before determination. A key component of the mitigation proposals is a LEMP for the long-term management of the stream corridor, retained trees (and standing deadwood poles), species-rich wildflower meadow grassland, native hedgerows and other habitats (e.g. proposed pond).
- With the effective implementation of the ecological mitigation, compensation and enhancement measures both recommended in the PEA and in my comments above, I am satisfied that the proposed development would have minimal biodiversity impact.
- I.6 Historic England Do not wish to comment.
- I.7 ERS Env Health - Uplands Due to the historical use of the site as police offices and an electricity substation, the site may have been subjected to land contamination. Consider attaching conditions relating to contamination. Mr ERS Pollution Consultation Previously submitted comments remain relevant.
- I.8 WODC Housing Enabler The Councils requirement for affordable housing arising from this proposed development can be summed by the policy in the Submitted Local Plan, thus;
- "Within the Cotswold AONB, medium-scale housing schemes of 6 - 10 units with a maximum gross floorspace of 1,000m² or less, will be required to make a financial contribution towards the provision of affordable housing off-site within the District. This commuted sum will be deferred until completion of the development to assist with viability."
- The calculation for determining the extent of the financial contribution is equal to the number of dwellings over those replaced, in this case 7 net as one new dwelling (plot 1) replaces an existing residential building. For the 7 dwellings the calculation is £100 / M² in total based upon submitted drawings of 1:200 @ A2 Scale, Dwg No 17 PHC SP07 Rev B, by dp architects;
- The financial contribution towards affordable housing on this scheme ought to be; 924m² x £100 per M² = £92,400 contribution. However if the total floor area is greater than this then the contribution would reflect that as well.
- Previously it had been assumed that the calculation would be based upon not just the net gain, but also the number of dwellings over the 6 unit threshold.

- I.9 Natural England The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.
- The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- I.10 WODC Landscape And Forestry Officer No Comment Received.
- I.11 WODC - Sports Following contributions are sought as a S106 contribution to the original scheme.
- Contributions of $£1,156 \times 10 = £11,560$ off site contribution towards sport/recreation facilities in Charlbury. This is index-linked to second quarter 2016 using the BCIS All in Tender Price Index published by RICS.
- $£818 \times 10 = £8,180$ for the enhancement and maintenance of play/recreation areas in Charlbury. This is index-linked to first quarter 2014 using the BCIS All in Tender Price Index published by RICS.
- I.12 WODC Env Services - Waste Officer No Comment Received.
- I.13 Thames Water No objection subject to conditions/informative.
- I.14 Major Planning Applications Team No Comment Received.

2 REPRESENTATIONS

- 2.1 A significant number of letters of objections have been received in relation to this application, a number of these also relate to the amended plans received these are summarised as follows:

nb: (A) details objections to amended plans.

Charlbury Conservation Area Advisory Committee (CCAAC)

- 2.2 The current application site had been assessed and found unsuitable for housing in the 2016 WODC SHELAA. Amongst the reasons were that development on the site would result in: the removal of thick vegetation and severely harm the character of the Conservation Area and Street Scene. The site provides an important green space within the centre, and an attractive backdrop within the wider area, with development potentially harming the character and appearance of this part of the town.
- 2.3 The CCAAC agree with the points raised in the 2016 WODC SHELAA. They agree that the site is 'an area of open space which breaks up the density of development and contribute to the character of the street scene in terms of public views' (WODC pre-application letter, 18th

January 2017). Members did not accept the pre-application view that the proposed development reflected local vernacular design and the character of the Conservation Area.

- 2.4 The committee concluded that the proposed development would cause significant harm to the Conservation Area on two counts; the loss of a substantial open area of 'The Slade', which is one of Charlbury's most unusual and distinctive features, being replaced by a small, unsympathetic suburban estate. The development would neither preserve nor enhance the Charlbury Conservation Area.
- 2.5 Officers note that a follow up response has been received in relation to the amended plans, the response is as follows:

The omission of two houses and the very minor amendments to the design of the remaining houses did not alter the comments previously made by the Committee on the application. These were strongly reiterated by members; a copy is at Appendix A. The proposed development would harm the Conservation Area on two counts: the loss of a substantial piece of the remaining open area of the 'slade' which was one of Charlbury's most unusual and distinctive features and its replacement by a small suburban estate unsympathetic to the character and appearance of the historic town centre to which it would relate. The development would neither preserve nor enhance the Charlbury Conservation Area, and the application should be refused.

Friends of the Evenlode Valley and West Oxfordshire Cotswolds

- 2.6 The Friends of the Evenlode Valley and West Oxfordshire Cotswolds have concerns regarding the application. They agree with the Charlbury Conservation Area Advisory Committee's (CCAAC) view that the development would cause harm to the Conservation Area through the erosion of open space and the introduction of a suburban estate into the heart of the Conservation Area. Whilst the scale of the proposed means of access will probably comply with highways regulations, the principle and siting of this is poor. The Friends of the Evenlode and West Oxfordshire Cotswolds detail how Paragraph 115 of the NPPF should be taken into consideration in regard to retaining the open views and conserving the landscape.
- 2.7 When discussing the amended plans, the Friends of the Evenlode and West Oxfordshire Cotswolds believe that the revisions do not ameliorate the impact on the Conservation Area or AONB in any meaningful way. Parking and traffic problems have not been fully addressed. Moreover, there are concerns that the amendments may bring the scheme below the 1,000m² threshold for Affordable Housing delivery.

Principle of Development

- The proposed housing isn't social housing, which was recently identified as a priority for Charlbury, so will do very little to help the problem of lack of affordable housing in Charlbury.
- Existing, similar properties along this road are not selling; not an immediate need for similar developments.
- Proposal is viewed as overcrowding and too many for the site in question.
- The proposed development is out of character and unsympathetic with its setting and surrounding area.
- The proposed parking provisions are inadequate for the number of dwellings suggested.

- Site is unsuitable for development by virtue of the WODC SHELAA 2016: Site 359a.
- (A) Reducing the number of houses from 10 to 8 still does not address or mitigate the previously summarised problems.
- (A) Still no mention of Affordable Housing.

Conservation Area, AONB and landscape

- Significant environmental impacts and incursion into the Conservation Area and AONB.
- Removal of vegetation on the site could cause increased flood risk elsewhere.
- The development would neither preserve nor enhance the Conservation Area, instead harming its character.
- Erosion of the historic fabric of the settlement.
- Removes green space from the centre of Charlbury.

Highways

- The proposed means of access to the site have not been addressed comprehensively and surrounding highways are deemed dangerous by local residents as the roads are already narrow and heavily congested.
- Increased traffic on Sheep Street, Hixet Wood, and Fishers Lane.
- Approach roads are already extremely narrow and hazardous.
- Existing highways infrastructure already at capacity.

Residential amenity

- Existing infrastructure is already under pressure (drainage, sewage, parking, schools etc.).

Other matters

- Site is situated in a flood-risk area, which could be exacerbated by vegetation removal and less permeable surfaces.
- Biodiversity will be adversely impacted.

3 APPLICANT'S CASE

- 3.1 Charlbury itself is a sustainable settlement, and the location of this site in the heart of the town - with good road access and within easy walking distance to the facilities and services on offer, including public transport - is an appropriate and sustainable solution to delivering the homes Charlbury and the wider District needs.
- 3.2 It is an underutilised site that is of low amenity value. The proposals represent an appropriate balance between developing part of the site for high quality 'Cotswolds' style homes, and retaining a significant portion of the site for landscaping.
- 3.3 Accessed directly from Hixet Wood and with the stream as the centrepiece to this area of amenity space, the development will allow for the planting of new trees and vegetation, and provide ecological enhancement opportunities to complement the adjacent woodland and stream.

- 3.4 The existing vehicular access to the site will be retained, and widened to ensure the new access has appropriate visibility splays and a separate pedestrian surface. It is not considered that a net increase of 9 homes will have any adverse impact on highway safety or local amenity in terms of the small increase in vehicular movements, especially given the site's highly sustainable location just to the south of the town centre.
- 3.5 The proposal is well-designed and will utilise high quality materials. The layout, urban grain and site density reflects the local character and appearance of this typical Cotswolds town. It is an appropriate response to developing this underutilised site, having regards to the site constraints and need to ensure there is no adverse impact on nearby residential amenity.
- 3.6 The new dwellings can be delivered without adverse impact to any nearby listed buildings, to the Conservation Area, or to the wider CAONB.
- 3.7 In addition to the physical provision of 10 new dwellings (a net increase of 9 dwellings overall), the economic and social benefits flowing from the creation of these new homes in Charlbury include benefits to local businesses, support for local residents and families, job creation through the construction phase of the development, and additional Council tax revenue. The proposal meets the roles of sustainable development as put forward by the NPPF as discussed previously in this document.

The Presumption in Favour of Sustainable Development

- 3.8 Notwithstanding the proposal's compliance with Development Plan policies, Paragraph 14 of the Framework advises that where the Development Plan or relevant policies are out of date, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole, or where specific policies in the Framework indicate that development should be restricted.
- 3.9 A key objective of the NPPF is to boost significantly the supply of housing (paragraph 47), which includes the requirement for local authorities to ensure that they have at least a five-year supply of deliverable housing sites at any one time.
- 3.10 Paragraph 49 states that all applications for housing development should be considered in the context of the presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a specific supply of deliverable sites providing a five-year supply of their housing requirements. A summary of the key planning considerations arising from the proposed development, set against this current planning policy context, is as follows:
- The Council cannot demonstrate a five-year supply of housing. The degree of shortfall is a material consideration;
 - The Council's housing supply policies are therefore out of date;
 - There is an identified shortfall and housing need for Charlbury, the sub-area, and the wider District;
 - This is a highly sustainable site close to the town centre. It is currently underutilised and contributes little by way of amenity value, and lends itself well to infill development in accordance with current and emerging planning policy;

- The significance of the Charlbury Conservation Area would remain unaffected by the development proposals;
- There are no adverse effects on any listed buildings;
- The visual impact of the development will be minor, and it is not considered that any harm will arise as a result of the proposals. Public views into the site are limited to glimpses from Hixet Wood, and private views of the development site are only possible from the properties immediately adjoining the site to the east and north;
- The development is highly sustainable - meeting the economic, social, and environmental criteria defined at paragraph 7 of the NPPF and discussed in detail above - and therefore Paragraph 14 of the NPPF and the Presumption in Favour of Sustainable Development is engaged;
- The delivery of 10 new dwellings is a public benefit to be welcomed in an area which needs to provide 1,000 new homes;
- There will be a financial contribution of £88,000 towards the Council's affordable housing fund; and
- The site is available and deliverable in the short term, another benefit.

3.11 In conclusion, there is a compelling need to deliver housing in Charlbury. Substantial weight should be given to the delivery of housing on a site that is highly sustainable, and immediately available in an area with an identified shortfall. The application should therefore be considered in the context of the presumption in favour of sustainable development.

3.12 In any event, the proposed development complies with the current development plan, and with emerging policies of the new Local Plan (notwithstanding the weight which should be attached to these policies, and that the Council's current housing policies are out of date).

3.13 Furthermore, at the pre-application stage the Council have concluded that the principle of developing this site is acceptable.

