

WEST OXFORDSHIRE DISTRICT COUNCIL

LANDS AREA PLANNING SUB-COMMITTEE

Date: 4th December 2017

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

Please note that there will be a second meeting of the Sub-Committee this month at 2:00 pm on WEDNESDAY 6 DECEMBER the agenda for which will be published and available on the Council's website on 28 November



**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

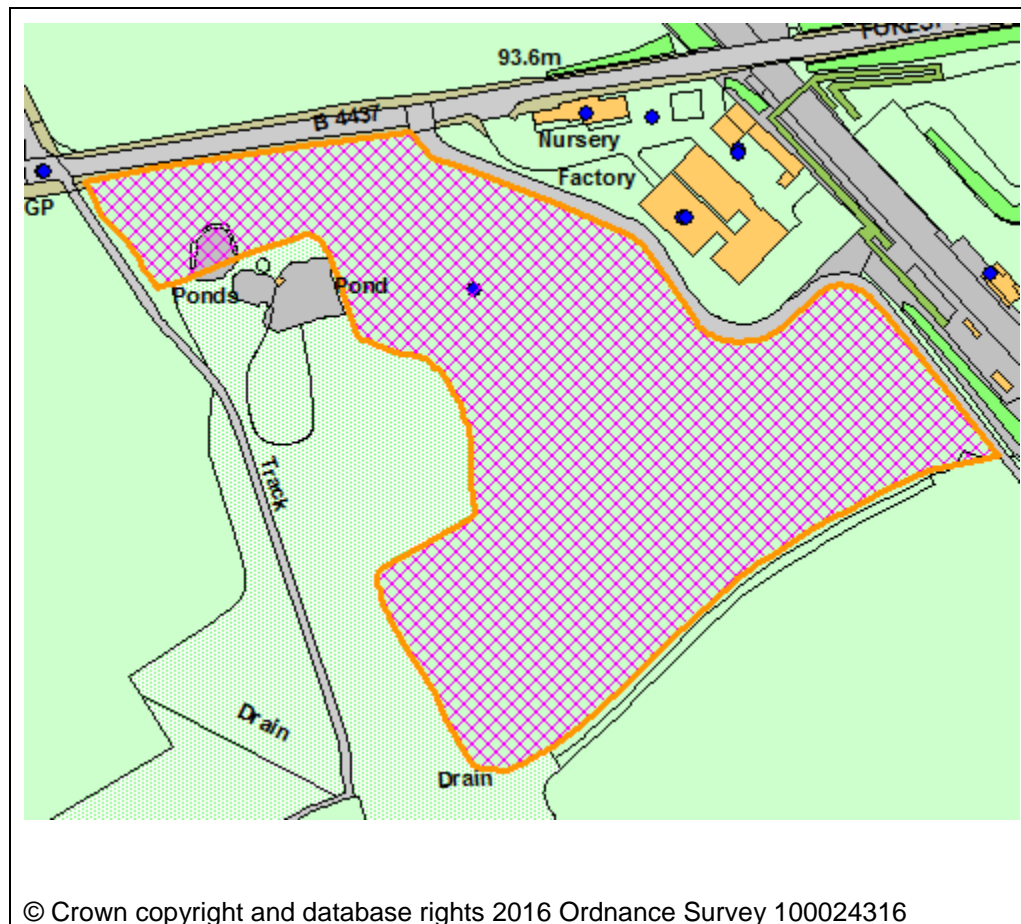
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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	I5/03099/FUL
Site Address	Land South Of Forest Road Charlbury Oxfordshire
Date	22nd November 2017
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Town Council
Grid Reference	435053 E 219434 N
Committee Date	4th December 2017

Location Map



Application Details:

Residential development of 25 dwellings comprising self/custom build, market housing and affordable housing (use class C3) and a 12 bed supported living (sui generis) facility with associated access, parking and landscaping.

Applicant Details:

Mr Ian Cox
Frankswell House
Fishers Hill
Charlbury
Oxfordshire
OX7 3RX
United Kingdom

I ORIGINAL/PREVIOUSLY REPORTED CONSULTATIONS

I.1 Historic England The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

I.2 Town Council Charlbury Town Council does not wish to explicitly endorse or oppose this application but would ask for the following comments to be taken into consideration:

Overview. We recognise this application is an innovative and commendable scheme and we welcome its aims to address the major challenges of housing affordability at various levels, the maintenance of and support for a socially balanced community in Charlbury as well as the need of those suffering from young onset dementia. However, we wish to ensure that a number of issues set out below are adequately addressed and we do recognise genuine concerns with regard to location.

Public consultation. We applaud level of public consultation carried out by applicants and acknowledge the efforts made to address issues raised.

Housing Affordability

Recognised as a key issue for Town in emerging Local Plan, page 193 para 9.6.5. This scheme seeks to address this issue in an innovative way. In addition, this scheme includes other homes that will be offered at discounted prices with priority given to local people. We applaud this initiative but seek to maintain it in perpetuity. We ask for S106 to be put in place to secure this benefit and ask that TC be involved in negotiations for such agreement.

We ask for the need for such housing to be considered alongside deferred proposal at Little Lees.

The self build units are consistent with government commitment to providing more housing for self building communities.

Concerned site lies within sensitive landscape within Cotswolds AONB and beyond natural boundaries of town. TC have questioned

this and attempted to identify alternative sites at Ticknell Piece. To date this has not been successful. Note that SHLAA thought site too distant from settlement, the Design Guide 2015 notes that development is constrained by river Evenlode and railway line but distance from settlement is no further than Ditchley Road and Little Lees.

Remain concerned that may provide a precedent for further development

Acknowledge applicants have taken considerable efforts to minimise and mitigate visual impact. Appreciate removal of houses on Forest Road and introduction of bollard lighting. However we note view from Grammar School Hill may still have moderate impact in wider and give sense of detachment from town.

Concern about pedestrian safety due to need to cross road twice on way into town, narrowness of pavement, and speed of approaching traffic.

Play area required on site due to distance to other facilities. YDUK should provide minibus to take residents to town
A thorough archaeological evaluation is essential in our opinion. can an evaluation be carried out to determine the impact of development on local infrastructure such as school places?
a large number of comments have been received from supporters and objectors. We ask careful consideration is given to all comments. S106 to include affordable housing in perpetuity, contributions towards community facilities and infrastructure, improvements to pedestrian safety, provision of a play area and contribution to cost of community transport between site and town.

- | | | |
|-----|----------------------------------|---|
| I.3 | Cotswolds Conservation Board | The Board has considered the amended new application but maintain their objection to this development on the basis it is considered to be beyond the settlement and harmful to the landscape/AONB. |
| I.4 | Major Planning Applications Team | Highways

Initial objection on grounds of inadequate footway provision from Site to rail station and town centre and site access visibility splays. These matters have now been overcome.
Archaeology
Initial Objection - field evaluation was required and has determined no finds of relevance
Education
Approval subject to conditions
Property
No objection subject to conditions |
| I.5 | WODC - Arts | A S106 contribution of £2000 towards a temporary public art |

programme post occupation to comprise a range of creative activities on site for the benefit of residents based at the supported living accommodation. The programme would be developed by the Community and Leisure service at WODC in conjunction with the Town Council and utilise local expertise where possible.

I.6 Ecologist No objection subject to condition

I.7 WODC Community Safety Not received at time of writing.

I.8 WODC Architect Context:

A site set somewhat away from the core of the settlement. It is fairly prominently located on rising ground, adjacent to a main route into the settlement, and it is visible in longer views from within the core of the settlement, and also in longer views from its southern extremity. The site is not in the Conservation Area, but it is very close to the boundary.

Opinion:

Dealing first with the general layout, I note that this is pretty much as we were expecting, and it is pretty much as per my last sketch - except that they have randomized the layout of the houses at the end of the cul-de-sac, which also seem to have got somewhat larger and blockier on plan. They haven't quite got all of the cars behind the houses either, but it is much better. My main concern with the layout is those houses at the end of the cul-de-sac, which are sitting uncomfortably close to each other, with some odd relationships at the corners - although, to be honest, this is somewhat redeemed by the levels - as can be seen in site section 3-3.

Dealing with the individual buildings, and starting with the YDUK structure, I note that this is pretty much as we last saw, except that the solar arrays look a bit better integrated. In summary, this would be a fairly ground-hugging structure, of reasonably interesting form, masked to some degree by the existing industrial buildings, which are somewhat taller. So this is all OK, it seems to me.

Turning to the houses, I note that the green-roofed ones have gone, which is to be welcomed in my view, as the green roofs were not closely enough related to the landscape - they stood rather too proud. The forms now all tend to use traditional, steepish-pitched massing, but with clean, more contemporary elevations - a bit reminiscent of some of the Upton designs. I like the overall feel - but we won't want the materials and colours to be too strident - particularly the render. The ubiquitous lower-pitched garages jar somewhat, look out of place, and comprise the cleanliness: the problem is that they are making them very long - whereas shorter

garages (and wider, if necessary), with pitches to match the houses, would be preferable, in my view. Another issue is that the types 2 and 3 have very deep plans, and correspondingly huge gables – breaking them down into more traditional plan depths, of around 8 or 9 metres, would be preferable - when they would chime with the other house types, and also sit a bit more happily beside each other. The solar panels (as so often), look like afterthoughts - it would be preferable if they ran from verge to verge in all cases, and were also set much lower on the roofs - perhaps somehow related to the flat-roofed dormers.

With respect to the landscaping, I note that we are now presented with a simpler and somewhat calmer design. Everything will depend on the height and density of those 'woodland blocks' - you will remember that we are counting on this planting to break the scheme into separate elements, and to disguise the fact that this is pretty much a run of buildings along the contour line. And of course, we will need to be really sure that they carefully plant as they propose, and then maintain the planting.

Recommendations: Seek revised designs in respect of: the garage elements generally; the plan depths of the type 2 and 3 houses; the solar panels.

1.9 ERS Env Health -
Uplands

3.9.15

I know of this site and the site location adjacent an industrial estate and busy rail line would justify requesting a noise report which appears to be absent. The sewage treatment works is relatively close too (perhaps an odour assessment too).

9.9.15

I now note the noise data in the sustainability assessment document (I've copied it below for completeness). The information provided clearly does not equate to a full 'noise report' and the data is not interpreted as such, described or related to Government guidance or statutory/British Standard/ WHO noise limits. The background levels stated appear to be slightly higher than that I would expect for the area (?) The HST would be audible on the proposal site as indeed would noise from other types of locomotive. What proportion of rail traffic is freight as opposed to passenger which can be very loud too ?

The survey does not tell me categorically whether rail noise would be audible indoors at a level which would be acceptable ? I am concerned that the data does not appear to be expanded upon and used to inform the acoustic design and build of dwellings where necessary.

(With regard to sound levels from freight trains, the applicants should review survey results against Network Rail Working Time table section PF14) To provide sufficient mitigation of night-time LAmax levels, an acoustic glazing and ventilation system with

suitable attenuation may be necessary.

- I.10 WODC Housing Enabler
My comments in support of the Young Dementia UK element of the previous application (15/00564) remain the same, namely regarding the Council's in principle financial and enabling support in partnership with the County Council and the Homes and Communities Agency.
(The District and County Council have been working with YDUK for some time, enabling the development of a purpose built scheme to come forward in West Oxfordshire. It is envisaged that nominations for the completed units will be drawn from the West Oxfordshire area in the first instance, widening out to the rest of the County if sufficient occupiers cannot be located within the District).
With regard to the general needs affordable housing on this revised application I can confirm that there are sufficient households on the Council's waiting list who would qualify for the range of housing proposed in this application. I am supportive of both the Young Dementia and general needs affordable housing provided as part of this comprehensive development.
- I.11 Natural England
No objection/comment
- I.12 Environment Agency
No objection to the proposed development, as submitted, subject to condition
- I.13 WODC Planning Policy Manager
While this proposal incorporates some amendments to that original scheme, the policy considerations appear to be very similar. (Please see paragraph 4: Policies for relevant policies).
- I.14 WODC - Sports
 $£1,088 \times 25 = £27,200$ off site contribution towards sport/recreation facilities within the catchment.
 $£818 \times 25 = £20,450$ for the enhancement and maintenance of play/recreation areas within the catchment (or for onsite provision).
- I.15 TV Police - Crime Prevention Design Advisor
Not received at time of writing.
- I.16 Thames Water
Waste Comments
Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
Water Comments
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.

Supplementary Comments

Adjacent (North to East) to the proposed development sits Charlbury STW. This is a Thames Water Asset. The company will seek assurances that it will not be affected by the proposed development.

I.17 WODC Env Services -
Waste Officer

Not received at time of writing.

I.18 CPRE

Regarding the above application for 29 homes near Charlbury Station, plus a care home for early onset dementia, the CPRE believes that in general the planned growth in the District is excessive and unsustainable. The SHMA figures are based on flawed and exaggerated data and yet this document (written by property consultants) is cranking up the pressure to increase the housing target yet further. If we are not careful, the rural character of our District will be lost irrevocably, when growth should be focused instead in other areas of the UK to encourage regeneration where it is needed. This particular application is in addition to sites identified in the Draft Local Plan, so would be in excess of existing targets which are already high and proven to be mostly for in-migration. The CPRE does support the provision of care facilities, but favours Brownfield sites over Greenfield and this site is on Greenfield land on the edge of the village settlement, separated by the railway lines and some business units. Greenfield land is a valuable resource for farming and to retain the pleasant environment and intrinsic value attached to living in the UK. In other parts of the UK there are many Brownfield sites that could be developed for betterment. The proximity of woodland would suggest the presence of wildlife, which would be affected by construction. The area around the station flooded significantly in 2007, so building here will increase the risk of future flooding. Mitigation in the way of attenuation ponds does not work in ground that would be saturated in the event of high rain- it only works upstream of the site. Finally, the site is in an AONB and within the Evenlode Valley, which should not be spoiled.

2 ORIGINAL REPRESENTATIONS

2.1 174 representations have been received in support of the application on the following grounds:

Affordable Homes

- Charlbury is in dire need of affordable but controlled growth in the local housing stock as it is becoming increasingly difficult (if not impossible) for many local young couples and families to be able to own their own homes in the town, which will inevitably lead to people moving away if not addressed.
- This proposal would give that opportunity to many and indeed, my understanding is that virtually every expression of interest in the properties has come from local people.
- Charlbury has a highly developed sense of community and this type of development will only assist in sustaining that by allowing young families to stay in the town and continue to add value to that community.

- Very important is the need for affordable homes for our young families who have been unable to secure a place of their own and stay in their home town as there are no affordable new homes available.
- We support homes for local people.
- We are a professional couple who contribute to the community and would like the chance to buy an affordable property in Charlbury so our child can grow up as part of the community we love.
- Well built affordable homes for local people are desperately needed in Charlbury.
- The development is not too large.
- The project would help keep Charlbury a balanced, vibrant and inclusive community.
- Will revitalise the village but don't we need more housing? They state Yes we do, nationally and locally.
- Charlbury will lose its soul if local people are unable to live here.

YDUK

- The proposal to include sheltered accommodation for Young Dementia sufferers is an excellent one and will provide a much needed facility in the district.
- Rushy Bank will be in an ideal spot in Charlbury which lies in the Evenlode valley to bring peace and tranquillity to help those suffering from Dementia.
- Feel very strongly about helping those with Young Dementia with this project.
- It is a much needed facility for those suffering from an early age.
- The Alzheimer's Research charity warned us that a third of British people born in 2015 will develop dementia. Charlbury should be proud to welcome this facility.
- Have been diagnosed with dementia and have been extremely fortunate to receive excellent care from Young Dementia UK.
- There is a great need in Oxfordshire for this type of housing for some seriously affected dementia patients.
- As far as I know there are no comparable facilities in the county.

Landscape

- The Cotswold Conservation Board's own stated position as set out in their Autumn/Winter 2014/15 issue of their Cotswold Lion publication states that:
- The Board feel that the best way would be to have sustainable, small scale development of 10-30 houses with bespoke designs on the edge of villages, although this does have cost implications for builders which can affect the viability of a site, particularly where there is provision for affordable housing included.
- The site makes good sense as it is next to the train station and industrial area and not visible in the wider landscape.
- It is adjacent to developed land.
- They have worked very hard to reduce the visual impact of these houses. They've reduced the number of proposed houses being built and they're not building along Forest Road.
- Additional native trees are being planted to help keep the development as hidden and discreet as possible.
- Building up behind Ticknell Piece or the Lees feels like out of sight, out of mind.
- The reduction in visibility of the site hopefully allaying the fears of those people worried about Rushy Banks landscape impact.
- I would argue that in terms of what the AONB is looking for, innovative and sensitive

developments like this should be held up as exemplars as what is possible when members of a community, charity, and local developers and architects get together for social benefit.

- Rushy Bank is bounded by a road, railway line, and woodland. This means that it would not expand in the future

Economy

- Charlbury has all facilities and businesses one could wish for. i.e. Doctors surgery, Pharmacist, Post Office and many other businesses which will all benefit from this proposal and it could become an integral part of Charlbury helping to support each other.
- This is an excellent proposal with significant benefits for Charlbury.
- It will support the existing facilities in Charlbury.
- It will support the sports and social club.
- The 12 new job positions that would be created, this is an added bonus and the jobs would quickly be taken by people currently looking for work in the town.

Location

- Is just a short walk into town over the picturesque Evenlode river.
- The advantage of Railway Station close by for those who need to commute into Oxford or London for work or even for leisure.
- This is the only available site in the town.
- The location of the development is ideal in that it will not damage the landscape or put undue pressure on local infrastructure.
- The proximity of Rushy Bank to roads and rail make the site a sustainable location in transport terms for both employment and recreation.
- The site's pedestrian access to the town centre and beyond is a well-established, frequently walked route used by rail commuters, day trippers and those walking and running in use of the public right of way to and from Walcott and beyond.
- The location is unobtrusive, being essentially in a hollow behind the existing station, industrial estate and sewerage farm.

