

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 2nd October 2017

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



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

Purpose:

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

Recommendations:

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

List of Background Papers

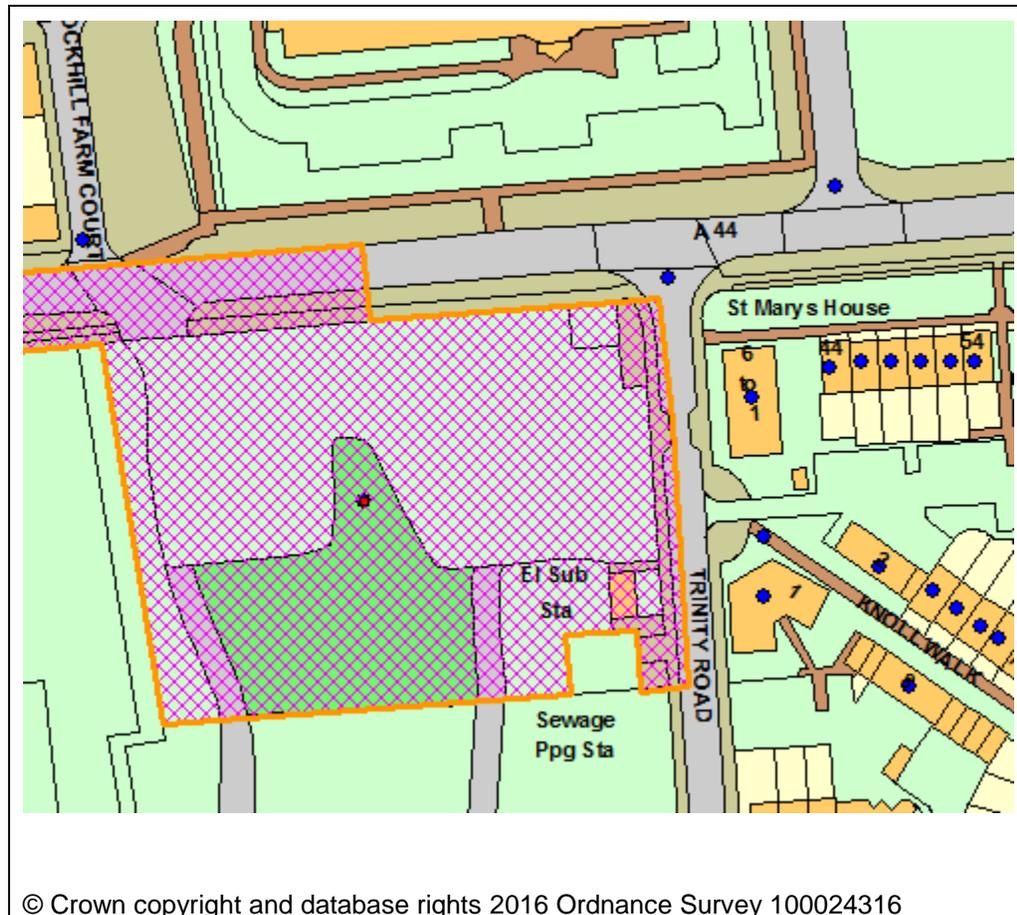
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	16/04244/FUL
Site Address	Land South of London Road Chipping Norton Oxfordshire
Date	20th September 2017
Officer	Michael Kemp
Officer Recommendations	Approve subject to Legal Agreement
Parish	Chipping Norton Town Council
Grid Reference	431949 E 227352 N
Committee Date	

Location Map



Application Details:

Erection of 4 no. commercial units (for Class A1, Class A2, Class A3 and Class A5 uses as described in the application) and 4 no. residential apartments along with associated access (including highway works), servicing, landscaping and boundary treatments.

Applicant Details:
Mr Graeme Cosgrove
c/o The Agent

I CONSULTATIONS

- I.1 Town Council
1. The Town Council state that the design could have been more sympathetic with the surrounding area and not necessarily modern ugly.
 2. Look at re-positioning the buildings to take the busy M & S shop away from the school by putting the building in the middle of the site.
 3. OCC to look at the vehicular access onto the main A44 and the extra traffic that the site will incur.
 4. Make absolutely certain that the tree to be removed does not have a TPO on it.
 5. The name M & S will draw people away from the town. The amount of houses planned for the Tank Farm Site will not be complete until 2031.
 6. Where will the bus park be re-located to?
 7. Unit 4 : should re-design Unit 4 to try and protect some of the vistas of the street scene.

- I.2 ERS Env Health - Uplands
- Having reviewed the Phase I and II Environmental and Geotechnical Assessment report, prepared by Delta-Simons, dated December 2016 (Ref: 16-0183.01), I agree with the conclusions and recommendations contained therein.

Please consider attaching the following condition to any permission granted:

The remediation works, as detailed in the Delta-Simons report (Ref: 16-0183.01), shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

Reason: To ensure any contamination of the site is appropriately remediated. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

I do not propose to object but do recommend strict noise conditions to address the impact of road traffic noise, delivery noise disturbance and noise during construction on new and existing dwellings.

Construction noise control:

1. No development shall take place until a site specific Construction Environmental Noise Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Environmental and Regulatory Services (ERS) at West Oxfordshire Council
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours as included above
- Mitigation measures as defined in BS 5228:Parts 1 and 2:2009 & A1 2014 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

2. Acoustic design of dwellings:

The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dBLAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period (in accordance with the World Health Organisation 'Community Noise' guidelines). Unless otherwise agreed in writing by the local planning authority. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Note:

In all other aspects the design of dwellings shall accord with the guidance laid out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

3. Noise control for mechanical plant:

I am minded to follow the noise consultant's recommendation and suggest the condition as it appears at page 15 of their noise report. That is:-

"No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 40 dBA between 0700 and 2300 hours and 35 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises in Trinity Road. The measurements and assessment shall be made according to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound"

4. Noise from Deliveries

Conditions need to be imposed which police the timing of deliveries. I suggest:

Deliveries shall be restricted to the following hours:

06:00 - 21:00 Monday to Saturday
10:00 - 16:00 Sundays

I.3 Thames Water

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

The proposed development is located within 15m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that habitable rooms should be at least 15m away from the pumping station assets as highlighted as best practice in Sewers for Adoption (6th edition)'. The amenity of those that will occupy new development must be a consideration as set out in the National planning Policy Framework (NPPF) therefore we object to the application. In the event that the LPA consider that they will grant planning permission for the development, we would suggest the following informative is attached to the planning permission: 'The proposed development is located

within 15m of a Thames Water Sewage Pumping Station and this is contrary to best practice set out in Sewers for Adoption (7th edition). Future occupiers of the development should be made aware that they could periodically experience adverse amenity impacts from the pumping station in the form of odour and / or noise.

Thames Water recommend the following informative be attached to this planning permission. 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.

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

I.4 WODC Env Services -
Waste Officer

The AQ Report covers most of the aspects I would expect and has demonstrated that the development itself does not significantly adversely affect AQ in the area.

However, as it involves the provision of more than 1000m² of commercial floorspace (or development on land of 1ha or more??) it would be defined as a "major" development (T&CPO 2012) and as such we should consider an incorporating an obligation to include off setting emissions based on the quantification of the emissions associated with the development. This approach is described in EPUK IAQM guidance "Land Use Planning & Development Control: Planning For Air Quality" January 2017. Paragraph 5.12 of the guidance describes a widely used approach to quantify costs associated with pollutant emissions from additional trips associated with the development. Use of the HM Treasury and Defra IGCB damage cost approach provides a valuation of the excess emissions of NO_x and PM₁₀ to define the financial commitment provided by the developers.

Additionally some commercial developers offer to provide charging points in their car park for electric vehicles.

I have not seen the information regarding any boilers they may be installing but they would need to inform the local authority of the details of any boiler to be installed for prior approval.

One aspect that was not addressed in the report was the combined impact of this development with other proposed developments in the area. In the future a ring road to support the developments planned for the area will be required and it would seem equitable for all developers involved to make a relevant contribution which can be used towards the substantial cost involved in that.

I.5 Major Planning
Applications Team

Transport

Original Response dated 30th January 2017 raised a number of technical objections to the proposed development.

A revised response dated 4 April 2017 was received following the receipt of additional details, the summary of the response is included below:

Following the submission of the county council's original response, the applicant's transport consultant has submitted further detail addressing the reasons for objection. A significant amount of this can be found in the Connect Consultants Technical Note 01 dated 3 March 2017. As a result of this further detail, the county council now no longer objects to the development.

Site access

New speed surveys have been carried out at the proposed site access to confirm that 2.4m by 43m site visibility splays are required. The applicant has confirmed that the tree to the east of the site access on the site access plan is an accurate representation of its size and location. I accept in this instance that the site visibility Y distance of 43m can be measured to a point 1m away from the London Road kerb edge and as such, more than adequate clear visibility in the light of recorded vehicle speeds could be achieved if the development were to go ahead.

The applicant has made adjustments to the width of the site access to ensure that large vehicles can more easily manoeuvre to and from the development. The site access design has also been amended to include the footway on London Road continuing at the same level across the entrance. This can be seen on Connect Consultants drawing number 16011 - 010 Rev I.

Car park capacity

Whilst the size of the car park proposed is significantly below the level of the maximum size that would ordinarily be permitted for a development of this size, the applicant has provided further information to justify the size. As requested, an accumulation survey of a car park of a similar land use in a nearby location has been undertaken (Aldi in Banbury Road, Chipping Norton). This gives me sufficient confidence that ordinarily, the car park of the proposed development will not exceed capacity. However, due to the sensitivity of the A44 in this location, I still recommend that parking restrictions are introduced in the vicinity of the development's access to ensure safe operation of the highway. In the first instance therefore, double yellow lines will be promoted via the Traffic Regulation Order process for London Road in the vicinity of the access to ensure no parking in the visibility splays. The extent of these double yellow lines is shown on the revised site access plan - Connect Consultants

drawing number 16011 - 010 Rev I. However, the developer is willing to provide further funding for additional yellow lines if parking proves to be a problem beyond the immediate vicinity of the site access on London Road and/or Trinity Road. A total of £11,600 is to be secured from the developer in the case that the full extent of double yellow lines on London Road and Trinity Road need to be introduced.

Missing surveys

The London Road double mini roundabout junction has now been surveyed and included in the updated junction assessments undertaken by the applicant's consultant.

I accept that the additional traffic using the Antiques Centre junction in the future assessment year (2023) is not enough to require this junction also to be assessed.

Impact of proposed East of Chipping Norton growth area

I am now satisfied that the updated junction assessments adequately take into account the possible impact of the development of a large area of housing to the east of the application site. The methodology used by the applicant is robust not least because the start date and build out rate are reasonably ambitious. Furthermore the TRICS rates used are for private housing only which would generate more car trips than the likely housing mix that would include affordable housing.

Estimation of primary trips to the food store

The technical note explains how the updated junction assessment exercise now assumes that 20% of the total new traffic generated by the food retail aspect of the development would be primary trips i.e. not already on the network. This feels more realistic than the 10% previously assumed. The linked trip proportion has been correspondingly reduced to 20% (from 30%). For the non-food retail component, the primary trip proportion has been increased to 20%.

Revised junction traffic assessments

Fresh junction assessments have been undertaken at the site access and the London Road double mini roundabout taking into account all of the revisions to the peak hours, predicted future traffic flows and assessment year. These assessments demonstrate that the impact that this development would have could not be described as being severe. I accept that no junction assessment is needed at the A44 traffic light junction at the antiques centre.

In the light of the above and because the applicant has satisfactorily demonstrated that the site access would operate safely, the county council no longer has any objections to the proposed development.

The removal of the objection is subject to appropriate legal agreements and planning conditions accompanying any planning permission that may be awarded. As a result of discussion with the applicant's transport consultant, it is now recommended that the site access improvements should be delivered by the S278 secured by the use of a planning condition (rather than the S106 as originally recommended) - see site access condition wording in the original county council response.

I.6 WODC - Arts

Should this proposal be granted planning permission then the Council would favour the following approach:

- o A S106 contribution of £18,680 towards a programme of arts, health and wellbeing activities to involve local residents.

Details

A S106 contribution of £18,680 is required and is based on £10 per metre, benchmarked with other authorities in Oxfordshire, being the total gross new internal floorspace proposed of 1,868sq metres. This approach will enable local people to come together to learn about and create something special for their town with lasting impact, so bringing about social cohesion and social wellbeing.

The developer could elect either to pay the allocation to the Council or retain it. Should the developer retain the contribution the Council's Leisure and Communities team can advise the developer and support the artist recruitment process.

Should the developer pay the allocation to the Council our proposal is to develop a programme of artist led activity which are focussed on improving health and wellbeing. It will engage local people in settings close to the development including the Primary School, Medical Centre and Care Home. This approach will enable local people to come together to share their experiences, build skills and boost self-esteem.

The contribution includes project management and implementation which would be valued at 10% of the total contribution.

I.7 Biodiversity Officer

The site appears to be cleared and comprises existing hardstanding with some colonising ephemeral vegetation and a boundary of willow scrub/hedgeline. It therefore has limited ecological value. I am satisfied with the report, which makes recommendations in section 8 for site clearance to take account of nesting birds and for biodiversity enhancements to be incorporated within the proposed development, including native trees/shrubs and wildflower meadow areas within the landscaping scheme, and bird and bat boxes to be integrated into walls of new buildings.

I am therefore providing you with this quick email response to the

application to recommend that the following conditions be attached to planning consent, if minded to approve. With the implementation of the recommendations in the ecology report and the inclusion of biodiversity enhancements, the proposal would meet legislation and policy requirements, including para 118 of the NPPF.

2 REPRESENTATIONS

2.1 A total of 7 **letters of objection** have been received in relation to this application, the principle objections are summarised below:

- The development and positioning of the access will result in tailbacks of traffic and congestion along London Road.
- The proposals would be retail development in an out of town location.
- It would be necessary for the majority of people to drive to the development.
- The development would be harmful to retail fabric of Chipping Norton and would undermine independent retailers.
- The proposed café would be unnecessary as there are already a number of cafes in the town.
- Bringing and M&S into the town would be a good thing but it needs to be more centrally located.
- It is unnecessary to mention transport links as no one would use these services to get to and from the development.
- The development would result in the loss of parking spaces used by Stagecoach to park busses overnight, without the provision of this space early morning and outward and late evening S3 services would be lost. The statement that the site is vacant is misleading.
- There are no aesthetic benefits in the provision of the proposed corner unit. If WODC insists that this element is provided then it should be limited to non-food retail or professional services with no late evening attraction or better still a residential block of 8 flats.

2.2 Two **letters of objection** have been received from Richard Holmes property consultants on behalf of the Co-operative Group. Both letters are available in full on the public access section of the Councils Website. Officers have summarised below the conclusions drawn from the second submitted letter:

- Midcounties Cooperative has considered the revised submissions by the applicant but there is nothing in them which indicates a change of view and the society continues to object to the proposal.
- The design tweaks are minimal, do not address the flaws we have identified and not all the changes are improvements. The development still continues to represent poor design.
- The revised access arrangements and the no parking restrictions proposed are not on the website and we reserve comment until they are available.
- We remain concerned about air quality in the town centre arising from the additional traffic and congestion there and await the consultee's response.

- The proposal would lead to a loss of employment land in the town and is therefore contrary to policies E6 of the adopted Local Plan and MPI of the adopted Neighbourhood Plan. The proposal would create jobs and while this could in principle be considered to outweigh the conflict with this policy, the Council needs a clear idea of how many additional jobs would be created in the local economy before it can carry out its balancing exercise. Taking account of the displacement and leakage the net increase in jobs is small. It was also true that the Sainsbury proposal would have created additional jobs on a similar scale, but this was not considered to outweigh the conflict with policy and permission was refused because of the loss of employment land. There is no evidence that points to a different decision now. The decision to grant permission for the residential development on land to the south was based on the social benefits of the residential development and was specific to that land use.
- The applicant has failed to demonstrate compliance with the sequential test in that it has not thoroughly examined the opportunities for redevelopment within the area designated for retail development in the adopted and emerging development plans. The development plan policy could have no meaning if this site is not to be examined properly.
- The applicant has failed to demonstrate compliance with the impact test. Its impact analysis is flawed and at variance with the advice of your retail consultant in relation to the earlier Aldi application. The Council could not reasonably rely on the assessment. It has also failed to provide information on the cumulative impact of the proposal with the recent Aldi development on the town centre.
- The application should be refused unless there are material considerations which indicate otherwise. The applicant has made no such claims in its submissions.

2.3 A total of **49 letters of support** have been received in relation to the application these representations are summarised below:

- The development will be beneficial to pensioners who will have a local shop to purchase milk/papers without walking into town. It will also benefit people visiting the local medical centre.
- The development would provide local employment.
- The development would provide localised shopping facilities and a better choice of shops in the town.
- The development would improve a semi-derelict area of the town.
- The development would improve retail choice and would bring more shoppers into the town who would otherwise go to Witney.
- The development would improve shopping choice.
- The development would be well served with parking.
- With three other shops the development would be an asset to the area.
- The use of the parking area as a drop off and pick up for the adjacent school would be beneficial to alleviate parking along London Road.

2.4 Officers note that a representation has been received from Lorna Buchanan, headteacher of the adjacent Holy Trinity Catholic School. The letter of support is made in relation to what would be considered to be visual enhancements to a site, which is considered to be an eyesore at

present. There are also considered to be benefits arising from the proximity of the parking to the school and the ability for parents to use this parking at school opening and closing times.