3.14 For all of the above reasons, it is therefore considered that planning permission should be granted.

4 PLANNING POLICIES

H2NEW Delivery of new homes
 BE8 Development affecting the Setting of a Listed Building
 NE4 Cotswolds Area of Outstanding Natural Beauty
 EH7NEW Historic Environment
 EH1NEW Landscape character
 EH2NEW Biodiversity
 BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 BE5 Conservation Areas
 NE4 Cotswolds Area of Outstanding Natural Beauty
 H2 General residential development standards
 H7 Service centres
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS4NEW High quality design

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of 8 dwellings on a 0.5 hectare site located close to the centre of Charlbury. A 1970's brick detached dwelling, associated hardstanding and garaging is located on the site although the majority of the site comprises of open grassland and is overgrown with vegetation. The lower section of the site, which would remain undeveloped comprises of a small stream, pond, trees and is likewise is overgrown with vegetation. The site lies within the Charlbury Conservation Area and lies within the Cotswolds AONB. The site lies within the setting of a Grade II listed building known as Melody House which lies to the east of the proposed access.
- 5.2 The application was deferred from the previous planning committee held on 7th August 2017 in order for further clarification to be sought regarding the applicants required affordable housing contribution, alongside matters relating to drainage and highways impacts. Each of these matters are addressed within this report.
- 5.3 It is proposed that the development would be accessed via a new access road onto Hixet Wood in the position of the existing access driveway serving 1 Police House. A total of 8 dwellings are proposed comprising of three terraced properties, two pairs of semi-detached dwellings and a detached dwelling which would replace the existing property 1 Police House. An adjacent dwelling 2 Police House is a 2 storey 1970's non-vernacular dwelling, approval exists for a replacement dwelling of a contemporary appearance, the design of which was modified in 2017 (17/01374/S73). 2 Police House is not included within the application site plan.
- 5.4 The proposed development has been modified through the submission of amended plans, reducing the number of dwellings from 10 to 8. Two dwellings in the South West corner of the development site were excluded following concerns raised by officers that the previously proposed development would fail to preserve a sufficient degree of openness as experienced in public views from the adjacent street scene in Hixet Wood. Minor revisions have additionally made to the access and parking arrangements, including the provision of a newly proposed single storey car port, which would be sited adjacent to Plot 4.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development

Design, scale and siting

Impact on Conservation Area setting and setting of Grade II Melody House.

Highways and access

Impact on Cotswolds AONB

Impact on biodiversity and natural environment

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 1,978 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. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.8 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 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.
- 5.9 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.10 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate 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.
- 5.11 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Charlbury is classed as a service centre within both the existing and emerging Local Plans and the provisions of respective policies H7 and H2 are applicable. Policy H7 is permissive of residential development in circumstances where this constitutes a 'rounding off' of the existing settlement area, whilst Policy H2 of the Emerging Local Plan is permissive of new residential development within or adjacent to the existing settlement area, where this is deemed to form a logical complement to the Existing built form.

- 5.12 The area of the application site subject of development comprises of an area of open space located predominantly to the rear of two existing dwellings fronting Hixet Wood and two dwellings to the north at Bell Yard. The site lies close to the centre of Charlbury and could be deemed a sustainable location in terms of its relative proximity to existing services and facilities in the town as well as public transport links namely local bus services and Charlbury railway station.
- 5.13 The site is well contained within the settlement envelope and is surrounded by existing development to the north and east. Officers consider that it could be reasonably considered that the proposed development would form a logical complement to the existing built form. Subject to the developments compliance with the wider provisions of the existing and emerging local plans, officers consider that the principle of residential development on the site would be considered acceptable.

Affordable Housing Provision

- 5.14 Policy H3 of the Emerging Local Plan, in accordance with the National Planning Practice Guidance outlines that it is reasonable within developments comprising of 6-10 units within AONB's to seek a commuted financial contribution towards the provision of off-site affordable housing.
- 5.15 The previous committee report suggested that a contribution of £20,000 would be sought towards the provision of off-site affordable housing, as suggested by the Councils Housing manager. This figure has been revised, as the previously stated figure of £20,000 applied the affordable requirement for the net number of units above the set threshold of 6 dwellings (2 units) rather calculating the required contribution in relation to the overall total number of units proposed (8 units) as required within Policy H3 of the Emerging Local Plan.
- 5.16 The requested contribution will be based upon the net increase of 7 units as proposed within this application, accounting for the fact that 1 dwelling would be removed. The total requested contribution has been calculated based upon the floor area of each of the proposed units; in total a sum of £92,400 is requested.

Siting, Design, Form and Conservation Area Impact

- 5.17 The site is within the Charlbury Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.18 The proposed dwellings would be of a vernacular design and appearance and would be constructed from natural stone. Officers consider that the design of the properties would be reasonably consistent with the character and appearance of the existing properties in the immediate vicinity of the site and the character and appearance of the Conservation Area as a whole. Officers consider that the proposed dwellings would be of an appropriate scale and consider that the layout of the site would reasonably complement the existing built form within this part of the town.

- 5.19 Due consideration should be given to the sites specific contribution to the Conservation Area. The existing property on the site, 1 Police House is relatively low key in appearance although the building is non-vernacular and makes no specific positive contribution to the character of the Conservation Area. The removal of the building and its replacement with a vernacular dwelling of an enhanced design would generally be considered to be an enhancement to the immediate setting and street scene. The sites wider value to the Conservation Area is principally derived from its open character, which forms a visual break in a relatively dense built form along Hixet Wood. The wooded and overgrown nature of the site also provides an area of green space which is clearly discernible in public views along Hixet Wood.
- 5.20 It is noted that only half of the site is visible in public views, given the positioning of 1 and 2 Police Houses which front Hixet Wood. The siting of the proposed dwellings would not extend beyond the side elevation of No.2; consequently proposed plots 4-8 would be visible only from the position of the proposed access onto Hixet Wood. Officers consider that the most important public views of the site from Hixet Wood are those which are experienced in the street scene immediately to the south of No.2 Police House. The extent of the proposed development which would be visible from this point would be largely limited to a section of the rear aspect of Plots 2 and 3 and the rear curtilage area of these properties. The applicants have excluded two previously proposed dwellings to the south of Plots 4 and 5, which would have been visible and prominent from this public viewpoint.
- 5.21 The southern section of the site, beyond the side of No.2 Police House would remain as an area of undeveloped open space. It is proposed that this space would be managed and made accessible to members of the public via a new access point onto Hixet Wood. Whilst the present space provides an open and green aspect, it is also visibly overgrown, unmanaged, underutilised and inaccessible to the public. A stream presently runs through this section of the site although given the overgrown condition of the site at present this is barely discernible in public views. The proposals include a management plan for this section of the site involving the addition of a footpath between Hixet Wood, the clearance of excess vegetation to increase visibility of the stream, the retention of existing trees and the future maintenance of this space. Officers consider that there would be discernible public benefits arising from the proposed improvements to this space and the potential for this space to be made publically accessible. The improvements arising from the management of this space would in officer's opinion represent an enhancement to the character and appearance of the Conservation Area setting.
- 5.22 Officers note that the site was considered as a potential allocation within the West Oxfordshire SHELAA (site reference 319). The site appraisal concludes that the site would not be suitable for housing development as development would necessitate the removal of thick vegetation, whilst access constraints are additionally identified. It is noted that the SHELAA document considers the development potential for the whole of the site. Officers would accept that there would be significant harm arising from development of the southern section of the site to both ecology and to the setting of the Charlbury Conservation Area, however as identified the northern section of the site, where the residential development is proposed within this particular application is significantly less prominent and officers consider that this particular section of the site does not provide a substantial contribution to the Conservation Area setting.
- 5.23 Officers note that a planning application on the site was refused in 1985 85/1378, this related to a development comprising of 6 dwellings. This particular application was refused on four grounds, these being: that the development failed to constitute rounding off or infilling; highways and access; the impact on the character and appearance of the area; in addition to potential

precedent setting. Whilst officers give due weight to this decision, it is noted that this particular development related to the south east corner of the site adjacent to 2 Police House. Officers consider that development within this area of the site would be harmful, however for the reasons cited within this report officers consider that this should not preclude development within the section of the site where the present development is proposed. Additionally since this application was determined in 1985 the planning context has significantly changed.

- 2.24 The proposed development would involve the removal of significant vegetation and a number of small non-mature trees. The removal of the majority of the existing trees in the northern section of the site would be necessitated in order to carry out the proposed development, although as noted in the above paragraphs this section of the site is not visibly prominent in public views. The southern section of the site is similarly overgrown with vegetation; a quantity of this would be removed to allow for the proposed landscaping works to be carried out, including the laying of a pathway through a section of this part of the site. The landscaping plan would retain existing trees of identified value, whilst allowing for additional planting to be carried out. There would be additional visual benefits arising from the removal of the vegetation which would reveal the existing stream that is not presently discernible in public views. Future retention of this area of open space would be sought through a unilateral undertaking to prevent future development and to ensure the long term management of this space.
- 5.25 The proposed development would be located within the setting of a Grade II listed property Melody House, which is located on Hixet Wood, in a position immediately opposite the proposed access and proposed Plot I. Whilst the proposed access would face this property, officers consider that there would not be demonstrable harm to the setting of this property by reason of the siting of either the access or the one for one replacement of No.1 Police House.
- 5.26 In summary officers consider that the sites specific contribution to the character of the Charlbury Conservation Area is as an area of open space, which helps to break up an otherwise densely developed built form. Paragraph 138 of the NPPF requires that an assessment is made as to whether the loss of an element which contributes to the character of a Conservation Area would amount to harm or less than substantial harm in respect of the provisions of respective paragraphs 133 and 134 of the NPPF. The proposals would result in the partial loss of an area of open space, which is identified as providing a contribution to the Conservation Area setting. Whilst the loss of the whole of the space could be treated in officer's opinion as substantial harm, as the proposed development retains a significant degree of the open perspective as experienced from the most prominent public view point on Hixet Wood, officers consider that the resulting level of harm caused to the Conservation Area would be less than substantial.
- 5.27 Paragraph 134 of the NPPF requires that where a development proposal is deemed to amount to less than substantial harm, this should be weighed against the public benefits of the proposal, whilst also in accordance with Paragraph 138 of the NPPF accounting for the relative significance of the asset and its contribution to the Conservation Area. In making this assessment officers consider that there would be clear discernible benefits arising from the proposed development in terms of the contribution of 8 dwellings to meet local housing need, alongside a financial contribution towards the provision of off-site affordable housing. Additionally there would be clear benefits arising from the landscaping improvements proposed within the southern area of the site and future management of this space for public use. Officers consider that these identified benefits would outweigh the less than substantial harm caused to the Conservation Area through the partial loss of open space.

Cotswolds AONB

- 5.28 The site lies within the Cotswolds AONB; Paragraph 115 of the NPPF requires that great weight is given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty. The site comprises of 8 dwellings and would fall outside what would be classed as 'major development' consequently the proposals should not be assessed in relation to Paragraph 116 of the NPPF.
- 5.29 The site is located within a Town Centre location, which is surrounded by existing development on three sides. The site would not appear prominent in wider landscape views owing to its Town Centre location and contained nature as the site would be set against the backdrop of the existing built form of the Town. Owing to the location of the site it is considered that the overall impact of the development in terms of the landscape character and significance of Cotswolds AONB would be negligible. Officers therefore consider that the development would not result in harm to the special landscape qualities of the Cotswolds AONB.

Biodiversity

- 5.30 A preliminary ecological appraisal was conducted on the site to inform if protected species would be significantly impacted upon by the proposed development. The appraisal concludes that the impact of the development on site ecology is likely to be neutral, although a series of mitigation measures are proposed. Further surveys were carried out to assess the suitability of trees for bat roosts and to establish whether Great Crested Newts are present within a pond in a nearby site, both surveys found no evidence of protected species.

Highways

- 5.31 A single means of access to the site is proposed onto Hixet Wood roughly in the position of the existing means of access serving 1 Police House. Officers note that objections were raised regarding the width of the proposed access, although these objections were submitted on the basis that the road would be adopted by OCC. Officers understand that the applicants are not seeking for the road to be adopted. Officers note that no objections have been raised by OCC regarding the safety of the proposed access point into Hixet Wood.
- 5.32 Further clarification was sought by members regarding the impact of traffic generation upon the existing road network, namely Hixet Wood. OCC Highways response dated 23/06/2017 addresses the impact of the proposed development on Hixet Wood. It is noted in this response that Hixet Wood carries a low volume of traffic with the proposed development deemed as likely to generate a relatively low level of vehicular movements. It was noted that there was adequate forward visibility attainable at the point of the junction of the proposed development with Hixet Wood.
- 5.33 The proposed development would be served by a total of 17 parking spaces. Whilst in accordance with OCC Residential Roads Design Guide a total of 18 spaces would be required, OCC Highways Officers have raised no objections and consider that the quantity of spaces proposed would be adequate as any minor overspill of parking onto adjacent roads, including Hixet Wood would be unlikely to compromise highway safety. No objection has been raised in relation to the siting of the proposed refuse collection area. The latest consultation response from OCC Highways, dated 31/07/2017, raises no objection to the development on highway safety grounds.

- 5.34 The impact of the development upon the wider road network has been considered by OCC as statutory highways consultee. Officers would concur with the assessment of OCC and consider that in relation to the relevant criteria of Paragraph 32 of the NPPF, that the residual cumulative impact of the development in relation to immediate existing highways network would not be severe.