2.2 168 representations have been received objecting to the application on the following grounds:

Location

- Developments on the outskirts of all villages and towns will eventually mean that what was once life in the country, will be urban life and the threat will be as great to our farmers, as to the residents of our communities.
- It stands outside the town in perhaps the most beautiful aspect of this historic market town. I believe that the site was rejected for development in the new Local Plan because the green field site is too remote from the town.
- The development would set a precedent for further expansion along the beautiful valley and be the beginnings of a new settlement to the west of Charlbury.
- This new community would be isolated from the town, with a railway bridge, river bridge and a steep hill separating it from the facilities of the town.
- Concerned about the impact which the noise and light pollution from this development and the necessary infrastructure will have on the rural location and its wildlife.
- This site is even further inappropriate due to its proximity to the sewage treatment works.

- Furthermore the site is currently within the landscape belt that surrounds the town and it is not one of the areas ear-marked for development.
- Charlbury does not need an expansion the other side of the station. This is an unsuitable place for development.
- The hillside is a green site and is building up housing where there could be brown field developments such as the quarry in Charlbury which is enormous and useless at the moment.

Landscape

- Building at Rushy Bank will ruin the precious view of the Evenlode valley which so many of us treasure.
- Its peacefulness will also be disrupted at night by street lighting.
- This is an Area of Outstanding Natural Beauty (AONB) and I know that West Oxfordshire District Council planning department has repeatedly emphasised the great sensitivity of the western edge of Charlbury.
- There can be no back-tracking if this permission is granted and puzzled future generations will be left wondering what is the definition of an AONB.
- It is still a sizable development for a housing estate on a green field site outside the boundary of the town in an AONB. It is a matter of policy that the AONB should be protected from being built on.

Ecology

- At least 17 of the 59 priority bird species listed on the UKBAP (7th January 2015) can currently be seen on this site and have been observed on regular visits to the area over a 25 year time span.
- Construction will lead to habitat disturbance.
- Bats have been observed at the site, likely to be roosting in the adjacent poplars, relying on the current insect population for food.
- The newts on site have enjoyed it untrammelled for years (centuries), supported by the established ecosystem. Any changes to this environment will upset the current populations of protected species, however many native tree/shrub species are planted to surround the houses.
- Additional fumes from the vehicles which will serve the site will not improve the air conditions necessary for existing wildlife or the level carbon emissions in general.

Highways

- The site is likely to generate a large amount of traffic, both during building works and subsequently. Dyer's Hill is already very tricky to drive up and down, with poor visibility due to parked cars and frequent bottlenecks.
- Residents and care workers on the site will be more inclined to drive up the hill than to walk, increasing pollution as well as overcrowding.
- The site will generate an unacceptable amount of traffic for an off-shoot of an already busy road.

Housing

- Much has been made of the desire of people who grew up in Charlbury to strike roots here independently of their parents. It is a fact of life, however, that children move away.
- It seems likely that many of the occupants of the market housing will be incomers who will use the station to commute to their jobs elsewhere, or drive through the town to reach Witney, Chipping Norton or other towns that are unreachable by train.
- Charlbury has managed to contribute half of this level of expansion in the last couple of years without diverging from adopted planning policies and with other proposals coming forward at Little Lees and Ditchley Road.
- The Dementia Home is thoroughly inappropriately sited - near highroad, train line and river (it would be hard to find anything good about its situation).
- You say it is affordable housing...is it affordable for young local hard working people?? I think they will not be able to afford these houses
- This build is for profit. does this build improve the quality of Charlbury life? I think not.

2.3 A report has been received from Friends of Evenlode Valley and is concluded as follows:

- The Rushy Bank scheme would result in a residential enclave well outside the built-up area of the town, in an inconvenient location where many residents would be car dependent.
- The YDUK element would be at least a county wide facility drawing residents and frequent visitors from a wide area. It would thus significantly increase the need to travel not minimise it. The facility would be more conveniently and more sustainably located in or near one of the larger centres of population it is intended to serve.
- As currently presented, the scheme does not and may well not be able to provide for safe and suitable access for all people.
- As a whole, and for all its purported 'green' credentials, the scheme would be detrimental to the natural and historic environment in this location.
- Even without other considerations, the project does not therefore amount to 'sustainable development' for the purposes of the NPPF (National Planning Policy Framework). There is therefore no presumption in favour of it.
- Even if it were 'sustainable', the effect of para 14 of the NPPF is to disapply the presumption in favour in AONBs, which continue to attract "the highest status of protection in relation to landscape and scenic beauty" (NPPF 115).
- This part of the Evenlode Valley and the western approach to Charlbury, within both the AONB and the Wychwood Project Area, have long been recognised by WODC (and many others) as of particular quality and sensitivity.
- The site has been rejected even for detailed assessment through the Local Plan process, being rightly held to be "too remote" from the town. It is only 'affordable' precisely because it has been found to be unsuitable for housing development.
- The project involves the construction of 25 houses and a care home with 12 self-contained units, catering and other support facilities. Together with all the extensive road and footway works needed, the result would be an obtrusive, urbanising form of development, seriously damaging to the rural character and appearance of the area, to the historic open setting of the town and to the conservation and enhancement of the AONB.
- Being close to a main railway line, station and a river is not thought a sensible location for people suffering from dementia nor does the facility need to be sited within the AONB.
- The case for such a large proportion of market housing to facilitate the development has not been made out nor is it clear how the dwellings would be kept available for local people 'in

perpetuity'. More suitable land may be found to meet local housing needs through the Neighbourhood Plan process now under way.

- However laudable the motives behind the project, and whatever the position in '5 year housing land supply' terms, it is thus contrary to a range of adopted and emerging local policies, both locational and protective, and to the NPPF. Given all of the above, the adverse impacts of the proposals in this location significantly and demonstrably outweigh their benefits.

2.4 Comments have been received from the Charlbury Conservation Area Committee as follows:

- In considering its response to the new application, the Committee revisited its comments of March 2015 on the previous application for the site. They focused on the impact of the proposed development on the setting of the Charlbury Conservation Area which was the Committee's remit. Most of the comments were felt to remain relevant to the new application by the majority of members who reiterated the unsuitability of this site, outside the natural envelope of the town, for the proposed development. The views illustrated in the LVIA report helped to confirm that the development would be visible in views out from the CA, most notably in the mid- distant centre of the panoramic view up the Evenlode valley from Park Street which is one of Charlbury's finest features.
- Reviewing the changes made to the proposed development since the previous application, the Committee acknowledged the reduction in the number of houses and the omission of buildings along the frontage to Forest Road as improvements. The use of more traditional materials, including some natural stone, on the houses was more sympathetic to the locality but the design of the YDUK building was still considered wholly alien in character to its rural setting within the AONB. The materials to be used were not indicated on the drawings but did not appear to reflect the local character or distinctiveness of Charlbury in any way. The more sympathetic treatment of surfaces within the estate was noted. Concerns about the impact of lighting and traffic remained although the lower lighting levels now proposed, if accepted on safety grounds, were recognised as a positive step. Omission of the roundabout on to the B4437 and attendant lighting would be another plus but remained an option only.
- Although the Committee was not unanimous, a majority of members remained of the view that this site was unsuitable for development and that the application should be opposed for its negative impact on the setting of Charlbury and its Conservation Area.

2.5 Comments received Post previous consideration

As of 21/11/2017 157 letters of objection have been received raising the following summarised points:

- This will be a commuter development
- The wood will need to be felled,
- will impact on key views, land is in AONB
- Site lies beyond the town
- Light pollution
- Pedestrian access is poor
- Affordable Housing need is met elsewhere
- Impact on wildlife and ecology

- Lies close to floodplain
- Approval will undermine other conservation efforts
- Application should be rejected
- Density is too great
- Traffic implications
- Additional HGV traffic
- Better sites exist
- Precedent will be set
- Social benefits are overstated
- Will the I06 actually secure the benefits?
- Railway bridge is too narrow
- Charlbury has enough Affordable Housing
- A health centre is needed
- Tourism will be damaged
- Development should be limited
- It is not a brownfield site
- Tandem parking should be discouraged
- It is a departure from the plan
- The previous comments of the CCAC stand, the scheme has improved and we welcome the use of natural materials and the loss of the roundabout but the YDUK building is alien and the majority of the committee object. If the site is a major development paragraph 116 of the NPPF applies and the setting of the Conservation Area should be properly considered
- Development should be seen in the context of the proposals to extend parking at the railway station
- Redetermining the application is a waste of money
- There is insufficient parking
- Object to this proposal which has once already been turned down by the High Court
- This revised application still does not satisfy the core objections.
- No clear justification for it, no logic as to why a greenfield site, historically judged inappropriate for development by WODC
- What outstanding merit is there in this particular proposal that would persuade one to write off WODC's previous view that the site was inappropriate for development?
- If it is the intention of the WODC to create a new and separate settlement, then the process should follow the route of the Garden Villages of Eynsham, Bicester and Didcot, to allow for a full and open public consultation.
- What proven local need overrides the moral responsibility of preserving the AONB?
- The floor and the sides of the Evenlode Valley are a significant landscape asset and a major contributor to the quality of life in this area.
- Why would anyone want to come to Charlbury when it is ringed with modern housing?
- It is inappropriate and would seriously damage the natural environment.
- The proposed development will create increased traffic congestion on Dyer's Hill, which is already causing problems.
- There are other sites in the town, where development has already taken place, that would be much better adapted to take more housing.
- This development is likely to trigger a more comprehensive despoliation this part of Charlbury.
- I do not believe that the environmental damage could be justified by any small social benefit,

- the existence of which I doubt.
- There will be no guarantee that a unit for young dementia patients will actually be carried out
- Laudable as the social benefits of this proposal are, I doubt whether they will be effectively achieved.
- Development to the west of the railway in an AOB will set a dangerous and far reaching precedent
- heavy traffic over the weak railway bridge both during construction and after will endanger its structure
- Will lead to flooding
- The Area of Outstanding Beauty designation for the site must be adhered to
- The railway line and river should remain the natural boundary of the developed area of Charlbury
- it is too remote from the town and access would be difficult on foot
- its remoteness from the rest of the town make it inappropriate for those needing assisted living.
- lack of parking in the town centre would isolate the proposed community.

2.6 Writing in support of the proposals YDUK advise

“ I just wanted to confirm on behalf of our charity that we are still closely connected with this project and are planning to work with Cottsway HA to support the development using our expertise to continue to guide the design and services. It is still a much needed resource within West Oxfordshire and will provide a unique development for people with young onset dementia.”

In addition 100 letters of support have been received raising the following summarised points

- Could not support this scheme more strongly
- Much needed housing in the town
- Very innovative project with mixed housing
- Imaginative and socially responsible planning application ticks all the boxes
- Sensitive development
- Affordable homes needed for local young people
- Project is putting a lot back into the community
- The larger houses enable the rest of the project to go ahead
- The vision and plan should be supported
- Much needed initiative for young people with dementia
- Would like opportunity to build a house myself
- The benefits outweigh the concerns
- Urge the planning committee to have the courage of its previous convictions about this excellent scheme

2.7 The Town Council advise:

These revised comments supersede those submitted by Charlbury Town Council in September 2015.

Charlbury Town Council does not wish to explicitly endorse or oppose this application, but

would ask for the following comments to be taken into consideration:

1. **Overview.** We recognise this application as an innovative and commendable scheme and we welcome its aims to address the major challenges of housing affordability at various levels, the maintenance of and support for a socially balanced community in Charlbury as well as the needs of those suffering from young onset dementia. However, we wish to ensure that a number of issues set out below are adequately addressed and we do also recognise genuine concerns with regard to the site location (see item 6 below).
2. **Public Consultation.** We applaud the level of public consultation carried out by the applicants and acknowledge the efforts made by them to address issues raised.
3. **Housing Affordability.** Housing affordability is recognised as a key issue for Charlbury in the emerging WODC Local Plan 2031, paragraph 9.6.5. This scheme seeks to address this issue in an innovative way, aiming to help maintain a socially balanced community in the town. In addition to social affordable units, this scheme includes other homes that we understand will be offered at discounted prices with priority given to local people. We applaud this initiative but seek to ensure that it provides a sustainable benefit to the town which can only be achieved if the affordability and local priority conditions are maintained in perpetuity and not just for early occupiers of the site. We therefore ask that a Section 106 agreement (or other instrument) be put in place to secure this benefit and we also ask that the Town Council be involved in the negotiations for such an agreement.
4. **Social & Affordable Housing Needs in Charlbury.** We note that since this application was first submitted in 2015, two further developments have been approved and are in progress (Application references 15/00567/FUL & 16/02306/FUL) which will deliver a net gain of 20 social affordable homes. A further site within the town has also been identified for inclusion in the emerging local plan (Policy BC1c) to accommodate around 40 dwellings including a high proportion of affordable homes. We welcome the much-needed provision of additional affordable homes within the town but ask that due weight be given to the above developments and site allocation when re-considering the current application at this time. Furthermore, a local Housing Need Assessment has been commissioned for Charlbury as part of the development of a Neighbourhood Plan and the report is expected imminently. Subject to the report's timely availability, we will seek to submit evidence of local need from this report and ask that it be taken into account in assessing the contribution of the current application to local need.
5. **Social Housing Mix.** The scheme is also proposing a number of units that will be for self-build consistent with a government commitment to providing more housing for self-build communities on the basis that these provide lower cost housing which also tends to be delivered to high standards of sustainability. We welcome this initiative but are concerned that the cost benefits may accrue only to initial occupants. We therefore ask that appropriate agreements be sought to preserve these benefits for future residents.
6. **Extra Care Facilities.** We applaud the inclusion of extra care facilities for assisted living for those diagnosed with early onset dementia. However, we ask that the following matters are addressed by way of conditions or legal agreement. Firstly, we are concerned that pedestrian safety (see 10 below) will be a major issue for residents of the extra care facility. Secondly, we understand that, for legal reasons, the extra care facilities will be provided by a housing association and not directly by the Young Dementia UK charity. It is therefore essential that appropriate legal agreements are imposed to ensure that these facilities remain in perpetuity for the extra care purpose stated.

7. **Location.** We are concerned that the proposed site, on the western approach to Charlbury, lies within a very sensitive landscape within the Cotswold AONB and is beyond the natural boundaries formed by the river and railway (although we acknowledge that a small industrial estate is already located beyond this boundary). WODC has identified this application as a **major** development and therefore paragraph 116 of the National Planning Policy Framework (NPPF) applies indicating that “*Planning permission should be refused for major developments in these designated areas [including AONBs] except in exceptional circumstances and where it can be demonstrated they are in the public interest*”. Under these circumstances, any recommendation to approve **MUST** be backed by robust evidence of exceptional circumstances and public interest. With specific regard to this site we note *inter alia* that:
 - a. the West Oxfordshire SHLAA dated June 2014 (Page 49, Site ref 266) states that this site was not taken forward to detailed site assessment because it was too distant from the settlement.
 - b. the draft West Oxfordshire Design Guide 2015 (section 5 page 13) states that “development is constrained by the river Evenlode and the railway line to the south-west”.
8. **Precedent.** We remain concerned that this development may provide a precedent for further development along the Forest Road and seek further assurances that this would not be the case. Following the earlier approval of this application a speculative enquiry was received relating to a neighbouring site although we acknowledge that this did not result in the submission a planning application at that time.
9. **Visual Impact.** We acknowledge that the applicants have taken considerable efforts to minimise and mitigate the visual impact of the site, especially in this latest application. In particular, we appreciate the removal of houses bordering the Forest Road and the introduction of bollard external lighting to reduce light pollution. However, we note that the view from Grammar School Hill (LVIA page 38, Viewpoint M) may still have a moderate impact in winter and will still give a sense of detachment from the town.
10. **Safety of Pedestrian Access.** We are concerned that the safety of pedestrians walking between the site and the town may be a serious issue due to the need to cross the road twice *en-route* to the town, the narrowness of the pavement (there appears to be no practical opportunity to widen it, especially over the railway bridge) and the likely speed of traffic approaching the town downhill from the west. Please can this issue be given a high level of scrutiny and appropriate measures be included to address the issue.
11. **Play Area.** It is clear that families with children will be a significant part of the demographic expected to occupy this development. Given the distance and pedestrian safety issues (see 8 above), there is a clear need for some kind of play area on the site and we ask for this to be included.
12. **Provision of Community Transport.** It is important that the community feels itself to be connected to Charlbury and that residents do not automatically use their cars to get into town. We suggest that Young Dementia UK be required to provide a minibus to take residents into town.
13. **Archaeology.** We understand that an archaeological survey has been carried out on the site but in view of the locally recognised archaeological and historical significance of the site we ask that a watching brief be maintained throughout the development.
14. **Infrastructure.** Can an evaluation be carried out to determine the impact that the development will have on local infrastructure such as school places?
15. **Public comments.** A large number of comments have been received from local members of the public and these are divided fairly evenly between those supporting and

those objecting to the application. This underlines the levels interest and concern engendered by this application in fairly equal measure. We ask that careful consideration be given to all of these comments.

16. **Section 106.** We ask that agreements be sought in the following areas and that the Town Council be involved in the negotiations:
- a. Securing the affordability of homes in perpetuity (see 3 above);
 - b. Securing the purpose of the Extra Care facilities in perpetuity (see 6 above);
 - c. Contributions to the costs of community facilities and infrastructure;
 - d. Measures to improve pedestrian safety (see 10 above);
 - e. Provision of a play area on the site (see 11 above);
 - f. Contribution to the cost of community transport between the town and Rushy Bank (see 12 above).

In view of the significance and level of public interest in this application we ask that it go to committee for decision and we also suggest that a further site visit be considered to enable committee members to assess the impact of the changes introduced in this current plan.