3 APPLICANT'S CASE

- 3.1 This application provides the opportunity to regenerate this long standing brownfield site and realise benefits to Chipping Norton through the creation of a small scale retail scheme to meet existing and meeting local shopping needs.
- 3.2 Although the site was last in use for employment purposes it is considered that the lengthy period of vacancy, in excess of 10 years, and the failure to implement planning permissions for employment uses demonstrate that the site is no longer viable for employment use. In any event a significant amount of new employment floor space is proposed as part the East Chipping Norton Strategic Development Area.
- 3.3 Chipping Norton has a vital and viable local centre. There are a low number of vacant units and a good range of shops and services. Independent stores are prominent within the Town Centre but there are a few national retailers. Although Aldi has recently opened in Chipping Norton and there is a Co-op and Sainsbury's food store in the town centre it is considered that the details of the M&S offering, as identified in their Operator Statement (Appendix 1) provides the opportunity to supplement and strengthen the convenience retail offer in Chipping Norton.
- 3.4 The sequential assessment has identified that there are no town centre or edge of centre sites which are suitable for this development, and as such this is the most appropriate site for this development.
- 3.5 The presence of Marks and Spencer within Chipping Norton is likely to ensure the retention of a higher percentage of convenience retailing and has the potential to increase trade and spend within the centre. The development site is a walkable distance from the Town Centre and the proximity of other shops is likely to attract linked trips.
- 3.6 Wider economic benefits of the scheme also include the creation of a number of between 60 and 70 full time equivalent jobs once the proposal is completed and a number of construction jobs during the build and fit out of the scheme.
- 3.7 As such we consider that the proposal, having passed the sequential and impact assessment tests as required by National Planning Policy, and representing sustainable development, which is to be seen as a golden key thread running through decision making, is wholly appropriate in the context of national planning policy, which must be a material consideration in the decision making process.
- 3.8 Section 8 above identifies that there is no insurmountable technical issues such as highways, noise, air quality, ground conditions and contamination, archaeology, arboricultural or ecology that would prevent the redevelopment of this site.
- 3.9 Taking into account the fact that 'need' is no longer a requirement in National Planning Policy, the proposal accords with Local Plan Policy SH1 in respect of new retail development.

- 3.10 The proposal is also in accordance with emerging planning policy which seeks to provide for a local convenience shopping facility on this site in accordance with the proposal for strategic development at the East Chipping Norton Strategic Development Area.
- 3.11 We also consider that there are significant material considerations which indicate that permission should be granted for this development. These include the regeneration of a brownfield site and the potential economic benefits from the location of a well-respected brand in the town.
- 3.12 As such when considering the proposal as a whole we consider that in the planning balance permission should be granted for the development.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 BE5 Conservation Areas
 BE8 Development affecting the Setting of a Listed Building
 E6 Change of Use of Existing Employment Sites
 SH1 New Retail Development
 SH4 Shopping Facilities for the Local Community
 NE6 Retention of Trees, Woodlands and Hedgerows
 OS1NEW Presumption in favour of sustainable development
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 E1NEW Land for employment
 E6NEW Town centres
 EH2NEW Biodiversity
 CN1NEW East Chipping Norton Strategic Development Area (SDA)
 CN2 Chipping Norton sub-area Strategy
 MPI Chipping Norton Neighbourhood Plan
 MP8 Chipping Norton Neighbourhood Plan
 TM1 Chipping Norton Neighbourhood Plan
 TM2 Chipping Norton Neighbourhood Plan
 TM3 Chipping Norton Neighbourhood Plan
 TM4 Chipping Norton Neighbourhood Plan
 TM5 Chipping Norton Neighbourhood Plan
 TM6 Chipping Norton Neighbourhood Plan
 TM7 Chipping Norton Neighbourhood Plan
 TC6 Chipping Norton Neighbourhood Plan
 BD1 Chipping Norton Neighbourhood Plan
 BD2 Chipping Norton Neighbourhood Plan
 The National Planning Policy framework (NPPF) is also a material planning consideration.

Proposals and Site Description

- 4.1 The application site comprises vacant previously developed Brownfield Land sited to the south of A44 London Road around 500 metres from Chipping Norton Town Centre. The site was last used for employment purposes as a furniture factory (Parker Knoll), which closed in 2003. At

present the site is largely derelict, although it is used as informal ground level parking. The site has remained vacant since the closure of the factory, although there is a history of subsequent planning applications most recently in 2011, when an application for the erection of a Sainsbury's supermarket and associated parking was refused (11/1360/P/FP).

- 4.2 The remainder of the former Parker Knoll site, with the exception of the land immediately to the rear of the site has been redeveloped for housing. This development comprising of two storey dwellings and three storey town houses lies to the east of the site on the opposite side of Trinity Road. Planning permission for the land to the rear of the site was resolved to be granted in May 2017, (subject to the completion of an S106 obligation) for the erection of an assisted living care facility comprising of 59 self-contained flats alongside the erection of 14 retirement bungalows (16/04230/FUL).
- 4.3 The application site fronts London Road, one of the principal routes into Chipping Norton. A number of mature trees are located to the front of the site and line London Road, which forms a highly attractive approach to the town from the east. A new health centre is located immediately to the north of the site, set behind a dry stone wall and area of parking. A public right of way runs to the west of the site, which links London Road to an area of presently open countryside to the south. The site lies outside the Chipping Norton Conservation Area, which extends up to the Grade II listed Holy Trinity Catholic Church, which lies around 60 metres to the west of the site. The site lies outside the Cotswolds AONB.
- 4.4 The land to the south of the site beyond the adjacent section of the Parker Knoll site to the rear comprises of open fields which form part of the 'Tank Farm' site which is referred to in Policy CN1 of the Emerging Local Plan (ELP) as the East Chipping Norton Strategic Development Area. The Tank Farm site is a strategic development site within the West Oxfordshire SHLAA which is listed as offering development potential for the delivery of around 600 dwellings. This number has however been scaled up as part of the emerging local plan process and the site is now viewed as having delivery potential for approx 1200 new homes.
- 4.5 The development would comprise of four units consisting of a small scale food store (Class A1 – Unit 1) providing 1198 square metres of gross floor space; alongside two smaller units (units 2 and 3, both Class A1 Retail), which would each provide 230 square metres of floor space; in addition to a further unit (4) for Class A3 use which would provide 210 square metres of floor space. It was originally intended that the smaller units would have more flexible uses; however this has since been revised, in light of concerns raised by the Council's independent retail consultant regarding the wider impact on Chipping Norton Town Centre. The applicants have confirmed the future likely occupants for each of the retail units, these being national retailers which are not currently present in the town.
- 4.6 The proposed food store would be located over two levels, with ground floor retail space and first floor office space. Unit 4 would be sited in the north east corner of the site and would comprise of retail at ground level, with first floor residential accommodation. In addition to the retail element of the development, the proposals include the addition of four residential flats, which would be sited above the proposed unit 4.

Loss of Employment Land

- 4.7 The site has been cleared and has remained in its present vacant condition for an extended period of time since the closure of the Parker Knoll factory in 2003. Prior to its closure Parker Knoll was an important employment site and source of jobs within the town.
- 4.8 It was previously envisaged that the site could be feasibly redeveloped for Class B employment use and the suitability of the site for these purposes was previously referenced within the Councils Emerging Local Plan, specifically in section 5.4.52. A modified version of the Councils Emerging Local Plan was submitted for examination which omits reference to the former Parker Knoll site for use as Class B1 employment land. As part of the East Chipping Norton SDA, provision has been made for business (Class B use) on land to the north of London Road, which has become the strategic focus for larger scale employment development within Chipping Norton.
- 4.9 As set out above permission was granted in 2008 (08/0828/P/FP) for three business units (Class B use) although this consent was never implemented. Given the former use of the site and in the context of the previous, unimplemented planning consent, officers consider that it is appropriate to consider the site as constituting 'employment land'.
- 4.10 Policy E6 of the Existing Local Plan 2011 states that the change of use of existing premises and sites with an established employment use to non-employment uses will not be allowed unless:
- a) it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - b) the site or premises is considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - c) substantial planning benefits would be achieved by allowing alternative forms of development.
- 4.11 The Chipping Norton Neighbourhood Plan 2015 Policy MPI lists the site as an area of land which should be safeguarded from non-employment uses unless it can be demonstrated that the site is no longer needed for such purposes or is replaced by equivalent or enhanced provision, or that the proposed replacement use would offer significant social, economic or environmental benefits.
- 4.12 Policy E1 of the Emerging Local Plan 2031 states that non-employment uses on employment sites will be resisted except in the following circumstances:
- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
 - where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
 - where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6 - Town Centres; or
 - where substantial community benefits would be achieved by allowing alternative forms of development.

- 4.13 The NPPF (Para 22) confirms that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 4.14 As extant employment land a redevelopment of the site for such a use would be acceptable in principle. However as set out above, the site has been vacant (other than for informal parking use) since 2003 and the remainder of the former Parker Knoll site has been, or will be redeveloped for other uses.
- 4.15 In relation to the adjacent site (Land at Trinity Road and London Road, planning reference 16/04230/FUL) members of the Uplands Planning Committee resolved in May 2017 to grant approval for the development of Assisted Living (Extra Care) and Retirement living accommodation on the adjacent site to the south, which also comprised of employment land (16/04230/FUL). As part of officer's assessment of this scheme it was noted that the proposed assisted living (Class C2) uses, whilst strictly not employment based, would also generate a number of full time jobs.
- 4.16 Following the development of much of the former Parker Knoll site and the approval of the assisted living scheme, the likelihood that this site would be made available for an employment use in the foreseeable future has further diminished, because of the scale of the land remaining and proximity of residential uses.
- 4.17 Whilst the proposed development would comprise of a mix of Class A retail uses, rather than Class B Employment uses the development would still generate additional employment, which the applicants estimate would be in the region of 60 to 70 new full time jobs. Officers note concerns raised by the Cooperative Group regarding job displacement and the potential impact of this when considering the applicants figures regarding job creation. On the matter of job displacement officers would note that 2 of the named retailers (Mountain Warehouse and Pets Corner) represent retail sectors not presently represented in the town and would not be in direct competition with other retailers in Chipping Norton, therefore it is unlikely that the addition of these retailers would result in job losses.
- 4.18 The third named retailer Costa would be in competition with existing coffee shops in the town and M&S would be in competition with the Co-op, and to a lesser extent Sainsburys and smaller independent food retailers. Displacement of jobs in relation to linked businesses would only likely occur if there is significant trade draw or existing businesses closed. This is addressed in further detail in the retail impact section of this report, however it is noted that both the applicants and Carter Jonas, acting as independent retail consultant considered that the impact of the development on the town centre would not be significantly adverse, therefore the likelihood of job losses would be minimal.
- 4.19 Furthermore officers note that the applicant has proposed a 'no poaching' clause to be incorporated within the s.106 obligation which can be applied to prevent existing town centre retailers from occupying the units within the new development. This would prevent the displacement of retailers from the town centre.

- 4.20 Officers note that a previous application for a supermarket made by Sainsbury's was refused in 2012 (11/1360/P/FP) partly on the basis that the development would result in the loss of an area of employment land, contrary to the provisions of Policy E6 of the Existing Local Plan. Since the refusal of this planning application, as referenced there have been notable material changes in the circumstances of the site, in particular the approval of the adjacent residential development (16/04230/FUL). Furthermore since the refusal of this scheme, increased weight has been attributed to the provisions of the Emerging Local Plan and within the most recent modifications preference is given to the development of an alternative site to the south of Banbury Road for employment use.
- 4.21 In the context of policy E1 of the Existing Local Plan and Paragraph 22 of the NPPF officers consider that there are substantial grounds to consider non-employment uses on this site. Following the approved redevelopment of the adjacent site for residential use the feasibility that the application site would be developed for non-employment purposes has greatly diminished, furthermore there would be questions regarding the desirability of potentially disruptive employment uses within close proximity to the permitted residential development on the adjacent site. Paragraph 22 of the NPPF guards against the long term protection of employment sites allocated for employment uses, where there is no reasonable prospect of a site being used for employment purposes. The site is no longer included as a strategic allocation within the Councils Emerging Local Plan, with an alternative site south of Banbury Road now being allocated for large scale employment development within Chipping Norton. Taking these relevant factors into account there are significant and demonstrable grounds for considering alternative forms of development on their merits and there would be substantial benefits achieved by allowing the development. Taking these factors into account officers consider that the development would comply with the provisions of Policy E6 of the Existing Local Plan; Policy MPI of the Chipping Norton Neighbourhood Plan and Policy E1 of the Emerging Local Plan.
- 4.22 Officers consider that there would be clear and demonstrable social, economic and environmental benefits arising from the positive re-use and redevelopment of a long standing vacant and prominently located unsightly brownfield site. Whilst the planning merits of the proposed retail use of the site are assessed in greater depth in the following section of this report, there would be clear direct social and economic benefits arising from the provision of a significant number of new jobs, the provision of four additional residential units and the clear economic benefits arising from the addition of four new stores trading within the town. There would be clear visual and environmental benefits arising from the development of a positively designed scheme, in terms of the sites contribution and relationship with the adjacent street scene and resulting benefits to the character and appearance of the area. On this basis officers consider that in the context of Policy E1 of the Existing Local Plan and Paragraph 22 of the NPPF, there are sufficient grounds to justify the principle of the proposed use of the non-employment use of the site.

Principle of Retail Development

- 4.23 Assessment of the retail impact of proposed development has become an increasingly specialised field and as such officers have commissioned independent retail advice. Agents acting on behalf of the Co-operative Group have made detailed objections to the proposals and members should familiarise themselves with these objections which have been made available on the Councils website. A letter received on behalf of the objector dated 6th February 2017 outlined concerns regarding the applicant's ability to demonstrate compliance with the sequential test as required under Paragraph 24 of the NPPF. It is asserted that the development

would have a significant adverse impact on the vitality and viability of the town centre contrary to Policy SH1 of the Existing Local Plan and Paragraph 26 of the NPPF. Concerns regarding the robustness of the applicant's sequential test and retail impact assessment are reiterated in a subsequent letter dated 22nd May 2017. Both letters are available online for public viewing. The applicants responded in writing to these objectors' initial comments in a letter dated 15th May 2017.

- 4.24 In order for officers to make a fully informed and independent judgement of the robustness of the applicants methodology as to the sequential test and retail impact assessment and so that officers could be advised as to the nature of the impact on town centre retail, officers sought independent retail advice from Carter Jonas, who were provided with the applicants retail assessment work and the Co-op's objection letters.
- 4.25 The initial appraisal by Carter Jonas dated 19th June concluded that the applicant needed to provide further analysis to satisfy the sequential test required under Paragraph 24 of the NPPF; in addition to justifying the impact of the development on town centre trade, the impact on planned investment and the impact on vitality and viability of Chipping Norton Town Centre. Following receipt of this letter, the applicant's agent provided further details in support of the application contained within the letter dated 29th June in respect of the sequential test and retail impact assessment.
- 4.26 The Councils independent retail consultant was asked to comment further on the additional details provided by the applicant. The letter dated 24th July 2017 explained that Carter Jonas considered that the applicant had adequately satisfied the requirements of the sequential test as required under the NPPF, however Carter Jonas raised issues regarding the applicants assessment of trade draw from the town centre and the applicant's methodology for assessing this.
- 4.27 Following receipt of this letter the applicants have carried out additional work by way of conducting a new householder survey to provide an up to date assessment of existing shopping patterns and to more accurately assess likely trade diversion and the likely impact of the development on existing town centre retail. The results of this survey and relevant commentary are contained within the applicants supporting Retail Planning Technical Note 1 dated 23rd August 2017 and Technical Note 2 dated 12th September 2017. Carter Jonas as independent advisors to the Council were asked to comment on these findings, their comments are contained within the letter dated 13th September 2017. Members are advised to familiarise themselves with the findings of this letter, which is discussed in greater depth in the following sections of this report.
- 4.28 Policy SH1 of the adopted Local Plan specifies a sequential approach to new retail development which specifies that development other than that meeting purely local needs should be sited firstly:
- 1) Within Town Centres
 - 2) On the edge of Town Centres
 - 3) In out of centre locations that are; or can be made readily accessible.
- 4.29 Policy SH1 additionally states that proposals for retail and other town centre uses in locations other than town centres will only be permitted where:

- i) a need for the development has been established;
 - ii) the sequential approach has been followed and there are no suitable sequentially preferable sites available;
 - iii) the development would not harm either directly or cumulatively the vitality and viability of any nearby town centre or planned measures to improve it;
 - iv) the development proposed is appropriate in nature and scale to the location;
 - v) the proposal accords with other policies in the plan with regard to traffic impact, amenity and environment.
- 4.30 Policy E6 of the Emerging Local Plan similarly specifies that Town Centres will be supported as the focus for shopping, leisure, community facilities and services. Policy E6 states that the Council will apply the sequential and impact tests set out in the NPPF to new shopping and other town centre development proposals. It is stated that impact assessments will be required for significant proposals (Over 500 square metres net sales floor space) where they are not in a centre or in accordance with a local or neighbourhood development plan.
- 4.31 Within the context of both the Emerging Local Plan's the site would be considered to be an 'out of centre' location as the site lies over 500 metres from the Town Centre area of Chipping Norton.
- 4.32 Policy TC6 of the Chipping Norton Neighbourhood Plan 2015 states that to ensure the vitality of the town centre, the provision of new Town Centre uses within the defined Town Centre Boundary (indicated on figure 8.2 of the Neighbourhood Plan) shall be supported. Officers note that the application sites would lie outside the Town Centre area.
- 4.33 Paragraph 24 of the NPPF similarly specifies that local authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date local plan. It is required that main town centre uses are located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering out of centre proposals preference should be given to accessible sites that are well connected to the Town Centre. Applicants and the local planning authorities should demonstrate flexibility on issues such as format and scale. Policy E6 of the Emerging Local Plan specifies that this test should be required for significant proposals (over 500 square metres of sales space) for town centre uses that are not in a central location.
- 4.34 The site lies approximately 500 metres from the Town Centre area as defined within figure 9.13 of the Emerging Local Plan. The site lies within the developed envelope of Chipping Norton but given its location relative to the town centre the site would in planning policy terms be deemed to be an 'out of centre' location. Officers consider the site to be accessible and well connected given that the site lies less than 10 minutes walking distance of the town centre and central areas of parking and lies on a principal route into the town which includes footpaths and is well lit. There are two bus stops adjacent to the site which provide regular services into the Town Centre, Oxford, Charlbury and Woodstock.
- 4.35 The site lies close to the East Chipping Norton Strategic Development Area referenced within Policy CN1 of the Emerging Local Plan. This site also known as 'Tank Farm' is allocated within the Emerging Local Plan as offering development potential for the delivery of a significant number of new homes, initially 600 dwellings although this figure has been significantly scaled up within the most recent modifications to 1200 homes.