Drainage

- 5.35 Queries were raised by members at the previous committee meeting regarding site drainage. The proposed drainage scheme for the site is indicated on supporting plan no. 5587:P01A. It is indicated that site drainage would include an attenuation tank located within the eastern part of the site. It is noted that no objections have been raised by OCC drainage engineers to the proposed development, subject to a surface water drainage plan being submitted prior to the commencement of development.

Residential Amenities

- 5.36 Officers consider that there would be reasonable separation between the proposed dwellings and the existing properties fronting Hixet Wood. It is noted that there would be a separation distance of 16 metres between the side elevation of Plot 8 and the rear elevation of the adjacent dwelling Camellia Cottage, with a separation distance of 10 metres between the side wall of the proposed dwelling and the boundary of the rear curtilage area of this property. Owing to the topography of the site, Plots 9 and 10 would be set down in relation to Myrtle and Camellia Cottage. Officers consider that owing to the relative separation distances and owing to the variation in levels, the proposed development would not be of detriment to the amenity of the occupants of these existing properties by reason of overbearingness, overshadowing or loss of light. It is noted that no windows are proposed on the side elevation of Plot 8 which would overlook these properties. The orientation of the dwellings would be offset in relation to neighbouring Spring Cottage, therefore overlooking of the rear curtilage area of this property would not be direct. There would additionally be a separation distance in excess of 12 metres between the rear elevation of plots 7 and 8 and the rear curtilage area of this property, which officers consider would be adequate to avoid the amenity of this property being significantly compromised by overlooking, particularly as the proposed dwellings would be sited at a lower topography.
- 5.37 Proposed Plots 4-8 face the rear aspect of two detached dwellings to the North of the site, these being Bell Yard Cottage and Tulip Tree House. The separation distance between the rear aspect of the proposed dwellings and the relatively extensive curtilage area of these properties varies between 12 and 11 metres. There would be a distance of approximately 42 metres between the rear elevation of the proposed dwellings and the rear elevation of the existing properties to the north which officers consider would be adequate in ensuring that the amenity of these properties would not be significantly compromised.
- 5.38 The siting of proposed plot 2 would be offset in relation to 2 Police House and there would in officer's opinion be significant separation to ensure that the amenity of this property would not be significantly compromised either in its present form or as consented under planning reference (17/01374/S73).
- 5.39 Officers consider that the proposed dwellings would be afforded with an adequate quantity of residential amenity space.

Conclusion

- 5.40 The application proposes a development comprising of 8 dwellings within a sustainable location close to Charlbury Town Centre. The site lies within the Charlbury Conservation Area and exists as an area of open space which provides a degree of visual amenity and contributes to the character and appearance of the character of the street scene and settlement as a whole. Whilst the development would result in the loss of a section of open space, this would be limited to an area located to the rear of the existing Police Houses fronting Hixet Wood and the section of the site which appears prominent within public views would be retained as open space preserving the open aspect within the Conservation Area. Furthermore the loss of the open space in the northern section of the site would be offset to a large degree by the proposed enhancements to the southern area of the site.
- 5.41 On balance officers consider that the provision of 8 dwellings alongside the proposed landscaping enhancements would outweigh the less than substantial harm caused to the Conservation Area by reason of the loss of the existing open aspect. Furthermore officers consider that the development would not result in adverse harm to either highway safety and amenity or residential amenity by reason of loss of privacy, overbearingness or loss of light. Consequently officers consider that the development as proposed would be acceptable and compliant with the relevant provisions of the Existing and Emerging Local Plans in addition to the relevant provisions of the NPPF.
- 5.42 Officers recommend that permission be granted subject to a section 106 agreement covering required financial contributions towards the provision of off-site affordable housing and subject to a Unilateral Undertaking to secure the retention of the southern area of the site as undeveloped open space.

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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all 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.

- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7 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.
- 8 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.
REASON: To safeguard the character and appearance of the area and because details were not contained in the application.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: To protect the visual amenities of the area.
- 10 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed 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.
- 11 Prior to the commencement of development, a plan showing the proposed means of access between the land and the highway shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall commence only in accordance with the approved plan.
REASON: In the interests of providing safe and suitable access to the development in accordance with the National Planning Policy Framework.

- 12 Prior to the commencement of development, a plan showing visibility splays of 2m x 30m in a southerly direction, and 2m x 24m in a northerly direction from the proposed access on to Hixet Wood shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.
REASON: In the interests of highway safety in accordance with the National Planning Policy Framework
- 13 Prior to the commencement of development, a plan showing all of the individual accesses and parking areas shall be submitted to and approved in writing by the Local Planning Authority. These areas shall be constructed, surfaced, lit and drained in accordance with this plan.
REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.
- 14 Prior to the commencement of development, a plan showing the cycle parking arrangements for each dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.
REASON: In the interests of maximising the opportunities for sustainable travel in accordance with the National Planning Policy Framework.
- 15 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include the following:
- Discharge Rates.
 - Discharge Volumes.
 - Maintenance and management of SUDS features, including contact details of any management company.
 - Sizing of features - attenuation volume.
 - Infiltration in accordance with BRE365.
 - Detailed drainage layout with pipe numbers.
 - SUDS - list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy.
 - Network drainage calculations.
 - Phasing.
 - The plans must show that there will be no private drainage into the existing public highway drainage system.
- REASON: In the interests of highway safety in accordance with the National Planning Policy Framework
- 16 Prior to the commencement of development, a construction traffic management plan (CTMP) should be submitted to and approved in writing by the Local Planning Authority. The CTMP should cover the following points:
- The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.

- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

REASON: In the interests of highway safety in accordance with the National Planning Policy Framework.

- 17 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.

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

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

- 18 The development shall be completed in accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal dated 3rd August 2017 prepared by ACD Environmental and the Ecology Technical Update: Bats dated 28th June 2017 by ACD Environmental. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
- REASON: To ensure that reptiles, badgers, nesting birds, amphibians, bats, hedgehogs and trees are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West

Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 19 Notwithstanding the landscaping drawing submitted with the application (ref. VAN20715-11A), no development shall take place until an amended and detailed landscaping scheme has been submitted and approved by the Local Planning Authority, including the creation of a wildlife pond (not part of the stream), stream corridor planting, native hedgerow planting, native tree planting (including the replacement of the proposed heavy-duty standard oak trees with willow and the replacement of non-native specimens on the site frontage to Hixet Wood), wildflower meadow creation using a locally characteristic and appropriate seed mix, and a 5-year maintenance plan. The scheme shall incorporate the planting of native trees to become new standards of appropriate species and at appropriate locations.

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 NE13 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 20 No works affecting the stream or associated with the realignment of the stream shall take place until a stream realignment strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented in full and any subsequent changes or remedial measures shall be submitted and approved by the local planning authority. The strategy shall aim to create a natural stream channel along the line of realignment and limit the use of artificial structures.

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

- 21 Notwithstanding the details included on the landscaping drawing submitted with the application (ref. VAN20715-11A), no development shall take place until full details of the provision of integrated bat roosting features and nesting opportunities for birds (House sparrow, Starling and Swift) into the new buildings shall be submitted to the local planning authority for approval, including an elevation drawing showing the locations and types of features. The approved details shall be implemented before the dwellings hereby approved are first occupied, and thereafter permanently maintained.

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

- 22 Prior to occupation, a "lighting design strategy for biodiversity" [and in particular to reduce light spillage into the southern stream corridor area with potential for use by roosting/foraging/commuting bats] shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- i. identify those areas/features on site that are particularly sensitive for bats and bat roosts; and
 - ii. show how and where external lighting will be installed (including the type of lighting) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

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

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

- 23 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
 - ii. Landscape and ecological trends and constraints on site that might influence management;
 - iii. Aims and objectives of management;
 - iv. Appropriate management options for achieving aims and objectives;
 - v. Prescriptions for management actions;
 - vi. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
 - vii. Details of the body or organisation responsible for implementation of the plan;
 - viii. Ongoing monitoring and remedial measures;
 - ix. Timeframe for reviewing the plan; and
 - x. 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.

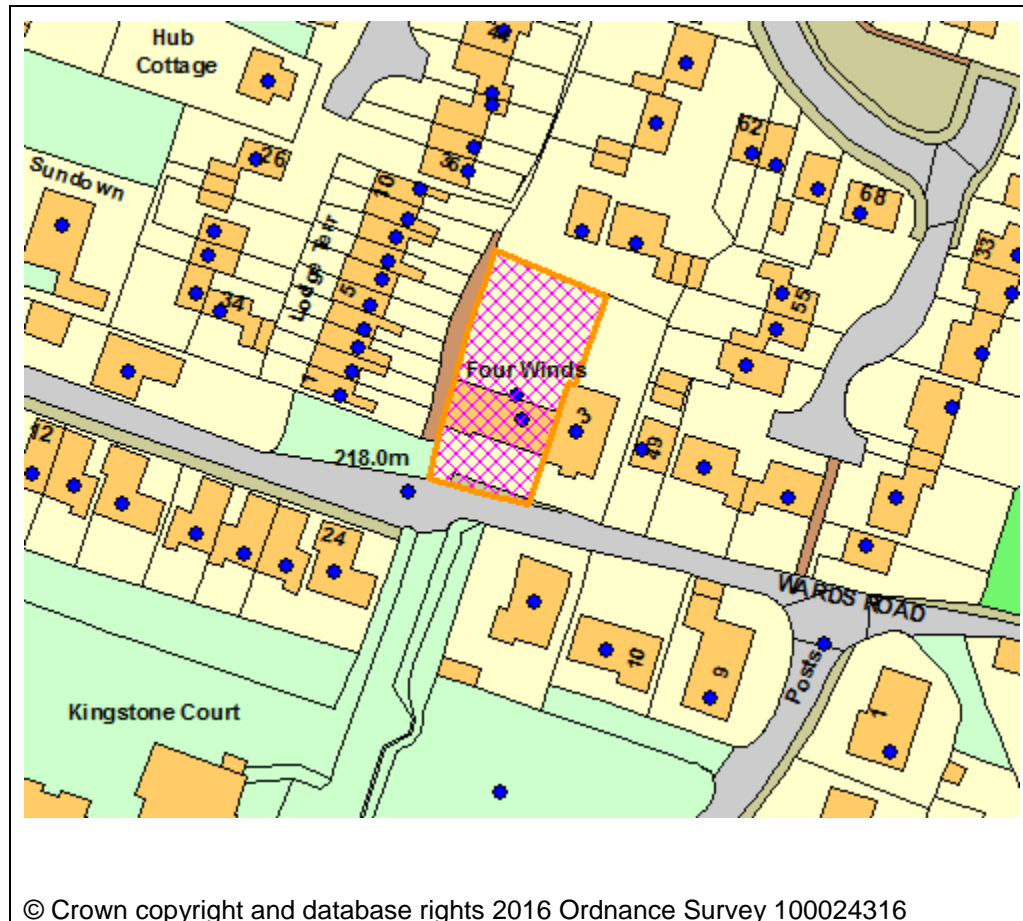
REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural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

NOTE TO APPLICANT

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

Application Number	17/01857/FUL
Site Address	1 Four Winds Wards Road Chipping Norton Oxfordshire OX7 5BU
Date	22nd August 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chipping Norton Town Council
Grid Reference	431632 E 227027 N
Committee Date	4th September 2017

Location Map



Application Details:

Remove existing bungalows and erection of two houses and one bungalow.

Applicant Details:

Mr K J Millard
Sandfields Farm
Over Norton
Chipping Norton
OX7 5PY

I CONSULTATIONS

- | | | |
|-----|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I.1 | 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.2 | WODC Architect | <p>No Comment Received.</p> |
| I.3 | WODC Drainage Engineers | <p>Soakaways should be designed to withstand a 1 in 30 year + 40 % climate change event.</p> <p>The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event.</p> <p>An exceedance flow plan for events in excess of 1 in 100 year + 40% should be provided, with flows directed away from neighbouring properties.</p> |
| I.4 | Biodiversity Officer | <p>I would have no objection to the proposed development on ecological grounds. The Bat Survey Report by Cotswold Wildlife Surveys dated 17th October 2016 is sufficient and the buildings were found to have negligible potential for roosting bats. No evidence of nesting birds was found. My only comment would be that the proposed development does offer an opportunity for biodiversity enhancement, so I would recommend that provision for roosting bats and nesting birds be incorporated within the proposed new houses and bungalow as a condition of planning consent (if approval is granted).</p> |
| I.5 | Town Council | <p>The Town Council recommend to omit the bungalow from the proposed development as this is over development of the site. It would be better to have two dwellings with integral garages.</p> |

2 REPRESENTATIONS

- 2.1 A total of 6 letters of objection have received in relation to this application, these letters are summarised below:
- The design and layout would be out of place with the character of the area.
 - The relationship between the two proposed dwellings and No.3 Four Winds remains a cause for concern and the previous refusal reason has not been satisfactorily overcome.