2.8 Planning Policy Advice

Summary

To summarise, there is no doubt the proposals conflict with Policies H7 and H4 of the adopted Local Plan. However, those policies pre-date the NPPF and do not reflect the additional flexibility that the Council is seeking to introduce through the new Local Plan.

Emerging policies of particular relevance include H2 and OS2. In respect of H2, a judgement needs to be made as to whether the site adjoins Charlbury (by virtue of the outlying development it is located next to) or whether it is essentially an 'open countryside' location. This is not clear cut and arguments could reasonably be made either way.

If it were to be concluded that the site comprises open countryside, it could reasonably be argued that the specialist nature of the proposal including the proposed young dementia accommodation (which I understand will ideally be located in a quiet, rural setting) is meeting a specific need.

In terms of Policy OS2, particular consideration must be given to the scale of the proposals, how well they relate to Charlbury in terms of existing scale and pattern of development and character as well as the need to conserve landscape and scenic beauty within the AONB.

Affordable Housing Provision

It is understood that of the 25 proposed residential units, 15 would be affordable. This is well in excess of the 40% on-site affordable housing requirement applicable to Charlbury under the emerging Local Plan Policy H3 and is to be welcomed and seen as a significant planning benefit of the scheme together with the proposed opportunities for self-build.

Self-Build

It is understood that a proportion of the 25 proposed residential units will be made available for

the purpose of self-build. The emerging Local Plan recognises the importance of providing opportunities for people to build or commission their own home and this element of the proposal is therefore to be welcomed. It will be essential however that an appropriate mechanism is used to secure this particular benefit of the scheme as there is a demonstrable level of demand for self-build sites within the District.

Landscape and Heritage

As set out in emerging Policy OS2, all development should conserve and enhance the natural, historic and built environment and within the Cotswolds AONB, must give great weight to conserving landscape and scenic beauty.

The site is undeveloped and built development will clearly have a landscape and visual impact. The key issue is the extent of that impact and how significant/harmful it would be taking account of any proposed/potential mitigation.

The fact the site adjoins the station and other existing development along Forest Road means that the landscape and visual impact is likely to be less significant than if the site were being proposed in complete isolation but this does require careful consideration.

Also of relevance is potential heritage impact as the site is outside but adjoins the Conservation Area and regard must be had to its setting. The intervening development, railway line and car parking no doubt serve to limit any direct effect but this requires careful consideration. Cornbury Park to the south of the site is a registered park and garden, the setting of which must be taken into account in determining the likelihood and significance of any potential harm. There is also a scheduled monument to the south of the site the setting of which must be taken into account.

Biodiversity and Ecology

The site is designated as a UK BAP priority habitat for its lowland wood pastures and parkland. It also falls within the Wychwood Project Area and is within 2km of a wetland SSSI.

Amenity

Given the location of the site and adjoining uses, residential amenity would appear to be a relevant consideration for this application both in terms of potential noise from the rail line and odour from the sewage treatment works to the south of the site. It is important that sufficient evidence has been made available to demonstrate future occupants would not be adversely affected by these or any other nuisances.

Transport

The site adjoins the railway station and is thus in a sustainable location for promoting travel by rail. It is also within walking distance of the centre of Charlbury being around half a mile from Market Street albeit the topography along the route may limit the appeal of walking for those who are less mobile.

Other Relevant Considerations

In terms of 5-year housing land supply, the Council's most recent position statement (May 2017) suggests the Council is able to demonstrate a 5-year housing land supply with anticipated delivery of 5,258 new homes from 2017 – 2022.

This assumes the delivery of 37 units from the application site

- 2.9 In addition OCC has advised in its capacity as Highway Authority that they do not think that the change to the description of the development has anything other than a very minor bearing on the transport implications for the proposal. As such the county council's transport response remains unchanged.
- 2.10 In addition to the above the FOEV and the applicant were asked to provide commentary on a draft version of the report and in response to this Officer's have received various legal and other opinions which have influenced the content of this report. FOEV has additionally provided its own Landscape Assessment which in turn has been rebutted by the landscape consultant acting for the applicants. The landscape documents have been uploaded and are available to view on line but not various legal opinions which have been treated in confidence

3 APPLICANT'S CASE

- 3.1 The following documents (summarised below) have been submitted in support of the application along with a number of supplementary reports commenting on material submitted by objectors and which are all available to view online:

Planning Statement
Transport Assessment
Landscape and Visual Impact Assessment
Design and Access Statement
Ecology
Great Crested Newt Survey
Statement of Community Engagement
Flood Risk Assessment

- 3.2 The Planning Statement is summarised as follows:

This application in response to consultation on the previously withdrawn application has the following changes:

- A reduction in numbers from 29 to 25 residential units
- No development fronting the Burford Road
- Enhanced landscape planting
- Bollard external lighting to minimise light pollution
- Shared surfacing throughout the site to reduce the impact of engineering and to create a more rural feeling responding to its context
- A pedestrian access to the station through the site
- Options to access the site via a T junction or mini roundabout
- Changes in the architectural detailing (removal of green roofs) and more stone

- The development proposed is truly sustainable. The social benefits, with provision for Young Dementia UK Homes, affordable housing and provision of self/custom build for local people is ground breaking.
- There is affordable housing that makes a direct contribution to meeting the needs of the 1000 People on the local housing needs register.
- The custom build provision to the Beacon project gives lower aid local people a chance to get onto the housing market in their own decent homes.
- Without this model they would either have to move out of their local communities or become additions to the housing need register.
- This model is not only politically desirable most importantly it helps to reverse the dire housing affordability ratio that currently exists.
- YDUK provides an incredible facility that promotes a balance of care with independence that is a model for future health and social care provision shifting from a dependent care system to one that promotes resilience and independence (thereby reducing the costs to the State).
- The Provision of this housing mix meets local needs and is at a scale commensurate with the settlement of Charlbury
- The economic benefits in construction jobs and supply chain impacts mean that during construction there is a clear economic benefit. Furthermore post construction the jobs in the care home and the spend of residents in the local facilities means that the economic benefits will continue.
- The environmental benefits are great. With an enhanced landscape comes habitat improvements that support biodiversity improvements. The environmental performance of the buildings means a much lower carbon footprint and finally in transportation terms locating development that is served by mainline rail this helps to reduce the car based out commuting that WODC currently suffers. Given the lack of a five year land supply and any significant or demonstrable reason why this development should be refused the Council should approve it without delay as directed by the NPPF.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE5 Conservation Areas
 BE11 Historic Parks and Gardens
 BE13 Archaeological Assessments
 BE19 Noise
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 NE4 Cotswolds Area of Outstanding Natural Beauty
 NE6 Retention of Trees, Woodlands and Hedgerows
 NE13 Biodiversity Conservation
 NE15 Protected Species
 H2 General residential development standards
 H3 Range and type of residential accommodation
 H7 Service centres
 H11 Affordable housing on allocated and previously unidentified sites
 H12 Affordable housing on rural exception sites
 TLC7 Provision for Public Art
 OSINEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places
 OS3NEW Prudent use of natural resources
 OS4NEW High quality design
 OS5NEW Supporting infrastructure
 H10 Conversion of existing buildings to residential use in the countryside and
 H2NEW Delivery of new homes
 H3NEW Affordable Housing
 H4NEW Type and mix of new homes
 H5NEW Custom and self build housing
 T1NEW Sustainable transport
 T2NEW Highway improvement schemes
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 EH1NEW Landscape character
 EH2NEW Biodiversity
 EH6NEW Environmental protection
 EH7NEW Historic Environment
 BC1NEW Burford-Charlbury sub-area
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application relates to an open countryside location adjoining the enclave of development to the rear of the railway station when leaving Charlbury. A large copse/woodland provides the backdrop to the site which lies entirely within the Cotswolds Area of Outstanding Natural Beauty (AONB). Officers will make reference to the key submitted plans as part of their presentation to committee.
- 5.2 The application seeks consent for a 12 bed Young Dementia Unit which it is understood would be the first of its kind in the country, and 25 units of housing comprising affordable housing, self-build discount market housing and market housing with associated parking and landscaping.
- 5.3 Members will recall that a similar application appeared before them in 2015 which was withdrawn prior to determination following the initial debate. As part of that debate members identified the principle, precedent and safety of residents as particular concerns albeit no formal decision other than to defer was made. Subsequently this application was presented to Members in November 2015 and, having undertaken a site visit, Members resolved to approve the application subject to the applicants first entering into a legal agreement. This agreement took some while to formalise due to the number of interested parties and the decision was not issued until May this year. The decision was then legally challenged by Friends of the Evenlode Valley. Whilst two of the grounds of challenge would have been contested, the third (relating to the balancing exercise that must be undertaken when considering applications in the AONB) had been clarified in the period between the resolution by Committee to approve the application and the actual issuing of the decision. Consequently the resolution did not follow the process outlined by the courts in terms of the balancing exercise that needs to be applied in the AONB. The Council therefore decided not to contest the original decision being quashed and as such the application is now effectively undetermined. This report brings the application back before Members for determination.

- 5.4 In the interim period, and following Counsel's advice, it has been decided to review the description of development and re-advertise the application as a Departure from the plan currently in force, i.e. the saved policies of the Local Plan 2011.
- 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 in determining the application are:

Principle
Landscape Impact and AONB
Heritage
Policy
Precedent
Siting, design and form
Highways
Residential amenities
Planning benefits
S106 contributions
Conclusion and the planning balance

Principle of development

- 5.6 Charlbury is classified in the Local Plan 2011 as Group C service centre. Based on the settlement sustainability assessment (Nov 2016) the town is ranked 7th of the 41 settlements assessed, in terms of services and facilities available. The town benefits from services, including a primary school, community buildings, sports facilities, railway station, shops and pubs and the draft Local Plan 2031 classifies it as a Rural Service Centre.
- 5.7 The application site is currently undeveloped land beyond the existing built up limits of the village and within the Cotswolds AONB where great weight should be given to the conservation of the landscape and scenic beauty of the area. Assessing the various elements of the proposal the housing policies of the adopted local plan generally seek to resist greenfield development beyond settlement boundaries, and as such the scheme is contrary to adopted housing policy. However, as Members are aware, the housing policies of the existing plan pre-date the NPPF and are increasingly out of date and as such can no longer be afforded full weight in the determination of applications. They are progressively being replaced with the policies of the emerging plan which adopts a more flexible approach to new residential development, recognising the need to boost housing land supply by allowing suitable sites in sustainable locations to come forward including where appropriate in edge of settlement locations.
- 5.8 A further consequence of the housing policies being 'out of date' is that whilst the Council is claiming a 5 year housing land supply if the Liverpool and 5% methodology is accepted by the Local Plan Inspector the Council accepts that it cannot currently demonstrate a five year supply of housing land in advance of that being confirmed by the Inspectorate.
- 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. The supply situation is thus not overwhelmingly positive even assuming that the Council's current calculations as to the demand and supply sides of the equation are confirmed in the local plan process- which of course is not the case at present.
- 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 made a strong case for the "Liverpool" calculation 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 but not yet full weight should be attached to the emerging plan given its progression to the next stage of examination.
- 5.14 Nevertheless, the current position is thus that the housing supply policies of the adopted plan are out-of-date, and further that the Council cannot currently demonstrate a five year supply of housing land. As such, recent guidance from the Supreme Court on the effect of NPPF 14 and 49 confirms that the application should be considered in light of the presumption in favour of sustainable development in the second bullet of the second part of NPPF 14. This involves first considering whether the development is acceptable in terms of 'restrictive policies' applicable to the AONB and then, if so, applying the more general planning balance described in NPPF 14. The remainder of this report follows that structure.

Landscape AONB

- 5.15 In assessing the merits of the application the impact upon the AONB and the application of AONB policy has to be undertaken as a separate exercise in advance of assessing the other merits of the application. Paragraph 115 of the NPPF is the starting point for assessing the appropriateness of a development in the AONB but in addition a decision has to be made as to whether the application is a major development - which additionally triggers the requirements of paragraph 116 of the NPPF. As part of the last application and in defending parts of the judicial

review, Officers considered the application was not a major development, but notwithstanding this (for prudence) also assessed the application on the basis that Members might consider that it was and this is again the approach undertaken in this report.

- 5.16 By way of background as to the decisions of the Courts in assessing whether an application is major for the purposes of AONB policy in the case of *Aston v SSCLG* [2013] the court observed that “[t]he word major has a natural meaning in the English language albeit not one that is precise... I am satisfied that the Inspector made no error of law when he determined that the meaning of the phrase major development was that which would be understood from the normal usage of those words. Given the normal meaning to be given to the phrase the Inspector was entitled to conclude that the Third Defendant's application to erect 14 dwelling-houses on the appeal site did not constitute an application for major development.”
- 5.17 Essentially then it remains a matter of common sense and planning judgment. Subsequent cases shed little more light on the question – in *R (Forge Field) v Sevenoaks DC* [2014] EWHC 1895 (Admin) Lindblom J (as he then was) thought that “major developments” would normally be projects much larger than six dwellings on a site of a third of a hectare, but in any event it was a matter of planning judgment. And in *R (East Bergholt PC) v Babergh DC* [2016] EWHC 3400 (Admin), Mitting J recorded that a conclusion that a scheme of 10 dwellings was not major development was “rightly” not challenged.
- 5.18 Whilst the application scheme is somewhat larger than any of those which have been considered by the court, that is not necessarily significant. It is open to the local planning authority to conclude as a matter of planning judgment that the development is not a ‘major’ development in the AONB. Your Officers consider that it would be entirely reasonable to conclude that a development of the scale and form proposed in the context of a site where its impact is constrained by landform, built form and vegetation is not “major” and that as such paragraph 116 would not be engaged. Members may of course disagree and consider that the scheme is major.
- 5.19 Members will also be aware that even if the scheme is determined to be a major development (as was the case with the application for 62 units at Milton Under Wychwood that secured consent at appeal) this does not of itself preclude development provided that exceptional circumstances can be demonstrated. In that instance the Inspector considered that the site did not make an important contribution to the AONB, that mitigating landscaping would contribute to the AONB in time to give an overall neutral impact with the initial localised harmful impact reducing through time to a negligible impact of minor significance resulting in less than significant effects on the AONB but with some residual policy conflict. He also noted the shortfall against housing targets, the contribution to the local economy and the fact that development would have to take place in the Burford Charlbury sub area to meet emerging housing targets and taking all these in the round this amounted to the exceptional circumstances that justified major development in the AONB where the development adjoining one of the service centres was sustainable development (Appeal ref APP/D3125/W/16/3143885 refers).
- 5.20 The above appeal is also relevant in that it relates to a development in the same Local Plan policy sub area as that the subject of this application - albeit that Charlbury where this site sits is actually classed as a Rural Service centre whereas Milton is classified lower down the settlement hierarchy as a ‘village’.

- 5.21 The following section of the report runs through the NPPF paragraph 115 tests (which clearly apply) and the paragraph 116 test (should Members consider that the application is major development).
- 5.22 The site is within the Cotswolds AONB which washes over the whole town and the countryside around it. The statutory consultee for applications within the AONB is Natural England. They raised no objection/comment subject to appropriate mitigation being secured and suggested the advice of the CCB be sought. However, the AONB Board has objected.
- 5.23 Paragraph 115 of the NPPF and Local Plan Policy NE4 refer to the conservation of the AONB and this is a key issue in your Officers' assessment.
- 5.24 The applicants and the objectors have commissioned their own Landscape/Visual Assessments and perhaps unsurprisingly the conclusions as to the impact of the development reflect the views of those parties that commissioned them. They can however be viewed on line and Members are recommended to make themselves familiar with them. They have informed but not determined your officers assessment of the likely impact of the development. Your officer's assessment is that the site lies on rising land, but it is not elevated in the landscape. The West Oxfordshire Landscape Assessment notes inter alia that whilst there are important views along and across the valley, this part of Charlbury has a strong landscape structure, that the industrial units adjacent to this site are "hidden by the station", that views are limited by intervening vegetation and topography with existing properties in Dyers Hill quite prominent. In that regard it is characteristic of much of the settlement of Charlbury which itself is far from invisible in the landscape but when viewed from without the settlement from the south, north and west is seen as buildings laid out on the hillside interspersed with planting. Indeed it could be argued that much of the value of the Cotswolds landscape generally arises from its distinctive built forms and the interrelationship of buildings and villages with their landscape context. Invisibility is thus of itself not considered determinative as to landscape acceptability. As to the site it is a field and contains no distinctive features and is relatively enclosed in most public views by existing vegetation and topography. When approaching from Charlbury the site is briefly visible, in the context of the development around the railway station sitting above the existing buildings. Very quickly as progress is made towards the station and the viewpoint drops the higher portions of the site become hidden behind the existing commercial complex until the main site access point is reached. The houses that previously fronted the road at this point have now all been deleted from the scheme and replaced with planting. The new street leading away from the class B road has the houses set gable end onto the road and set back some distance from it. As such, whilst not invisible it would be much less intrusive/better screened than was the first iteration of the development. When approaching from the west, which is identified in the WOLA as a key/quality approach, the topography and existing mature woodland will screen all but the most immediate views of the site and these would all be in the context of a backdrop of the station/commercial complex and the village sitting on the rising land beyond. The site will be most visible in wider views from Grammar School Hill, viewed across the Cornbury Parkland. This view was flagged as being of relevance when members undertook their site visit but at some distance, again is already characterised by the interplay of built form and landscape (mostly trees) and is not in context considered by officers to be significantly harmful - in that the development will appear as a natural extension of the existing built form in that area.
- 5.25 In terms of existing landscape and built form features, in your Officers' assessment, the site can be considered a logical complement to the village morphology, although it is recognised that

particularly when viewed from Grammar School Hill and in the immediate environs of the access point the site is visible in the landscape and that not all parties share this assessment.