- 4.36 Paragraph 26 of the NPPF specifies that when assessing applications for retail, leisure and office development outside of Town Centres which are not in accordance with an up to date local plan local authorities should require an impact assessment if the development is over a proportionate, locally set threshold. In total the application proposes 1348 square metres of retail sales space, a figure which would be significantly above the 500 square metre threshold specified within Policy E6 the Emerging Local Plan.
- 4.37 If a locally set threshold has not been set, then the default threshold of 2500 square metres listed under Paragraph 26 of the NPPF is deemed to apply. Policy E6 of the Emerging Local Plan can be given only limited weight at present as this is not yet a formally adopted policy and the threshold limit of 500 square metres identified in Policy E6 has not been confirmed following examination. Notwithstanding this the applicant has provided a retail impact assessment and analysis of the likely implications of the proposed development on the existing town centre retail in Chipping Norton, in addition to a sequential assessment in order to satisfy the specific requirements of Policy SH1 of the Existing Local Plan and Policy E6 of the Emerging Local Plan.

Application of Sequential Test

- 4.38 The applicant has provided an assessment of five sites within the Town Centre, which could be considered as suitable for retail development. Each of these sites has been assessed against specific criteria, which includes the sites their availability and suitability for development, these sites are:

Castle View and Ambulance Station
Former War Memorial Hospital
Burgage Plots
Former Penhurst School
Harpers Department Store

- 4.39 The Applicant's sequential assessment included within the Applicants Town Planning and Retail Statement dated 18th December 2016 asserts that none of the sites above are suitable and/or available, due to ownership, the implementation of recent development in the case of Castle View, Burgage Plots or Penhurst School, or significant constraints (including site size and access).
- 4.40 Within an initial letter of objection dated 6th February 2017, the retail consultant acting on behalf of the Cooperative Group raised a number of concerns in relation to the robustness of the Applicant's sequential test, in particular the consideration of disaggregation, as well as the need to consider in greater depth the suitability of two of the aforementioned sites, namely Harpers Department Store and the Burgage Plots Site.
- 4.41 In response to the initial letter of objection the Applicant's agent carried out an additional assessment of the suitability of the aforementioned sites, including the Burgage Plots Site and Harpers Department Store. The follow up response dated [22nd May 2017] from the retail consultant acting for Co-op continues to question the robustness of the Applicant's sequential test.
- 4.42 The independent consultant (Carter Jonas) appointed by the Council to appraise the retail assessment carried out by the Applicant considered that in order to comply with the sequential test, the Applicant should provide further details on flexibility as to the nature of the scheme and suggesting that the Burgage Plots and Harpers Department Store sites should be re-assessed

in greater depth. In response the applicant has stated that the site is significantly constrained in terms of accessibility and serviceability and owing to complex land ownership issues, deliverability on this site would be unrealistic.

- 4.43 Notwithstanding the evidence set out in the applicant's 2016 TPRS and their letter of 15th May, Carter Jonas conducted their own independent assessment of the suitability of the Harpers and Burgage Plots site. It is identified that The Harpers site would not represent a viable location for development of the size of units proposed even when assuming flexibility on format and scale; furthermore the site was subject of a recent planning application (17/00236/FUL) for redevelopment for residential purposes. Although refused it would appear that there is an intention to redevelop the site for residential use. Furthermore significant concerns are raised about the suitability of these premises for the proposed use.
- 4.44 Carter Jonas has advised the Council to form an independent view as to the suitability of the Burgage Plots site to accommodate the proposed development, whilst assuming flexibility on format and scale. It is noted that Policy CN2 of the Emerging Local Plan refers specifically to retail development opportunities on land between High Street and Albion Street, which includes the Burgage Plots site. Officers would concur with the applicant's view that this site would be unsuitable for development as much of this site has been developed as a result of the Co-op's recent extension, furthermore officers concur with the conclusion that the site is constrained in terms of access, serviceability and parking. Officers consider that even when accounting for flexibility in format and scale, the site would represent an unrealistic, unsuitable and unviable location for the proposed development.
- 4.45 Officers are satisfied that the applicant has provided a conclusive and sufficiently robust assessment of all available sites within the Town Centre and concur with the applicants view that each of these sites would be unsuitable for accommodating the proposed development, even when accounting for flexibility on format and scale. Officers consider that owing to the demonstrable unsuitability of the existing Town Centre and Edge of Centre sites for the intended use there is strong justification in the context of Paragraph 24 of the NPPF for the site to be used for retail purposes. Owing to existing pedestrian and public transport links the site would certainly be considered to be an accessible location.

Retail Impact

- 4.46 Assessed solely in relation to the provisions of Paragraph 26 of the NPPF, there would be no specific requirement for the provision of a retail impact assessment given that the level of floor space proposed falls significantly under the specified default threshold of 2,500 square metres. Paragraph 26 allows local authorities to set a proportionate local threshold. Policy E6 of the Emerging Local Plan sets the threshold sales floor space at 500 square metres. At present only limited weight can be attributed to Policy E6 given that this is not a formally adopted policy, however the quantity of floor space proposed is significantly in excess of the threshold of 500 square metres set under Policy E6 and in officer's opinion given that the development is significantly above the locally set threshold there is a justification for the provision of a retail impact assessment, which the applicant has provided.
- 4.47 The applicant's retail assessment concludes that there would no significant adverse impact on the vitality and viability of Chipping Norton Town Centre. The applicant's assessment includes a retail town centre health check, which concludes that there are only 5 vacant units within the Town Centre, which would indicate that the Town Centre is performing well with a vacancy

rate of 5%, which is significantly below the national average of 11.3%. Officers would accept the assessment that the Town Centre is generally performing well and the evidence is that it is a vital and viable centre.

- 4.48 Ensuring that the Town Centre continues to perform well is a fundamental aim of Policy CN2 of the Councils Emerging Local Plan and Policy TC6 of the Chipping Norton Neighbourhood Plan. The applicant's retail assessment in section 7.33 states that trade diversion as a result of the proposed development would be no more than 10% - a level at which would not constitute a significant adverse impact.
- 4.49 The Council has sought independent retail advice from Carter Jonas in order to assess the accuracy of the applicant's claims and whether the applied methodology used to assess the retail impact assessment is sufficiently robust, taking into account all the information submitted and representations received, including the Co-op's detailed objections. Carter Jonas in their letter dated 19th June 2017 requested that further details should be provided by the Applicant, which included:
- Justification for the trade draw assumed by the applicant in relation to convenience floor space.
 - Clear evidence of the proposed tenant's commitment to the scheme.
 - Further details regarding the claimed figures relating to the Co-op's turnover.
 - Comments regarding the ability to claw back trade lost to other locations.
- 4.50 Carter Jonas also requested that a robust health check assessment was made of the Town Centre and in addition an impact assessment be provided on existing committed and planned investment in the Town Centre in line with Paragraph 26 of the NPPF, including impact on investor/business confidence and operators.
- 4.51 In response to the comments provided by Carter Jonas within their retail review, the Applicants commissioned a new household survey, informing the applicants Technical Note 1 dated 23rd August 2017. This survey replicates the convenience questions of the survey undertaken as part of the 2012 retail assessment of the town, with additional questions added. Carter Jonas accepted the soundness of the methodology employed in undertaking this assessment and the robustness of the output and turnover figures provided by the applicant. The applicants also carried out further sensitivity testing in relation to trade draw, higher inflow and housing growth, this is assessed within the applicants Technical Note 2.
- 4.52 In terms of the proposed scheme's potential trade draw from existing centres and stores, the applicants maintain that 30% will be drawn from the town centre's stores and 20% from the out of centre Aldi. The applicants also forecast that some 50% will be drawn from "other stores"; which they identify in TNI as comprising 20% from various M&S stores and 30% from other large format food stores elsewhere.
- 4.53 The applicant states that the extent of trade diversion from stores outside of Chipping Norton has been informed in part by discussions with M&S regarding the catchment area of both the proposed store and their existing stores; and inter alia the "clawback" of trade from existing stores, including existing M&S stores.
- 4.54 Within Carter Jonas's assessment it is considered that the majority (i.e. up to 75%) of M&S's trade will be drawn from the existing stores in the Chipping Norton area, with only 25% coming

from other stores (including the potential for “claw back” trade). Of this 75%, 50% of the proposed store’s turnover would be drawn from the town centre and 25% from the out-of-centre Aldi. It is estimated that a smaller proportion of trade (circa 9%) will be drawn from the Sainsbury’s store based on its more limited offer. It is assumed that approximately 1% of M&S’s trade will be diverted from other food and convenience stores and stalls in the town centre.

- 4.55 Carter Jonas have conducted their own assessment of trade draw and the likely impact of the development on existing Town Centre Stores, included in Table 4 of their final report; Table 5 addresses the post impact turnover. The forecast impact on the Co-op store based on both the applicant’s forecast (-9.4%) and CJ’s revised assessment (-18.8%) would still result in it trading above the predicted company average.
- 4.56 In contrast, the forecasts show that the smaller Sainsbury’s store in 2019 is forecast to achieve a current turnover of £3.71m pre-impact, which is some 30% below its predicted company average (of £5.29m). Post-impact it is forecast that its turnover level will fall to circa £3.1m, which is some 41% below benchmark. Notwithstanding this in the view of Carter Jonas it is not considered likely that the proposed development would induce the closure of this store given that the shops in general serve different markets and Sainsbury’s will seek to maintain their competitive position in the town.
- 4.57 Carter Jonas forecast a higher impact on the town centre’s total convenience turnover of -17.2%, compared with the applicant’s forecast of a -10.3% impact. However, based on the updated Household Survey results and Carter Jonas’s own assessment, Carter Jonas conclude that the assumed level of impact on the convenience trade in Chipping Norton Town Centre is unlikely to be “significantly adverse”, particularly as there is no evidence to suggest that it will result in the market failure of either Co-op or Sainsbury’s.
- 4.58 It is noted that the applicant within technical note TNI has confirmed the names of the intended occupiers for units 2, 3 and 4, these being Mountain Warehouse, Pets Corner and Costa, all of which would be new retailers to the town of Chipping Norton. The former of these two stores would not be in direct competition with existing retailers in the town and would not in the opinion of Carter Jonas result in a significant trade draw. Whilst it is noted that there are existing coffee shops in the Town Centre, which with the exception of Café Nero are independent it is considered unlikely that the siting of Costa would result in the Town Centre unit’s closure.
- 4.59 Carter Jonas previously raised concerns regarding the cumulative impact of the development and trade diversion as a result of linked trips. The applicant’s Household Survey identifies that 20% those undertaking a main food shop at Coop link to the rest of the town centre; and 15% of main food shoppers at Aldi also carry out linked trips. As such there is little difference in the percentage of linked trips between those shopping at the out of centre Aldi and those shopping at the in-centre stores (Sainsbury and Co-Op). Carter Jonas anticipates that this will be mirrored by the proposed M&S scheme. Furthermore Carter Jonas highlight that the introduction of a coffee shop at the application site in addition to M&S, could further add to the wider scheme’s attraction and increase the likely trade diversion and impact on the town centre: for example, shoppers at M&S may choose to link their trip to the A3 unit proposed as part of the scheme, which means they would not visit the town as part of the same trip for something to eat/drink.

- 4.60 What is also identified however is that the draw of three 'new to town' national retailers (Mountain Warehouse, M&S and Pets Corner) will have the potential to attract new customers that presently shop elsewhere, for example in Banbury and Witney. The additional trade draw and potential new customer base associated with the siting of these new retailers also has the potential to generate linked trips with the Town Centre which would be beneficial to the vitality and viability of the Town Centre and would have the potential to clawback trade loss.
- 4.61 In making their recommendation officers give due weight to the applicants forecast impact assessment, whilst also accounting for the representations received on behalf of the Cooperative Group made in objection to the application. Officers duly note the difference in opinion between these parties in terms of the forecast impact on town centre retail. Officers note that the applicants have gone to considerable effort in order to base their assessment on an up to date data source and commissioned their own householder survey rather than relying on existing sources of data, which are potentially outdated. Carter Jonas, acting on behalf of West Oxfordshire District Council conducted their own independent assessment and have concluded that the impact on Chipping Norton Town Centre would not be significantly adverse and have recommended the imposition of appropriate conditions in addition to a 'no poaching' clause which would form part of a Section 106 agreement.
- 4.62 The Town Centre of Chipping Norton is generally considered to be performing well, which is supported by the conclusions of the Applicants Health Check dated 29th June 2017. The applicant's health check in particular highlights low vacancy rates within the Town Centre. Ensuring the continued viability and vitality is a fundamental aim; Policy SH1 of the Existing Local Plan requires that development should not harm either directly or cumulatively the vitality and viability of Town Centres, which is consistent with the provisions of Paragraph 27 of the NPPF.
- 4.63 PPG Paragraph 15 places emphasis on the applicant to demonstrate compliance with the retail impact test required under Paragraph 26 of the NPPF. In officers opinion the applicant has complied with the requirements specified under Paragraph 26 and has duly assessed the proposed impact of the development on existing, committed and planned infrastructure in Chipping Norton and has conducted the required five year impact assessment. The robustness of the applicant's methodology was considered to be sound by Carter Jonas acting as independent retail consultants to the District Council. Officers would concur with this view. Whilst there is some difference between the applicant and Carter Jonas as to the precise percentage of trade draw and the percentage impact of development, both the applicants and the Councils independent retail consultants have reached the conclusion that the overall impact of the proposed development on town centre vitality and viability would not be significantly adverse/severe. Officers would concur with this view.
- 4.64 The applicant has asserted that the cumulative impact position (the combined convenience and comparison impact on the town centre) would be less than 10% (9.33%), the Councils independent retail consultants Carter Jonas are in agreement with this figure. Officers are therefore of the opinion that the impact of the development on town centre vitality and viability would not be significantly adverse. In this instance the application should be determined on the basis of all relevant material planning considerations. It is recognised that the development would result in some trade draw from Chipping Norton Town Centre, but as set out above the retail impact of the proposed development is not sufficient to justify withholding consent. The retail impact should be balanced against what officers consider to be the significant and demonstrable planning benefits which are referenced in the following sections of this report.

- 4.65 Whilst at this stage in the process of the emerging local plan only limited weight can be given to the Policy CN1 given the current status of the Local Plan, it is of relevance in assessing the weight to attach to any residual retail impact to consider the future potential for additional housing delivery in the Town, accounting for the potential large scale future housing delivery at Tank Farm (up to 1200 new homes) which has not been accounted for within the applicants retail impact assessment. This would generate both a requirement for additional retail capacity, whilst also generating an additional customer base for existing town centre retailers. Furthermore there are substantial existing housing commitments within the town, which are yet to be implemented or are in the process of being implemented, which similarly have not been accounted for in the retail assessment work (to ensure the robustness of the assessment). Whilst these commitments and future development should be given only minimal weight at this stage, the committed and likely increase in housing will in due course generate additional demand and spend which would assist in mitigating any currently unforeseen residual impacts.

Compliance with the retail proposals for the emerging SDA

- 4.66 As a further point officers would also note that the development would lie in close proximity to the large East Chipping Norton SDA (Tank Farm Site), allocated within Policy CN1 of the Council's Emerging Local Plan. Officers note that whilst Tank Farm is included as a strategic allocation within the Emerging Local Plan, the SDA has yet to be confirmed following examination as part of the local plan process. It is necessary to determine the current application on the basis of extant policy, taking into account other material considerations, and in this context, it should be noted that a neighbourhood centre is proposed within the SDA. It is therefore appropriate to consider how the proposed development might potentially relate to this large strategic site (albeit that as identified above it has been found to be acceptable in its own right anyway). The application site is very accessible in relation to the Tank Farm allocated site and is connected by an existing pedestrian access to the west of the site running adjacent to the Holy Trinity Catholic School. At present there is no access between the two sites via Trinity Road, however it would be the aim of the Council to secure a means of either pedestrian or vehicular access between the new development at Tank Farm and London Road.
- 4.67 Policy CN1 acknowledges the requirement for the provision of local convenience shopping through the creation of a local centre as part of the SDA. The location of these shopping facilities would be determined within a masterplan that would be created for the SDA, The proximity of the site to the SDA and its strategic location as a frontage site facing London Road, (one of the principle routes into Chipping Norton), in addition to the fact that the site is generally accessible by foot and by public transport, mean that the site might have the potential to serve as a neighbourhood shopping centre for the SDA. The strategic location, accessibility and functional linkage with the rest of the Town would make the site potentially preferable for the provision of local shopping facilities associated with the SDA. However, whilst there is that potential, only very limited weight can be given to the possibility, given the progress to date of the ELP and the fact that the masterplanning exercise contemplated by policy CN1 has yet to commence.

Principle of Residential Development

- 4.68 A total of four residential dwellings are proposed in the form of first floor flats, which would be located above the proposed Unit 4.

- 4.69 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.
- 4.70 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 .
- 4.71 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.
- 4.72 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.
- 4.73 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 in 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.
- 4.74 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 proposes four residential units on a brownfield site within Chipping Norton, one of the main service centres in the district. The site is deemed to be within a sustainable location and lies within 500 metres of the town centre and in relatively close proximity to the range of local services and facilities in the town. Officers consider that the principle of residential development on this site would be compliant with the provisions of Policy H7 of the Existing Local Plan and Policy H2 of the Emerging Local Plan. The number of residential units proposed is four which is below the threshold of 11 units where an off-site contribution towards the provision of affordable housing would usually be requested.

Design, Scale and Siting

- 4.75 The proposed development comprises of a row of three units, which includes the larger food retail unit and two smaller attached retail units. Unit 4 comprises of a stand-alone retail unit, with flats located above. The building design is modern in form but derived from its functional need. The mass has been broken up by varying the roof heights of the individual sections of the building. The building would feature a flat roof and would be constructed from stone, with prominent upper sections of timber cladding. Officers consider that the proposed use of materials would be reasonably consistent with the local vernacular. Officers note that development in the immediate vicinity, including the adjacent properties in Parkers Circus principally comprises of modern buildings constructed from artificial Cotswold Stone. The scale of the proposed development and building heights would in officer's opinion be consistent with the immediate built form and consequently it is considered that the development would be acceptable within the context of the immediate built form.
- 4.76 In officers opinion the frontage of the buildings would be appropriately designed and the development would contribute positively to the street scene, by bringing into active use a prominent and important frontage site, which lies on a principle route into the town. The position of Unit 4 has been set back further into the site, in order to maintain consistency in the building line of the existing development fronting London Road. Officers consider that the proposed layout is suitably designed and the site adequately landscaped. The development proposes the retention of a row of important boundary trees fronting London Road, which contribute significantly to the character of the street scene.