- Insufficient parking would be provided for the proposed dwellings.
- The increase in distance between the proposed dwellings and the properties in Lodge Terrace would be nominal and would have an adverse impact on the amenity of neighbours by reason of overlooking, loss of privacy and loss of light. The development would also be overbearing.
- The development would cause noise and disturbance.
- The development would result in overlooking of No.9 Lodge Terrace and other properties at the end of the terrace, which will be exacerbated by the siting of the proposed bungalow.
- Concerns are raised regarding the parking of construction vehicles.
- The development would overlook 36 Rowell Way and would result in the loss of light to this property.
- No visitor parking is proposed.
- The proposed bungalow would appear cramped and would increase overlooking.
- The development would impact on the amenity of 49 Rowell Way, with regards to loss of light and the overbearingness of the scale of the proposed dwellings.

3 APPLICANT'S CASE

- 3.1 One of the core land-use planning principles set out in the National Planning Policy Framework (NPPF) is to proactively drive and support sustainable economic development to deliver the homes that the country needs. As the application site is located within one of the three principle service centres of the district, which is a main transport hub, and lies within easy walking and cycling distance of the town centre and its numerous facilities, the proposal to redevelop the site for additional housing constitutes a sustainable form of development which is entirely in accord with key national policy guidance.
- 3.2 This re-submitted scheme for a pair of semi-detached dwellings and a bungalow fully conforms to the stringent guidelines set out in central government guidance and the policies of the adopted and new Local Plans in that:
- a) It constitutes an acceptable form of sustainable development on an existing residential plot within the existing built up area of the settlement. Redevelopment of the site for additional housing would constitute “rounding off” and would be a logical complement to the existing scale and pattern of development in the area, which is characterised by recently approved medium density linear and estate developments. Its redevelopment would make a small but significant contribution to the town’s housing requirement, thereby taking pressure off the need to release greenfield sites at the edge of the settlement.
 - b) The existing bungalows are dated in terms of both their design and external appearance and contribute little to the character of the surrounding area. In contrast, the proposed semi-detached dwellings have been sited and designed to replicate the linear development pattern along Wards Road, and will enclose the street in a far more traditional manner than the existing bungalows which lack both verticality and presence. The simple, uncomplicated elevations of the dwellings reflects the traditional design of cottages in the town and this respect for the vernacular is emphasised in the use of natural stone to the elevations and reconstructed stone slates to the pitched roofs.
 - c) In pre-application correspondence, the planning case officer has advised that the design and re-siting of the pair of semi-detached dwellings (Plots 1 and 2) on the site frontage has overcome the concerns of overdominance and loss of amenity to the occupiers of Nos 1-3

Lodge Terrace. Similarly the relationship between the pair of semi-detached properties at the front of the site and the retained bungalow adjacent, No.3 Four Winds, is now acceptable.

3.3 On the question of the proposed bungalow being overdevelopment the facts do not support the officer's concerns:

- a) The bungalow sits on a plot which measures 19m in width and 14m in depth (266 sq. m) excluding the vehicular access drive. The plot is more than double the size of some of the adjoining plots e.g all the 10 dwellings in Lodge Terrace and Nos 36-44 Rowell Way.
- b) The bungalow site area is 266 sq. m, giving a plot density of 15.2 dwellings to the acre (4047 divided by 266).
- c) The application site area, including the bungalow and the pair of semis is 820 sq.m, giving a site density of 14.8 dwellings per acre (4047 divided by 820 x 3).
- d) The above densities are in the range of medium density housing, which accord with and respect the scale, pattern and character of the surrounding built form.

3.4 In summary, the currently proposed layout and design now respects the scale, pattern and character of the surrounding built form, will not have a detrimental impact on the amenities of adjoining occupiers and will not result in an overdevelopment of the site. As the proposal is a sustainable form of development which fully complies with the requirements of the NPPF and the adopted and emerging Local Plans and there are no other material planning considerations, there are therefore no reasonable grounds for refusing planning permission. It is anticipated therefore that this resubmitted application will now receive the full support and encouragement of the District Council.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks planning permission for a development comprising of a pair of semi-detached dwellings and the erection of a detached bungalow. The application site lies close to the centre of Chipping Norton and presently comprises of a pair of attached bungalows, with associated garden amenity space to the rear. The immediate area comprises of mainly modern dwellings of a broadly vernacular appearance, constructed from either natural or artificial stone. No.3 Wards Road, a bungalow which falls outside the site area and would be retained. 1 and 2

Wards Road would be demolished and replaced by the proposed semi-detached properties; the proposed bungalow would be located to the rear of the site.

5.2 A recent application relating to the erection of a small terrace of three dwellings to the front of the site was refused by members of the Uplands Planning committee in April 2017. The application was refused for the following reasons:

1. The development as proposed, by reason of its overbearing scale, mass and siting would detrimentally affect the outlook of the rear curtilage space and rear aspect of the existing properties at 1, 2 and 3 Lodge Terrace to an extent where the development would substantially compromise the amenity and living conditions of the existing occupants of these properties. As such the development would fail to comply with the provisions of Policies BE2 and H2 of the Existing West Oxfordshire Local Plan; Policies OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031, and the relevant provisions of the NPPF, in particular Paragraph 17.
2. By reason of the proposed scale, siting and proximity of the dwellings in relation to the adjacent property No.3 Four Winds, the development would fail to respect the scale, pattern and character of the surrounding built form and would erode the character and appearance of the area. The development would subsequently be contrary to Policies BE2 and H2 of the Existing Local Plan 2011; Policies OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031; Policy BD1 of the Chipping Norton Neighbourhood Plan; as well as the provisions of the NPPF, in particular Paragraphs 17 and 64.

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

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

Principle

5.4 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.

5.5 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.

- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 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 application site is located within a relatively central position in Chipping Norton and lies in close proximity to existing services and facilities within the town. The site is brownfield land and the development proposed would replace two substandard properties. Officers consider that the site represents a sustainable location, with regards to the site's relative proximity to existing services and facilities within Chipping Norton.

Siting, Design and Form

- 5.10 The proposed semi-detached dwellings to the front of the site would replace an existing small terrace of three bungalows. The change in the number of dwellings and their siting has been made in order to address the two refusal reasons relating to the previous application: these being the amenity impact on the neighbouring properties to the west in Lodge Terrace, whilst also addressing the relationship between the proposed new build dwellings and No.3 Wards Road.
- 5.11 The amenity impact of the development on the properties in Lodge Terrace is assessed later in this report; however officers consider that the relationship between the two dwellings and the adjacent retained bungalow No.3 is an improvement compared with the previously refused scheme. The reduction in the number of dwellings from 3 to 2 has enabled the dwellings to be moved further away from the side wall of No.3 Four Winds. It is proposed that there would be a separation distance of 4.6 metres between the side elevation of proposed dwelling 2 and No.3 Four Winds.

- 5.12 Officers consider that the development, as viewed within the street scene would now form a visually acceptable relationship with the retained bungalow to the east of the site. The greater separation distance compared to the previous scheme has in officer's opinion adequately addressed refusal reason 2. Whilst there would be a notable height difference between the proposed dwellings and No.3 Four Winds, the increased separation distance would ensure that there would be a less profound difference in building heights when viewed in the street scene, with the development consequently appearing less imposing in relation to the retained property No.3.
- 5.13 Officers consider however that the siting of the proposed bungalow to the rear of the site would not relate well to either the proposed development or the pattern of the existing built form. Policy BE2 of the Existing Local Plan requires that new buildings respect the siting of adjoining buildings, whilst Policy OS2 and H2 of the Emerging Local Plan requires that new development should form a logical complement to the existing built form and settlement pattern.
- 5.14 At present the site is surrounded by development on all sides, however there is an established linear built form facing Wards Road, whilst Lodge Terrace to the west is a linear terrace. The siting of the proposed bungalow, alongside the provision of a new vehicular access would conspicuously read as back land development, which in terms of its siting would appear incongruous in relation to the existing pattern of development in the immediate area. Consequently officers consider that the siting of the bungalow to the rear of the site would fail to respect the existing pattern of development contrary to the provisions of Policy BE2 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan.

Highways

- 5.15 Parking for two vehicles is proposed forward of the two dwellings fronting Wards Road, which is considered sufficient for the size of the proposed properties. The proposed bungalow would be served by a total of two parking spaces, comprising of a space to the front of the property within a garage and a space to the side of the dwelling. An access is proposed to the side of dwelling 2, which would serve No.2A Wards Road, which officer's note would be narrow, but of a sufficient size to allow access to the proposed dwelling.
- 5.16 Whilst acknowledging concerns raised by residents regarding the existing parking situation along Wards Road, the dwellings would have adequate parking and the provision of one additional dwelling would generate little in the way of additional vehicular movements along Wards Road. Officers note that in their consultation response Oxfordshire County Council Highways Officers raised no objection to the parking provision proposed.

Residential Amenities

- 5.17 The reduction in the number of proposed dwellings has enabled house 1 to be moved an increased distance from the boundary of Nos. 1-3 Lodge Terrace. It was considered within the previous application (16/03408/FUL) on this site, that the siting of the three dwellings proposed would have an unacceptable and overbearing impact on the residential amenity of the nearest three dwellings in Lodge Terrace, with the development consequently resulting in overshadowing and loss of light.

- 5.18 The previously proposed layout of three dwellings abutted the boundary of the site, leaving a separation distance of 2 metres between the side wall of the dwellings and the existing properties at Lodge Terrace, which are separated from the site by a 2 metre wide alleyway. The present layout would leave a separation distance of 5.2 metres between the side wall of the proposed dwellings and the rear gardens of the properties at Lodge Terrace. The increased separation distance has in officers opinion addressed the previous reason for refusal relating to residential amenity. In total there would be a separation distance of approximately 16 metres between the side wall of proposed dwelling 1 and the rear elevation of Nos 1-3 Lodge Terrace, with a distance of approximately 5.2 metres between the side wall of proposed dwelling 1 and the rear curtilage area of Nos. 1-3 Lodge Terrace. Officers consider the relative separation distances, as proposed within this application would be sufficient to ensure that the amenity of the existing properties in Lodge Terrace would not be significantly compromised by reason of the overbearing scale of the built form or by reason of overshadowing or loss of light.
- 5.19 The proposed bungalow would be single storey and would extend to a total height of 5.9 metres to the roof ridge. Given that the property would be single storey and of a relatively low height, officers consider that this dwelling would not appear overbearing in relation to the existing properties in Lodge Terrace. Accounting for the fact that the dwelling would be single storey, officers consider that the proposed siting of the dwelling would not significantly compromise the amenity of the adjacent properties in Lodge Terrace. With either the retention of the existing wall or the provision of a new form of boundary treatment, the extent of overlooking which would arise as a result of the proposed development would likely be minimal.
- 5.20 Officers have significant concerns with regards to the standards of amenity, which future occupants of the proposed dwelling would experience. The proposed private amenity space serving this property would be significantly overlooked by the first and second floor rear windows of a number of properties in Lodge Terrace to the west of the site. In addition to this, the principle windows serving two habitable rooms within the proposed dwelling (a living room and bedroom 1) would be overlooked by the existing dwellings to the west with a separation distance of 17 metres between the first and second floor windows of the existing properties and the living room with 20 metres between these existing windows and the bedroom window in the proposed dwelling.
- 5.21 Additionally the siting of a dwelling to the rear of the site would necessitate the provision of a vehicular access to the side of No.3 Four Winds. Whilst officers consider that the access would not be detrimental to highway safety or amenity, the introduction of an access in the proposed position, immediately adjacent to the side wall of this existing property would erode the standard of residential amenity, presently enjoyed by the occupants of this property by reason of vehicular movements and associated increased noise disruption and disturbance. Officers consider that the amenity implications arising are a further indication that development to the rear of the site would be unsuitable and undesirable.