5.26 As well as the wider landscape views it is considered necessary that the development maintains the rural quality of the approach to the settlement. To this end, the plans have been amended since originally submitted to increase the depth of the boundary buffer and remove the development that had been proposed adjoining the road.

5.27 The proposed screening, combined with a low density built edge to the south east and east would achieve a largely neutral impact upon the village edge compared to the current edge, in your Officers' view- although again those objecting to the application consider that this underplays the impact.

5.28 Overall, whilst it is accepted that the proposed development would represent change from a field to largely built form, with the benefit of the proposed screening following the completion of the development, your officers consider that the visual harm would be limited and localised.

5.29 Having regard to paragraph 115 of the NPPF it is considered that there would not be undue harm to the landscape and scenic beauty of the AONB. If Members consider that the proposals are major development paragraph 116 of the NPPF requires that planning permission for major development in the AONB is refused except in exceptional circumstances and where it can be demonstrated that they are in the public interest. The test has three components which are assessed as follows:

- 1) The need for the development, including in terms of any national considerations, and the impact of permitting or refusing it, upon the local economy.

In this context, the need for new housing is a national imperative underlined by the NPPF, which refers to boosting significantly the supply of housing. Locally, the Council is required to meet objectively assessed need and in the emerging plan has to plan for in the region of 16,000 new homes over the period 2011 to 2031.

The local economy requires new housing to support jobs and services and promote viable, cohesive communities.

There is no doubt that new housing is required at the District level and housing growth should logically be directed to existing sustainable locations.

Meeting housing need, including for those with particular needs, is fundamentally in the public interest.

- 2) The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way.

The Cotswolds AONB covers a large part of the District which includes many significant settlements offering suitable locations for some growth. Two of the designated service centres, Burford and Charlbury, are within the AONB.

Through the SHELAA process the Council has considered the availability of sites and their suitability for housing. Many sites promoted, although not within a designated area, are otherwise constrained and locationally undesirable. The Council has sought to allow development to come forward outside the AONB where this would represent sustainable development, but not all housing requirements can be met beyond the designated area. Service centres and larger villages within the AONB are envisaged to accommodate some new housing and thereby achieve a geographical distribution, which amongst other things will importantly deliver affordable housing in existing communities which have their own housing needs and which is in the public interest. There are no parts of the town that lie outside of the AONB and as such, it could reasonably be argued that there are very few, more suitable, alternative sites outside the AONB that would serve the needs of Charlbury.

The Council has not taken the decision to approve development, and allocate land in the AONB lightly. This is a consequence of the massive increase in housing numbers needed and the opinion of the Council that housing supply cannot be maintained and the needs generated by existing settlements in the AONB met if development in the AONB is proscribed.

- 3) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The site is not prominent. It is not of significant ecological or geological value (albeit that it adjoins Ancient Woodland and a CTA), and is not a public open space or accessible by public right of way. Its value lies in its forming part of the AONB and providing part of the setting of Charlbury.

Officers acknowledge that some harm would arise in landscape terms, but this harm is in the context of the site being effectively contained by established development, landform and woodland. The harm can to a large extent be mitigated and moderated by the proposed design and effective landscaping. The residual harm will need to be considered against the benefits of the scheme to see whether 'exceptional circumstances' have been established such that the scheme is in the public interest despite the great weight given to the residual harm. This question is addressed in the conclusion.

Policy

- 5.30 Section 38(6) of the Planning and Compulsory Purchase Act is key to the consideration of the application and sets out that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Members will be aware that the adopted local plan is time expired with policies framed before the NPPF and where there is no current demonstrable 5 year housing land supply. As such many of its policies can no longer be afforded full weight in the determination of applications. The emerging plan has been through its various examinations but the views of the Inspector have yet to be received. It is therefore of increasing but as yet not full weight. The scheme comprises a mix of different

components, which means that an assessment against policy must be nuanced. Assessing the various components of the scheme individually the affordable housing would not be precluded on site if it were considered as part of a rural exception site - which generally takes place on sites where conventional development would not be policy compliant. Of course, it must be recognised that the site is not in fact a rural exception site because the affordable housing is accompanied by market housing. The specialist units comprised in the care facility do not readily fall within the terms of any policy as it is a specialist use to meet a particular need. In that regard as a sui generis use there are no particular policies addressing such schemes in principle and a case by case assessment would be required; policy on dwelling houses can be considered by analogy and there would be a degree of conflict with housing policies. Self-build housing is being actively encouraged by the Government as a means to increase housing supply but in essence it remains as conventional housing (albeit in this instance some of the units are being offered at a discount market rate) and clearly would be subject to and generally contrary to the housing policies of the adopted plan which stipulate infill and rounding off but which are being afforded less weight given their age and the fact that they pre date the NPPF.

- 5.31 In terms of the sustainability of the location, the site lies in close proximity as an outlier to one of the more sustainable settlements in the district. It adjoins one of the few railway stations in the district and there is ready pedestrian access (which is to be improved as part of the 106 mitigation package) to the town centre with its range of facilities and amenities. There is already an enclave of development adjoining the railway station and in terms of actual distance the main facilities of the settlement are much closer to this site than other sites which physically adjoin the settlement on other sides of the town. In that regard it is probable that the River Evenlode has curtailed the "natural" expansion of the village on this side that would have occurred over the years were it not for the floodplain constraints. In a practical sense it is however considered to be sustainably located.
- 5.32 Looking at the proposal overall, in light of the above it is clear that it conflicts with development plan policy, and hence it has been advertised as a departure from the development plan. However the affordable housing element would be policy compliant if considered in isolation and to the extent that the proposal as a whole conflicts, it conflicts with policies which are not up-to-date and which are accordingly not given full weight. Furthermore, emerging policies are more flexible/positive (albeit subject to a series of criteria) and they carry a degree of weight as material considerations given their progress towards adoption. In particular, emerging policy H2 offers a degree of support for sites adjoining the built up area of Charlbury. Your Officers are of the view that the application site is such a site, because in proximity, visual relationship and practical terms the enclave of development around the railway station already functions as a slightly detached but clearly related part of the wider settlement and this site would be a natural extension of that role
- 5.33 In NPPF terms the location is considered sustainable in transport terms and the development would provide economic and social benefits. On balance, and weighing all the above into account, your officers would conclude that the development is not clearly precluded by policy objections in that many of the policies it is contrary to are increasingly out of date, carry less than full weight and do not reflect the generally more permissive policies of the NPPF and emerging plan and that as such the scheme is not unacceptable in principle, notwithstanding the conflict with the development plan. Material considerations indicate a different conclusion to that suggested by the development plan alone.

- 5.34 The policies of the Cotswolds AONB Management plan are also a material consideration but the plan does not form part of the development plan and so does not have that status. The plan is in any event currently being reviewed. None of the policies contained therein raise matters considered material to the determination of the application that are not already addressed as part of this report.

Precedent

- 5.35 When last reviewed by Members a number expressed a concern that were development to be allowed here it would 'open the floodgates' to more development in this location. Some concern is also expressed that it is not a SHELAA site and if it were approved it would invite applications for other non SHELAA sites coming forward. In respect of the latter concern, the emerging plan makes provision for windfalls which may include SHELAA sites and other sites not previously put forward or assessed through the SHELAA so that of itself is not an issue and these applications would be determined on their merits. The applicants have redesigned this scheme such that there is a "cordon sanitaire" surrounding it, the scheme cannot be physically expanded and its position, sandwiched between the enclave of development at the railway station and the woodland on the higher ground beyond, cannot be replicated. Critically, the combination of distinct elements that would be delivered by this application would also be difficult to replicate, particularly in regard to the locally promoted elements such as the self-build and specially designed care facility. Whilst ultimately it would not be possible to prevent other applicants seeking to use this application as a means to try to promote their own applications, your Officers are satisfied that each application can, should and must be determined on its own merits, and that as such Members discretion as to whether to support or refuse such potential future schemes would not be unduly compromised.

Siting design and form

- 5.36 The scheme has been substantially changed since it was first put before Members. The site area and number of residential units has been reduced and the house types and layout have been completely changed. In essence the new houses have been set back from the main road such that the entrance is now more of a street interspersed with planting. This street leads to a new more formal square where the care building is located and then on to a village green feature where the development terminates. In that regard the design is now much more cohesive than the collection of elements that comprised the first iteration. The parking has been revised so that there is more parking and it is more closely associated with the units it serves and all of the houses and the care building have accessible and useable garden spaces serving them.
- 5.37 The scheme is considered to be an attractive environment that will comprise a logical extension to the existing outlier/enclave of development. Additionally the design and disposition of the dwellings has been altered such that they are now considered to be a form of evolved vernacular design and as such much more comfortable in their context, comprising the modern form of the care building with its design intended to sit low in the landscape, coupled with the more familiar/vernacular form of the houses. There are still some minor elements of the house design that Officers consider would need to be revised (see WODC architects comments) but these could be addressed by condition were planning consent to be granted.
- 5.38 The application is considered to accord with policies BE2, H2 of the adopted plan and OS2, OS4 and H2 of the emerging plan.

Heritage Assets

- 5.39 OCC Archaeology had a holding response as significant remains have been discovered to the West of the site. The applicant undertook a dig to determine the impact upon the buried heritage asset. No archaeological assets were discovered such that it is now considered acceptable by the County Archaeologist.
- 5.40 The setting of all nearby listed buildings needs to be considered under sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Local Plan Policies BE5 and BE8, and emerging Policy EH7 are of relevance. The boundary of the Charlbury Conservation Area lies along the railway line to the east of the site and there is a similar policy requirement to have regard to the setting of the Conservation Area.
- 5.41 The site is visible from the Conservation Area but is not within it. The proposed development is considered to be a well-designed modern form and will be largely screened by the existing industrial site, and where seen would be seen within the context of the existing built form. As such, the proposed development is considered to have very limited adverse impact on the setting of the Conservation Area.
- 5.42 The closest listed building is the Grade II listed station building. This is already highly compromised by the existing commercial buildings sitting adjacent to it and the presence of the more low key, vernacular lower density built forms of the houses and the low slung care building in extensive grounds beyond the existing commercial enclave is considered to have less than substantial harms and very much at the lower end of that particular range of harms. The public benefits of the scheme are considered to outweigh these harms and the fact that Historic England as the Government's key advisor on heritage matters has raised no objections but rather has offered no comments would tend to confirm this assessment.
- 5.43 Other heritage assets in the wider landscape such as listed buildings within Charlbury itself, the setting of the ancient monuments north and south of the site and the setting of the Grade II* Park and Garden at Cornbury are similarly not considered to be materially affected and again have not been the subject of objections from the statutory consultee who have raised no comments.
- 5.44 So to conclude as regards heritage impacts the level of harm to identified assets is considered to be either not material, or very much at the lower end of "less than substantial" and the benefits of the scheme outweigh the limited harm under paras 132 and 134 of the NPPF. The scheme is therefore considered acceptable against policies BE5, BE8 and EH7 of the adopted and emerging plans.

Highways

- 5.45 It will be noted that OCC had raised objections. However, these were not with regards to the highway safety principle of the development, but rather to various design queries/inadequacies such as a lack of agreement to widen the pedestrian route back to Charlbury, the extent of adoptable highway, demonstrating vision splays are within the applicant's control etc. The agent addressed these to the satisfaction of OCC such that there are no longer any highway matters of concern to OCC as Highway Authority. Officers would concur that a safe means of vehicular and pedestrian access can be secured and the footpath improvements will actually provide betterment

Residential Amenities

- 5.46 As advised earlier the scheme now has a somewhat more conventional layout and disposition such that the usual privacy and overlooking standards can be achieved. There are no third parties that would be impacted by the development. It is considered that the proposal accords with policies BE2 and H2 of the adopted plan and OS2 and OS4 of the emerging plan.

Planning Benefits

- 5.47 The application proposes the provision of affordable housing in an area where there is a shortage of such housing to meet the needs of the growing population. This is a clear benefit. The provision of self-build houses targeted primarily at residents with a local connection chimes with Government policy and emerging Council policy to support self-builders as a means to fill a niche not met by the volume house builders. The private housing will generate the usual economic benefits in terms of jobs and investment in the local economy.
- 5.48 A further key benefit in your Officers' assessment is the care facility. This has been designed to meet the needs of young adults with early onset dementia and would be the first such facility in the Country seeking to meet the particular needs of younger people with dementia who currently have their needs addressed in facilities aimed at a much more aged clientele.
- 5.49 In your Officers' assessment this is a factor that weighs in favour of supporting the scheme. Objectors query the position with the YDUK charity that were originally part of the development no longer being one of the applicants as a result of running into financial difficulties largely as a result of the delay in securing a deliverable consent. In that regard the scheme has been specifically designed to meet the needs of those with early onset dementia and as such it is most suited and most likely to meet that particular need. Members will note their continuing support for the development. However the potential use has been widened out to enable a more general care use to be undertaken as a backstop should the early onset use – which is unique/innovative and as such attracts some risk as to its ongoing viability, prove unviable in the longer term.
- 5.50 The specialist use is considered highly likely to succeed with the consequent exceptional benefits given its specialist characteristics but the care element is protected in the longer term should for any reason the specialist use fail. The provision of general rather than specific care is also a factor that can be afforded weight given the increasing care needs of a generally aging population
- 5.51 The affordable housing is to be managed alongside the care facility by a locally based RSL and with the provision of 7 of the 25 units as fully affordable units and a further 8 as discount market self-build its delivery would meet/exceed the 40% requirement of policy H3 of the emerging plan (albeit in a non –conventional manner) which would constitute a further planning benefit.

Section 106

- 5.52 A Section 106 agreement has already been entered into by the applicants. This may need to be adapted to ensure that it refers to the current proposals. It secures funding as follows:

£127,402 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 11.08 pupil places.

£20,000 towards community facilities.

£2000 towards a temporary public art programme post-occupation to comprise a range of creative activities on site for the benefit of residents based at the supported living accommodation. The programme would be developed by the Community and Leisure service at WODC in conjunction with the Town Council and utilise local expertise where possible.

5.53 Highways secured contribution towards improved public transport in Charlbury of £1,000 per additional dwelling i.e. total of £37,000 along with contributions towards the relocation of the 30mph speed limit (£2,500), off-site pedestrian improvements to provide suitable access to the rail station, the town centre and bus stops; traffic calming and amendment of speed limit. (Secured as part of S106 agreement, and to be carried out by the developer under S278 agreement).

5.54 Additionally the S106 would enable the delivery of the affordable housing and self-build housing, the care building remains as a sui generis use, landscape maintenance of the communal areas and strategic landscape belts and a permanent requirement to retain a cordon sanitaire around the scheme to prevent further additions.

Other matters

5.55 The safety of residents was a matter debated at length in the debates last time the application was considered. Concerns were expressed about residents straying onto the adjoining railway line or road. The applicants confirm that the residents of the dementia unit would all be properly assessed and regulated with regards to their abilities to access the wider community or their need to be heavily supervised in such circumstances. They are satisfied that their duty of care to the residents will ensure that there are not any of the problems of the nature feared and to the extent that this is actually a planning matter your officers consider that with the likely care provider giving such an assurance then this is not really a matter that should carry particular weight in a planning decision.

5.56 Members also suggested that the charity should seek to locate as part of one of the strategic development areas where there would be less likely to be planning constraints that may lead to a refusal. In that regard the applicants respond that it is only the economics of an "off plan" proposal such as this with all the various cross subsidies and reduced land values that would enable them to realise the project. In that regard the advice of the NPPF at paragraph 116 to look at the scope for developing elsewhere to provide the development has been addressed.

5.57 There are no flooding, water supply, ecological or other concerns or constraints that would preclude the development of the site. Concerns regarding rail noise can be addressed by condition.

Conclusion and the planning balance

5.58 There has been much public interest in this application. As with all applications the determination should be made in accordance with the development plan unless material considerations indicate otherwise. Objectors to the scheme cite the location beyond the existing built up limits of the settlement, contravention of adopted housing policies, landscape protection policies, the location within the AONB and the visual impacts of developing an

attractive greenfield site with a more urban form of development as particular reasons why the scheme should not proceed. Additionally whilst Natural England and Historic England do not object/make no comment the AONB Board objects and there are some residual policy harms with the development not fully complying with all adopted policies. These weigh against approval.

- 5.59 To set against these concerns there has been substantial local and wider support for the proposal (as well as objections) which is clearly not a conventional scheme but rather seeks to achieve a range of community and social benefits supported by a modest private housing scheme. The design and layout, and consequent visual and landscape impacts have been appropriately mitigated and moderated. The policies of the emerging local plan allow for developments on greenfield sites adjoining settlements in appropriate circumstances.
- 5.60 The site lies within the Cotswolds AONB where paragraph 115 and potentially paragraph 116 of the NPPF may be engaged. Officers are of the view that the scheme is not major development and that as such the scheme should be assessed against paragraph 115. If members disagree, paragraph 116 advises that major development can only proceed where there are exceptional circumstances and it is in the public interest. In looking at the requirements of 115 and 116 it is acknowledged that there would be some landscape harm arising from the proposal, which is to be given 'great weight' in the balance. However, it is considered that landscape and scenic beauty would not be unacceptably affected. For the reasons expressed above, Officers are of the view that subject to securing effective landscaping and screening the tests of paragraph 116 of the NPPF are met were the scheme to be considered as major development. The many benefits of the scheme lead to the conclusion, in the view of your Officers, that the proposal is acceptable when considered against AONB policy in NPPF 115 and 116 and in the development plan. If it is major development then the harm is sufficiently limited and the benefits are sufficiently great to constitute exceptional circumstances leading to the development conforming with the public interest.
- 5.61 The site is outside the Charlbury Conservation Area albeit close to it and not in close proximity to any other heritage asset other than the Station building which has intervening built form between it and the application site. For the reasons expressed above, there would be non-material or less than substantial harm, and indeed even where there is an impact only very limited harm to the setting of the heritage assets identified. The benefits of the development in a sustainable location outweighs this limited harm in this case.
- 5.62 Given that the saved Local Plan 2011 Policies for the supply of housing are time expired, and the emerging Local Plan is yet to complete examination and adoption, the Council cannot currently definitively demonstrate a 5 year supply of housing. In this context, policies for the supply of housing are out of date and paragraph 14 of the NPPF is engaged. This requires that development is approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate that development should be restricted. There is limited environmental harm in landscape and heritage terms, but for the reasons expressed above this is not so significant as to preclude the development. Significant weight is attached to the social and economic benefits of the provision of new housing (in general terms), and in particular the affordable housing and care home in this case. The economic benefits associated with the construction of new dwellings, and potential economic activity associated with new residents are acknowledged.