Impact on Conservation Area and Heritage Assets

- 4.77 The Chipping Norton Conservation Area extends to a point approximately 70 metres to the West of the site. Whilst the site itself does not fall within the parameters of the Conservation Area, the development would be considered to be within its wider setting. 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.
- 4.78 The site is located on a prominent approach into Chipping Norton, however officers consider that the development would adequately preserve and would probably enhance the Conservation Area setting given the site's currently derelict and unsightly condition. Officers consider the built form to be of an appropriate design and consider that the scale of development would not result in harm to setting of the Chipping Norton Conservation Area.
- 4.79 The Grade II listed Holy Trinity Roman Catholic School also lies approximately 70 metres from the site, although the adjacent modern school building separates the site from the listed building. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration. The relationship between the site and the Grade II

listed building is distant in terms of proximity and visual relationship and officers consider that the development would not result in harm to the significance of this heritage asset.

Highways and Access

- 4.80 Vehicular access to the site would be obtained via an improved access onto London Road to the North. The application is accompanied by a Transport Assessment which is additionally accompanied by a Transport Technical Note in response to concerns raised by OCC Highways.
- 4.81 OCC Highways Officers previously raised concerns regarding the demonstration of adequate visibility splays, the justification for the size of the car park and deficiencies within the applicant's Transport Assessment, the concerns expressed by OCC are documented within the County Councils Response dated 30th January 2017. Following the provision of additional details and clarification contained within the applicants Transport Technical Note, OCC have clarified within a revised response dated 4th April 2017 that they no longer object to the proposed development.
- 4.82 Officers note that concerns have been raised regarding visibility at the proposed vehicular entrance to the site, owing largely to the location of a large tree to the east of the site access. Given the contribution of the tree to the appearance of the street scene and character of the immediate area, which is reflected in the protected status of the tree, it would be required that this tree should be retained. OCC Highways have indicated that following the provision of additional details that they would be satisfied that acceptable visibility splays can be provided at the site entrance.
- 4.83 A total of 76 parking spaces have been proposed. It is acknowledged within the revised consultation response from OCC that this falls below the maximum parking usually permitted for a development of this size, however additional justification has been provided within the applicants Transport Technical Note. Following the provision of these details, OCC Highways have submitted a revised response raising no objection to the proposed development. OCC Highways Officers have stated in their opinion that ordinarily the proposed car park should not exceed capacity. They consider that that displacement of vehicles onto London Road and Trinity Road would be detrimental to highway amenity and so it is requested that a financial contribution of £7500 towards the provision of on street parking controls be made to OCC to prevent the uncontrolled displacement of vehicles onto adjacent roads.
- 4.84 Officers note that OCC Highways Officers have no objection regarding the impact of additional traffic generation on the capacity of the local road network. Requested amendments indicated within OCC response dated 30th January have been made to the applicants transport assessment and methodology. Following the provision of additional details requested and additional clarification requested officers are satisfied that the residual impact of the development would not be severe and would be acceptable.
- 4.85 Officers consider that the layout of the site is well designed in terms of pedestrian access and suitable permeability is allowed into the site from London Road, via a newly formed pedestrian access and between Trinity Road and the existing public right of way to the West of the site. Officers note that the applicant has proposed a contribution of £6000 towards the resurfacing of the existing right of way to the west of the site. Officers consider that the contribution proposed would be beneficial and necessary as usage of this right of way would be likely to increase as a result of the proposed development. Furthermore the right of way provides a

direct pedestrian link between London Road and the East Chipping Norton SDA and it would be envisaged that usage of this right of way would substantially increase in the future assuming that this land were to be developed.

Residential Amenity

- 4.86 Residential development exists to the east of site; however this is located away from the service yard and the vehicular access. There would be a reasonable separation distance between Unit 4 and the properties immediately opposite to the East and officers consider that the proposed development would not have an adverse impact on the amenity of these properties by reason of overbearing or from overlooking from the first floor residential accommodation.
- 4.87 It is noted that the proposed development to the rear of the site (16/04230/FUL) included the provision of residential bungalows, although it is noted that the frontage of these buildings would be sited approximately 19 metres from the rear service yard of Unit 1 and would be separated by an access road. Officers consider that the separation distance proposed would be adequate to ensure that the amenity of potential future occupants of these properties would not be significantly compromised by reason of noise nuisance and general disruption arising from the use of the access yard.

Air Quality and Noise

- 4.88 The applicant has provided a supporting air quality report, which demonstrates that the development would not have a significant adverse impact on air quality in the area. The findings are supported by the Council's Environmental Health Officers. The applicants have agreed to the provision of electric charging points for vehicles to offset omissions. The details of this would be requested by way of a planning condition.

Other Issues

- 4.89 The applicant has provided draft heads of terms for a Section 106 agreement, which indicates a contribution of £18,680 towards the provision of public art; £9,000 contribution towards The Villager Bus Service; in addition to contributions to Oxfordshire County Council in respect of parking control; improvements to pedestrian links; and contributions towards travel plan monitoring in the interests of promoting sustainable means of transport.
- 4.90 Officers and the Council's Ecologist accept that the site is of low ecological value and are satisfied that the proposed development would not result in harm to biodiversity or protected species.

Conclusion

- 4.91 The NPPF in addition to the relevant policy provisions of the Existing and Emerging Local Plans (namely Policies SH1 and E6 respectively) aim to preserve the vitality and viability of Town Centres. The development proposed represents 'out of centre' retail development on a former employment site and there are number of complex issues which require due consideration.
- 4.92 Referring first to the loss of employment land, officers would accept the applicant's assertion that there are sufficient grounds in the context of Paragraph 22 of the NPPF to allow non-employment uses on this site, particularly given the use of the adjacent site for residential use

and accounting for the non-implementation of previous employment based planning consents, the long standing vacant nature of the site and the preference towards the development of alternative sites for employment purposes as expressed within the Emerging Local Plan. As such officers consider that the development would comply with the provisions of Policy E6 of the Existing Local Plan; Policy E1 of the Emerging Local Plan and Policy MPI of the Chipping Norton Neighbourhood Plan. Furthermore there would be significant benefits arising from the creation of new jobs associated with the new retail units.

- 4.93 In terms of justifying the principle of retail development on this site, officers consider that the applicant has adequately met the requirements outlined within Paragraph 24 of the NPPF and has provided an adequately robust assessment of Town Centre and Edge of Centre sites. Officers consider that the sequential test has been satisfied and officers concur with the view that there are no sequentially preferable town or edge of centre sites where the proposed development can be accommodated, even when accounting for flexibility.
- 4.94 In terms of the impact on existing retail and the viability and vitality of the town centre, officers are satisfied, having taken independent retail advice, that the town centre is vital and viable and that the impact of the development on the town centre would not be significantly adverse. Furthermore the cumulative impact of the development in terms of improving the existing food and non-food retail offering in the town has the potential to be beneficial to the vitality and viability of the town centre, through the potential of the development to increase linked trips to the Town Centre. As such there would be no conflict with Paragraph 27 of the NPPF and the scheme would accord with Policy SH1 of the Existing Local Plan; Policy E6 of the Emerging Local Plan and Policy TC6 of the Chipping Norton Neighbourhood Plan and within this context the development should be treated on its relevant planning merits.
- 4.95 Officers are satisfied that the proposed development is well-designed and would make a positive contribution to the character and appearance of the immediate area and would not have any material adverse impact on the amenity of the occupants of any adjacent properties, or other adjacent land uses. Following the provision of additional details regarding access and parking, officers are satisfied that the proposed development would not have a severe cumulative residual impact upon the adjacent road network.
- 4.96 In the context of Paragraph 14 of the NPPF and when assessing the proposals on balance officers consider that the proposals would represent development which would be economically, environmentally and socially sustainable. Any adverse impacts associated with the loss of the existing employment land or retail impact on the town centre would be clearly outweighed by the economic and social benefits arising most notably from the provision of additional retail space and employment provision, alongside the environmental benefits arising from the redevelopment of an unsightly prominent and long term vacant site. Conditional approval subject to a legal agreement is recommended.

6 RECOMMENDATION

- I 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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 05/05/2017.
REASON: The application details have been amended by the submission of revised details.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway on London Road including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the vision splays above 0.65m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 5 No building shall be occupied until car parking spaces to serve that building have been provided according to details that have been previously submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 6 Prior to occupation of the development hereby permitted, a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be carried out in accordance with the approved management plan.
REASON: In the interests of highway safety and to comply with Government guidance within the NPPF.
- 7 Prior to occupation of the development hereby permitted, a delivery and servicing plan shall be submitted to and approved in writing by the Local Planning Authority. Site deliveries and servicing shall thereafter be carried out in accordance with the approved plan.
REASON: In the interests of highway safety and to comply with Government guidance within the NPPF.
- 8 No building shall be occupied until cycle parking spaces to serve that building have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.
REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 9 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning

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

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

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

- 10 Prior to occupation, a Framework Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel Plans" shall be submitted to and approved in writing by the Local Planning Authority. If any building exceeds the thresholds set out in the county council's guidance, an individual Travel Plan will need to be submitted to and approved by the Local Planning Authority not longer than three months after the occupation of these buildings.
REASON: To encourage occupiers to use sustainable modes of transport as much as possible in line with the NPPF.
- 11 Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the dwellings hereby approved, shall be provided to every resident on first occupation.
REASON: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.
- 12 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 13 The development shall be completed in accordance with the recommendations in Section 8 of the Extended Phase I Habitat Survey report by Innovation Group Environmental Services dated 29th January 2016. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that nesting birds are protected in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

14 Before development takes place, details of the provision of bat roosting feature(s) into the new buildings and/or bat boxes in trees and/or nesting opportunities for birds House martin, House sparrow, Starling, Swift or Swallow shall be submitted to the local planning authority for approval, including a drawing showing the location(s) and type(s) of feature(s). The approved details shall be implemented within 3 months of the completion of the development hereby approved 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.

15 No development shall take place until a landscaping scheme has been submitted and approved by the Local Planning Authority, including the creation of habitats to enhance the biodiversity value of the site such as hedgerows, ponds, wildflower meadows, using native species of local provenance, 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.

16 Prior to first use of the buildings hereby approved, details showing the location and specification of electric charging points shall be submitted to and approved in writing by the Local Planning Authority. Once approved these points shall be retained hereafter.
REASON: To contribute towards the off-setting of carbon emissions associated with the proposed development.

17 The net sales area of Unit 1 hereby permitted shall not exceed 678 sq m unless otherwise agreed in writing with the local planning authority. That floorspace shall be used for the sale of convenience (food) goods only, with no more than 30 sqm set aside for comparison (non-food) goods".
REASON: To ensure that the development would not impact detrimentally on Town Centre retail

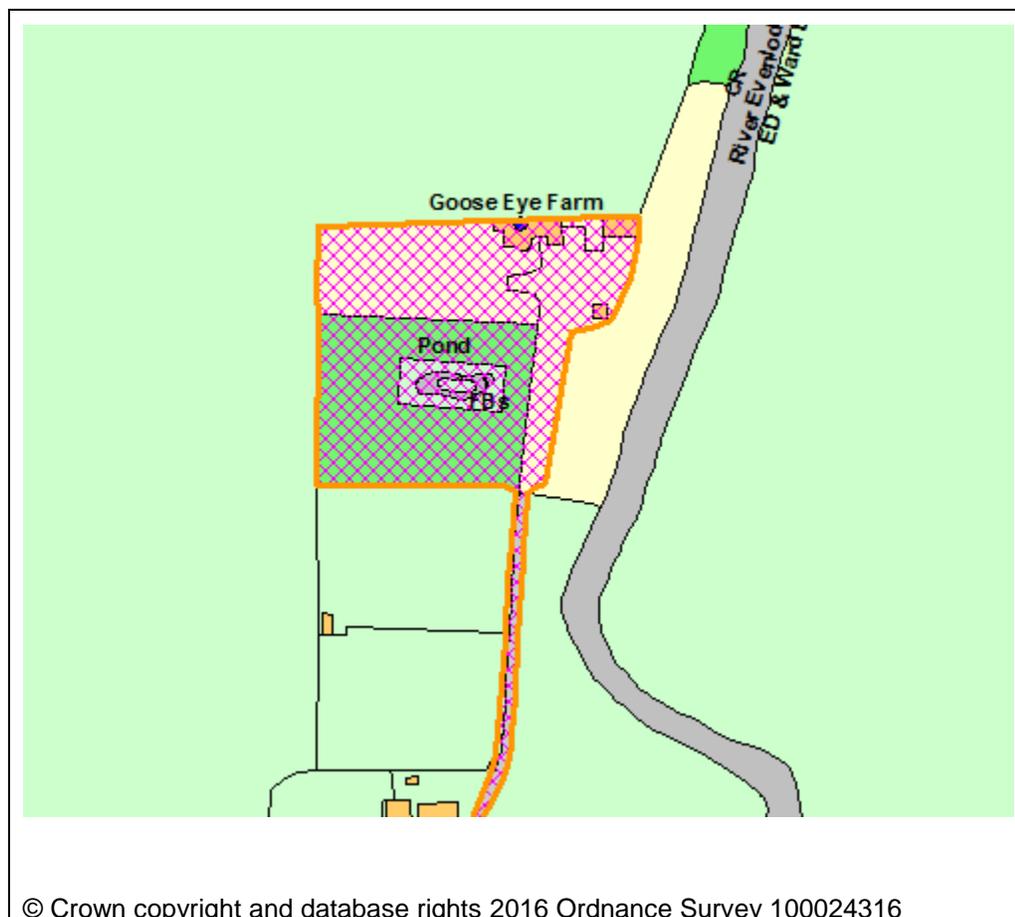
18 Unit 2 shall be for Class A1 (shops) or Class A2 (financial and professional services) use. Where Unit 2 is used for Class A1 purposes the net sales area shall not exceed 207 sq m and that floorspace shall be used for the sale of comparison (non-food) goods only.
REASON: To ensure that the development would not impact detrimentally on Town Centre retail.

- 19 Unit 3 shall be for Class A1 (shops) or Class A2 (financial and professional services) or Class A5 (hot food takeaway) use. Where Unit 3 is used for Class A1 purposes the net sales area shall not exceed 207 sq m and that floorspace shall be used for the sale of comparison (non-food) goods only.
REASON: To ensure that the development would not impact detrimentally on Town Centre retail.
- 20 Unit 4 shall be for Class A1 (shops) or Class A2 (financial and professional services) or Class A3 (cafe/restaurant) use. Where Unit 4 is used for Class A1 purposes the net sales area shall not exceed 189 sq m and that floorspace shall be used for the sale of comparison (non-food) goods only.
REASON: To ensure that the development would not impact detrimentally on Town Centre retail.
- 21 The remediation works, as detailed in the Delta-Simons report (Ref: 16-0183.01), shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.
- If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
REASON: To ensure any contamination of the site is appropriately remediated. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPP.
- 22 No development shall take place until a site specific Construction Environmental Noise Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - Arrangements for liaison with the Environmental and Regulatory Services (ERS) at West Oxfordshire Council
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours as included above
 - Mitigation measures as defined in BS 5228:Parts 1 and 2:2009 & A1 2014 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
 - Procedures for emergency deviation of the agreed working hours.
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- REASON: In the interests of preserving the residential amenity of future occupants.

- 23 The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB Lmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in gardens and public open spaces should not exceed 55 dB LAeq 1 hour when measured at any period (in accordance with the World Health Organisation 'Community Noise' guidelines). No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.
REASON: In the interests of preserving the residential amenity of future occupants.
- 24 Deliveries shall be restricted to the following hours:
06:00 - 21:00 Monday to Saturday
10:00 - 16:00 Sundays
REASON: In the interests of preserving the residential amenity of existing and future occupants.

Application Number	17/00091/FUL
Site Address	Goose Eye Farm Eynsham Witney Oxfordshire OX29 4EH
Date	20th September 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Hanborough Parish Council
Grid Reference	443731 E 212326 N
Committee Date	2nd October 2017

Location Map



Application Details:

Demolition of an existing dwelling and outbuildings. Construction of a replacement dwelling with tennis court, swimming pool and associated landscaping. Erection of detached garaging and games room with staff flat above. Alterations and improvements to vehicular access and removal of redundant driveway.

Applicant Details:

Mr Dustin Dryden
Goose Eye Farm
Lower Road
Church Hanborough
Oxon
OX29 4EH

I CONSULTATIONS

- I.1 WODC Architect No Comment Received.
- I.2 WODC Building Control Manager No Comment Received.
- I.3 OCC Highways No objection
- I.4 WODC Drainage Engineers The SuDS hierarchy must be adhered too.

Brownfield (land that has been built on previously)

The calculation to determine brownfield rates should be carried out in accordance with CIRIA C753 section 24.5. We would expect to see the proposed surface water drainage system achieve a minimum of a 40% reduction in peak runoff volume. We are however happy for the applicant to design a new surface water drainage system to accommodate all return periods up to and including a 1 in 100 year storm + 30% CC.

Greenfield sites (land that has now been built on previously)

If the proposed increase in impervious area exceeds 25m², this does, then the proposed surface water drainage system/s should be designed in accordance with BRE365 to accommodate up to and including a 1 in 30 year + 30% CC storm event. However, the site must contain surface water for all return periods up to and including the 100 year + 30 % CC storm event. Therefore, it is a recommendation that the proposed surface water drainage system/s is/are designed to accommodate up to and including a 1 in 100 year storm event + 30 % CC, otherwise the site would need to flood itself.

If soakage tests prove that soakaway/s are viable, Then If it is found that the groundwater level is above 1 meter below the invert of soakaway inlet pipe, shallow storm cells with a void capacity of 90% could be proposed subject to them being installed more than 5mtrs from any structure.

General

When maintenance is being carried out on the proposed pool, the

applicant must ensure that the contaminated water does not come into contact with any watercourse. We will require the applicants compliance to agree with this in writing.

We would like to see RWH/rain water butts incorporated into the proposed surface water drainage system/s, wherever possible.

A drainage plan will need to be submitted, showing the location, Form and sizing of the proposed surface water drainage system/s.

A laying specification for the proposed permeable block paving will need to be submitted.

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. This plan must include existing/proposed CL, FF/slab levels.