Conclusion

- 5.22 Whilst the amendments made to the previously refused application on this site (16/03408/FUL) largely address officers concerns with regards to the amenity impacts of the proposed development on the existing properties in Lodge Terrace, the introduction of a further dwelling to the rear of the site would in result in a form of development which would be incongruous in terms of its relationship with the existing built form. The siting of the proposed bungalow would

result in a form of back land development, which would fundamentally differ from the existing urban grain and would consequently erode the character and appearance of the immediate area.

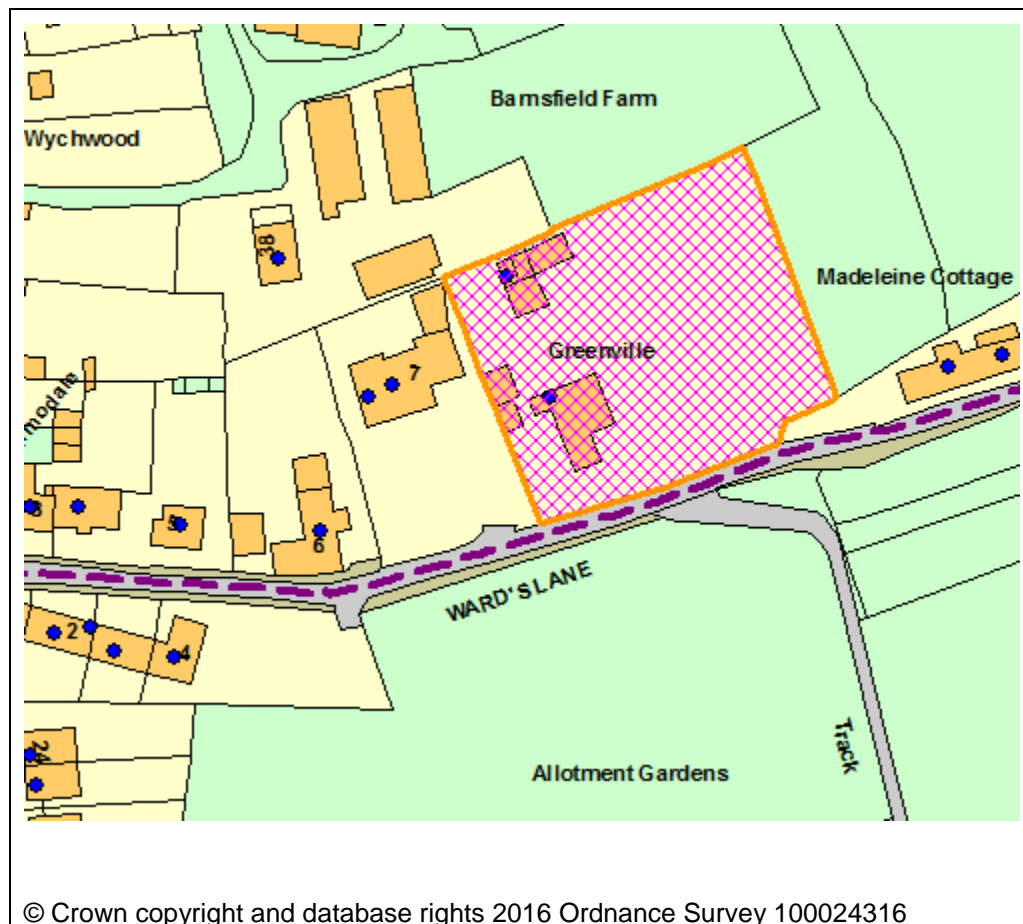
- 5.23 Furthermore officers consider that occupants of the proposed dwelling would fail to be provided with an appropriate standard of amenity given the likelihood that the property and private amenity space would be significantly overlooked. Furthermore the introduction of a new vehicular access would erode the residential amenity of existing occupants of the adjacent property No.3 Wards Road.
- 5.24 For these reasons officers consider that the development would be contrary to the provisions of Policies BE2 and H2 of the Existing Local Plan; Policies OS2, OS4 and H2 of the Emerging Local Plan; in addition to the relevant paragraphs of the NPPF, in particular Paragraphs 17 and 64.

6 REASONS FOR REFUSAL

- 1 By reason of the siting of dwelling 2A, the development as proposed would fail to complement the existing pattern of development and consequently would appear incongruous and would erode the character and appearance of the immediate area. The development would subsequently fail to comply with the provisions of Policies BE2 and H2 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of the NPPF in particular paragraphs 17 and 64.
- 2 By reason of existing overlooking, future occupants of proposed dwelling 2A would fail to be provided with appropriate standards of privacy and residential amenity, furthermore by reason of the siting of the proposed vehicular access, the development would have an adverse impact on the amenity of the existing occupants of the adjacent property No.3 Wards Road by reason of increased noise and disruption associated with vehicular movements. The development would consequently fail to comply with the provisions of Policies BE2 and H2 of the Existing West Oxfordshire Local Plan 2011; Policies OS2 and H2 of the Emerging West Oxfordshire Local Plan 2031; in addition to the relevant provisions of the NPPF, in particular Paragraphs 17 and 64.

Application Number	17/02163/OUT
Site Address	Finstock Cattery Wards Lane Finstock Chipping Norton Oxfordshire OX7 3BP
Date	22nd August 2017
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Finstock Parish Council
Grid Reference	436237 E 216531 N
Committee Date	4th September 2017

Location Map



Application Details:

Residential development with all matters reserved except access.

Applicant Details:

Mr Mark Reed
Finstock Cattery
Wards Lane
Finstock
Chipping Norton
Oxfordshire
OX7 3BP

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.
- If any shared/communal SuDS are proposed, then the applicant will need to confirm in writing who owns/is responsible for the maintenance of them. In addition, a maintenance regime may also be required. However, this will be confirmed at a later date.
- I.2 OCC Highways
- Wards Lane is a narrow private lane without public vehicular rights. The lane is designated a public footpath.
- Visibility at the Wards lane/School Rd junction complies with standards.
- The red edged application area does not include access to the highway.
- I note the cattery use is to cease. The proposed additional dwelling will, if permitted, generate no more vehicular movements than the existing cattery use.
- 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
 - Closure of the cattery use
- I.3 ERS Env. Consultation Sites
- Thank you for your consultation. I have no major concerns in relation to the proposed development, however given that it is for residential

use please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

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

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

1.4 ERS Env Health -
Uplands

No comments to make on this proposal. However if consent is granted I would ask for a conditions similar to the following to be attached to any consent granted:

Prior to the commencement of any work, the applicant shall submit to, and have approved by the Local Planning Authority, a construction management plan. the plans shall include among other details, measures to be taken to minimise disturbance from noise, dust and odour. Once agreed the actions laid down in the plan shall be mandatory.

1.5 Cotswolds
Conservation Board

No Comment Received.

1.6 OCC Rights Of Way
Field Officer

No Comment Received.

1.7 Parish Council

We do not object to this development as indicated in the outline application (one domestic residence and no associated business) agree that it is infill in a residential area, however we notice that part of the development is in the AONB which is a point which the Parish Council would clearly object to.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 The proposal seeks outline planning permission for the development of a single detached dwelling on land at 8 Wards Lane, Finstock, which currently comprises a residential dwelling and commercial cattery.
- 3.2 An indicative layout is provided, although details of layout, scale, appearance and landscaping remain subject to subsequent reserved matters approval.
- 3.3 The assessment above outline that the proposed development is considered to be compliant with the adopted (albeit out-of-date) and emerging policy of West Oxfordshire. Furthermore, it is demonstrated that the proposals represent sustainable development, which the NPPF sets out a presumption in favour of.
- 3.4 It has been identified that the proposed development, with the closure of the cattery, would result in a reduction in traffic movements along Wards Lane to the benefit of local highway users. The provision of parking would be in accordance with policies BE3 of the Adopted Local Plan 2011 and T4 of the Emerging Local Plan 2031.
- 3.5 The indicative site layout demonstrates how the site can make provision for a single detached dwelling without causing any due harm to the existing occupants of the dwellings surrounding the site. It further highlights that the proposed layout would not give rise to any unacceptable impact upon the character or appearance of the wider Conservation Area or AONB.
- 3.6 In light of the above, it is considered that the proposed development complies with both the Adopted West Oxfordshire Local Plan 2011 and the Emerging West Oxfordshire Local Plan 2031 and as such, Paragraph 14 sets out that planning permission should be approved without delay.
- 3.7 In considering the site in the context of policies which are not up-of-date the NPPF identifies that planning permission should be granted unless the adverse impacts would significantly and demonstrably [our emphasis] outweigh the benefits as assessed against the Framework taken as a whole, or where specific policies indicate development should be restricted.
- 3.8 The above assessment has identified that there are no 'significant and demonstrable' harms associated with the scheme. In light of the above, it is respectfully requested that this outline application be approved.

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
H5 Villages
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EH1NEW Landscape character

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

NE4 Cotswolds Area of Outstanding Natural Beauty

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks outline planning consent for a residential development, with all matters reserved except for means of access. The application site comprises of a small area of open paddock space associated with an existing dwelling and a small commercial cattery site located on the edge of the village of Finstock. The site lies within the Finstock Conservation Area and a section of the southern and eastern part of the site lies within the Cotswolds AONB.
- 5.2 The site would be accessed via Wards Road, a narrow unmade access track leading from School Road to the West of the site which also serves as a public bridleway. The site would lie between an existing white rendered bungalow and a two storey vernacular stone cottage. An allotment site is located to the south of the development site.
- 5.3 As the application is in outline, the only supporting details provided comprises of a site plan, which indicates the siting of a single detached dwelling of a similar scale to the adjacent property located on the site.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of development

Impact on Conservation Area

Impact on Cotswolds AONB

Highways and access

Principle

- 5.5 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.6 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. 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.

- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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. Finstock is identified as a village within the settlement hierarchy of the Existing and Emerging Local Plans. Policy H5 of the Existing Local Plan is permissive of new residential development in circumstances where this would constitute infilling of an existing gap in an otherwise continuous frontage. Policy H2 of the Emerging Local Plan extends the criteria in which development of new residential dwellings could be considered permissible and includes the development of previously developed or undeveloped sites within or adjacent to the settlements specified within Policy OS2, which includes Finstock. It is however a requirement that any new development should form a logical complement to the Existing built form.
- 5.11 In relation to the above criteria it could be considered that the development of a single dwelling on this site could be considered as a form of infill based development and would read as being visually complementary to the existing built form along Wards Lane. The site at present comprises of an area of side garden curtilage, which lies between the existing dwelling and cattery site to the west and a further dwelling to the east. Officers consider that development comprising of a single dwelling, as indicated in the proposed layout would be a continuation of the linear built form along Wards Road and subsequently would form a logical complement to the existing built form.
- 5.12 Officers consider that the site would represent a relatively sustainable location for a residential dwelling given its relative proximity to existing services and facilities within Finstock in addition to local public transport links.

Siting, Design and Form

- 5.13 No indicative elevation drawings have been provided for the proposed dwelling although the scale and footprint, as shown on the applicant's indicative plans appears consistent with the scale of the adjacent property.
- 5.14 Given the sites relatively prominent position on the edge of the village, in addition to its elevated topographic position in relation to the adjacent property to the west, officers would consider it necessary to restrict the height of the new dwelling to a single or 1.5 storey property by way of planning condition.

Highways

- 5.15 Wards Lane is a narrow and unmade single track road. The access road serves several properties, in addition to the existing cattery. Given the general unsuitability of this access, any additional increase in vehicular usage of this road would be considered unacceptable.
- 5.16 It is noted that the applicants have proposed that the cattery operation on the site would cease, prior to first occupation of the proposed dwelling. In a scenario where the cattery operation were to cease, vehicular use of Wards Lane would realistically decline and in this sense the development would be beneficial to highway safety and amenity.
- 5.17 This has been considered within OCC Highways consultation response. It is stated that in a scenario where the cattery operation to cease, Highways Officers would raise no objection to the proposed development and consider that the proposals would not result in harm to highway safety or amenity. Officers would concur with this assessment.
- 5.18 Officers would seek to ensure that the cattery operation would cease prior to the commencement of development and suggest that a section 106 legal agreement would be an appropriate means to ensure this.