5.63 On balance, it is considered that the harm arising from the proposal would not significantly and demonstrably outweigh the benefits and that there are material considerations that justify approval of the application notwithstanding an element of policy conflict. Accordingly, it is recommended that the application is approved subject to conditions and any necessary modifications to the legal agreements.

6. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas including the access road and its footways shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.
- 4 Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the site shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: To ensure 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.
- 5 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, 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.
- 6 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 Construction Traffic Management Plan 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.
- 7 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning

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

Discharge Rates

Discharge Volumes

Maintenance and management of SUDS features (this may be secured by a Section 106 Agreement)

Sizing of features - attenuation volume

Infiltration tests to be undertaken 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 plans

Flood Risk Assessment

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

- 8 Before any works begin on site a construction management plan must be submitted for approval as per the recommendations in the submitted Phase 2 :Great Crested Newts Report (Earth Ecology), Ecological Assessment Final & Biodiversity Management Plan Final (Wychwood Biodiversity Aug 15) as well as a ten year Ecological Management plan based on the Biodiversity Management Plan Final (August 15) which provides further detail to show who will be responsible for carrying out the proposed works including all monitoring work, details and the mechanisms to ensure the success of the proposed buffer zones and enhancements must be submitted for approval to the LPA. Once approved all the works must be carried out as per approved Construction Management Plan and the Ecological Management Plan and thereafter permanently maintained.
REASON: To ensure that Amphibians, Bats, Birds and their Habitats as well as Priority habitats such as water courses, wetlands and ponds are protected in accordance with the Conservation of Habitats and Species Regulations 2010 and Wildlife and Countryside Act 1981 as amended, in line with the National Planning Policy Framework (in particular section 11), West Oxfordshire District Local Plan Policies and in order for the Local Planning Authority to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 9 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.
- 10 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 11 Notwithstanding details contained in the application, detailed specifications and drawings of all garages, solar panels and external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in

writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 12 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall include the retention of any existing trees and shrubs and planting of additional trees and shrubs; proposed finished levels or contours; all ground surface treatments and materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; minor artefacts and structure; retained historic landscape features and proposals for restoration, where relevant and shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 13 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 14 Fire hydrants shall be installed in accordance with details, including the phasing of installation, which have first been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the safety of occupiers of the proposed dwellings.
- 15 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbs). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.
REASON: In the interest of improving connectivity in the District.
NB Council will be able to advise developers of known network operators in the area.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed extensions or outbuildings to conserve the AONB

- 17 Prior to the commencement of development details of the means to protect the occupiers of the dwellings from potential rail noise shall be submitted to and approved in writing by the LPA and the said agreed measures shall be implemented in full prior to first occupation and be retained in place thereafter.

REASON: To limit the potential for noise impact from rail traffic.

NOTES TO APPLICANT

- 1 Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.
- 2 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.

APPROVED PLANS:

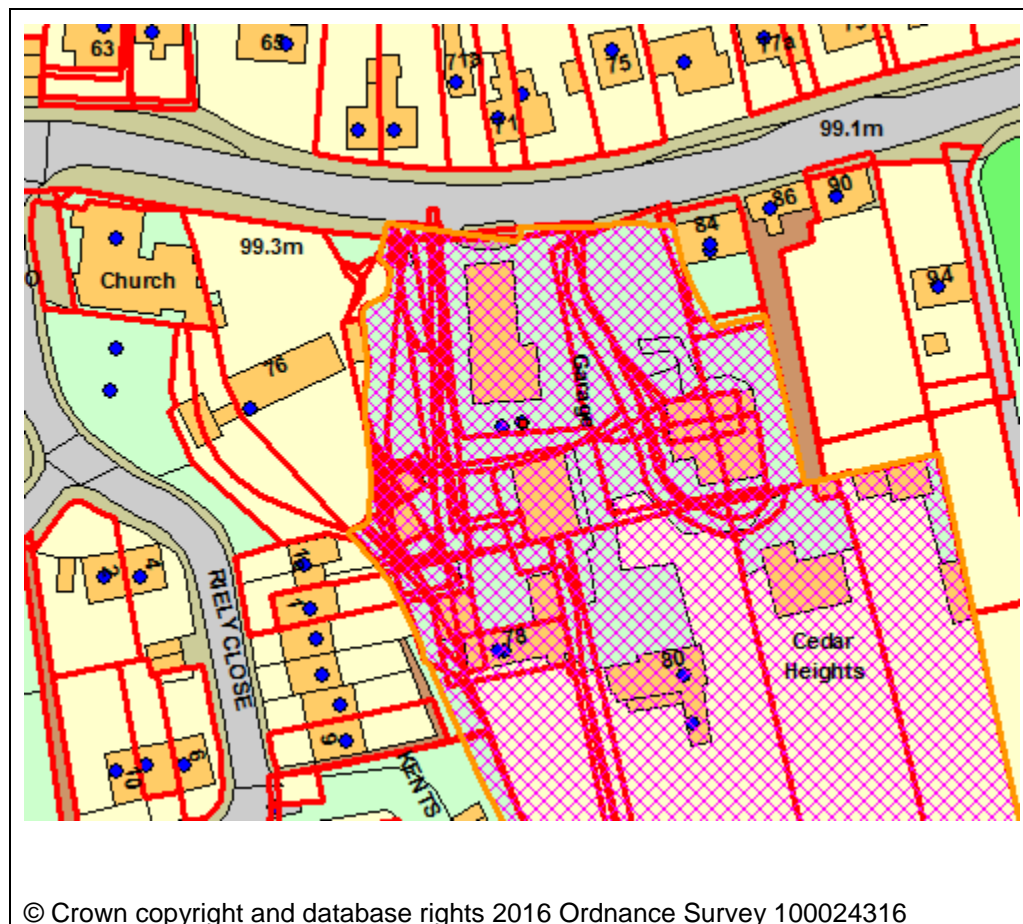
Reference No: Version : Description :

161-W102 Location Plan
161-I-A.01A.1 Floor Plans - Proposed
161-I-A.01A.2 Elevations - Proposed
161-I-A.01B.1 Floor Plans - Existing
161-I-A.01B.2 Elevations - Proposed
161-I-A.01C.2 Elevations - Proposed
161-I-A.01C.1 Floor Plans - Proposed
161-I-A.02L.2 Floor Plans - Proposed
161-I-A.02R.1 Elevations - Proposed
161-I-A.03L.2 Floor Plans - Proposed
161-I-A.03L.1 Elevations - Proposed
161-I-A.04L.2 Floor Plans - Proposed
161-I-A.04L.1 Elevations - Proposed
161-I-A.05.2 Floor Plans - Proposed
161-I-A.05.1 Elevations - Proposed
161-I-A.06.2 Floor Plans - Proposed
161-I-A.06.1 Elevations - Proposed
161-I-A.07.2 Floor Plans - Proposed
161-I-A.07.1 Elevations - Proposed
161-W101 Layout
161-W101 Layout
161-W101 Layout
161-W101 Layout
161-W101 Layout
161-W102 Location Plan

200 A Location Plan
201 A Site plans
202 Site plans
203 D Site plans
204 Floor Plans - Proposed
204A C Floor Plans - Proposed
204B B Floor Plans - Proposed
205 C Floor Plans - Proposed
206 B Roof Plan
206 C Roof Plan
207 Elevations - Proposed
207 B Elevations - Proposed
208 Elevations - Proposed
208 A Elevations - Proposed
209 B Cross Section
210 Other
211 Other
212 Site plans
IMA-15-125-006 B Access Plan

Application Number	17/00309/FUL
Site Address	Olivers Garage 80 - 82 Main Road Long Hanborough Witney Oxfordshire OX29 8JY
Date	22nd November 2017
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Hanborough Parish Council
Grid Reference	442197 E 214112 N
Committee Date	4th December 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	<p>Highways - no objection subject to conditions and legal agreement to provide contributions to bus services and bus infrastructure</p> <p>Drainage - more information required as regards sustainable drainage</p> <p>Education - condition regarding delivery of capacity at Hanborough Manor Primary School and contributions to primary school and nursery education.</p> <p>Archaeology - no objection - there are no archaeological constraints on this site.</p>
I.3	WODC - Arts	<p>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.</p>
I.4	WODC Architect	<p>No comments received</p>
I.5	Biodiversity Officer	<p>No objection subject to conditions</p>
I.6	ERS Env Health - Uplands	<p>No objection subject to condition regarding potential noise.</p> <p>No objection subject to condition regarding contamination.</p>
I.7	WODC Housing Enabler	<p>In order to be policy compliant a 50% affordable housing contribution would be required.</p> <p>In general terms the Council's guidance is that the affordable housing scheme mix and unit types should comply to the following;</p> <p>70% affordable rent and 30% shared ownership</p> <p>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.</p> <p>To be policy compliant, ideally the scheme would provide for;</p> <p>12 affordable dwellings, of which 8 would be for affordable rent and 4 for shared ownership</p> <p>Affordable Rent = 2 x 1BF, 2 x 2BF, 3 x 2BH and 1 x 3BH</p> <p>Shared Ownership = 2 x 2BH and 2 x 3BH</p>
I.8	WODC - Sports	<p>£1,156 x 25 = £28,900 off site contribution towards sport/recreation/community facilities within the parish of Hanborough</p> <p>£818 x 25 = £20,450 for the enhancement and maintenance of play/recreation areas within the parish of Hanborough.</p>
I.9	Thames Water	<p>No objection</p>
I.10	WODC Env Services - Waste Officer	<p>No comments received</p>

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.
- Noise and disturbance.
- No social housing included

2.2 5 expressions of support have been received referring to:

- (i) My family and I have been residents in Long Hanborough for almost 20 years now. We have seen the plans for redevelopment of Olivers 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.
- (ii) Percentage of affordable housing to be provided is extortionate and not economically viable.
- (iii) The demolition and redevelopment is part of a commercial relocation project and the rehousing of the present residents, not an opportunity for a social engineering ideal.
- (iv) Unfair to demand a higher proportion of affordable than provided on other large sites in Long Hanborough.
- (v) There is already affordable housing in Long Hanborough and approved schemes will meet needs.
- (vi) Eliminating the requirement for affordable may allow a reduced number of units and improved form of development and design.
- (vii) There appears to be a problem with site clearance which could put the project in jeopardy. It seems that 50% affordable would make it unviable.
- (viii) As it stands the garage is a complete eyesore and the development would improve the outlook.
- (ix) Pursuing sustainable development requires careful attention to viability and costs.

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

- (i) Olivers Garage did consider closing but will be expanding and relocating to an industrial unit on the edge of North Leigh.
- (ii) 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

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.
- 3.5 There have been extensive discussions with Officers regarding affordable housing and additional submissions have been made. This is referred to in the section on affordable housing below.

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 it 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 I, 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% (subject to viability considerations). The applicant submitted a viability assessment prepared by a specialist consultant 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 different consultant engaged by the Council, and subsequently additional information has been exchanged between both parties to assist the assessment. A number of meetings have taken place to progress the matter.

5.39 The conclusion of the Council's independent consultant is that the scheme cannot deliver the full 50% affordable, but would be viable at 32% provision (equivalent to 8 units). The applicant maintains their position that the development would not be viable if any affordable housing was provided. Based on recent correspondence the applicant considers the main points of difference of opinion to be: (i) Contingency on above ground build costs; (ii) Benchmark land value and premium to be applied; and (iii) Residential sales values in this area. Whilst the applicant remains of the view that no on-site affordable housing can be provided, they have nevertheless made a without prejudice offer of £150,000.00 towards off-site affordable housing provision. The applicant advises that this offer has only been possible due to the land owner agreeing a reduced sale price of the land in the hope that this will negate the unnecessary delay and expense of an appeal. The applicant's offer has been made on a without prejudice basis. Although the applicant does not consider that the viability of the scheme justifies such a payment and they consider that

they have provided sufficient evidence to the Council to support this position. Officers consider that this would not appropriately address the matter and the sum offered would make only a very modest contribution to meeting affordable housing needs. The proposal does not comply with Policies H11, H3 and criterion (a) of allocation policy EW1g in the emerging Plan.

- 5.40 Members are advised that should the application be refused and subsequently appealed, the offer of £150,000.00 would be withdrawn by the applicant and the appeal case made on the basis of zero contribution.
- 5.41 Officers are of the view that given that the delivery of affordable housing is a core objective of both the adopted and emerging Local Plans, it warrants very careful consideration. Departure from the policies in this regard would need to be fully justified. The applicant's assertions have been appropriately assessed and accepting an offer of a contribution that does not comply with the outcome of this assessment would have wider implications for how similar applications are dealt with in the future within the District. Failure to provide an appropriate proportion of affordable housing across a number sites would seriously undermine delivery. Officers are not satisfied that the applicant has made a persuasive case for their position and regrettably Officers therefore advise that this would warrant refusal of the application.

Other matters

- 5.42 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 will be required.
- 5.43 It is considered that a condition requiring details of levels and any required retaining structures would cover this.

S106 matters

- 5.44 A 32% on-site contribution to affordable housing is required as set out above.
- 5.45 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.
- 5.46 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.
- 5.47 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.
- 5.48 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.

- 5.49 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.
- 5.50 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.
- 5.51 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

- 5.52 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.
- 5.53 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.
- 5.54 OCC raises no objection in highways terms and the site is in a sustainable location.
- 5.55 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.
- 5.56 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.
- 5.57 Ecological mitigation and enhancements are capable of being addressed by condition.
- 5.58 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.

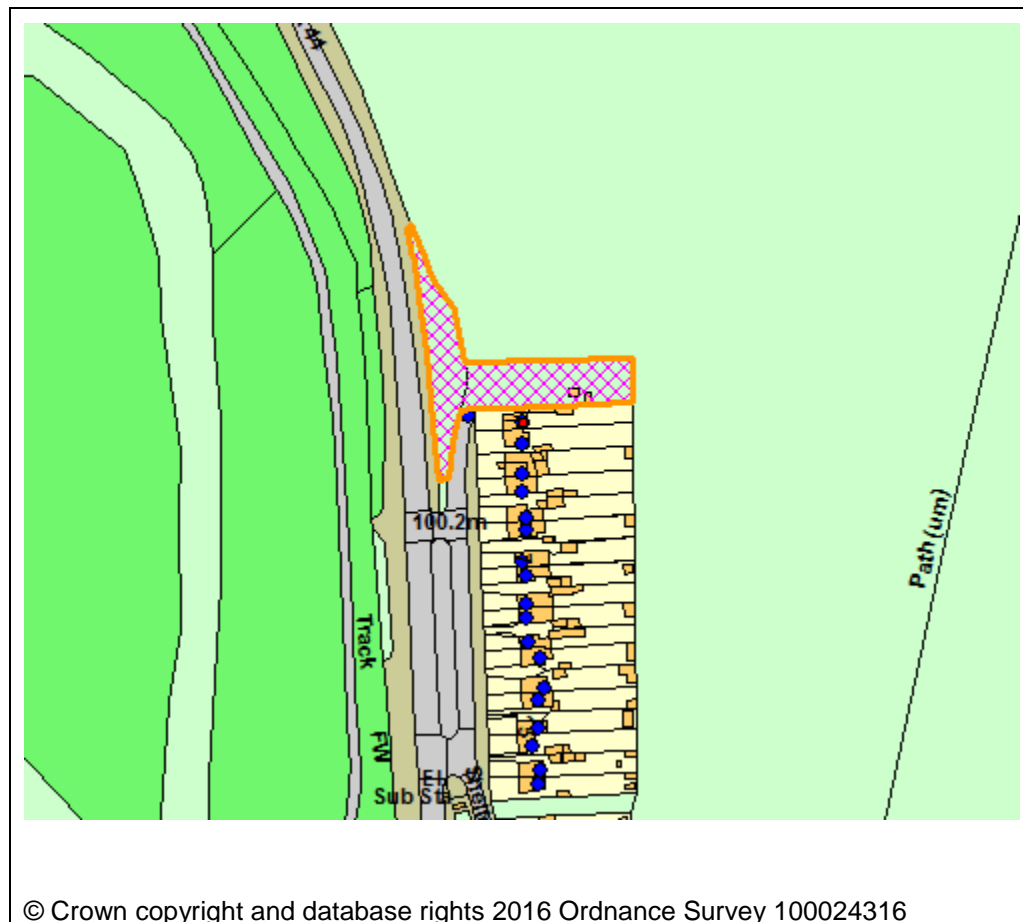
- 5.59 As regards the neighbouring listed building, No.76 Main Road, there is some residual harm to its setting which is judged at the lower end of less than substantial, taking account of the currently compromised setting. This limited harm is outweighed by public benefit of the delivery of new housing and its associated social and economic benefits.
- 5.60 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.
- 5.61 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

The applicant's submitted viability assessment concludes that no affordable housing can be provided in this case. However, it has been assessed by the LPA that the proposed scheme can deliver 32% on-site affordable housing and remain viable. On a without prejudice basis the applicant has made an offer of £150,000.00 off-site contribution towards affordable housing. This would make only a modest contribution to affordable housing needs in the District and 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 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	I7/00829/FUL
Site Address	I Hill Rise Woodstock Oxfordshire OX20 1AA
Date	22nd November 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Woodstock Town Council
Grid Reference	444077 E 217764 N
Committee Date	4th December 2017

Location Map



Application Details:

Erection of two dwellings with associated access and landscaping

Applicant Details:

Apella Property Developments Ltd
C/O Agent

I CONSULTATIONS

- I.1 Town Council Woodstock Town Council has not changed its objection to the original application, as per the following comments sent previously:
 - It extends the built up boundary of Woodstock
 - It transgresses Policy B4
 - A similar application has been refused previously and refusal was confirmed at appeal

The above is in line with the view of the Council that the town should not be extended at this point. Furthermore members are aware that Uplands Planning Committee have recommended deferral until after the completion of a heritage assessment on the town and hopes that no action will be taken prior to such an assessment taking place.