- | | | |
|-----|--------------------------|--|
| 1.5 | ERS Env Health - Uplands | No objections to raise in respect of this application. |
| 1.6 | Thames Water | No response received |
| 1.7 | Parish Council | Hanborough Parish Council does not have any comments to make on the above application. |

2 REPRESENTATIONS

No third party comments have been received in respect of this application

3 APPLICANT'S CASE

- 3.1 This is a full planning application for the construction of a single replacement dwelling on land forming the existing domestic curtilage of Goose Eye Farm. The existing dwelling is to be removed.
- 3.2 Green Belt policy on replacement dwellings is subtly different in the NPPF and the emerging Local Plan to that found in the adopted Local Plan. The proposed dwelling is smaller in size than the existing dwelling and therefore should be considered as an appropriate form of development in the Green Belt according to the NPPF and the emerging Local Plan. The wording in the adopted Local Plan potentially means we must use previous extensions and planned additions as very special circumstances to justify what otherwise would be an inappropriate form of development. Either way, in Green Belt terms the proposed replacement dwelling can be fully justified.
- 3.3 The application site is a delightful, tranquil and secluded location. The carefully considered and impressively well executed scheme takes its lead from local vernacular forms and small Cotswolds country houses. The result is an exemplary piece of design work that goes well beyond the requirement for high quality design demanded by planning policy. The proposal is a

comprehensive yet highly successful fusion of design, landscaping and biodiversity enhancement totally appropriate in its context.

- 3.4 The alteration to the site access off the B4449 is undertaken to improve highway safety. The alterations achieve that aim whilst still providing a modest approach to the agricultural land, buildings and dwelling behind the road frontage.
- 3.5 In conclusion, it is our view that the proposals represent an appropriate and highly welcome form of development in complete accordance with the NPPF and the Local Plan. Accordingly planning permission should be granted.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE5 Oxford Green Belt
H2 General residential development standards
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
H6NEW Existing housing
EH1NEW Landscape character
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the demolition of an existing detached property and the erection of a large replacement dwelling. The site is presently occupied by a farmhouse building, which has been subject of a very large two storey front extension, the lawful status of which is contested by officers. Consequently Counsels opinion has been sought regarding the status of this building as the in principle acceptability of the proposed replacement dwelling is dependent on the extent of the floor area which would be deemed to constitute the footprint of the existing dwelling. Importantly in planning policy terms the site lies within the Oxford Green Belt, which means that the scale of any replacement dwelling would be restricted under the provisions of Paragraph 89 of the NPPF to a building which would not be materially larger than the size of the building which would be replaced.
- 5.2 The original farmhouse building was a modestly sized building, constructed principally from natural stone, with the west facing elevation and a projecting south facing gable comprising of white rendered brickwork. The relatively new front extension to the building is a 39 metre long two storey structure constructed from plywood, painted white. The extension is generally devoid of external domestic features including windows, although the extension features some external doors. The majority of the extension is unused at present and the majority of the internal structure comprises of a single open space at first and second floor level. The only section of the extension currently in use is a section of the ground floor, which attaches to the original dwelling and is currently in use as a playroom.

- 5.3 A certificate of lawful use application (CLOPUD) was submitted in 2014 (14/1397/P/CLP) for an extensive two storey front extension, which was subsequently approved. The CLOPUD application was issued on the basis that the development as applied for complied with the provisions of Class A of Part 1 of the General Permitted Development Order 1995. The 1995 order was superseded on the 15th April 2015 by the General Permitted Development Order 2015. The previous 1995 order set no limit on the length of extensions to the principle elevation of a dwelling of a dwelling not fronting a highway, this particular 'loophole' was closed within the provisions of the 2015 GPDO.
- 5.4 The CLOPUD application, whilst similarly large, differs considerably from the development as actually constructed. Notably the CLOPUD proposed an extension which appeared discernibly domestic in its character and featured external windows and doors. Internally the building featured a number of rooms at first and ground floor level. Notably the extension was shown to be constructed from stone, to match the appearance of the front elevation of the existing dwelling, in contrast to the present structure which is constructed from plywood.
- 5.5 The provisions of the 1995 Order would allow for a two storey extension of the constructed length and scale, therefore this is not considered to be a matter of dispute. Officers concerns relate firstly to the design of the extension, specifically the requirement within the GPDO that any extension constructed under Part 1 Class A should be constructed from materials of a similar appearance to that of the existing dwelling house; and secondly the use of the extension. Class A of the General Permitted Development Order relates to the enlargement, extension, or other alteration of a dwellinghouse. The emphasis is that any new extension would form part of an extended use of the existing domestic dwelling. Given the scale of the structure and its present design, officers dispute that the building amounts to a domestic extension to the dwelling as the structure is uninhabitable. Officers have sought Counsels views on this particular point and secondly on the first point regarding the use of the materials in the extension.
- 5.6 Turning to the matter of the development proposed this relates to the erection of a replacement dwelling, which comprises of single and three storey elements. The replacement dwelling would be sited in a different position to the west of the existing property, yet within the domestic curtilage of the property. The existing property and detached garage would be removed and this area of the site would be landscaped, with a tennis court located in the north east area of the site. The height of the proposed replacement dwelling has been reduced by virtue of the amended plans received 24th July 2017.
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development and compliance with local and national policies relating to new development in Green Belts.
Design, scale and siting of proposed dwelling.
Landscape Impact
- Principle
- 5.8 Policy H2 of the Existing Local Plan and Policy H2 of the Emerging Local Plan are permissive of the principle of new replacement dwellings, where the existing dwelling is deemed to be of no significant architectural merit; and where there would not be adverse harm arising to the

immediate or wider setting. If a replacement dwelling would be materially larger it would be expected that there would demonstrable benefits to the setting.

- 5.9 The development would be within the Oxford Green Belt and the provisions of Policy NE5 of the Existing Local Plan and Paragraph 89 of the NPPF are of material relevance. Both Existing Local Plan Policy NE5 and Paragraph 89 of the NPPF are restrictive in relation to the principle of replacement dwellings within Green Belts and specify that any replacement dwelling should not be materially larger than the property which is being replaced.
- 5.10 The application for the replacement dwelling is made on the basis that the footprint of the replacement dwelling would not exceed the total footprint of the extended dwelling, therefore accounting for both the floor area of both the original dwelling and the sizeable front extension which the applicants claim to be lawful. In a circumstance where the existing extension would be considered lawful, there would potentially be some justification to suggest that the scale of the proposed replacement dwelling would not be materially larger than that of the existing extended property.
- 5.11 Whether the existing extension is deemed lawful and can subsequently be considered to form part of the existing dwelling is vital to the determination of whether the principle of a replacement dwelling, of the scale proposed would be considered acceptable in planning terms. Officers note that the applicants have sought Counsels opinion regarding the lawful status of the extension and given that the status of this extension is of vital importance to the consideration of this case, officers have similarly instructed Counsel to explore this matter in depth.

Is the Development an enlargement of the dwellinghouse?

- 5.12 Counsel's advice was sought as to whether the extension would constitute an enlargement of the 'dwellinghouse' as a matter of fact and degree. As observed by officers on site the structure is attached to the main dwelling at ground floor level and is linked by internal doors. Counsel have outlined that the use of a newly constructed building should be determined by the character and purpose of the structure, this is to be determined principally by examining its physical and design features. As previously outlined the extension is constructed from plywood and is largely devoid of any typical domestic features, including windows, with the exception of a single window serving the playroom, the only part of the dwelling which is presently being utilised.
- 5.13 The remainder of the extension comprises of a single uninhabitable room, which is poorly lit and devoid of natural light. The ground floor is unfinished and comprises of rubble hardstanding and the structure is uninsulated. The vast majority of the structure is unused and is presently uninhabitable. Counsel's opinion is that the structure in its present form would not represent, by reason of its use or appearance a residential structure and as such would not fall under a domestic use explicitly permitted under Class A of the GPDO.
- 5.14 There is significant evidence to suggest that the extension was constructed as a device to achieve planning consent for a replacement dwelling. It could be theorised that the structure is sui-generis in its use; alternatively it could be suggested that the building forms some form of storage use, Counsels view however is conclusive that the structure does not fall under a domestic use.

Are the materials of a similar appearance of those of the existing dwellinghouse?

- 5.15 Condition (a) of Part I Class A of the General Permitted Development Order 1995 specifies that the materials used within the external surfaces on an extension to a dwellinghouse must be 'of a similar appearance to those used in the construction of the existing dwellinghouse'.
- 5.16 The existing dwelling is constructed principally from stone, though the west elevation and a section of the south elevation comprises of rendered brickwork painted white. Condition (a) of Part I, Class A of the GPDO does not specify how the exterior of the dwelling should be considered when determining whether materials used in an enlargement are similar to those in the existing dwelling. This would be a planning judgement in the case of where multiple materials of notably differing types are present. An assessment is therefore based on fact and degree as to whether the materials used in the elevations of the extension constitute a significant quantity of the materials used in the existing dwelling and whether an extension would therefore be similar in this regard.
- 5.17 In this instance the significant majority of the existing dwelling is constructed from stone. Painted render is clearly a secondary material, although this does not make up an insignificant portion of the dwelling. Notwithstanding this however, it is noted that the extension is constructed from painted plywood as opposed to either stone or painted render. Whilst the plywood used in the extension is painted white to try to match the main dwelling and may from a distance look superficially similar to the adjacent white rendered brickwork of the existing dwelling on close inspection the two materials do not look the same. For these reasons officers consider that the development would not satisfy the relevant conditions of the 1995 GPDO and is subsequently unlawful.
- 5.18 The lawful status of the extension is of significant material relevance to the determination of the planning application. Having sought Counsels advice regarding the lawful status of the building, officers consider that there are substantial grounds to suggest that the extension is unlawful on the basis of the present use of the building, in addition to the developments non-compliance with the relevant conditions of the 1995 GPDO. As the extension is deemed unlawful the additional scale and footprint of this element should not be considered when assessing the in principle merits of an application for a replacement dwelling on this site, particularly given that the site is on Green Belt Land.
- 5.19 The original property minus the additional structure is a dwelling of modest scale and footprint and the proposed replacement dwelling would clearly be significantly larger in scale. Notwithstanding all other material planning considerations officers consider that the erection of a much larger property proposed would therefore be directly contrary to the provisions of Policy NE5 of the Existing Local Plan; Policy OS2 of the Emerging Local Plan and Paragraph 89 of the NPPF, each of which aim to protect the open character of the Green Belt.

Siting, Design and Form

- 5.20 Notwithstanding the overriding points raised above, officers consider that the proposed dwelling is of a reasonably good design quality. The original dwelling is a modestly sized vernacular farmhouse, although the building itself is not of sufficient architectural merit whereby its loss would be unduly harmful. Officers note that the scale of the dwelling has been amended, with a reduction made in the roof height of the dwelling.

- 5.21 The applicants have suggested that the proposed replacement dwelling would be a visual and design enhancement when considering the addition to the front of the property, however for reasons mentioned above officers give no weight to this given that the structure is deemed to be lawful and should not be considered as part of the host dwelling. Notwithstanding the fact that design of the dwelling would be broadly in keeping with that of the local vernacular, the dwelling proposed is substantially larger in scale than the host property and consequently would appear significantly more prominent within the immediate landscape setting.
- 5.22 The site is located within the Eynsham Vale landscape character area and falls within an area characterised as semi-enclosed rolling vale farmland. The area is characterised by relatively flat low lying land, with moderate intervisibility. The existing dwelling is only partially visible in public views, which are predominantly from Lower Road to the west of the site. The plywood structure to the front of the dwelling is more prominent in these views, however given the deemed unlawful status of the building it would not be expedient to take into account the visual impact of this structure.
- 5.23 Accounting for the open character of the landscape and accounting for the relative visibility of the site, particularly from the west, officers consider that the proposed replacement dwelling would appear substantially more prominent when compared with the existing modestly sized dwelling. Taking these factors into account officers consider that the proposed dwelling by reason of its increased scale and mass, relative to the existing property would have an adverse impact on the open, rural landscape character of the immediate area and Green Belt.

Highways

- 5.24 The proposed replacement dwelling would be served by an existing means of access serving the existing dwelling. There would be adequate parking provision to serve the replacement dwelling. Officers consider that the development would have no significant adverse impacts with regards to highway safety or amenity.

Residential Amenities

- 5.25 Owing to the remoteness of the site, the proposed development is considered to have no adverse implications with regard to the residential amenity of any adjacent properties.

Flood Risk

- 5.26 Notwithstanding the fact that the site lies adjacent to the River Evenlode, the area of land where the dwelling is proposed falls within flood zone 1, eastern parts of the site lie within flood zones 2 and 3 though no development or any means of access is proposed within this particular part of the site. The replacement dwelling would be located further from the river than the existing property.

Conclusion

- 5.27 Permission is sought to erect a large replacement dwelling within an open area of countryside which lies within the parameters of the Oxford Green belt where development is subsequently restricted under the provisions of NPPF Paragraph 89 as well as existing Local Plan Policy NE5 and Emerging Local Plan Policy OS2. The principle of a replacement dwelling of this scale is sought on the basis of a constructed 39 metre long 'extension' which the applicants claim is

lawful under the provisions of Part I Class A of the General permitted Development Order 1995 and consequently forms part of the existing dwellinghouse.

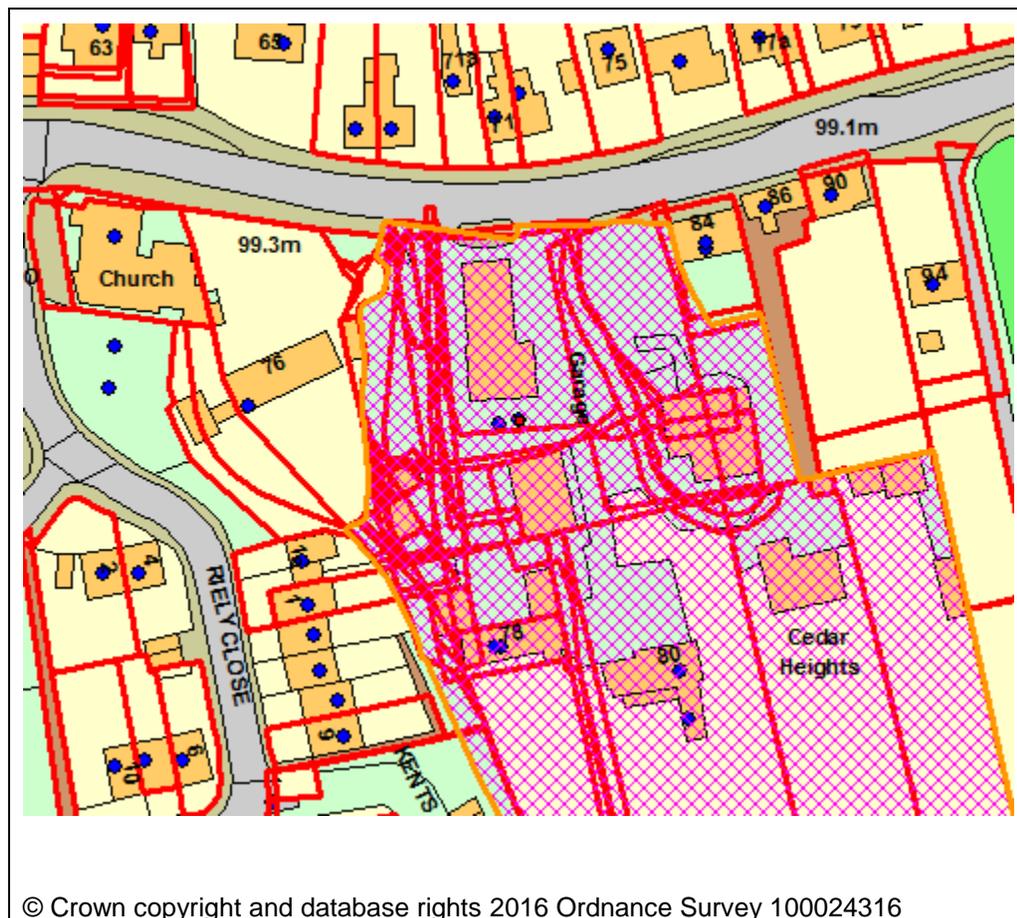
- 5.28 Officers have sought Counsels opinion on this matter and are of the view for the reasons expressed in this report that the structure does not form a lawfully permitted extension to the domestic dwelling and therefore the scale of this structure should not be accounted for when assessing the comparative scale of the replacement dwelling compared with the original property.
- 5.29 Consequently, by reason of the significantly greater scale of the replacement unit compared with that of the authorised dwelling officers consider that the development would be contrary to the provisions of Policy NE5 of the Existing Local Plan; Policy OS2 of the Emerging Local Plan and Paragraph 89 of the NPPF, each of which aim to protect the open character of the Green Belt. Furthermore by reason of the increased scale, volume and mass of the replacement, the development would erode the open, rural character of the immediate landscape setting, contrary to the provisions of Policies BE2, NE1, NE3 and H2 of the Existing Local Plan and Policies OS2, EH1 and H6 of the Emerging Local Plan.
- 5.30 Should members concur with officers recommendation of refusal, officers would consider it expedient to take formal enforcement action in relation to the construction of the front extension to the property.

6 REASONS FOR REFUSAL

- 1 The proposals would amount to the inappropriate development of a substantially larger replacement dwelling within the Oxford Green Belt, contrary to the provisions of Policy NE5 of the Existing West Oxfordshire Local Plan 2011; Policy OS2 of the Emerging West Oxfordshire Local Plan 2031; and Paragraph 89 of the NPPF which aim to protect the open character of the Green Belt.
- 2 The proposed replacement dwelling by way of its additional scale, volume and mass, as compared with the authorised dwelling would have a detrimental impact on the open rural character of the immediate landscape setting. Consequently the development would be contrary to the provisions of Policies BE2, NE1, NE3 and H2 of the Existing Local Plan 2011; Policies OS2, EH1 and H6 of the Emerging West Oxfordshire Local Plan 2031; and the relevant provisions of the NPPF.