Residential Amenities

- 5.19 The application is in outline with matters of design and scale reserved, however officers consider that the site is sufficiently large enough to accommodate a dwelling of an appropriate scale, without compromising the amenity of either neighbouring property to the East or West of the site. There would be sufficient space to ensure that an adequate separation distance could be retained to avoid any potential development appearing overbearing or resulting in loss of light to any neighbouring properties.

Impact on Conservation Area

- 5.20 The site is within the Finstock 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.
- 5.21 The sites particular contribution to the character of the Conservation Area is that of an area of open space, which to a degree breaks up the density of the existing built form and as a result is

somewhat contributory to the semi-rural character of this part of the settlement. The development of a dwelling would result in some loss of existing views towards the open countryside to the east and north east, although the extent of the views which would be lost in addition to the loss of the sense of openness would be dependent in part on the scale of any potential dwelling.

- 5.22 Officers are satisfied that a single, appropriately designed dwelling of a reasonable scale would not result in significant harm to the significance of the Finstock Conservation Area. A dwelling of a similar appearance to the adjacent dwelling and sited alongside the existing property on the site, would read in officer's opinion as a logical continuation of the existing built form and would not appear as incongruous within the immediate setting.
- 5.23 Whilst the development would result in some loss of the loss of sense of openness as experienced by users of Wards Lane, the site is fairly contained and is presently used as amenity space associated with the existing property and cattery. The development would not for these reasons mark an encroachment into the open countryside and the site lies just within the settlement envelope of Finstock.
- 5.24 Officers consider that the likely harm arising as a result of the erection of a single dwelling would be assessed at the lower end of 'less than substantial'. In accordance with the provisions of Paragraph 134 of the NPPF, this needs to be balanced against the public benefits of the proposed development. The principle benefit relates to the provision of an additional dwelling and its relative contribution towards local housing land supply. There would also be material benefits to highway and residential amenity as well as benefits to the conservation area setting arising from the decline in activity on the site, as a result of the closure of the cattery, particular as the closure of the business would result in a decline in vehicular use of Wards Lane. In summary officers consider that the material benefits of the proposed development would be sufficient to outweigh the relatively low level of less than substantial harm to the Conservation Area setting, by reason of the loss of the sense of openness as experienced from Wards Lane.

Impact on Cotswolds AONB

- 5.25 The majority of the site falls outside of the parameters of the Cotswolds AONB, although a small strip to the front of the site, which includes the proposed access onto Wards Lane, alongside a small section of the easternmost part of the site falls within the designated AONB boundaries. Whilst the majority of the site lies outside of the AONB, the whole site and any subsequent development would be within the immediate setting of the AONB. Paragraph 115 of the NPPF requires that great weight is given to conserving landscape and scenic beauty within Areas of Outstanding Natural Beauty.
- 5.26 As referenced within the previous section of this report, officers consider that the site lies within the settlement envelope and the development would not mark an encroachment into the open countryside. Providing that the proposed dwelling would be of an appropriate scale, officers consider that in medium and longer range views, the development would be set against the backdrop of the existing built form of Finstock and the development would read as the logical infilling of an undeveloped space in an otherwise linear pattern of development located along the northern side of Wards Lane. Officers consider that in relation to the provisions of Paragraph 115 of the NPPF the development of a single dwelling would not have a significantly adverse impact on the landscape character and setting of the Cotswolds AONB.

Conclusion

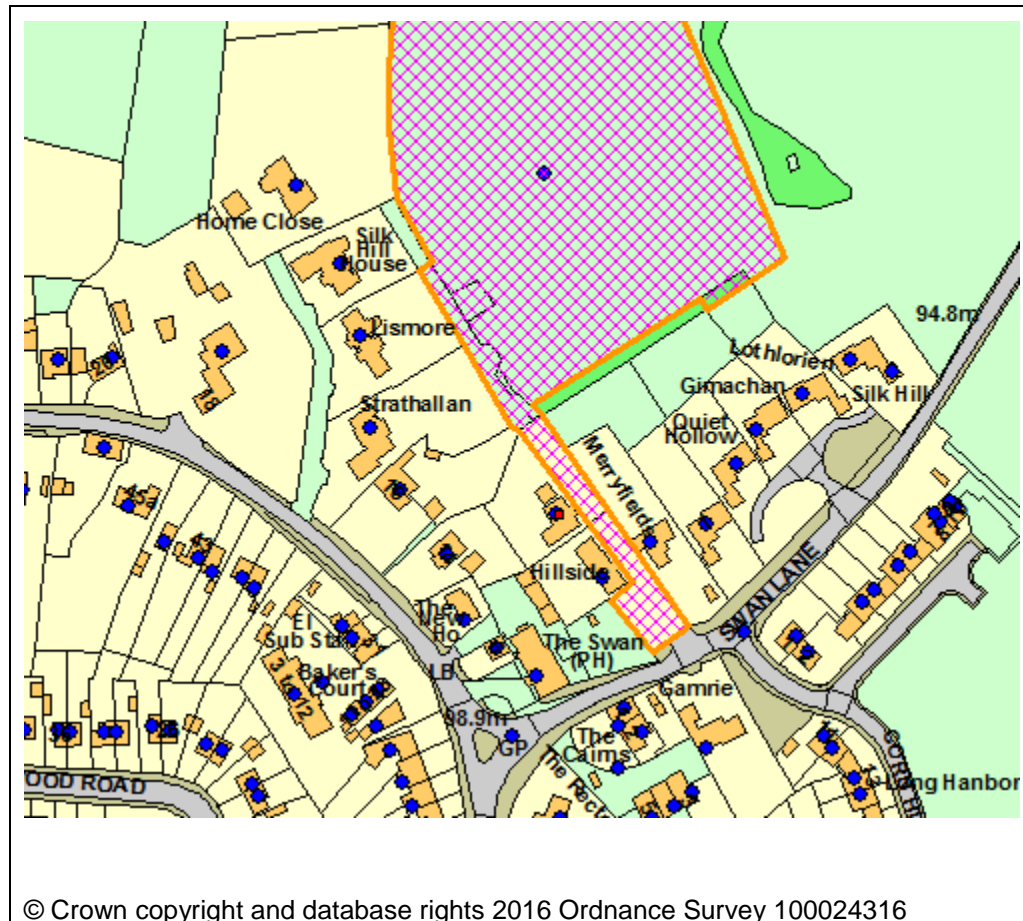
- 5.27 Accounting for the relevant benefits arising from the provision of a dwelling within a relatively sustainable location alongside the related benefits to highway amenity arising from a decline in the vehicular use of Wards Lane, balanced against what is considered to be a low level of harm to the Conservation Area and Cotswolds AONB, officers consider that the development, as proposed would be acceptable and compliant with the relevant provisions of the Existing and Emerging Local plans and relevant provisions of the NPPF.
- 5.28 The recommendation of approval is made subject to a section 106 agreement to ensure the commercial use of the adjacent cattery building would cease, prior to the commencement of development.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
(b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 Details of the Appearance, Landscaping, Layout and Scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The development shall be limited to 1 dwelling and shall be no more than 1.5 storey in height.
REASON: To protect the visual amenities of the immediate area, conservation area setting and setting of the Cotswolds AONB.
- 4 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 5 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

Application Number	I7/02345/FUL
Site Address	Willow View Swan Lane Long Hanborough Witney Oxfordshire OX29 8BT
Date	22nd August 2017
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	441644 E 214440 N
Committee Date	4th September 2017

Location Map



Application Details:

Construction of timber barn, hardstanding and erection of 1.5m high dry stone walling with timber gates at existing entrance. (Part Retrospective).

Applicant Details:

Mr Martin Few
Willow View
Swan Lane
Long Hanborough
Oxfordshire
OX29 8BT

I CONSULTATIONS

- I.1 Parish Council
- The Parish Council feels that the Local Authority's lack of enforcement to reverse works already done by the applicant without permission appears to be sending a misleading signal.
- This application is only a little different from the one to which we objected previously (see below), and which WODC refused.
- The Parish Council's objections remain the same as the previous application (17/00607/FUL) so please register our objections as detailed in our original comments given as follows:
- This application (17/00607/FUL) seeks retrospective permission for hardstanding that Hanborough Parish Council has already opposed on a previous occasion (16/01340/FUL) and we now repeat our request that its removal is enforced. It, together with the vehicles parked upon it, is a blight on the edge of the AONB.
- NPPF paragraph 115 emphasises the importance of conserving landscape and scenic beauty in AONB settings. Adding an incongruous "barn" in this location would have a doubly harmful impact, both by extending the built environment inappropriately and by encroaching on the rural scene. We therefore object to the application.
- 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. No objection.

2 REPRESENTATIONS

- 2.1 Four extensive letters of objection have been received in respect of this application. Two letters have been submitted by Carter Jonas and Kernon Countryside Consultants on behalf of Mr R Fraser at Strathallan, Millwood End, one from Mr and Mrs Felici and another from Edgars Ltd on behalf of Mr and Mrs Mitchell of Lismore, Millwood End. Full versions of these letters are available on the Council's website. The points raised are summarised below.
- No detailed justification for the need and siting of the agricultural building has been provided.
 - The purpose of the hardstanding has not been provided.
 - The proposal would intrude into and extend the built form of the open countryside.
 - The building could be used for other purposes in the future.

- The building will obscure views of the dry stone walling from within the AONB towards the conservation area.
- The hardstanding and shrubs detrimentally effect the semi-rural character of the conservation area.
- The location of the building and increase in activity of the building and the track will have a detrimental impact on the amenities of occupiers of adjoining residential properties.
- There are no public benefits to weigh against the harm to the conservation area.
- Harmful to AONB and significant views of the conservation area.

3 APPLICANT'S CASE

- 3.1 A supporting letter and design and access statement have been provided by the applicant. Full versions of these documents can be viewed on the Council's website. A summary of the justification provided is as follows:

I am using the land as agricultural. I have sheep grazing and also have ewes in lamb due anytime now. We are increasing the flock, the barn will be used for storing hay, straw, feed for the winter, a small tractor and machinery to work the land and get the best out of it.

Please note I am not using these premises to store commercial vehicles, or storing materials, but I do use a van for work as I am a plumber by trade. I don't think I need to justify my profession to my neighbours. All materials are delivered to another site where I have storage containers.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

NE4 Cotswolds Area of Outstanding Natural Beauty

OS2NEW Locating development in the right places

EH7NEW Historic Environment

EH1NEW Landscape character

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks part retrospective consent for the erection of a timber agricultural building, hardstanding and the erection of a dry stone wall with 5-bar timber agricultural gates. The laying of the hardstanding is the only retrospective element of the application. The applicant who resides in Willow View owns the agricultural field, the subject of this application, which sits on the edge of the Millwood End Conservation area and within the Cotswold Area of Outstanding Natural Beauty. The field is used for the grazing, breeding and keeping of livestock; more specifically rare breed sheep. The proposal is to construct a single storey timber barn in the South West corner of the existing field which will be used for storing hay/straw, livestock, feed, and machinery for maintaining the field. Access to the field, and the proposed barn, is via an existing private driveway which serves Willow View and the historic farm track which links the two. The track has been formalised by laying a section of hardstanding in the area linking the driveway serving Willow View up to the access gate into the field. The new dry stone wall and timber gate proposed would sit at the entrance point to that private driveway along Swan Lane.

- 5.2 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

Impact on the Cotswold AONB and Conservation Area

Residential Amenity

Highways safety

Principle

- 5.3 The principle of providing a small barn to store hay/straw, livestock, feed and machinery to serve the livestock kept on agricultural land is considered to be appropriate and acceptable subject to the below considerations.

Impact on the Cotswold AONB and Conservation Area

- 5.4 In terms of the impact on the Cotswold AONB, the provisions of paragraph 115 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB. The proposed agricultural building will sit next to the access track and will not be seen from the street scene or any wider public viewpoints due to the sites position behind the built up residential properties along Millwood End and Swan Lane. Therefore, the building is unlikely to have any significant visual presence beyond its immediate setting. Notwithstanding this, given the agricultural land use the addition of a small barn sited at the front of the field is considered to be wholly appropriate in this setting. It is therefore considered that there would be no material harm to the AONB in this location.