- I.2 WODC Drainage Engineers A drainage plan must be submitted showing all components of the proposed surface water drainage system. In addition, sizing of the components will need to be shown.

If practical, we would like to see either Rain Water Harvesting or Rain Water Butts incorporated into the proposed surface water drainage system.

A laying specification for the proposed hard standing will be required.

An exceedance plan must be submitted, showing the route At which surface water will take, if the proposed surface water drainage system/s were to over capacitate and surcharge, with all exceedance flows being directed towards the highway and not towards private property or land. This plan must include existing/proposed CL, FF/slab levels.

Confirmation in writing on who will own/be responsible for any shared/communal SuDS must be submitted.

- I.3 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

- I.4 WODC Architect No Comment Received.

2 REPRESENTATIONS

No third party comments have been received in objection or in support of this application.

3 APPLICANT'S CASE

- 3.1 At the current time the existing Local Plan 2011 is now out of date with regard to the provision for housing and significant shortfalls in housing supply have been identified. In such circumstances, the NPPF paragraph 14 dictates that the proposal be considered against the presumption in favour of sustainable development.

This requires an assessment of planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

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

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

An economic role

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

The development will provide high quality housing which respects local amenity in a sustainable location where there is an identified requirement to boost housing supply. The need for housing on the land to the north and east of the site (beyond the existing settlement boundary of Woodstock) is already accepted in principle in the Draft Local Plan 2031. The provision of high-quality housing in this sustainable and promoted location has a social benefit and no significant or demonstrable adverse impacts.

The design solution will enhance the character and appearance of the location area while the retention of significant vegetation level will soften the appearance of the development. There are no significant or adverse impacts on the setting of proximate heritage assets or local ecology which outweigh the cumulative benefits of the development.

A social role

- 3.3 The development will provide high quality housing which respects local amenity in a sustainable location where there is an identified requirement to boost housing supply. The need for housing on the land to the north and east of the site (beyond the existing settlement boundary of Woodstock) is already accepted in principle in the Draft Local Plan 2031. The provision of high-quality housing in this sustainable and promoted location has a social benefit and no significant or demonstrable adverse impacts.

An environmental role

- 3.4 The design solution will enhance the character and appearance of the location area while the retention of significant vegetation level will soften the appearance of the development. There are no significant or adverse impacts on the setting of proximate heritage assets or local ecology which outweigh the cumulative benefits of the development.

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

The planning balance

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

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
H2 General residential development standards
H7 Service centres
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EH1NEW Landscape character
BE11 Historic Parks and Gardens
EH7NEW Historic Environment
EW1NEW Blenheim World Heritage Site
BE11 Historic Parks and Gardens
EW2NEW Eynsham-Woodstock sub-area
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning permission for the erection of two semi-detached dwellings, which would be located within an area of domestic curtilage to the north of an existing detached property 1 Hill Rise. The site lies on the northern edge of Woodstock at the northernmost end of Hill Rise and lies to the east of the A44. The site does not lie within the Woodstock Conservation Area. The adjacent properties in Hill Rise are characterised by semi-detached white rendered non-vernacular 1950s properties featuring hipped roofs.

- 5.2 The land to the north and east of the site presently comprises of a large open agricultural field. This site is included as a draft allocation designated within Policy EW1d of the Emerging Local Plan and is identified as having development potential for the delivery of 120 homes.
- 5.3 The proposed plans were amended prior to the committee meeting held on 4th August. The design of the proposed dwellings was amended to match the appearance of the adjacent semi-detached rendered hipped roof properties sited to the south of the application site, adjacent to Hill Rise. Following the provision of these amended plans, officers withdrew the reason for refusal relating to the deemed inappropriateness of the design of the proposed dwellings.
- 5.4 A previous application on the site for two dwellings was refused in 2012 (12/0384/P/FP) on the basis that the development would fail to comprise infilling or rounding off and would consequently be contrary to Policies BE2, NE1, H2 and H7 of the Existing Local Plan. A subsequent appeal (APP/D3125/A/12/2178015) lodged against the refusal of this application was dismissed.
- 5.5 The application was brought before members of the planning committee in August 2017, where members resolved to defer making a determination on the planning application, until such time as a Landscape and Heritage Assessment had been carried out in relation to the adjacent allocated site. The Council have since received the final version of a landscape assessment relating to this site, produced by Chris Blandford Associates, dated 18th October 2017. The recommendations in relation to the Hill Rise allocation are discussed within this report in relation to the application site and proposed development of two dwellings.
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of development
 - Design, scale and siting
 - Impact on heritage assets
 - Highways
 - Residential Amenity

Principle

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

spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .

- 5.9 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 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.
- 5.10 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.11 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate 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.
- 5.12 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Woodstock is identified as a service centre within both the existing and emerging local plans and the provisions of Policies H7 and H2 of these respective plans are applicable to the determination of this application.
- 5.13 Policy H7 of the existing local plan is permissible of residential development which constitutes infill or a rounding off of the settlement area, whilst Policy H2 of the emerging local plan is permissible of new residential development within or adjacent to service centres, where the development is consistent with the wider provisions of the plan, in particular Policy OS2. Of particular relevance to the siting of new residential development is the provision within Policy OS2, which requires that new housing should form a logical complement to the existing built form. The proposed layout of two additional semi-detached dwellings solely in terms of their siting could be read as a continuation of the existing linear pattern of development along the western edge of Hill Rise and in this sense the development could be considered to read as a logical complement to the existing built form, however the siting of additional development in the proposed position has implications in visual terms, which is assessed in the following section of this report, which references a previously dismissed appeal on the site in 2012 as well as the sites relationship with the adjacent proposed allocated site in addition to the advice provided to the Council in respect of heritage and landscape issues associated with this allocation.

Landscape and Heritage Considerations

- 5.12 Planning approval for two dwellings in a similar layout to what is presently proposed within this application was refused in 2012 (12/0384/P/FP). Refusal reason two of the aforementioned

application relates to the non-provision of affordable housing, which officers consider would no longer amount to an appropriate reason for refusal given that National Planning Practice Guidance advises that affordable housing should no longer be sought on schemes of less than 11 dwellings (6 within AONBs). Refusal reason one stated:

"That the provision of a new dwelling in this location would not comprise infilling or rounding off as defined within the West Oxfordshire Local Plan 2011 resulting in an extension of built development into the open countryside which would erode the intrinsic qualities of the local landscape. As such, the development is contrary to Policies BE2, NE1, NE3, H2 and H7 of the West Oxfordshire Local Plan 2011 and guidance within the National Planning Policy Framework."

- 5.13 In dismissing the subsequent appeal (APP/D3125/A/12/2178015) the Inspector commented that the "appeal site is important in providing a gradual transition between the built form of the settlement and the countryside beyond." The Inspector states that the proposed two dwellings would "clearly extend the existing line of development and this would erode the area of transition between the built area and the open farmland, thereby causing significant harm to the character and appearance of the surrounding area".
- 5.14 Officers would note that the site remains as it did in 2012 as an area of undeveloped domestic curtilage associated with 1 Hill Rise. Since the previous appeal decision, increased weight is being afforded to the provisions of the Emerging Local Plan. Officers note that the previous application for two dwellings was not considered in relation to the Emerging Policy OS2, which allows for new residential development on the edge of existing settlements, where this forms a logical complement to the existing built form. It is noted that the provisions of Policy OS2 are less restrictive than those of H7 which specify that development should constitute infilling or rounding off of the settlement area.
- 5.15 The site lies within the wider setting of the Blenheim World Heritage. In accordance with the provisions of Paragraph 132 of the NPPF an assessment must be made as to whether the development, as proposed would result in harm to the significance of the World Heritage site.
- 5.16 A pair of semi-detached dwellings is proposed in a position adjacent to the established linear built form along Hill Rise. A material consideration which must be afforded due weight following the Local Plan examination held in July 2017 is the proposed allocation of the adjacent site, referenced as Land North of Hill Rise within Policy EW1d of the Emerging Local Plan. This large site was initially listed as offering the potential for the delivery of 120 homes and extends up to the north and east boundaries of the application site.
- 5.17 Following the examination hearing held in July 2017 the examination Inspector requested that a heritage assessment and landscape assessment be carried out to properly assess the impact of proposed development on the setting of the Grade I Blenheim Palace Park, the settlement character and the impact of the development on the immediate landscape. The Council are now in receipt of this advice, which is contained within the document produced by Chris Blandford Associates, dated 18th October 2017. The document provides an appraisal of the landscape context of the site and its various sensitivities and proceeds to make a number of recommendations in respect of the Hill Rise allocation. It is concluded that the site is capable of accommodating a development of 120 homes, though a series of suggestions are made with regards to the siting of the built form and the provision of landscaping to mitigate the visual impact of the development.

- 5.18 It is accepted that vehicular access to the site would be onto the A44 in a position to the north of the application site, though it is recommended that sufficient space is provided to plant large parkland trees around the junction to soften the visual impact associated with this hard engineering. The accompanying Heritage Appraisal highlights the importance of retaining a visual separation between the allocated site and the Blenheim World Heritage Site. Amongst the recommendations it is advised that development is kept back from the eastern boundaries of the allocation site and ensuring that the northern part of the site, where it joins the main road remains undeveloped to reduce perception of urbanisation.
- 5.19 The Inspector in the 2012 appeal identified that the erection of two dwellings on this site would result in harm to the local landscape character and the character and appearance of the surrounding area. She considered that the site formed a visual break between the last dwelling and the backdrop of trees, providing a gradual transition between the built form of the town and the more open landscape beyond. The context of the site has not changed materially since the determination of the appeal in 2012; therefore the Inspector's comments in relation to the identified harm to the landscape setting and settlement character remain of material relevance. The West Oxfordshire Landscape Appraisal identifies the importance of maintaining a strong landscape buffer to the northern edge of Woodstock.
- 5.20 Whilst the advice provided in respect of the Hill Rise allocation acknowledges that the development of 120 houses on the site is realistic and can be adequately mitigated, the recommendations contained within this advice are of material relevance when assessing the acceptability of the principle of residential development on the application site. It is accepted that were the allocated site to be brought forward for development that there would be an access road located in a position to the north of the site, on approach into the town. The recommendations contained within the advice produced by Chris Blandford Associates makes clear that the negative urbanising impact associated with this access road would need to be mitigated through the provision of planting in order to soften the impact of the built form and to maintain an attractive approach into the town. The recommendations further stress the need to keep the built form away from the eastern boundaries of the site, in order to protect the setting of the Blenheim World Heritage Site.
- 5.21 In respect of the recommendations outlined within the document produced by Chris Blandford Associates, officers consider that the reasons outlined by the appeal inspector in relation to the previously dismissed 2012 appeal on this site remain of material relevance and further highlight the sites importance in maintaining a gradual transition between the built form and open countryside. The development of two dwellings on the application site would visibly urbanise the character of the immediate area and would directly go against the advice provided within the landscape assessment in respect of the Hill Rise allocation, which highlights the importance in ensuring that the eastern edge of the allocated site remains undeveloped.
- 5.22 Officers consider that the proposed development would erode the transition between the built form and open countryside, which would be of detriment to the character and appearance of the settlement and immediate area. Officers consider that in both a scenario where the adjacent allocated site were to be developed, or in a scenario where the adjacent land were to remain in its undeveloped present form, the development would result in undue harm to the character and appearance of the immediate area.

- 5.23 The applicants have provided a heritage impact assessment in respect of the proposed development, which concludes that the development would have no impact on the significance of Blenheim Palace. Notwithstanding this, when assessing the site in accordance with the advice provided in the report by Chris Blandford Associates and accounting for the adverse impact of the development in relation to the landscape character and the character and appearance of the area, officers consider that the proposed development would result in less than substantial harm to the setting of the world heritage site. When assessed in accordance with the balancing exercise required under paragraph 134 of the NPPF, officers consider that the limited public benefits associated with the provision of an additional two dwellings would fail to outweigh the less than substantial harm caused to the setting of the World Heritage Site.
- 5.24 Officers note that a Landscape Assessment has been provided in support of the application, which concludes that the impact of development in relation to the landscape and visual character of the area is likely to be at worst minor. It is stated that owing to the presence of hedgerows to the north and east of the site, wider views of the development, including views from the nearby right of way to the east of the site would be limited. Owing to the presence of thick boundary screening adjacent to the A44 views of the development site from the South would be very limited. Whilst Officers would not disagree that the site has some degree of visual containment, it was noted that at the time of the previous appeal being determined that similar screening existed, however the Inspector considered that development of an additional two dwellings would read as an extension of the built form, which would erode the transition between the built area and the open countryside. There is no guarantee that existing screening would be retained in the future, particularly the dense hedgerow adjacent to the A44 which shields views of the development site. Future occupiers may wish to optimise their outlook by removing screening.
- 5.25 Taking the above factors into account, Officers consider that the comments of the Inspector in the previous appeal decision in 2012(APP/D3125/A/12/2178015) needs to be afforded due weight notwithstanding the fact that the policy context with regards to the siting of new dwellings on the edge of settlements has been relaxed somewhat since the determination of this appeal.

Siting, Design and Form

- 5.26 Officers consider that a layout consisting of a pair of semi-detached dwellings would largely replicate the existing built form and arrangement of development in this part of Woodstock. The previously refused planning application (12/0384/P/FP) on the site proposed the erection of a pair of semi-detached dwellings which mirrored the design and form of the existing properties on Hill Rise. Whilst officers previously raised concerns about the principle of development and the extension of the existing built form into the open countryside, Officers were satisfied at that time that the design of the proposed dwellings appeared appropriate within the context of the street scene.
- 5.27 Development within this immediate part of Woodstock comprises solely of 1950s residential dwellings, which feature simple frontages and hipped roofs. Whilst the dwellings are notably non-vernacular there is a reasonably strong degree of uniformity in the design of the properties in the immediate area. There is no strict requirement to directly conform to the design of the properties within the immediate area; however it would be expected that any new residential dwellings should relate well to the existing built form to avoid any new development appearing unduly incongruous in the street scene.

- 5.28 The originally submitted plans proposed a pair of semi-detached properties, the design of which significantly deviated from the uniform appearance of the properties in the immediate area. Officers considered that the originally proposed design of the dwellings would appear visually incongruous; in order to address officers concerns regarding the design of the properties the applicants amended the proposed plans which now include a pair of rendered semi-detached properties, featuring hipped roofs, the design of which would be consistent with the appearance of the existing properties in the street scene. Officers consider that the design of the proposed dwellings would be appropriate within the context of the immediate built form.

Highways

- 5.29 The application site would be accessed via Hill Rise to the East of the site, with a new parking and turning area formed. Officers consider that the proposed means of access onto Hill Rise would be acceptable and would not be detrimental to highway safety or amenity. Two spaces would be provided for each dwelling which officers consider would be adequate to serve the size of the proposed units. Officers note that no objections have been raised to the proposed development from OCC Highways Officers.

Residential Amenities

- 5.30 The proposed dwellings would be sited adjacent to No.1 Hill Rise, which would be the only property significantly affected by the proposed development. Officers note that the proposed dwellings would not extend significantly beyond the rear building line of No.1 Hill Rise and consequently the development would not result in a loss of light to any of the rear windows serving this property. Owing to the orientation of the proposed dwellings the proposed rear windows of the dwellings would not result in direct overlooking of the rear curtilage area of No.1 Hill Rise and no windows are proposed on the South facing side elevation of this property. Officers consider that the scale of the proposed dwellings would not appear overbearing in relation to either No.1 or No.2 Hill Rise. Each property would be afforded with an adequate quantity of residential amenity space.

Conclusion

- 5.31 The application proposes the erection of two dwellings on an edge of settlement site where consent was previously refused in 2012 and where an appeal was subsequently dismissed on the basis that an extension of the built form would result in harm to the character of the immediate landscape. Officers are of the view that there has been no material change in locational characteristics that would lead to a different conclusion now. Officers consider that the development would result in an extension of the built form which would result in the erosion of the rural transition between the settlement and open countryside, which would be of detriment to the character and appearance of the area and would be contrary to Policies H2, BE2, NE1 and NE3 of the Existing Local Plan and Policies OS2, EH1, EH7 and H2 of the Emerging Local Plan.
- 5.32 The development would result in limited harm to the setting of Blenheim Park and WHS but this is nonetheless not outweighed by public benefit, contrary to paragraph 134 of the NPPF.