Application Number	17/00309/FUL
Site Address	Oliver's Garage 80 - 82 Main Road Long Hanborough Witney Oxfordshire OX29 8JY
Date	20th September 2017
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Hanborough Parish Council
Grid Reference	442197 E 214112 N
Committee Date	2nd October 2017

Location Map



Application Details:

Demolition of all existing buildings, formation of a new access from Main Road and erection of 25 new houses and apartments with ancillary car parking and garaging

Applicant Details:

Mr Jim Rawlings
Rectory House
Thame Road
Haddenham
Aylesbury
HP17 8DA

I CONSULTATIONS**I.1 Parish Council**

The Parish Council do not intend to object to this Application. Although for many reasons the Parish Council largely supports the Application, they nevertheless wish, first, to comment on the impact of the development on school places at Hanborough Manor School, and second, they would like certain amendments to be considered. The Council's reservations will be stated before dealing with the Application's merits.

Identified in the West Oxfordshire Local Plan (WOLP, 9.5.32) as being of key consideration, the Manor School is already at full capacity. Even the possible seven or eight children that the development could generate would be a serious issue for school places, especially in view of the proximity of the development to the school, and the policy of taking children from homes closest to the school.

Hanborough has an increasing older population, and relatively old demographic profile. The inclusion of four apartments in the application for 25 houses would provide a valuable opportunity to meet the requirement in the Local Plan (WOLP CO6 (5.68-5.69-5.78) and H4), identified in SHMA (2014), for housing for older persons within a suitable sustainable place. The Parish Council would like the four apartments, nos. 22-25 of the site, to be designated as part of a sheltered housing or assisted living scheme. This also meets the NPPF (50) requirement for a mix of housing in developments.

The location of apartments for older people in the centre of the village at this site would be ideal in respect of its proximity to shops and the dentist.

The Parish Council would like more trees to be included along both sides of the road through the site, so that for pedestrians and motorists passing it on the A4095 it appears more tree-lined and less urban.

The Council would also like to see an arboreal maintenance scheme in place to cover the first three years of planting.

In order to maintain the continuity of adjacent limestone facades along the south side of the A4095, the Parish Council would like the facades of the houses nos.1 and 2 and nos.22-25 to be all limestone clad, and for the porches of nos.22-25 to match those of houses nos. 1 and 2.

It is not clear from the layout which or how many of the houses would be built in red brick, but for the whole of, or majority of, the

houses in the development to be built in stone, would enhance the appearance and good design of the development.

However, on other accounts, the application would be a welcome addition to the housing developments in the Parish.

Currently a garage, the site is on the West Oxon Brownfield Register, ref BR21, for 25 houses, as a suitable location for residential development although this would involve loss of its commercial use (NPPF, 17). As such it is one of the two sites promoted by SHELAA for housing development in Hanborough, and accords to the proposed Local Plan (NPPF, 12, 14, 15, WOLP Policies OS2, H2).

The proposed development would be a valuable opportunity to improve dramatically the streetscape on the north side of Main Road of Hanborough, at the centre of the village (WOLP, CO2). The garage, comprising several businesses, is located next to and facing houses, and is so positioned on the A4095 that it can be seen prominently for a quarter of a mile by motorists coming from the east, and passing a line of houses and open fields. There are no other large commercial or industrial sites near the garage, and with its wide and open access it bears no relation to the surrounding buildings. The development's location of a house on either side of the entrance to the estate would serve to continue this housing line on Main Road so that from a distance there would be an attractive view of houses. That on the right, nos. 22-25, would be the four flats for older persons. The site, 0.87 ha comprises 21 two-storey houses, and 4 apartments, all with front and good-sized back gardens. The entrance road swings to the left, so that the view from Main Road is straight down onto trees and gardens, and the Parish Council would like further trees to be added.

This is a relatively low-density layout and consists of 4 two-bed dwellings (the apartments) together with 3 three-bed houses, and 18 four-bed houses. It meets the NPPF (7, 49) and WOLP (OS1) requirements for a sustainable development, and contributes to a high quality and well-designed built environment

(NPPF, 55, 57, 187; WOLP, OS4). There is a variety of styles, built in limestone and brick. The design detail of the exteriors is distinctive, and the same details can be found in the houses in the recently built Blenheim Place estate on the A4095, near Wood Green, Witney. All are in an authentic vernacular style.

The significance of this development is that it could be a model for the quality of architecture, layout, and building materials of future developments and house building in Hanborough (NPPF, 58, 63). The village has been not well served in the past by the standards of housing estates that have been quickly constructed without imagination or design.

However, the increasing number of recent well-designed conversions to existing houses in the village shows the appetite and interest among residents for better house design and building quality. The Olivers development would establish a standard for what is achievable in Hanborough.

I.2	Major Planning Applications Team	Highways - no objection subject to conditions and legal agreement to provide contributions to bus services and bus infrastructure Drainage - more information required as regards sustainable drainage Education - condition regarding delivery of capacity at Hanborough Manor Primary School and contributions to primary school and nursery education. Archaeology - no objection - there are no archaeological constraints on this site.
I.3	WODC - Arts	A S106 contribution of £5,250 towards creative activities and events offsite in the vicinity of the development and wider village to help develop opportunities for the residents of the new settlement and the existing community to meet and come together.
I.4	WODC Architect	No comments received
I.5	Biodiversity Officer	No objection subject to conditions
I.6	ERS Env Health - Uplands	No objection subject to condition regarding potential noise. No objection subject to condition regarding contamination.
I.7	WODC Housing Enabler	In order to be policy compliant a 50% affordable housing contribution would be required. In general terms the Council's guidance is that the affordable housing scheme mix and unit types should comply to the following; 70% affordable rent and 30% shared ownership 65 of the affordable to be smaller dwellings for; single people, childless couples, small families and those requiring level access, 35% of the affordable provision to be larger family homes, of say 4 persons and upwards. To be policy compliant, ideally the scheme would provide for; 12 affordable dwellings, of which 8 would be for affordable rent and 4 for shared ownership Affordable Rent = 2 x 1BF, 2 x 2BF, 3 x 2BH and 1 x 3BH Shared Ownership = 2 x 2BH and 2 x 3BH
I.8	WODC - Sports	£1,156 x 25 = £28,900 off site contribution towards sport/recreation/community facilities within the parish of Hanborough £818 x 25 = £20,450 for the enhancement and maintenance of play/recreation areas within the parish of Hanborough.
I.9	Thames Water	No objection
I.10	WODC Env Services - Waste Officer	No comments received

2 REPRESENTATIONS

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

- Lack of landscaping and open space.
- Lack of mitigation for wildlife.
- 25 units too many.
- Increase in traffic.
- Overlooking, loss of privacy and loss of light.
- (vi) Noise and disturbance.
- No social housing included

2.2 An expression of support has been received referring to:

My family and I have been residents in Long Hanborough for almost 20 years now. We have seen the plans for redevelopment of Oliver's Garage and we are in full support. Due to the other developments intended for the village we feel the need for affordable housing will be met.

2.3 Two general comments have been received referring to the following matters:

- Oliver's Garage did consider closing but will be expanding and relocating to an industrial unit on the edge of North Leigh.
- The occupant of No.76 Main Road is generally supportive of the application but has concerns regarding the stability of the bank that forms the boundary between that property and the application site.

3 APPLICANT'S CASE

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

3.1 The NPPF encourages the effective use of land by re-using land that has been previously developed and focuses development on sustainable locations. Where a five year supply of housing land cannot be demonstrated or where relevant policies are out-of-date, planning applications for residential development should be considered favourably against Paragraph 14 of the NPPF. It is our view that the Council cannot currently demonstrate a five year housing land supply. In these circumstances, the policies relating to the supply of housing cannot be considered up-to-date.

3.2 Long Hanborough is defined as a Group C Service Centre within the Local Plan 2011 which represents the most sustainable grouping of settlements in the West Oxfordshire Settlement Hierarchy with the greatest range of facilities, services and transport accessibility. Long Hanborough is suitable for development of an appropriate scale and type that would help to reinforce its role particularly where it makes use of previously developed land as proposed here.

3.3 In preparing its emerging West Oxfordshire Local Plan 2031 and with regard to the proposed Main Modifications, the Council has acknowledged that the principle of residential development of the application site is acceptable for the delivery of 25 residential units. The suitability of the site for residential development is also supported by the SHLAA. The site is now available for development as the current owners have decided to close the existing businesses.

- 3.4 In light of the above factors, it is considered that the proposal accords with the provisions of the NPPF in that it represents a sustainable form of development with no major adverse impacts. Consequently, the planning balance weighs in favour of the application which should therefore be approved by the Local Planning Authority without further delay so as to allow this scheme to make a valuable contribution towards the housing land supply deficit that currently exists in the District.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE8 Development affecting the Setting of a Listed Building
BE18 Pollution
BE19 Noise
H2 General residential development standards
H7 Service centres
H11 Affordable housing on allocated and previously unidentified sites
NE6 Retention of Trees, Woodlands and Hedgerows
NE13 Biodiversity Conservation
T1 Traffic Generation
T2 Pedestrian and Cycle Facilities
T3 Public Transport Infrastructure
TLC7 Provision for Public Art
EH2NEW Biodiversity
EH6NEW Environmental protection
EH7NEW Historic Environment
EW2NEW Eynsham-Woodstock sub-area
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
OS5NEW Supporting infrastructure
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is a full application for the erection of 25 dwellings on a brownfield, infill site south of Main Road, Long Hanborough. The site has varying levels, but much of is at a lower level than the road and surrounding development. Adjoining development is residential. The layout shows the proposed houses arranged off one estate road with access from Main Road. All properties would be 1.5 storey or 2 storey in height.

- 5.2 The site is not within a designated area and lies outside the Millwood End and Church Hanborough Conservation Areas, and the AONB. No.76 Main Road is Grade II Listed and lies immediately to the west of the site.
- 5.3 The site is currently occupied by a former petrol filling station that is now redundant, three separate buildings used for car repair related operations, three detached bungalows and domestic garages. There is a complex planning history associated with the site, but no specific applications are considered to have a bearing on the assessment of this application.
- 5.4 The site is identified as suitable for development in the SHELAA November 2016, as site 169, and is a proposed allocation in the emerging Local Plan 2031 under Policy EW1g.
- 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
 Siting, design and form
 Impact on heritage assets
 Highways
 Trees, landscaping and ecology
 Drainage
 Affordable housing
 S106 matters

Principle

- 5.6 Long Hanborough is classified in the Local Plan 2011 as Group C settlement (service centre). Based on the settlement sustainability, weighted assessment (Nov 2016), the village is ranked eighth of the nine service centres assessed in terms of services and facilities available.
- 5.7 The village benefits from services, including a primary school, community buildings, recreation facilities, shops and pubs.
- 5.8 Local Plan 2011 Policy H7 allows for infilling or rounding off within service centres.
- 5.9 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.
- 5.10 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.

- 5.11 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 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.
- 5.12 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council has made a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.13 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in 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.
- 5.14 Emerging Local Plan 2031 Policy OS2 refers to the main service centres being the focus for a significant proportion of new homes. The villages are noted as suitable for limited development which respects village character and local distinctiveness and would help to maintain the viability of these communities. The site is allocated under Policy EW1g. Emerging Policy H2 allows for housing development on undeveloped land within or adjoining the built up area where the proposal is necessary to meet housing needs and is consistent with a number of criteria (now expressed in OS2), and is consistent with other policies in the plan.
- 5.15 With reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.16 Given the size and shape of the site, the cul de sac arrangement proposed represents a good use of land. The density is approximately 28 dwellings per hectare, reflecting that the majority of units are family houses with good sized gardens. The removal of the garage operation would result in an enhancement to the amenity of neighbouring residential properties by reducing noise, smell and general disturbance.
- 5.17 A number of units would address Main Road to provide a frontage. These are designed in a cottage style and reflect the older properties in this locality which face the road. The building to the west of the access has the appearance of a row of three cottages, but is 4 flats. This building has parking to the rear providing 9 parking spaces.

- 5.18 The layout allows for garden frontages, more than adequate private gardens, and for the most part on-plot parking. There is no communal open space, but this wouldn't be required on a scheme of this size. The scheme as a whole provides 58 parking spaces which is more than 2 per unit. The design reflects vernacular forms, and interest is achieved with the use of front gables, dormers and bay windows. The walling material would be natural or artificial stone, with slate or tile roofs. Samples of walling and roofing would be required by condition.
- 5.19 The interface distances between some front elevations fall short of the preferred 21m distance, for example at around 15m. However, pushing buildings back from the access frontage would unacceptably reduce private amenity space and therefore reduce the number of units that can be accommodated. On this brownfield, urban site it is desirable to make best use of land and a higher density and more tight-knit public realm is not objected to on this occasion.
- 5.20 In relation to existing neighbouring development, a separation of approximately 25m is achieved between the rear plots and Kent's Bank to the south. A minimum of 25m is achieved to properties in Riely Close. This is considered acceptable. The minimum distance between the proposed flats on the frontage and properties on the north side of Main Road is approximately 17m at its closest point, but given that most of the front elevation of the flats would face the gap between Nos.69 and 71 Main Road the perception of being overlooked would be reduced. No.76 Main Road sits to the west of the site at an angle to the development and would not be directly overlooked by either the proposed flats or Plot 21. No.84 Main Road to the east would be gable to gable with plot 2 which is splayed slightly away. There would therefore be no overlooking. Nos.86, 90 and 94 Main Road are set further away and would be some distance from any of the new dwellings.
- 5.21 Given the distances between properties, and the aspect and orientation of buildings, it is considered that there would be no unacceptable loss of light. As described above, there is some compromise on privacy standards to front elevations, but this allows for a greater level of amenity in relation to rear elevations and private gardens.
- 5.22 As there is variation in levels across the site, and likely to be a requirement for some levelling of ground, it would be necessary for finished floor levels of the new dwellings to be agreed by condition.
- 5.23 In general design terms the proposal is appropriate to this built-up village setting and would be in keeping with its character and appearance.

Impact on heritage assets

- 5.24 The site lies outside the Conservation Areas of Millwood End and Church Hanborough. However, it lies adjacent to the Grade II Listed No.76 Main Road (Ryles Cottage). It is therefore necessary to have regard to the provisions of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as regards the setting of this building.
- 5.25 The house dates from the C15 and is believed to have been remodelled in the C17. It is built in coursed limestone with a gabled thatch roof and cruck frame. Originally the cottage would have been one of few buildings in the settlement which was sporadic and rural. The building itself lies approximately 4.5m from the western site boundary which is formed by an embankment, with the application site at a lower level.

- 5.26 The setting of the house is currently significantly compromised by the adjacent commercial, utilitarian buildings on the application site and the nature of the car repair use, which also results in large numbers of cars being parked on the site during working hours. Although the proposed dwellings, in particular Plots 21 to 25, would be sited closer to the listed building than the existing buildings, their proposed vernacular design, scale and residential use would bring about a net improvement in the setting of the listed building. Whilst there is some residual harm, this is judged less than substantial under paragraph 134 of the NPPF. This harm needs to be outweighed by public benefits.

Trees, landscaping and ecology

- 5.27 There are a number of trees on and adjoining the site, some of which would be removed to facilitate the development. For the most part, peripheral trees to the boundaries of the site would be retained. New planting would be introduced as part of the proposed layout and details can be secured by condition.
- 5.28 Buildings would be set away from the boundaries and tree protection measures can be the subject of condition.
- 5.29 The plots at the front of the site have limited front gardens, but the other houses lining the access road would have frontage garden planting which would enhance the appearance of the development.
- 5.30 The submitted ecological reports have been considered by the Council's Biodiversity Officer and no objection is raised subject to conditions. These would include a Construction Environmental Management Plan and Landscape and Ecology Management Plan.

Highways

- 5.31 Access would be taken from Main Road and one cul de sac formed from which all the properties would be accessed. The site is located within a reasonable walking and cycling distance of village facilities, including the Co-op store, post office and primary school.
- 5.32 OCC raises no objection on highways grounds in relation to the access arrangements and traffic generation.
- 5.33 In order to improve public transport, financial contributions would be required towards bus services and bus infrastructure.

Drainage

- 5.34 The site area is entirely within Flood Zone 1, and therefore at low risk of flooding. Although OCC has some reservations about the drainage scheme proposed, because it is not best engineering practice, they don't raise objection.
- 5.35 Thames Water has no objection in relation to the proposal in terms of foul drainage capacity and water supply.

Contamination

- 5.36 The application was accompanied by a contamination assessment. This confirms contaminants are present on the site. Further supplementary ground investigation is required following clearance of the site, concentrating around areas associated with the former fuel tanks, vehicle inspection pits, drainage infrastructure and below existing footprints of buildings. A detailed remediation strategy will be needed to address the contamination.
- 5.37 WODC Environmental Health Officer has made a number of observations regarding the submitted contaminated land report. No objection is raised subject to a condition dealing with further site investigation and remediation being approved and implemented.

Affordable housing

- 5.38 The requirement for affordable housing in this location under Local Plan Policy H11 and emerging Local Plan Policy H3 is 50%. However, the applicant submitted a viability assessment claiming that the provision of any affordable housing would make the scheme unviable, and accordingly no affordable housing was offered. The submitted report has been assessed independently by a consultant engaged by the Council, and subsequent additional information has been exchanged between both parties to assist the assessment.
- 5.39 The conclusion of the independent consultant is that the scheme cannot deliver the full 50% affordable, but would be viable at 32% provision. The applicant maintains their position that the development would not be viable if any affordable housing was provided. Nevertheless, they have latterly made a without prejudice offer of £150,000.00 towards off-site affordable housing provision. Officers consider that this would not appropriately address the matter and the proposal does not comply with Policies H11, H3 and criterion (a) of allocation policy EW1g .

Other matters

- 5.40 It is noted that part of the south and west boundary is formed by an embankment. Given the extensive site clearance required it is likely that some change to existing levels will occur, although finished levels have not been determined at present. The concern of the occupier of No.76 Main Road is noted as a car parking area is to be located close to the boundary in this location. It is likely that a retaining wall be required.
- 5.41 It is considered that a condition requiring details of levels and any required retaining structures would cover this.

S106 matters

- 5.42 A 32% on-site contribution to affordable housing is required as set out above.
- 5.43 A contribution of £5,250 towards creative activities and events off-site to develop opportunities for the residents of the new development and the existing community to meet and come together.
- 5.44 A contribution of £28,900 off site contribution towards sport/recreation facilities in the area. In addition, £20,450 for the enhancement and maintenance of play/recreation areas in the area.