- 5.5 In addition, within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard, whilst the proposed building sits just outside of the Conservation area boundary, the proposed barn given the context of the site and by virtue of its siting, design, and scale is considered to preserve the setting of the conservation area. Further, the area of hardstanding forms a logical extension to the existing driveway and formalises the access into the field which in this context, where the residential boundaries meet the rural expanse, is considered to be acceptable and preserve the character of the area. The proposed dry stone walling and 5-bar agricultural gates are considered to be appropriate and preserve the character and appearance of the street scene along Swan Lane. Therefore, the application is considered to be acceptable in these terms.

Highways

- 5.6 The highways authority has been consulted on the application and have raised no objections to the application in terms of the safety and convenience of the local road network. As such the application is considered to be acceptable in these terms.

Residential Amenities

- 5.7 In terms of neighbouring amenity, the proposed building is single storey and sits a significant distance away from the two nearest residential properties. The barn will sit around 66m away from the nearest point of the dwelling known as Merryfields, and around 42m away from the dwelling, Strathallan. Therefore, the building is not considered to be overbearing or result in any loss of light or privacy. Further, given the established agricultural use of the land gaining access and use of the building isn't considered to be inappropriate or cause any adverse noise or disturbance to the detriment of nearby residential properties. As such, the application is considered to be acceptable in these terms.

Conclusion

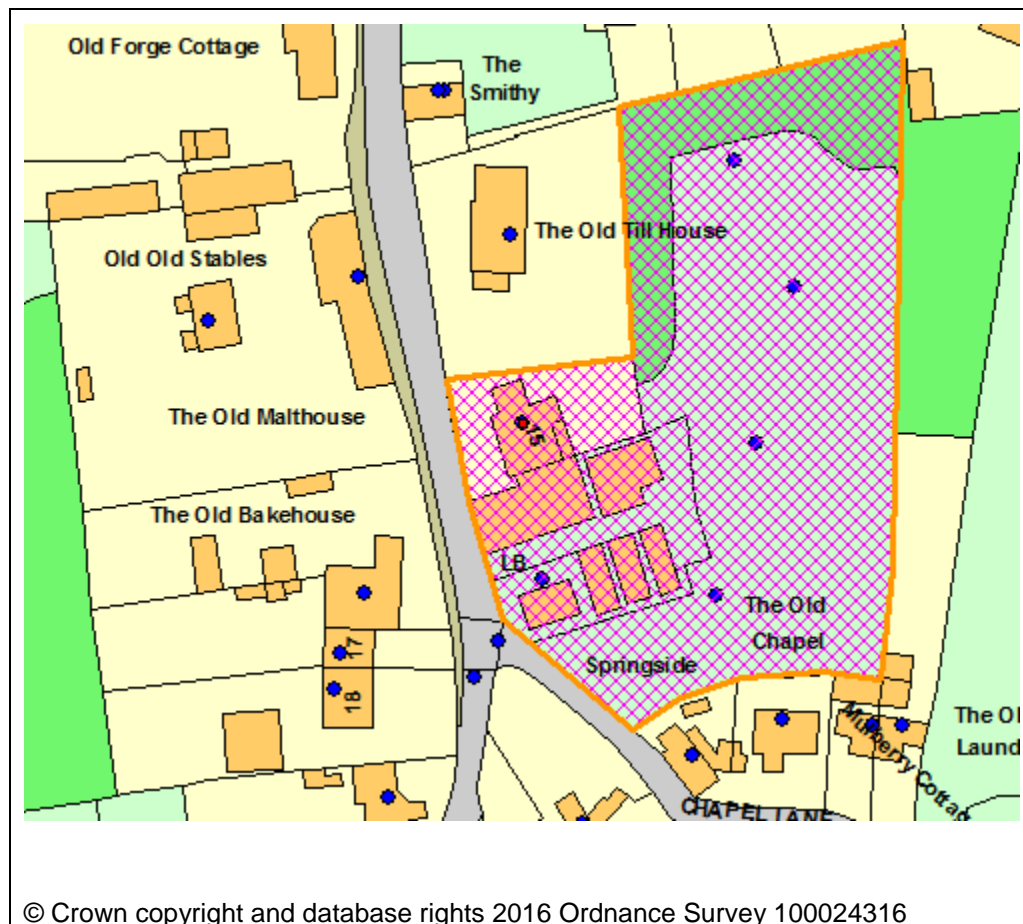
- 5.8 In light of the above, the application is considered to be acceptable and compliant with policies BE2, BE5, and NE4 of the adopted West Oxfordshire Local Plan 2011, OS2, EH7 and EH1 of the emerging West Oxfordshire Local Plan 2031, and relevant paragraphs of the NPPF.

6 CONDITIONS

- 1 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.
- 2 The dry stone walls hereby permitted 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 dry stone walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 3 The external walls of the agricultural barn shall be constructed with timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.
REASON: To safeguard the character and appearance of the area.
- 4 The roof of the agricultural building 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.

Application Number	17/02365/S73
Site Address	Snowdrop Cottage 15 High Street Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6DQ
Date	22nd August 2017
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427700 E 217268 N
Committee Date	4th September 2017

Location Map



Application Details:

Non compliance with condition 2 of planning permission 15/03848/FUL to allow changes to approved plans (including chimney to plot 6, amended window positions to plots, 1, 3, 4, 5 and 6 and amended boundary treatment to plot 2). Part retrospective.

Applicant Details:
Miss Kirsten Johnston
Abbeymill Homes Ltd
6 Rose Court
Olney
Buckinghamshire
MK46 4BY

I CONSULTATIONS

I.1 Parish Council

Shipton under Wychwood Parish Council wishes to object to the grant of planning permission in relation to the above application. The PC's grounds are as follows:-

-While accepting the inevitability of retrospective planning applications for minor amendments they should normally only be granted in developments where the amendment is minor, there has been a genuine omission or an error that requires correction in order to fulfil the objectives of the original consent (15/03848/FUL). Retrospective applications should not run counter to the spirit or letter of the original grant.

-The original application relates to a development within the Conservation Area of an unusually high density for a village of this antiquity; an application which we opposed. As a quid pro quo for this, the development was allowed with conditions relating to dwelling heights, boundaries and window sizing and location that would preserve general neighbourliness and harmony.

-The current application as it relates to Plots 3 and 6 and others appears to breach these conditions, as others affected have commented. There are also minor issues in relation to boundaries and hedges. In particular it is now proposed that the Plot 2 boundary onto Chapel Lane has a hedge to the road side of the stone boundary wall. While not being opposed to the proposal it does raise the question of maintenance in the long term.

In addition:-

--It is not clear that the current development accords with other aspects of the original permission granted. In particular the current application and all previous papers refer to the ' Refurbishment and extension of an existing cottage'. To the untutored eye the cottage appears, to all intents and purposes, to have been demolished and a new dwelling erected in its place. If this is the case there is an issue of good faith attaching to this application.

Furthermore:-

The Parish Council has found this application opaque in the extreme and difficult to relate to the previous grant of permission. We also note that there is one document published online to which no ownership is attached.

Conclusion

On all these grounds Shipton Parish Council requests that the application should be referred to the Uplands Planning Committee for

further consideration.

2 REPRESENTATIONS

2.1 Three representations have been received and are summarised as follows:

- They received planning permission on the basis of- ""need to safeguard privacy and amenity (of adjoining property)".
- "We have taken care to ensure that no habitable rooms look out over adjoining properties."
- Permission granted on the basis that - "adjoining properties to the north....their privacy not detrimentally affected" "plot 6 designed to avoid adverse impact on (properties to north)"
- Without seeking permission, substantial alterations made to Plot 6 - now has 3 upstairs windows overlooking property to north and additional chimney added.
- Difficult to be sure what condition 2 implies - (That the development be carried out in accordance with the approved plans listed below) but this sounds like a blanket plan to ignore anything they chose of everything previously agreed, which can't be right.
- I think it's quite wrong that the builders, having ignored the planning restrictions imposed on them, should be able retrospectively to be granted consent for a development that significantly impacts on neighbouring properties.
- Height restrictions and privacy amendments should be adhered to, in order to mitigate the effects of this development on the surrounding area.

3 APPLICANT'S CASE

Documents supporting the application are available to view online.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

H2 General residential development standards

NE4 Cotswolds Area of Outstanding Natural Beauty

OS2NEW Locating development in the right places

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 amendments to the approved drawings for application 15/03848/FUL for 6 dwellings at Snowdrop Cottage, Simons Lane, Shipton under Wychwood. For clarity, in response to the PC comments, the site works out at approximately 11 dwellings per hectare which is low density. Medium density is 30dph and high is over 50dph.

- 5.2 The site is within the Shipton Conservation area and the Cotswolds AONB. The key considerations are:

Design
AONB
Residential amenity

Design

- 5.3 The application for renovated cottage and five new dwellings was approved in 2015, therefore the principle has already been accepted. There have been comments regarding the level of refurbishment/rebuilding that has occurred at Snowdrop Cottage. Regardless of the amount of original fabric retained in the building, the principle of a replacement dwelling would be acceptable in this location.
- 5.4 The changes to the proposed scheme include an additional chimney to the rear wing of plot 6, and revised rooflight window positions to rear of plot 6.
- 5.5 Revised boundary treatment to plot 2 which originally intended to include the retention of a 1.5m high wall with planting behind, however the wall has collapsed so a new 1m high dry stone wall is proposed with planting behind. This will maintain the stone wall on the public side of the development which is in keeping with other properties in Simons Lane.
- 5.6 On plots 1, 3, 4 and 5 there were discrepancies in the approved plans between the floor plans and the elevations in terms of window sizes and positions. On plot 3 a rear rooflight has been removed. The changes are considered minor and do not detrimentally affect the overall appearance of the buildings.

Conservation Area

- 5.7 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed changes to the elevational treatment of the previously approved dwellings are considered to preserve the character and appearance of the Conservation Area.

AONB

- 5.8 In terms of the impact on the Cotswold AONB, the provisions of paragraph 115 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB. The proposed changes to the elevations of the properties, which sit in a fairly enclosed and private location, means that the proposals have no real visual presence beyond their immediate setting. It is therefore considered that there would be no material harm to the AONB in this location.

Residential Amenities

- 5.9 The repositioned roof lights on plot 6 are high level and as plot 6 is over 40m from the rear of the property Oakwood House. The distance between proposed and existing was considered

acceptable when the dwellings were originally approved and the changes are not considered to unacceptably harm neighbour amenity.

Conclusion

- 5.10 Whilst it is not ideal that changes have been made prior to been granted approval, officers consider that the changes are so minor that they do not affect the principle of development. These proposals would have been acceptable when the original application was determined and they are in accordance with local plan policies so the scheme is recommended for approval. Most conditions on the original application have been discharged so the proposed conditions reflect that.