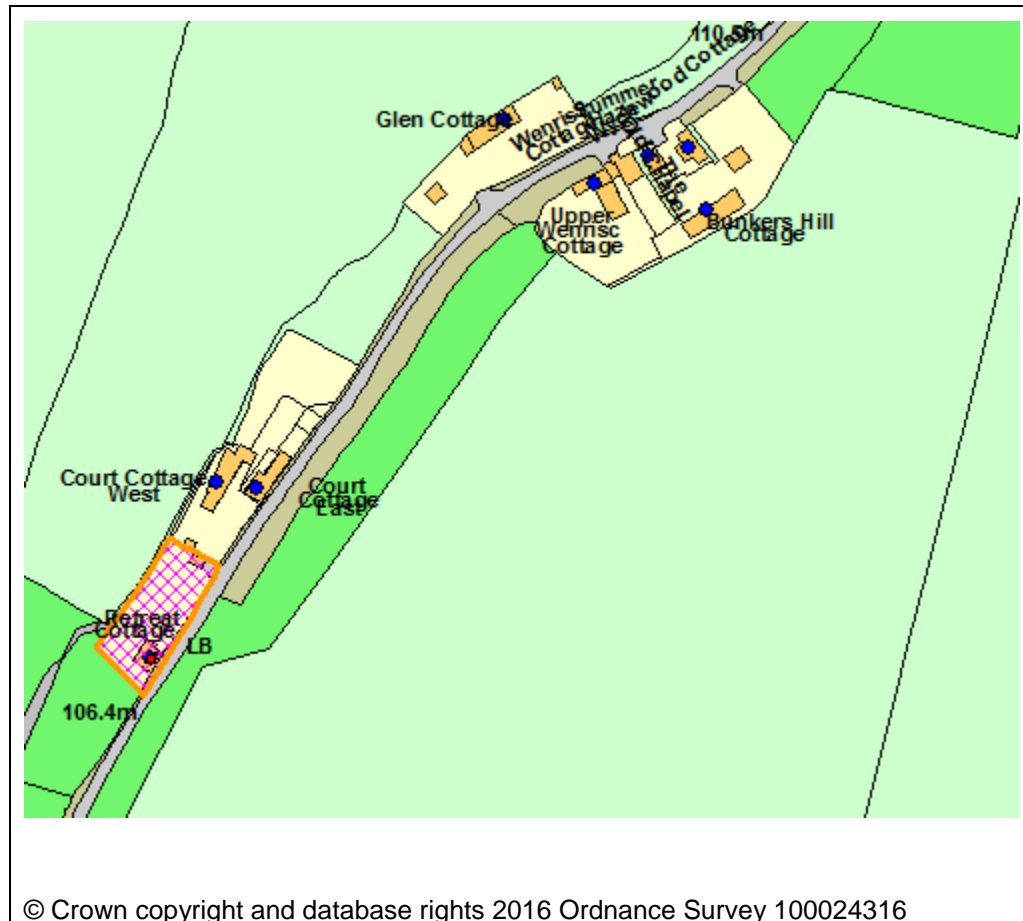
- 5.33 In looking at the wider planning balance, Officers consider that for the reasons expressed above, the harm significantly and demonstrably outweighs the limited benefit of delivering two new dwellings. Consequently, Officers recommend that permission should be refused.

6 REASON FOR REFUSAL

The development by reason of its siting would result in the loss of an open space which forms an important transition between the built form and adjacent open countryside. The development of this space would be of detriment to the character and appearance of the natural environment and the character and appearance of the immediate area. Furthermore the siting of the proposed development would result in less than substantial harm to the setting of the Blenheim World Heritage Site, which would not be outweighed by the limited public benefits of the proposed development. As such the development would be contrary to the provisions of Policies BE2, NE1, NE3 and H2 of the West Oxfordshire Local Plan 2011; Policies OS2, OS4, EH1, EH7 and H2 of the Emerging Local Plan 2031; as well as the relevant provisions of the NPPF, in particular paragraphs 17, 109 and 134.

Application Number	17/01939/FUL
Site Address	The Retreat Swinbrook Burford Oxfordshire OX18 4EE
Date	22nd November 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Swinbrook Parish Council
Grid Reference	428149 E 212851 N
Committee Date	4th December 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

2.1 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.

2.2 Since the previous committee meeting a further a representation has been received from Graham Soame on behalf of Mr and Mrs Graham the adjacent occupants, the main points are summarised below:

- Due consideration has not been given to extending the existing dwelling.
- The development would have an overbearing impact on the setting of the adjacent listed building.
- In the future it would be impossible to resist an application for a holiday let.
- There is a risk, if not monitored that the building could be used for a separate residential use.
- The development could set an undesirable precedent for the village and district, where it would be hard to resist further applications for infill annexes.

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.

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

- 3.2 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.

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.

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

- 3.3 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.

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.

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

- 3.4 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.

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

- 3.5 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.

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.

The neighbouring buildings to the north east of the site, Court Cottage East and Court Cottage West, are Grade II listed buildings.

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 annex 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.

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.

Having regard to the above, the proposed accords with BE5, BE8, NE3 and NE4 of the Adopted Local Plan and OS4 and EHI of the emerging Local Plan.

Amenity of neighbouring properties

- 3.6 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.

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.

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.

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

- 3.7 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.

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 application was deferred from the previous committee meeting held on 2nd October 2017 to allow for members to visit the site. The application was also deferred from the subsequent committee meeting held on the 6th November 2017 to allow for clarification regarding the height of the annex and following concerns expressed by members regarding the proximity of the annex in relation to the boundary of the neighbouring property. Amended plans have since been received, which indicate that the proposed building would be sited 1 metre from the boundary of the neighbouring property.

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

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

Principle

5.4 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.

5.5 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.

5.6 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.

Flood Risk

- 5.14 The majority of the rear garden curtilage of the property falls within flood zone 3, which is at the highest risk of flooding. The location of the annex building falls within flood zone 1, a small section to the rear of the building falls within flood zone 2, though the proposed development falls outside this particular area of the site. Paragraphs 100 and 101 of the NPPF seek to ensure that the new development is carried out outside of areas at highest risk of flooding, namely flood zones 2 and 3. Officers consider within this context that annex would be sited in an appropriate position with regards to mitigating flood risk and ensuring that new development is kept outside of areas at greatest risk of flooding.

Highways

- 5.15 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

- 5.16 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 more than 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.
- 5.17 Officers sought clarification following the previous committee meeting held in November regarding the heights of the various sections of the annex building. Following the receipt of amended plans and following further clarification provided by the applicant's agent officers confirm that the height of the main section of the building to the roof ridge would be 5.8 metres, with the height of the single storey car port being 5.1 metres; this would be the section of the building closest to the boundary. Officers consider that the scale and siting of the building would not have an unduly overbearing impact upon the adjacent property to the north. The building has been repositioned 1 metre from the boundary of Court Cottage, which would further reduce the amenity impact on this property.
- 5.18 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.
- 5.19 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

- 5.20 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

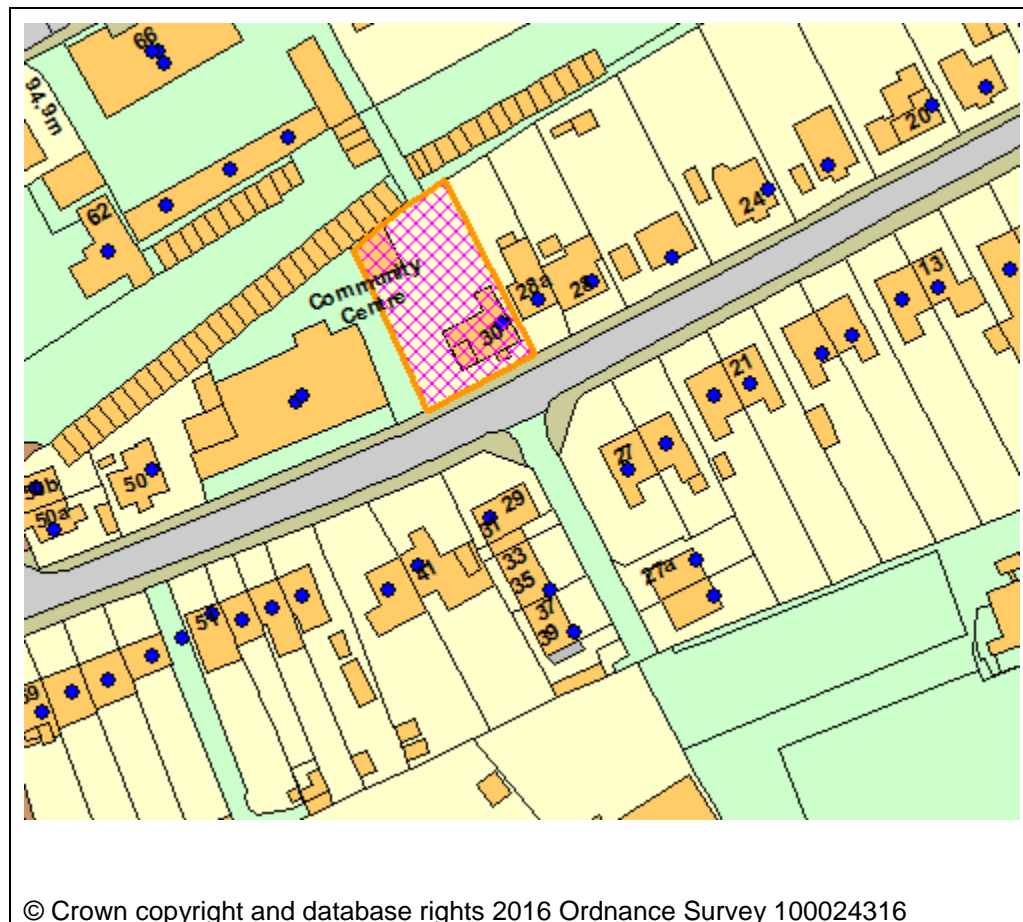
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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 20/11/17;.
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	17/01911/FUL
Site Address	30 New Road Woodstock Oxfordshire OX20 1PB
Date	22nd November 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444970 E 216813 N
Committee Date	4th December 2017

Location Map



Application Details:

Remove detached dwelling and workshop. Erection of five flats with associated works.

Applicant Details:

Mr A Soave
C/O Agent

I CONSULTATIONS

- I.1 Town Council
- WTC strongly object to this application as the flats will not be in keeping with the style of New Road. There are only 8 car parking spaces for 5 flats with no possibility of overflow parking for visitors or if each occupant has two vehicles. The windows on the east side of the development will overlook the garden of 28a encroaching on their privacy. The issue regarding the amount of traffic using the road is reflected in the current state of the road surface itself. There was also an incident in August where an ambulance could not reach a patient in New Road due to the obstruction caused by vehicles being parked on both sides of the road and not leaving enough space for larger vehicles. New Road is a Sustrans cycle route and is also heavily used by pedestrians including children to access the Primary School, Woodstock Under Fives Association, Youth Club, Community Centre, Football Club and play area. The amended proposal of 5 flats is still an overdevelopment of the site and there is no contribution to affordable housing within the proposal.
- I.2 OCC Highways
- Recommendation:
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:
- Conditions:
- The buildings shall not be occupied until the parking and manoeuvring areas shown on the drawings have been drained, constructed, laid out and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
- Reason - To ensure that a usable parking area is provided and retained
- Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
- Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

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

Reason - To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality

Comments:

The revised proposals are for the construction of five two-bedrooms flats on the site of an existing house. A total of eight parking spaces will be provided, which is in accordance with OCC guidelines (one allocated space per unit plus three visitor spaces). The spaces are laid out in a satisfactory manner and are the appropriate size.

Two cycle spaces per flat should be provided in a secure, weathertight store.

The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view, therefore I offer no objection.

As the dividing wall between 28A and 30 will stay in place, I imagine the corner pier will need to remain also to support the wall. This will impact the layout of the access. Therefore, please may I request an additional condition as follows:

The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

The access should be a minimum of 4.0m wide so that a vehicle leaving the site (in a forward gear) can position itself to maximise visibility past the end of the wall.

I.3 WODC Drainage Engineers

A drainage plan must be submitted showing all components of the proposed surface water drainage system. In addition, sizing of the

components will need to be shown.

We would like to see either permeable or granular construction used throughout for hard standing areas.

An exceedance plan must be submitted, showing the route at which surface water will take, if the proposed surface water drainage system/s were to over-capacitate and surcharge, with all exceedance flows being directed towards the highway and not towards private property or land. This plan must include existing/proposed CL, FF/slab levels.

If any shared/communal SuDS are proposed, then the applicant will need to confirm in writing who owns/is responsible for the maintenance of them. In addition, a maintenance regime may also be required. However, this will be confirmed at a later date.

1.4 WODC Building Control Manager No Comment Received.

2 REPRESENTATIONS

2.1 A total of 24 letters of objection have been received in relation to the originally proposed plans.

A further 25 letters of objection have been received in relation to the amended plans. The majority of the objections relate principally to issues of access, parking and increase in vehicular use of New Road.

2.2 The main objections received are summarised below:

Access and Parking

- The proposed quantity of parking provision would not be sufficient.
- There are existing issues associated with on-street parking which are presenting hazards in terms of road safety.
- The increase in traffic associated with the proposed development would be dangerous in terms of road safety/amenity.
- The development would result in an increase in traffic use/congestion in New Road.
- An increase in construction traffic and on-street parking would obstruct access for emergency service vehicles.
- The manager of WUFA Pre-school has raised concerns regarding the impact of development on the health and safety of children, staff and parents, namely as a result in an increase in vehicular use of New Road.
- Concerns were raised by the chair of governors at Woodstock CE Primary School regarding the safety implications of an increase in traffic using New Road.
- Concerns were raised by a number of objectors regarding parking of construction vehicles.

Design, scale and siting

- The proposals would represent an overdevelopment of the site.
- The development would be out of keeping with the existing properties in New Road.
- The development would affect the character of the area and would set a precedent for further speculative property development in the area.

Residential Amenities

Concerns were raised by the adjacent neighbours at 28a New Road regarding loss of light, these concerns were in relation to the original planning proposals.

Other Issues

- The site would not constitute Brownfield Land as a large section of the site includes garden space.
- There are trees at the bottom end of the garden which are not referenced.

3 APPLICANT'S CASE

- 3.1 We have looked at the site in its context, and have sketched out contextual elevations.what is apparent is that this is a transitional location, sited as it is between a fairly recent semi detached infill house (28A) and the much larger, non residential, Community Hall to the west. Please refer to the site plan and the contextual elevation. It can be seen that the eastern portion of the proposed new building is of the same scale as 28A in both plan and elevation, so with this revised sketch design the eaves and ridge lines of the existing and proposed buildings now match.
- 3.2 The revised design has omitted the area of flat roof - see roof plan attached. Also, the distance of the proposed building to its site boundary is slightly greater than that of 28A. Please note that the footprint of 28A now extends further into the garden than the proposed replacement of no.30.
- 3.3 There is now about 65sq.m. of amenity space in the revised design. 28A is a later addition to no.28 and the early 20th century houses to the east. Given that the rear extension to 28A is single storey, it should be noted that the impact on 28A is now negligible. The Community Centre to the west of no.30 is significantly higher than the proposed building. It can therefore be held that the revised proposal is within the context of the street scene.
- 3.4 We have revised the site layout so that 8 parking spaces are provided for the 5 new apartments, with adequate turning space for private cars, and a reasonable amount of amenity space which is of similar scale to the gardens of the houses nearby.
- 3.5 I believe that this revised proposal takes your comments into account, and complies with the WODC policies that you list in your letter, most importantly providing new housing in a sustainable location.

- 3.6 There is an existing crossover into the site from New Road. The proposal is to move this about 6 metres to the east. The crossover will access a parking area comprising eight parking bays, to be located to the rear of the plot. There is adequate turning space for cars to enter and exit in forward gear. The visibility splays in both directions will be the same as the splays to the existing crossover.
- 3.7 This site is brownfield and is situated in a sustainable location. The design reflects the transitional nature of the site, being placed between modest scale of the brick double fronted cottages to the east, and the Edwardian Community Hall (in red brick & render) to the west. The proposal therefore sits well between these two building types, and effects the transition in both scale and use of materials.
- 3.8 The pre application protocol has been used effectively, and an acceptable design reached by an iterative process. It is policy compliant with Emerging Local Plan Policy H2, as well as Policies BE3, H7, OS1NEW, OS2NEW, OS4NEW and H2NEW. Planning permission should therefore be granted.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T4NEW Parking provision

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This revised application seeks planning approval for the redevelopment of a site in a central position in Woodstock, presently occupied by a single detached property. The proposed development would comprise of 5, 2 bedroom flats within a single building alongside associated amenity space and parking to the rear.
- 5.2 A total of six flats were previously proposed in a building which was of a larger mass and comprised of a deep plan form. The design of the building has been revised considerably on the advice of officers and the Councils Conservation Architect. The site is located close to Woodstock Town Centre, but lies outside the Woodstock Conservation Area. The proposed rear parking area would be accessed by a driveway to the side of the property, adjacent to the boundary of a neighbouring property, No.28a New Road.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- Principle of Development
- Design, scale and siting
- Impact on residential amenity
- Impact on highway safety/amenity

Principle

- 5.4 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.5 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.6 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.7 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHLAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.8 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions having taken 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.
- 5.9 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district.

- 5.10 Woodstock is classed as a service centre within Policy H7 of the Existing Local Plan and Policy H2 of the Emerging Local Plan. The site is in a relatively central location in the town and lies in reasonably close proximity to the range of existing services and facilities in Woodstock.
- 5.11 The existing property, whilst relatively low key in appearance and not visibly incongruous in the street scene is of no significant architectural merit and officers would not object to its removal and replacement with a property of appropriate design and appearance.
- 5.12 The proposed building would replicate the linear form of existing development in New Road and in officers opinion would form a logical complement to the existing pattern of development. Furthermore the site is brownfield land, the redevelopment of which is supported within the provisions of Paragraphs 17 and 111 of the NPPF.