- 5.45 Expansion of primary school provision in the area would be required as a direct consequence of this proposed housing. Hanborough Manor CE Primary School is the catchment school for this development. Hanborough Manor's current school site is significantly below the government minimum guidelines for a 1.5 Form Entry (FE) or larger school. To facilitate the necessary expansion of the school, sufficient and satisfactory additional site area for the school needs to be secured.
- 5.46 There are two current separate proposed routes towards securing sufficient site area:
- 1: The S106 agreement for the Witney Road, Long Hanborough development (14/1234/P/OP) secures the county council an option on an off-site playing field which would enable the school to expand. The option period runs for 5 years from the date of implementation of the Witney Road permission, but this solution will only be guaranteed once this permission is implemented.
- 2: The planning application 14/1102/P/OP, Church Road, includes additional land for education purposes, and provides for the pre-school, currently on the school site, to be relocated. The site would also need to implement for the County Council to have an option on the additional school land.
- The County Council does not yet have certainty that either option will provide the necessary land to enable the school to expand. However, in line with the approach agreed at the recent appeal on site 15/03797/OUT, the County Council is willing to not to object to this proposal if the planning permission is granted subject to a strict condition preventing occupation until the school's ability to expand has been confirmed.
- 5.47 If the application is approved, £149,942 would be required for the necessary expansion of permanent primary school capacity serving the area, at Hanborough Manor School.
- 5.48 An Early Years education contribution is required in the sum of £15,361 as a proportionate contribution to sustainable provision of sufficient nursery education provision.
- 5.49 A contribution of £1,000.00 per dwelling towards bus services and £2,180 towards the provision of a new pair of poles and flags to mark the existing bus stops in the vicinity of the site.

Conclusion

- 5.50 The site is located within the village envelope and within a reasonable distance of the village amenities and facilities. It is considered a suitable location for some new development. This is recognised in policy OS2 of the emerging Local Plan. The site is specifically allocated as suitable and available for development under emerging Local Plan policy EW1g. The principle of the proposal is therefore acceptable.
- 5.51 The design and form of the development is acceptable. With regard to siting, Officers have some reservations about front elevation interface distances, but on balance on this brownfield urban site this is also accepted. The appearance would be compatible with the character of the area.
- 5.52 OCC raises no objection in highways terms and the site is in a sustainable location.
- 5.53 The site is contaminated land and would require remediation and specific construction techniques. No objection is raised by WODC Pollution Control Officer subject to condition.

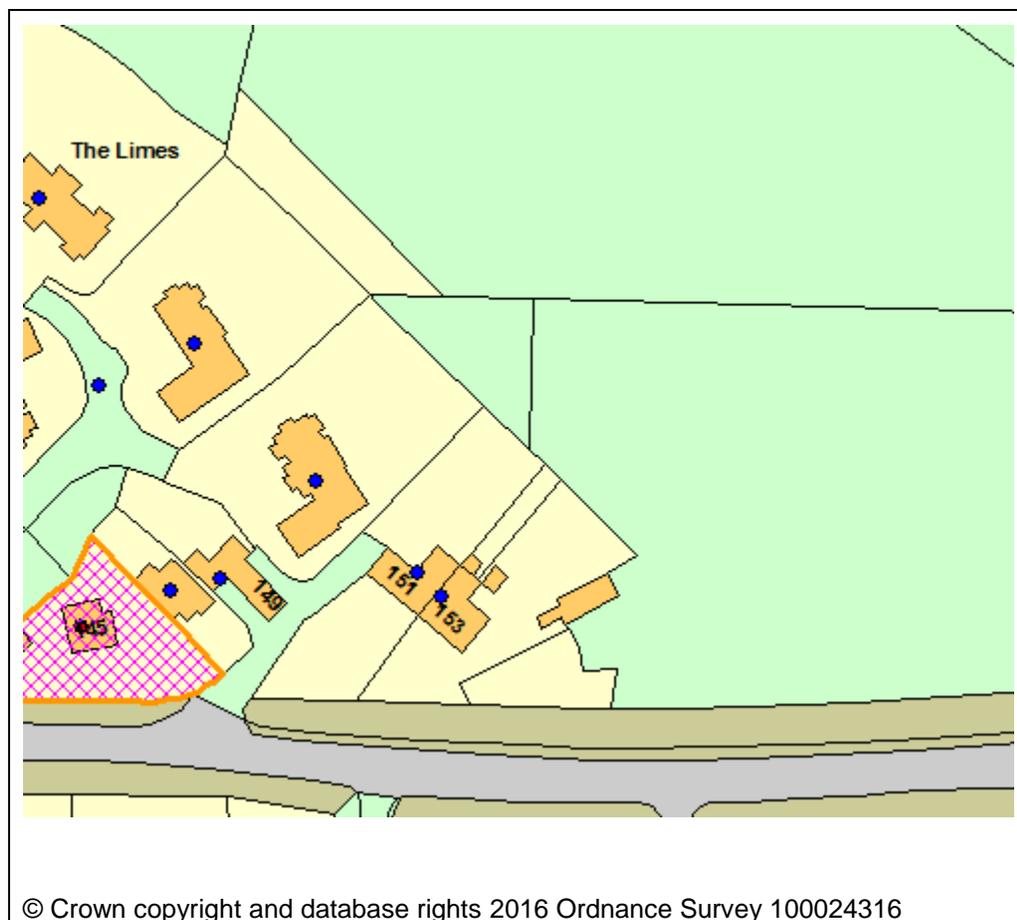
- 5.54 The site is in Flood Zone I and at low risk of flooding. A suitable drainage scheme can be agreed by condition. No objection is raised by Thames Water as regards foul drainage.
- 5.55 Ecological mitigation and enhancements are capable of being addressed by condition.
- 5.56 There is no reason to believe that the residential amenity of existing residents or future residents would be affected to an unacceptable degree by the development. Short term effects as regards construction traffic and disturbance are to be expected and occur wherever significant development takes place. The development would be subject to a construction management plan. Overall there is likely to be an improvement to residential amenity arising from removal of a non-conforming use.
- 5.57 As regards the neighbouring listed building, No.76 Main Road, there is some residual harm to its setting which is judged at the lower end of less than substantial, taking account of the currently compromised setting. This limited harm is outweighed by public benefit of the delivery of new housing and its associated social and economic benefits.
- 5.58 Given that the saved Local Plan Policies for the supply of housing are out of date, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently definitively demonstrate a 5 year supply of housing. In this context, paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.59 The delivery of new housing, as well as the economic benefits associated with the construction of new dwellings and local spend are acknowledged. The proposal would also have the environmental benefit of remediating a contaminated site and resolving an incompatibility of adjoining land uses. However, the delivery of affordable housing is a key objective of the Council and Officers consider that the scheme could provide 32% affordable housing on-site. Accordingly, the lack of on-site affordable housing fails to meet the social role of sustainable development and would not meet the objective of widening housing choice and creating mixed and inclusive communities. This is contrary to Local Plan Policy H11, emerging Local Plan Policies H3 and EW1g, and the provisions of the NPPF. On this basis, failure to provide an appropriate level of affordable housing (notwithstanding the applicant's offer of an off-site contribution) represents significant and demonstrable harm that is not outweighed by the benefits noted. The application is accordingly recommended for refusal.

6 REASON FOR REFUSAL

- 1 It has been assessed by the LPA that the proposed scheme can deliver 32% on-site affordable housing. However, the applicant has only offered £150,000.00 off-site contribution. The lack of on-site affordable housing fails to meet the social role of sustainable development and would not meet the objective of widening housing choice and creating mixed and inclusive communities. This is contrary to West Oxfordshire Local Plan Policy 2011 Policy H11, emerging West Oxfordshire Local Plan 2031 Policies H3 and EW1g, and the provisions of the NPPF, in particular paragraphs 7, 9, 17, and 50. The applicant has not entered into a legal agreement to provide the required affordable housing and other contributions to community infrastructure and public transport, and the proposal is therefore also contrary to West Oxfordshire Local Plan 2011 Policy BE1, emerging West Oxfordshire Local Plan 2031 Policy OS5, and NPPF paragraph 203.

Application Number	17/01607/HHD
Site Address	145 Main Road Long Hanborough Witney Oxfordshire OX29 8JZ
Date	20th September 2017
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	442794 E 214328 N
Committee Date	2nd October 2017

Location Map



Application Details:

Erection of single storey side extension. (Amendments to include reduction of part of the eaves overhang on the eastern elevation) (Part retrospective)

Applicant Details:

Mr And Mrs A Edwards
145 Main Road
Long Hanborough
Witney
Oxfordshire
OX29 8JZ

I CONSULTATIONS

- I.1 Parish Council HPC has the following comment to make on the applicant's offer to cut back his building's eaves in order to render retrospective application 17/01607/HHD acceptable:
1. Parish councillors did not object to the original extension drawings approved in May 2016, nor to the subsequent unauthorised version that shows what has actually been built, because we believed that neither breached the guidelines used by WODC regarding tolerable overshadowing.
 2. This belief is supported by a planning officer's advice, following a site visit in December 2016, which was (the applicant alleges) that "all the measurements were within acceptable tolerances," despite some having been increased without permission.
 3. A neighbour, who objects to the extension as built (with or without reduced eaves), disputes that the final measurements comply with standards of acceptability; for example, he is unconvinced that sufficient account has been taken of how the angle of sunlight changes with the seasons.
 4. On a site visit prior to the Uplands Planning Committee meeting of 7th August 2017, members are reported (by the enforcement planner involved) to have found the extension "overbearing" in addition to "overshadowing" (the latter despite alleged officer advice to the contrary).
 5. In search of a solution, the enforcement officer told the applicant that: "if nothing can be done with the overall height (of the extension), then reducing the size of the eaves may be a sensible compromise." The neighbour has told HPC that he does not find that compromise satisfactory.
 6. HPC does not have enough information to make a judgement. We are content for WODC officers to do so.
- I.2 Parish Council Hanborough Parish Council have no objections to this application.

2 REPRESENTATIONS

- 2.1 Following from the three letters of objection, which were submitted in respect of the now superseded retrospective plans, from Mr and Mrs Man at 147 Main Road, Mr Sailsbury on behalf of Mr and Mrs Man, and A. Stevenson at 149 Main Road, Mr Man has submitted a further objection letter in respect of the amendments. Full versions of these representations with photographs can be viewed on the Council's website. Below is a summary of the points made in Mr Mans objection letter:

- The new proposed drawing which was uploaded on 21st August only seeks to reduce the width of the eaves but does not address the height of the extension. There has been no explanation from the officer or applicants on why there is an absence of a proposal on the height.
- Due to the closeness of the extension to the boundary that the height of the extension impacts the light entering my front living room window. I believe lowering the height back down to 2.6metres (originally approved height) would significantly improve the light entering my living room window.
- My comments on the proposal to cut the eaves back to 300mm would improve the overshadowing but only for part of the day. However, I have my concerns as this would alter the overall design of the extension to result in an awkward looking development.
- To conclude, based on this proposal, we would still suffer excessive overshadowing to my living room window depriving my family enjoyment of light and therefore enjoyment of our house.

3 APPLICANT'S CASE

- 3.1 A full version of the Planning Statement submitted can be viewed on the Council's website. It is concluded as follows:

We believe that the as built extension is appropriate for the site and location, has due regard to the amenity of neighbouring properties and does not have an undue visual impact in relation to its surroundings.

4 PLANNING POLICIES

BE2 General Development Standards

H2 General residential development standards

OS2NEW Locating development in the right places

H6NEW Existing housing

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

5 PLANNING ASSESSMENT

- 5.1 Members will recall that, following the August sub-committee meeting, prior to the issue of a refusal notice in respect of this application officers were requested to seek proposed amendments to the 'as built' development as to reduce the impact it had on the amenity of the occupants in neighbouring property, 147 Main Road, Long Hanborough.
- 5.2 The applicants have submitted amended plans which have been the subject of further consultation.
- 5.3 This application is now seeking part retrospective consent for the erection of a single storey extension at 145 Main Road, Long Hanborough. The site is not within any special designated areas of control. Planning permission was granted for a single storey side extension under ref. 16/01440/HHD. However, during the construction phase it came to light that the development was not being built in accordance with the approved plans. Therefore, the extension 'as built' is in breach of planning control. The submitted drawings show an increase in the height of the extension from 2.65m as approved to 2.8m as built. The height to eaves has not increased and

has been built in accordance with the approved plans to 2.2m. The increase in 15cm is on the roof 'hat' due to the required roof insulation. The eaves detail is the element of the application which has been amended. The plans approved under 16/01440/HHD show the eaves protruding out from the extension by 400mm. However, on site these have been built so that they protrude 620mm outwards. The amendment proposes to reduce the amount these eaves protrude down to 300mm along the North Eastern elevation which sits adjacent to no. 147 Main Road. A small section along this elevation at front of the extension will be retained at 620mm to ensure, from a design perspective, that the extension appears balanced. These amendments would result in a reduction of 220mm from what has been built on site and its actually 100mm shorter than the approved detail.

- 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
Siting, Design and Form
Residential Amenities

Principle

- 5.5 The principle of the erection of a single storey side extension to the property has already been approved through planning permission 16/01440/HHD. Officers now have to assess the additional impact of the increase in height of 15cm and the proposed reduction in the size of the eaves in comparison to the previously approved scheme with regard to the below considerations.

Siting, Design and Form

- 5.6 Officers do not consider that the increase in height results in any significant or harmful change to the approved design, form or siting of the extension. Whilst the amendment to the eaves detail will result in a stepped effect which may appear slightly contrived, the retention of the section at the front corner of the extension will ensure that the development appears balanced from the streetscene. As such, the application is considered to be acceptable in these terms.

Residential Amenities

- 5.7 In this regard, officers note the objections raised to the part retrospective development by the occupants of neighbouring property, No. 147. However, following a site visit to no. 147 officers are of the opinion that the increase in the height of the extension of 15cm does not result in any significant, additional harm. Further, the proposal to reduce the amount the eaves protrude along the north eastern elevation to 300mm, which is 100mm less than already approved and 220mm less than built on site, will not have any additional overbearing or overshadowing impact than that already approved. By virtue of the orientation of the dwellings, whilst the extension may result in the loss of some evening light to the front garden and potentially the front living area, officers consider that the increase in the height of the extension of 15cm would not have a significantly greater impact than that already approved. Further, by reason of its siting at an angle travelling away from the neighbour, its single storey form, and the existing 2m high fence which

sits along the boundary, the as built development is not considered to be overbearing or result in a loss of privacy to the detriment of No. 147.

Conclusion

5.8 In light of the above, the application is considered to be acceptable and compliant with policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011, OS2 and H6 of the adopted West Oxfordshire Local Plan 2031, and relevant paragraphs of the NPPF.

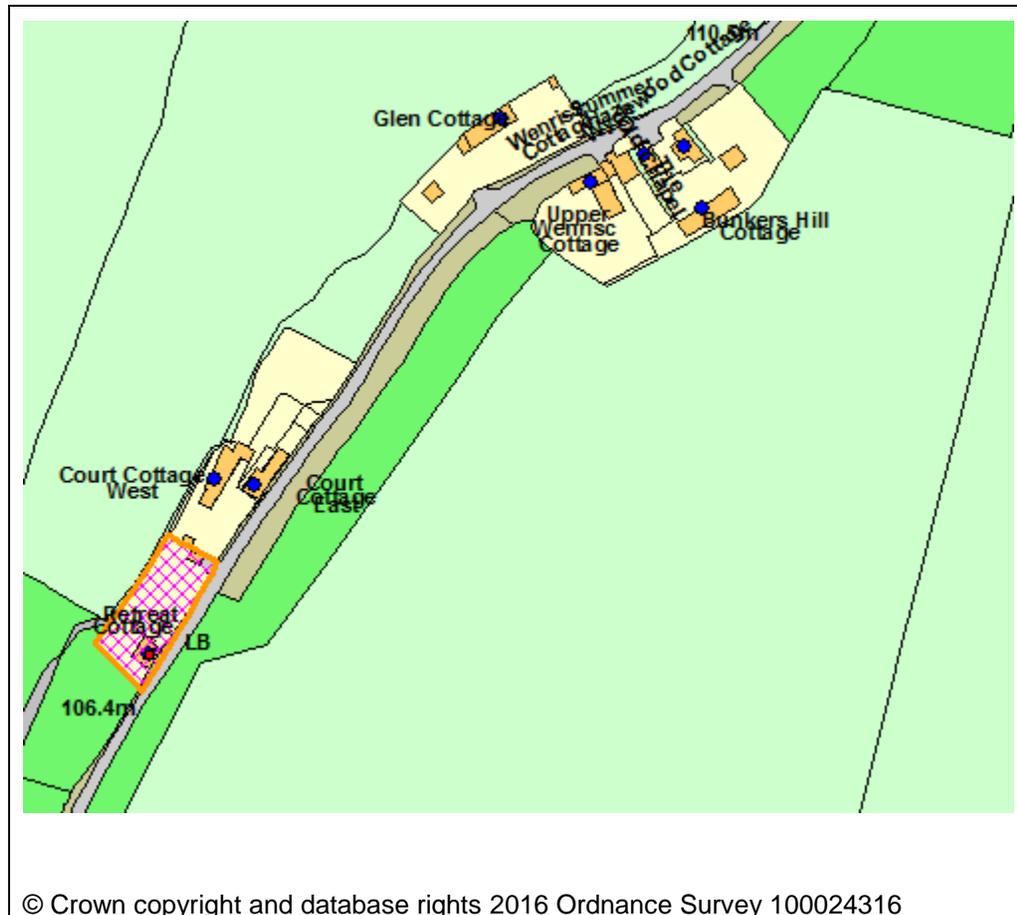
6 CONDITION

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.

Application Number	17/01939/FUL
Site Address	The Retreat Swinbrook Burford Oxfordshire OX18 4EE
Date	20th September 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Swinbrook Parish Council
Grid Reference	428149 E 212851 N
Committee Date	2nd October 2017

Location Map



Application Details:

Erection of annexe and attached car port.