6 CONDITIONS

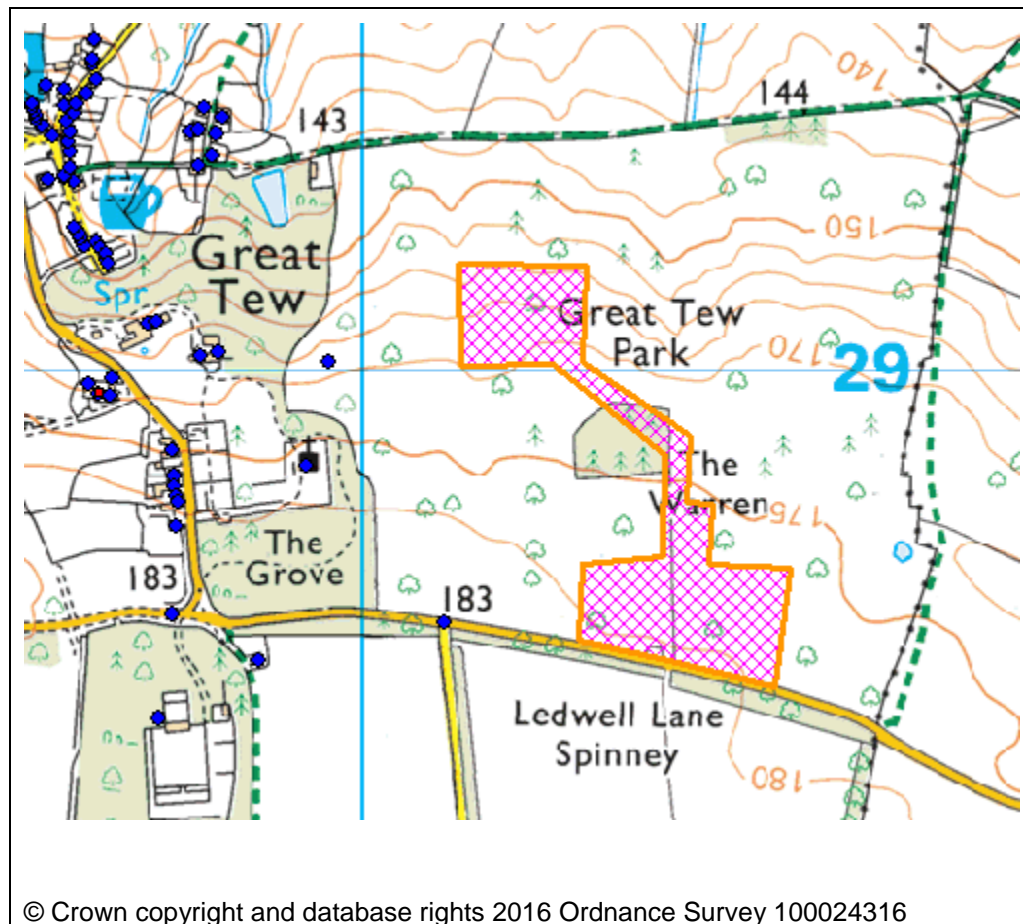
- 1 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to consider the effect of any future proposals on neighbours.
- 3 Before first occupation of the building/extension hereby permitted the window(s) at first floor in the south facing elevation of plot 3; shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.
- 4 No dwelling shall be occupied until all the roads, driveways and footpaths serving the development have been drained, constructed and surfaced in accordance with plans and specifications that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety.
- 5 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

NOTE TO APPLICANT

The proposal will be carried out in accordance with the details submitted to discharge the conditions on original application I5/03848/FUL.

Application Number	17/02381/FUL
Site Address	The Great Tew Estate New Road Great Tew Oxfordshire OX7 4AH
Date	22nd August 2017
Officer	Kim Smith
Officer Recommendations	provisional Approval
Parish	Great Tew Parish Council
Grid Reference	439650 E 228971 N
Committee Date	4th September 2017

Location Map



Application Details:

Temporary change of use for a maximum period of 13 weeks for a mobile film studio (Class B1) with associated ancillary facilities, equipment and storage.

Applicant Details:

Mrs Karen Hudson
Studio 4, Power Road Studios
114 Power Road
London
W4 5PY

I CONSULTATIONS

- I.1 OCC Highways Oxfordshire County Council, as the Local Highways Authority, wish to object to the granting of planning permission for the above planning application.
- This is based on the grounds that there is no Transport Assessment accompanying the planning application.
- Comments:
- This planning application proposes to create a temporary film studio within the grounds of the Great Tew Estate. Accompanying the studio will be the provision of 200 parking spaces and there will be 80 part time staff.
- Information provided by the agent states that this operation will be a ticketed event for approximately 350 guests and they have estimated for between 150-200 cars entering the site on a filming day. They have also estimated for about 30 staff vehicles.
- Clearly, this is a significant amount of traffic for the surrounding highway network and according to our guidance, we require a TA for applications to be provided where there are:
- 'Development proposals generating more than 30 two way vehicular movements in any hour, or more than 100 two way vehicular movements in 24 hours, or more than 100 parking spaces'
- The surrounding highway network is already subject to an increased amount of traffic from nearby developments and the cumulative impacts of this proposal should be properly assessed.
- I.2 ERS Env Health - Uplands I have no adverse observations.
- I.3 Parish Council No reply at the time of writing
- I.4 Historic England Thank you for your letter of 11 August 2017 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

- 1.5 The Gardens Trust No reply at the time of writing

2 REPRESENTATIONS

- 2.1 No representations received at the time of writing.

3 APPLICANT'S CASE

Proposed facilities and equipment

- 3.1 The facilities and equipment to be accommodated on site for this temporary period will consist of the following:

A main studio tent (colour green). Dimensions: 7.3m (height) x 21m (w) x 27m (l).

Up to 8 temporary portacabins providing ancillary supporting functions (this will include gallery, green room, 2 x props tent, lighting tent, production office, catering and audience holding space).

Other equipment housed on site for the temporary period include; toilets, skip and generator.

All tents and equipment will be of a temporary and moveable nature, with no permanent building works required and full reinstatement of the site's grassland setting will be undertaken following cessation of the use and removal of all temporary accommodation and equipment.

Extent and Scale of Site Operations and Activities

- 3.2 Firstly, it is important to emphasise that we are greatly experienced in running this type of temporary filming operation, having created the same site in numerous locations in the UK and worldwide in previous years. We have an understanding of the need to respect and manage the environmental and operational sensitivities involved with location filming.

- 3.3 The proposed temporary film studio use will involve the following site operations and activities:

Rigging will begin at the end of September with filming set to take place between October and December 2017.

Filming will occur mid-week, primarily during core daytime hours. The wrap time for filming will therefore be early evening.

There will be no late-night activities associated with this temporary use and no late-night music.

There will be no licensed sale of alcohol associated with filming activities.

Staff will consist of up to 80 crew on recording days.

This is a ticketed event. Audience numbers will be approximately 350 people on filming days. All members of the audience are individually selected. This is managed by the industry leading audience company.

Construction of the temporary film studio will take ten days, and dismantling and site clearance up to five days at the end of the filming period. The construction and rigging crew will consist of max. 30 staff.

Staff and crew will be residing at local hotels. No overnight accommodation will be provided on site as part of the temporary film studio.

There will be on site catering for staff and crew.

Highways Impact

- 3.4 Based on our experience of location filming, the following operational objectives will assist in managing highways impact upon the local highways network and surrounding villages:

Filming is restricted to one day a week over a 10 week period;

Filming will take place mid-week, with audience arrival outside of AM peak hours. Audience departure is likely to occur from mid-afternoon to early evening dependent on filming;

Experience indicates that an invited audience of approx. 350 which generates between 150 - 200 cars;

Audience arrival times will be staggered to minimise traffic impacts. Similarly, staggered departure times will be implemented with traffic management marshalls regulating the flow of vehicles both on and off site;

Car parking on site can be easily accommodated with the numbers of vehicles to be accommodated on site being substantially lower than for the annual Cornbury festival;

Areas allocated for parking during the Cornbury festival will be utilised for this proposed operation;

Travel advice will be provided to invited audience members. The traffic management team will determine local routes to maximise utilisation of main roads and avoid smaller villages, where possible;

A traffic management team (including marshalls) will be employed to manage vehicular movements on filming days, including placing traffic marshalls on roads approaching the site;

Effective signage will be utilised on filming days to ensure the free movement of traffic and minimise impact on the local highways network. Signage will also request people to drive carefully and considerately;

In terms of site construction this would be for one week with likely machinery to include cranes, telehandlers and cherry pickers. Since no permanent construction works are proposed on site, the number, size and frequency of construction vehicles and their movements will be modest.

Environmental Impact

- 3.5 The proposed film studio will have a minimal impact on matters of environmental significance, as summarised within the points below:

Arboricultural Impact - The temporary film studio will be located within the general parkland setting and will have no detrimental impact on trees within the parkland due to the sensitive location of tenants, mobile structures and equipment generally;

Grassland Protection and Reinstatement - Temporary track matting will be utilised in areas of heavy usage and footfall to minimise impact upon the grassland setting. The grassland will be suitably reinstated, where required, following the removal of temporary structures and equipment following the cessation of this temporary use;

Lighting Impact

- 3.6 Studio lighting will be contained within the main marquee thus minimising any light disturbance within this countryside setting. Some external lighting will be required for health and safety reasons, but this will remain localised and managed in terms of luminance to minimise wider light spillage and disturbance. Given the nature of the use, an expert technical lighting team will be on site to manage artificial lighting levels;

Noise Impact

- 3.7 Noise impact will be minimal, with peak noise associated with occasional applause and reaction from the studio audience. Production experience indicates that audience noise will not be perceptible beyond 100 metres from this source. The temporary film studio will be located away from sensitive noise receptors since it will be situated in a remote parkland setting. Noise disturbance from on-site generators and other equipment associated with filming will be kept to a minimum, as required for the purposes of filming itself as well as to minimise operational and environmental disturbance. Baffles will be placed around the generators to help reduce noise levels.

Economic Benefits

- 3.8 Whilst filming will be for a temporary period only, this proposed use will provide a positive injection into the local economy both through the need for accommodation, local hospitality and amenities for crew and audience alike, and through using local suppliers where possible.

4 PLANNING POLICIES

BE1 | Historic Parks and Gardens

BE3 | Provision for Movement and Parking

BE8 | Development affecting the Setting of a Listed Building

EH1NEW | Landscape character

EH7NEW | Historic Environment

NEI Safeguarding the Countryside
OS2NEW Locating development in the right places
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is for a temporary change of use of land within the listed parkland associated with Great Tew Estate for a mobile film studio. The facilities and equipment to be accommodated within the site include a main studio tent, up to 8 portacabins, toilets, skips, generators and parking. The change of use is for a maximum period of 13 weeks with filming taking place on 10 days only within that 13 week time frame. The audience for the filming days will be up to 350 people in total and will consist of invited guests only. The staff and crew will be accommodated off site as there will be no overnight accommodation provided on site. Post the temporary 13 week period the land will be cleared and reinstated as parkland.
- 5.2 Planning permission is only required because the development is considered to be within the extended curtilage of Great Tew House. There is a provision within the GPDO for development of this character to be 'permitted development' subject to certain provisos.
- 5.3 In considering this application the key considerations are the impact of the temporary development on the Grade II listed parkland, the setting of nearby Grade II listed house and church and on highway safety and convenience.
- 5.4 In making the recommendation and as part of the consideration of this application both Historic England and The Gardens Trust have been consulted.
- 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:

Impact on the Grade II listed parkland and the setting of nearby listed buildings

- 5.6 Given the historic context of the site and in order to accord with paragraph 132 of the NPPF great weight must be given to the conservation of the heritage assets affected by the development. In addition given the relatively close proximity of the listed buildings to the development proposal the LPA is required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended when considering development. This states that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.7 Paragraphs 131 and 134 of the NPPF are also of relevance which all relate to conserving and enhancing the historic environment. The key adopted and emerging Local Plan policies are BE8, BE11 and EH7.
- 5.8 Despite the applicants efforts to use a dark green finish for the main studio tent there is no doubt that the temporary structures, ancillary equipment and parked cars associated with this application for temporary consent will be visible from public vantage points and will therefore impact on the wider setting of the listed buildings and the listed historic park and garden.

However, the impact will be limited to a very short time frame (13 weeks maximum) following which the site will be cleared and the former parkland and the setting of the listed buildings reinstated.

- 5.9 In light of the above and given the temporary and reversible nature of the development, Officers consider that there will be no material harm to the heritage assets cited above and that the said assets will be conserved in accordance with adopted and emerging local plan policies and relevant paragraphs of the NPPF.
- 5.10 In addition to the above the development will, albeit for a temporary period, result in economic benefits to the local economy.

Highways

- 5.11 At the time of writing OCC Highways are objecting to the application because there is no Transport Assessment submitted with the application. The applicant has advised your Officers that an assessment is being prepared in order to seek to address OCC Highways objection.

Conclusion

- 5.12 In light of the above assessment the application is recommended for provisional conditional approval subject to OCC Highways removing its objection. It is anticipated that the highway concerns will be addressed one way or the other prior to the date of the Sub Committee allowing Officers to give a verbal update and definitive recommendation to Members.

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 Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Notwithstanding the generality of Condition 1 of this planning permission, from the first day of filming no filming shall take place more than 10 weeks beyond that date, only 10 filming days shall be authorised by the permission and there shall be no more than 2 filming days in any one week.
REASON: For the avoidance of doubt as to what is approved.
- 3 As soon as practicable after the end of the last filming day any structure, works, plant, machinery, caravans, portacabins provided under the permission must be removed from the land and the land reinstated to its condition before the development was carried out.
REASON: In the interests of the character, setting, amenities and historical context of the site.