Applicant Details:

Mr Bloor
The Retreat
Swinbrook
Burford
Oxfordshire
OX18 4EE

I CONSULTATIONS

- I.1 WODC Drainage Engineers
- Photos in the FRA show the brook has not been maintained very well and may be under the riparian ownership of the adjoining landowner.
- Under the SUDS hierarchy and building Control Regs, the first option for disposal of surface water should be infiltration, so soakage tests will be required.
- Soakaways should be designed to accommodate a 1 in 30 year + 40 % climate change storm event.
- The site drainage should be designed to accommodate surface water for all storm events up to and including the 1 in 100 year + 40% return period.
- Due to the remote location of the site and fall of the land, an exceedance flow plan is not required in this instance.
- 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 subject to
- G28 parking as plan
- I.3 Parish Council
- Whilst the height reduction of the annex is an improvement on the original plans this in no way detracts the Parish Councils original views that this is a new build with a worrying precedent set for infill in a Conservation Area within an Area of Outstanding Natural Beauty. The Parish Council are concerned about the potential change of use if the property is next sold without any covenants drawn up and still regard it as being far too close, indeed 'cheek by jowl' to the adjoining property, when it could have been incorporated into the current building on the property - especially since additional land has just been purchased and enclosed on the far side of The Retreat, furthest away from the neighbouring Court Cottages East and West. The addition of the close panelled wooden fence will help screen views but, I suggest, do little to alleviate noise nuisance.

2 REPRESENTATIONS

A total of 4 letters of objection have been received in relation to this application, these are summarised below:

- The development would represent infilling by stealth.
- Future ownership of the property needs to be considered when assessing future occupation of the annex.
- The proposals would not be subservient to the existing residential use of the site.
- The proposals would not preserve an existing building and seeks to replace the existing building with a larger structure.
- The proposals would amount to the creation of a new dwelling.
- The possibility of an extension to the existing dwelling has not be properly explored.
- The development would have an adverse impact on the amenity of the neighbouring properties.
- Approval would set a precedent for the erection further outbuildings in the immediate area or the conversion of existing outbuildings to alternative uses.
- The siting of the building immediately adjacent to Court Cottage would result in noise disruption and disturbance.
- The siting of the building in close proximity to the neighbouring trees would risk damaging the roots of these trees.
- The scale of the proposed building is not justified.
- The development would add to existing traffic problems.

3 APPLICANT'S CASE

Principle of development

- 3.1 The principle of ancillary annex buildings is controlled by Policy H2 of the West Oxfordshire Local Plan 2011. The policy outlines that where annexes are proposed as separate self-contained accommodation in locations where new residential dwellings would not normally be allowed, the applicants will be required to demonstrate why the accommodation cannot be provided in any other way. The supporting text further notes that these will only be granted where the occupancy can be controlled by planning condition.
- 3.2 In this case it is considered that there are special circumstances which justify the provision of a separate annexe associated with the main dwelling. The applicants are however, happy to have the occupancy of the building controlled by planning condition to ensure it is not occupied as a separate dwelling.

Personal circumstances of the applicant

- 3.3 One of the occupiers of the main dwellinghouse suffers from a long-term health condition which, sporadically requires short term care 24 hours a day. The nature of the health conditions means that the requirement for this care, whilst relatively infrequent at the current time, will increase in the future due to its progressive nature. In recent times the isolated location of the dwelling and nature of the illness has resulted in hospitalisation for medical intervention. In order to enable the applicant to remain at home during the episodes the decision to employ a live-in carer during these periods has been taken.

- 3.4 The live-in carer would be employed as required and, as noted above, the nature of the illness will mean that this may become more frequent as time progresses. The applicant has a desire to be able to remain in the comfort of his own home when required and would like to be able to maintain privacy. On this basis, the self-contained annexe is proposed to allow both the applicant and carer to have time apart during those periods when care is required.
- 3.5 It is therefore considered that the special circumstances of the applicant justify the need for the provision of self-contained accommodation.

Justification for the design solution

- 3.6 The existing cottage, although extended by the previous owner, has only three small bedrooms and a single bathroom. The main house therefore provides relatively limited space to provide separate areas for both the applicant and a carer.
- 3.7 As required by the policy, an extension to the main dwelling was considered as the first option however, it was considered that this option would likely compromise the character of the attractive locally listed vernacular stone cottage. Indeed, this matter is acknowledged by the Council's officer in response to the pre-application request.
- 3.8 In light of the above, the proposed accords with Policy H2 of the Adopted Local Plan and the general principles within OS2 of the emerging Local Plan.

Flood risk

- 3.9 A flood risk assessment is submitted alongside this letter. The report concludes that the site is at low risk of flooding from fluvial, overland flow, groundwater or local sewerage network sources. Additionally, the report outlines that the site would not give rise to any increase in flooding elsewhere.
- 3.10 On this basis, it is considered that the proposed development is acceptable and accords with the requirements of the NPPF.

Impact upon the Conservation Area and the setting of nearby Listed Buildings

- 3.11 The site is located within the Swinbrook Conservation Area. The Character Area Appraisal for Swinbrook notes its characteristic features as a dominance of vernacular buildings and the visual cohesion provided by the consistent drystone walls as boundary treatments. The views in and around Swinbrook are noted as being restricted and contained due to the nature of the surrounding topography.
- 3.12 With this in mind, the design and form of the building has been carefully considered to reflect the vernacular features exhibited in the existing built form. The building features a steeply pitched roof and narrow gable form and will be constructed of Cotswold stone and reclaimed stonesfield slates. The proposed development is considered to be a significant improvement compared to the existing pre-fabricated building. Whilst it is likely to be marginally more visible in the street scene due to the increased height it will remain a secondary and subservient structure to the main dwelling. The improved design would make a positive contribution to the character of this part of the Conservation Area.

- 3.13 The neighbouring buildings to the north east of the site, Court Cottage East and Court Cottage West, are Grade II listed buildings.
- 3.14 The significance of the adjoining listed buildings lies principally in their historic form and material dating back to the 17th and 18th Century and directly relates to the character within the defined character of the Conservation Area. The proposed annex is sited approximately 13.5m from these buildings. Direct views of the proposed annexe and the listed buildings are obstructed by a line of mature trees and the more recently constructed outbuilding located within the garden serving Court Cottage West.
- 3.15 The comments of the Council's officers regarding moving the proposed accommodation closer to the main property are noted however, this would result in the loss of a large proportion of the private curtilage of the property, would involve the loss of roadside hedging to enable the relation of the access to the site and would have a greater impact upon the character and setting of the locally Listed Building. On this basis, it was considered that replacing the existing garage was the most appropriate solution.
- 3.16 Having regard to the above, the proposed accords with BE5, BE8, NE3 and NE4 of the Adopted Local Plan and OS4 and EH1 of the emerging Local Plan.

Amenity of neighbouring properties

- 3.17 The only neighbours in close proximity to the proposal adjoin the northern boundary. This boundary is screened by a number of mature trees and a small outbuilding present within the garden of Court Cottage West.
- 3.18 Before the submission of this application, neighbours were consulted on a set of draft drawings and the plans were amended in order to address the concerns of the neighbour regarding overlooking. The comments regarding the small area to the rear (being used as a sitting out area) are noted, and whilst this is not considered to be harmful to the amenity of the neighbours, a fence along the boundary has been proposed. This area is only intended to be used by the applicants for storage.
- 3.19 The proposed development would not achieve any direct overlooking to the neighbours nor would it result in any harmful overbearing impact given the boundary planting.
- 3.20 In light of the above, the proposed will not have a harmful impact on the amenity of existing occupants and therefore accords with policies BE2 and H2 of the Adopted Local Plan and OS2 of the emerging Local Plan.

Highways/parking

- 3.21 The site will be accessed via the existing access from the unclassified road to the east. A car parking space will be provided within the new carport, with an additional 2-3 spaces located to the front of it. This provision creates a total of 3-4 parking spaces and therefore accords with the stated minimum requirement of the Oxfordshire Highways Parking Standards Guidance.
- 3.22 In light of the above, the proposal is deemed to accord with BE3 of the Adopted Local Plan and Policy T4 of the emerging Local Plan.

4 PLANNING POLICIES

BE5 Conservation Areas
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
NE4 Cotswolds Area of Outstanding Natural Beauty
OS2NEW Locating development in the right places
OS4NEW High quality design
H6NEW Existing housing
EH7NEW Historic Environment
EH1NEW Landscape character
BE8 Development affecting the Setting of a Listed Building
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the erection of a 1.5 storey detached ancillary annex building, which would be located within an area of side garden curtilage associated with an existing two storey detached stone cottage. The property is located on the edge of Swinbrook, within the Conservation Area and within the Cotswolds AONB.
- 5.2 The building would be sited in the position of an existing modern single storey garage building, which is sited in the north east corner of the site, adjacent to an existing vehicular access.
- 5.3 The applicant's original plans have been amended, with a reduction of around 1 metre made in the overall height of the proposed building. The total height of the building to the roof ridge would be approximately 5.6 metres.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle of Development
Impact on Conservation Area
Impact on setting of existing heritage assets
Access and highways
Residential Amenity

Principle

- 5.5 Officers note that the building is proposed as a residential annex and would be occupied for purposes ancillary to the use to the host dwelling, The Retreat. The applicants have indicated that the building would be occupied by a live-in carer and have provided a supporting statement identifying the requirement for additional accommodation on this site. It is not proposed that the building would function as a separate dwelling. The construction of new residential dwellings within Swinbrook, which is a small settlement with low service provision, would not typically be

supported in line with the provisions of Policy H4 of the Existing Local Plan; Policy OS2 of the Emerging Local Plan; and Paragraph 55 of the NPPF.

- 5.6 Policy H2 of the Existing Local Plan and Policy H2 of the Emerging Local Plan are however permissive of the principle of self-contained ancillary accommodation, including where justified the creation of self-contained units. As specified within Policy H2 of the Existing Local Plan and Policy H2 of the Emerging Local Plan, where this accommodation is proposed as a separate self-contained unit, within an area where new residential development would not be typically supported, the occupation of this accommodation should be restricted by way of a planning condition limiting the occupancy to a use which is ancillary to the host property. In this instance given the location of the site, officers consider that the imposition of a restrictive occupancy condition would be necessary to control future use of the dwelling.
- 5.7 It is noted that Policy H2 of the Existing Local Plan requires that the applicant demonstrate why the proposed accommodation cannot be provided by means other means, for example through an extension to the main dwelling or through the conversion of an existing building. In this instance the present garage would be clearly unsuitable for conversion. The applicant's agent has provided a supporting statement indicating why an extension to the existing dwelling would not be an appropriate.
- 5.8 The Retreat is a locally listed building of a reasonably modest scale, which has been previously extended to the rear at single storey level. In officers opinion there would be very limited opportunity to extend the dwelling further, at least to any sizeable degree to provide the required accommodation without potentially compromising the character of the existing cottage. In these circumstances a stand-alone annex building represents a preferable alternative which would better preserve the character of the existing locally listed cottage.

Siting, Design and Form, Heritage Considerations

- 5.9 The property is within the Swinbrook 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.
- 5.10 The existing property 'The Retreat' is unlisted, but is a vernacular property identified as being of heritage significance, exemplified within the buildings locally listed status. The proposed building lies adjacent to the Grade II listed Court Cottage East and West; therefore any development would be within the immediate setting of this listed building.
- 5.11 The proposed building would be of a vernacular design, which would be reflective of the general character of the immediate area, including the character of the host property and adjacent listed building. The overall height of the building has been reduced by approximately 1 metre, following concerns expressed by officers regarding the potential prominence of the building in the street scene, the impact of the development on the neighbouring properties and the subservience of the building in relation to the host dwelling. Officers are now satisfied that the building would read as adequately subservient to the host dwelling and would not appear unduly prominent within the immediate street scene. Whilst the existing garage is relatively low key in appearance, there would be some benefit from the removal of this structure given that its appearance is not sympathetic to the character of the immediate area.

- 5.12 The area of the site where the proposed annex would be located does not provide a substantial contribution to the Conservation Area beyond providing a visual break in the relatively dispersed built form along the existing lane. Given that there is an existing structure on the site and accounting for the relatively limited height and scale of the proposed building, officers consider that the proposed building as amended would not result in harm to the significance of the Swinbrook Conservation Area and that owing to the appropriateness of the design of the proposed building, the development would adequately preserve the character and appearance of the Conservation Area.
- 5.13 Officers note that there is reasonably significant separation between the proposed building and the adjacent Grade II listed Court Cottages. Owing to the reasonably modest scale of the proposed building and the existing separation distance, officers consider that the siting of the proposed building would not result in harm to the character and appearance of the adjacent Grade II listed building.

Highways

- 5.14 The proposed development would be accessed by an existing means of access serving the garage and parking area. The proposals would not result in the loss of existing parking provision and the single parking space within the existing garage would be retained within the car port of the new building. Officers note that no objections have been raised by OCC Highways Officers in relation to the proposed development.

Residential Amenities

- 5.15 Officers note that concerns have been raised by the occupants of Court Cottage West, the adjacent property to the north. There would be a separation distance of 14 metres between the proposed building and the side elevation of this property. This distance would be substantial and would ensure that the development would not result in loss of light or overshadowing of this particular property. Officers note that there would be no windows located on the north facing elevation of the proposed annex; therefore the development would not result in a material increase in overlooking of the adjacent dwelling.
- 5.16 Officers note that the section of the building adjacent to the neighbouring boundary would be the single storey element, comprising of the car port, this would extend to a height of 4.9 metres to the roof ridge. The maximum height of the building would be 5.6 metres to the roof ridge and officers consider that the scale and siting of the building would not have an unduly overbearing impact upon the adjacent property to the north.
- 5.17 The concerns of the adjacent occupants in relation to potential noise disturbance are noted; however officers consider that the ancillary occupation of the building would be unlikely to significantly disruptive in terms of residential amenity.
- 5.18 Officers note that concerns have been raised regarding the impact of the proposed development on the trees within the adjacent property. Officers would note that should any damage be caused to these trees, this would be a civil rather than a planning matter.

Conclusion

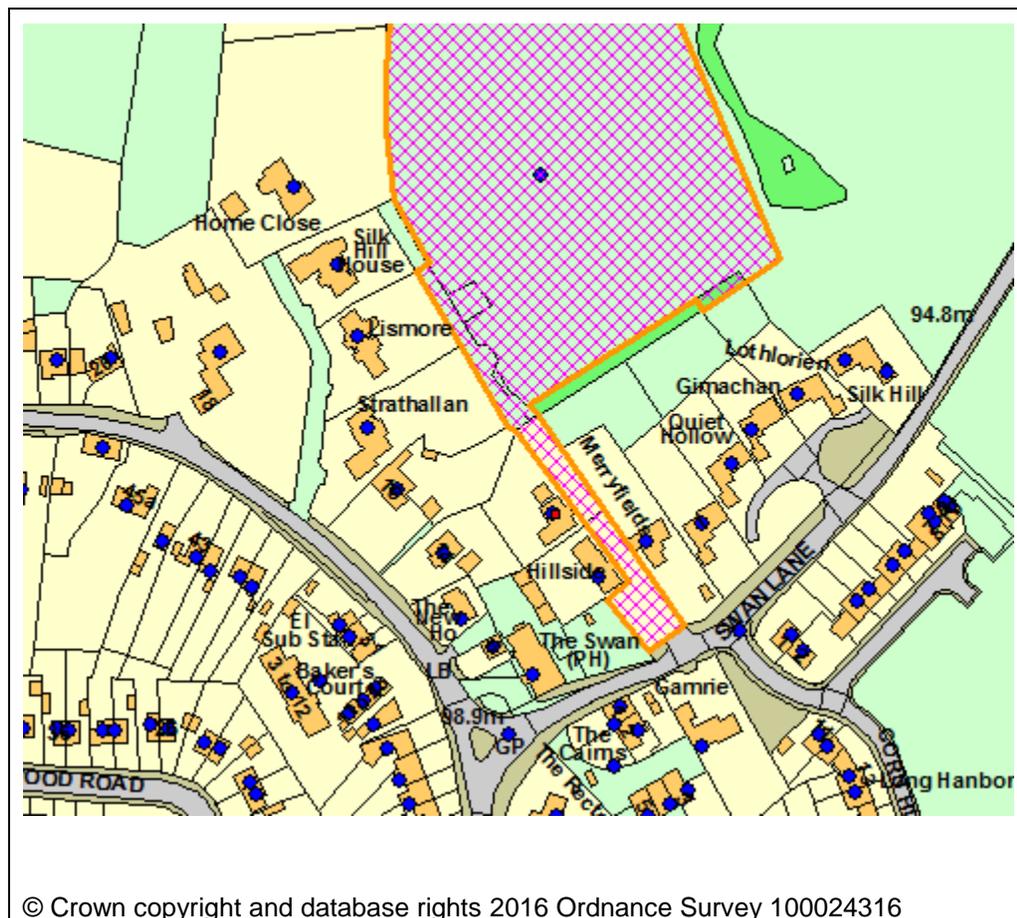
- 5.19 The application relates to the erection of a car port and annex building within the Swinbrook Conservation Area, within the curtilage of a locally listed dwelling and within the immediate setting of a Grade II listed building. Officers consider that the building would be of an appropriate design, which would harmonise well with the appearance of the existing property and the general setting of the Conservation Area. Officers consider that the siting or scale would not result in harm to the setting of the Conservation Area or adjacent Grade II listed Court Cottage. Officers consider that the proposals would not result in demonstrable harm to the residential amenity of the occupants of the nearest adjacent property to the north of the site. Officers consider that the development as proposed would be acceptable and compliant with the relevant policy provisions of the Existing and Emerging Local Plans.

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 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 08/08/17.
REASON: The application details have been amended by the submission of revised details.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 The annex accommodation hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.
REASON: The site would represent an unsustainable location for an unfettered residential dwelling;
- 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.

Application Number	17/02345/FUL
Site Address	Willow View Swan Lane Long Hanborough Witney Oxfordshire OX29 8BT
Date	20th September 2017
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	441644 E 214440 N
Committee Date	2nd October 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 Members will recall this application was deferred at the last sub-committee meeting for a site visit. There have been no changes to the application, nor have any additional representations been received.
- 5.2 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.

- 5.3 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

Impact on the Cotswold AONB and Conservation Area

Residential Amenity

Highways safety

Principle

- 5.4 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

- 5.5 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.

- 5.6 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

- 5.7 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

- 5.8 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

- 5.9 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.

NOTE TO APPLICANT

For the avoidance of doubt the building hereby approved shall only be used for agricultural purposes. Use of the building for anything other than agricultural purposes would require planning permission.