Siting, Design and Form

- 5.13 Substantial amendments have been made to the original design, which officers consider would have less of a visual impact when viewed in the adjacent street scene in New Road, compared with the previously proposed design, which comprised of a building of a large visual mass and deep plan form.
- 5.14 Officers consider that the appearance of the building, as revised would replicate the vernacular character and form of properties in the immediate area. The building would be of a height, which would be roughly equivalent to that that of the adjacent property and as such officers consider that the scale of the building would be appropriate within the context of the immediate built form on New Road. The building would extend up to a total height of 7 metres to the roof ridge, compared with the adjacent property, which extends to a total of 6.9 metres to the roof ridge.
- 5.15 Officers note that the immediate built form comprises of a mix of traditional red brick properties and non-vernacular late 20th Century properties on the opposite, eastern side of new road, which includes a two storey block of flats opposite the site. Officers consider that the proposed building in terms of its design, scale and massing would be an appropriate addition within the immediate street scene in New Road.

Highways

- 5.16 The development would be served by a total of 8 off-street parking spaces, which would be located to the rear of the proposed flats and would be accessed by a 3 metre wide access road sited between the east facing side wall of the property and the west elevation of an adjacent property No.28a New Road.
- 5.17 Within the consultation response provided by OCC Highways it is noted that the provision of 8 parking spaces (1 allocated space per unit, plus 3 visitor spaces) would meet guideline parking standards. The spaces are laid out in a satisfactory manner and are considered to be of an appropriate size. It is considered that visibility is adequate at the site entrance and that the development would be unlikely to have a significant adverse impact on highway safety and amenity.

- 5.18 Accounting for these factors officers consider that the development would not result in severe harm to highway amenity in accordance with the relevant provisions of Paragraph 32 of the NPPF.

Residential Amenities

- 5.19 The site lies between a community centre and an existing property No.28a, which is a subdivision of a larger, former detached property No.28 New Road. The area to the north (rear) of the site comprises of garaging and associated hardstanding.
- 5.20 The amendments made to the proposed plans have helped to lessen the overall impact of the development on the adjacent property No.28a as the proposed plans have moved the built form further away from the boundary of this particular property. There would be a separation distance of 3.7 metres between the east facing side elevation of the rear gable of the proposed building and the rear curtilage area of No.28a and 3 metres between the east facing side wall of the proposed dwelling and the side wall of No.28a.
- 5.21 Officers note that there is a first floor rear window, in the rear elevation of No.28a, which is in a position adjacent to the boundary of No.30 New Road. The projecting North West facing rear gable would extend beyond the rear aspect of No.28a and would extend marginally beyond the line of 45 degrees taken from the mid-section of the first floor window of 28a. Notwithstanding this, officers consider that the proposed development would not result in significant loss of light to the rear windows of No.28a or overshadowing of the rear curtilage area of this property. Officers consider that the general scale of the built form would not appear overbearing in relation to this particular property.
- 5.22 The area to the rear of the site comprises of garaging and hardstanding and officers consequently consider it unlikely that there would be significant issues of overlooking arising as a result of the proposed development.
- 5.23 The proposed flats would be served by a small area of private amenity space to the rear of the properties.

Conclusion

- 5.24 The proposed development would result in the removal of a building of no significant architectural merit and its replacement with a building comprising of five flats. This would provide a net contribution of 4 additional dwellings towards local housing land supply.
- 5.25 The proposed building is considered to be of an appropriate design, scale and form and officers are satisfied that the development would not have a significant adverse impact on either residential amenity of existing occupants or highway safety or amenity.
- 5.26 Consequently officers consider that the development, as proposed would be acceptable and compliant with the provisions of Policies BE2, BE3, H2 and H7 and T1 of the Existing Local Plan; Policies OS2, OS4, H2 and T1 of the Emerging Local Plan and the relevant provisions of the NPPF.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of 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 18/10/2017;.
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 The buildings shall not be occupied until the parking and manoeuvring areas shown on the drawings have been drained, constructed, laid out and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
REASON - To ensure that a usable parking area is provided and retained
- 5 Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
REASON - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.
- 6 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.
The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local

Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

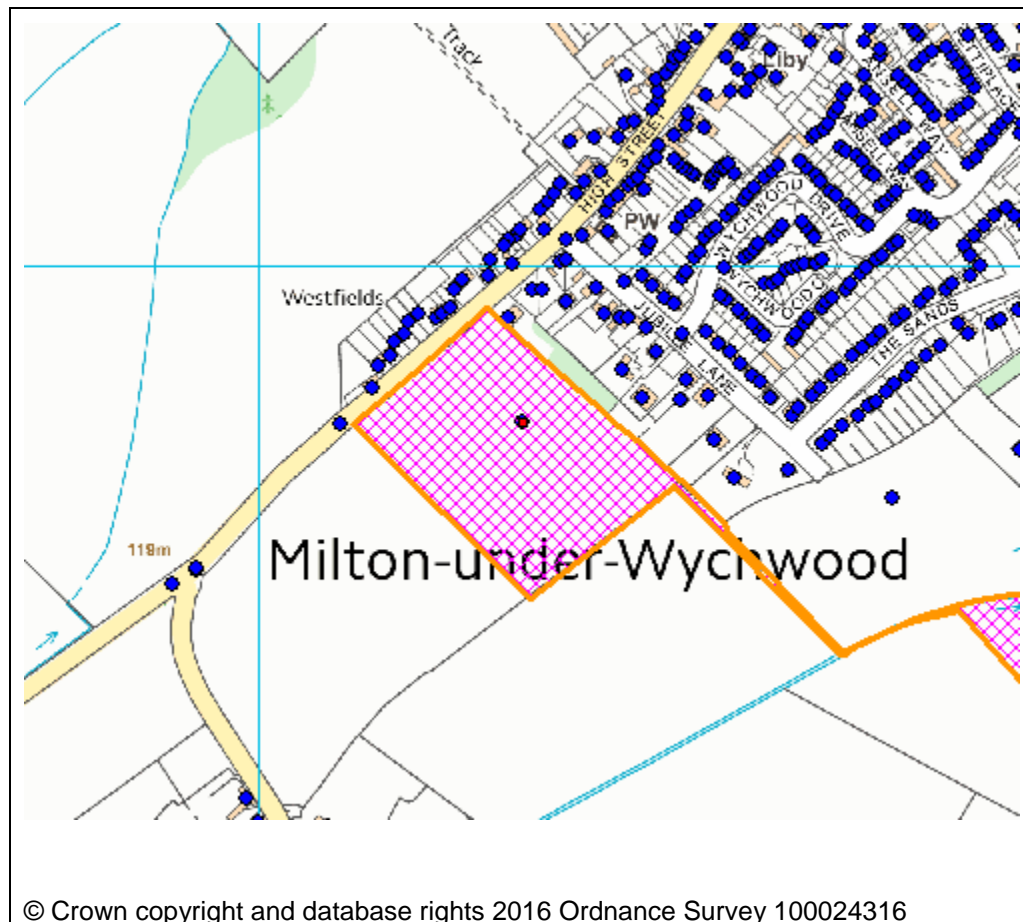
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 8 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

Application Number	17/02749/RES
Site Address	Land South Of High Street Milton Under Wychwood Oxfordshire
Date	22nd November 2017
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426208 E 217877 N
Committee Date	4th December 2017

Location Map



Application Details:

Erection of up to 62 dwellings, landscaping including change of use, formation of footpath and creation of ecological enhancement area, and ancillary infrastructure and enabling works.

Applicant Details:

Mr Andrew Smith
Narvo Asset Management
Hilltop
Hammersley Lane
Tylers Green
Bucks
HP10 8HG

I CONSULTATIONS

- | | | |
|-----|----------------------------------|--|
| I.1 | Major Planning Applications Team | Initial comments

Highways
Objection

Archaeology
No objection |
| I.2 | Biodiversity Officer | Further clarification/information required regarding badger setts and copse planting. |
| I.3 | WODC Architect | In consideration of the outline application, and particularly with respect to limiting the impact on the wider scene, it seemed to me that there would be two principal requirements of any detailed design, viz: 1) it would need to retain a rounded-off form, without too much projection to the south; 2) the heights of the buildings would need to be kept down - because the existing neighbouring development is of one, one-and-a-half or two-storey form. With respect to the current submission, I note that the new houses have been kept back somewhat from High Street, and placed fairly loosely, which inevitably tends to push the scheme to the south - although I do think that this is probably a justifiable approach - because much of the existing development along this end of High Street is similarly loose and similarly set back - and it isn't particularly urban. Otherwise, the density and the general layout is reasonably consistent with the adjacent development - and I note that the exposed south corner is well rounded, with no potentially prominent projections. It is all based around four hammerheads, and the relationships between the different properties appear generally workable - although the gardens are somewhat contrived in certain areas. Turning to the house designs, I note that they have gone for fully two-storied forms throughout, with the most bulky type D/E flat blocks in the middle of the site, which makes sense. It would have been preferable to have used one-and-a-half storey forms around the exposed south corner - remembering that the ground rises to the south, and remembering that there are very long views from the south - and I suggest that consideration is given to this. With respect to the individual designs, I note that these are all generally tidy and competent, with the usual neo-cottage forms, and with a pleasant and acceptable mix of |

materials. However, I suggest that certain tweaking is necessary, viz: 1) for vernacular consistency, all houses need chimney stacks - at present there is an arbitrary scattering; 2) to give better articulation of the massing, and to give tidier verge detailing, houses with two-storey perpendicular wings (A1, C, F, G) need to have the wings inset at least 300 mm or so from the gable ends of the main blocks.

In respect of the amended plans:
Generally consistent with my previous comments.

- | | | |
|-----|----------------------|--|
| I.4 | WODC Housing Enabler | No objection, accords with policy and outline application. |
| I.5 | Thames Water | No objections subject to informatives |
| I.6 | Wildlife Trust | No Comment Received. |
| I.7 | Parish Council | <p>Initial comments</p> <ol style="list-style-type: none"> 1. General
It is the opinion of the Parish Council that this proposal is, in essence, a standard, off the shelf, middle grade housing estate with a small amount of 'window dressing' to offset it's essential ordinariness. It would be perfectly at home in any New Town but the design has little relationship to the Cotswolds vernacular in general and even less to Milton under Wychwood in particular. 2. Materials
The vast majority of houses proposed in this plan are built in yellow or red brick.
There is small amount of reconstituted stone housing which fronts the site. A single unit is thatched. Not only a slightly embarrassing pastiche, but a style entirely absent from the rest of the village. (Which incidentally, would also encumber the owner with a bill of around £40,000 every 30 years to replace the thatch.)
There is a small amount of brick built housing in the village. But the vast majority of buildings are stone or reconstituted stone. We expect any new estate to reflect the best aspects of the village(as have Elm Grove, Church Meadow & Brookfield Close) - not to repeat past errors. Similarly, brick walls are proposed for boundary areas, we expect to see stone walls. The rear of this site, where the brick building is proposed is visible over a very wide area.
Therefore this does not just impact the village, but also a large swathe of the AONB countryside. The Parish Council is concerned about the number of wooden (Shiplap) Garages which are out of character with the village. 3. Safety
The estate pedestrian access leads directly onto The High street. Visibility is poor as the exit ramp is below an earth buttress and hedge. To gain the pavement pedestrians would |

be obliged to cross this busy road, exposing them to unacceptable risks.

4. Transport facilities

The only way for residents to access the local towns of Burford, Chipping Norton and Witney for employment, education and shopping is by motor car. There are no public transport options to these or any other towns or cities except Oxford. The train service to Oxford is very infrequent and the station is a 2 mile walk. Thus, sustainable or not, a car is a virtual necessity for village residents.

The Parish council does not think car ownership is adequately catered for in this development.

28 units have no garage.

Many units have only two spaces and are required to park cars end to end (tandem parking). This requires moving the first car in order to remove the second one and then replacing the first one.

These extra movements increase pollution and create problems for the households. They might be a necessary evil in crowded urban environments but should have no place in our rural village.

There are very few similar situations in the Milton under Wychwood.

5. Documentation errors

There are various misleading errors in the application including:

Design and Access Statement Part I (p9): This shows the developer in ownership of a much larger area of land than they actually possess,

Design and Access Statement Part I (p10): This map shows a non-existent Cafe.

Planting plan 2 of 4: This shows planting areas at the Northern and Southern areas as outside their ownership and requiring the land owner's permission to plant. In fact, the Land Registry Office shows they are the land owner.

6. Badgers

The Badger set in the South East of the site is incorrectly marked on Drawing no. 6237/PP/ASPI. The set is actually about 6m inside the site boundary about 7m from the South East corner. The proposed planting and pathway would dramatically impact the set and greatly disturb the badgers. Badger sets adjacent to Jubilee Lane in Drawing number 6237/PP/ASPI shows tree planting too near the set. The badgers would be much disturbed by plantings and construction of a private drive so close to the set.

7. Drainage

The exact nature of the drainage basin is unclear. It is described as 2m deep. Is this open water? If not, what is the surface treatment?

Water drainage from this area flows across a weir. It empties

into a ditch which appears to cross the centre of a nearby field not owned by the applicant. Has permission for this ditch been obtained from the land owner?

8. Communal Spaces

There are great many communal spaces proposed in this plan. This includes shared parking and drives, several private roads, planted areas and the drainage basin.

What is the ownership status of these sites? What is the maintenance status of these areas? How will the maintenance requirements of these site be enforced in the long term?

9. Ecology Area

The Parish Council has no issue with the "Ecology Area" per se. However, we do object to the walkway, signage etc. This is turning native countryside into quasi parkland and extending the built environment into open country. The Cotswolds AONB is already a place with high amenity value countryside. Adding 'suburban park' like structures will not enhance it.

10. Sewage

This is not within the direct control of the developer. However the existing sewage pumping system is, at times, unable to cope with existing sewage flows. 62 additional dwellings at the far end of the system will obviously increase flows. Thames Water have offered no hope of major improvements for some time.

11. Street lighting

No street lighting plan has been included in this application. The Parish Council is concerned about light pollution in the sensitive AONB countryside.

12. Road safety

The Parish Council believes the existing 30 mph zone proposal is inadequate. The 30mph zone should start at the junction of The High Street and the road through Upper Milton (map reference 51.857755,-1,624860). This would also encompass Upper Milton (from Google map reference 51.850178-1,626684) in a much needed 30mph zone and slow High Street traffic well before it reaches the site entrance.

(Technical appendix also submitted).

I.8 Parish Council

Comments on amended plans yet to be received.

I.9 Major Planning
Applications Team

Comments on amended plans:

Highways

No objection subject to a legal agreement to secure:

An agreement will be required under Section 38 of the Highways Act 1980 to allow the Local Highway Authority to adopt the roads, footways, and shared space areas displayed on Drawing No.

40829/2001/014-C as public highway maintainable at public expense.

An agreement will be required under Section 278 of the Highways

Act 1980 to allow the applicant to construct the vehicular and the separate pedestrian access to the development from the southern side of The High Street, Milton-under-Wychwood within the existing highway boundary, including the resurfacing of part of the existing carriageway, as shown on Drawing No. 40829/2001/014-C. This will include the relocation of the existing signage and road markings and the insertion of a courtesy crossing.

Archaeology
No objection

1.10 Biodiversity Officer Comments on amended plans yet to be received.

2 REPRESENTATIONS

2.1 Twenty nine letters have been received objecting on the following grounds:

Landscape

- We strongly object to the removal of a tree directly on our border and the removal of a large area of hedging. This is to enable a road to be built into the neighbouring field. WHY? If there has to be a road we believe there should be a space between our boundary and the proposed road and it should not be necessary to remove the tree at all.
- This application must include detailed planting plans for all off site planting shown on the coloured landscape master plan, and must commit to its implementation and future maintenance.
- This should include a dense native species hedgerow along the full length of the west boundary. More suitable, locally occurring native tree species should also be specified, and in greater numbers.
- The proposals in the Ecology Enhancement Area will have a suburbanising effect on the landscape. It would be much better to do nothing here, and certainly have no boardwalks. Given the amount of dog walking, the opportunities for ecological enhancement are limited.
- There is no reassurance that the trees, hedges and green spaces will be maintained apart from a reference to placing the responsibility into the hands of a management company. Unless a continuing charge is levied on each property the management company could disappear and maintenance will cease. This has already happened in the local area.
- The whole estate could have a boundary of typical hedgerows and indigenous trees which would be ideal for nesting birds and other wildlife.
- As a neighbour who's residence backs on to this property, I am very concerned about the lack of screening between us and the new development.
- Repairing and leaving the existing wall and leaving the hedge is a really good idea and will leave the High Street looking nearly the same as now.
- I have not met anyone who is in favour of the absurd "Ecological Enhancement Area"

Highways

- The roads around here were designed many decades ago when vehicles were a fraction of the size they are today.

- The proposed 62 homes will introduce over 120 additional vehicles around this region which is already congested.
- Vehicles will have a problem transiting MUW and will flow onto the Shipton under Wychwood High Street, which is already overflowing with thru traffic including HGVs.
- The removal of part of the footpath along the back of properties along Jubilee Lane is an improvement compared to the outline application, and the alignment of properties along that stretch is now better.
- However, it is not clear why there should be any footpath along the top boundary, and I see no reason for even the shorter section
- Please would the planning authority also reinforce the requirement for construction traffic to be constrained to be away from (a) Upper Milton, (b) M-u-W High Street, (c) Jubilee Lane? There is only one route that makes any sense, but only in the "least worst" sense, and that is for trucks to be constrained to move to and from the village from the Stowe Road (A424) along the lane that is the continuation of the High Street past High Lodge Farm.
- Safety for pedestrians accessing the high street is a concern as in the lack of street lighting.
- As cars are a necessity in this area due to a lack of public transport, the fact that there are not sufficient parking spaces for the amount of intended dwellings does not bode well
- The estate people will be virtually housebound and/or burdened with "tandem " parking
- No proposals for lighting are provided. For such an elevated and prominent site, appropriate low level lighting is critical if widespread light pollution is to be avoided over a very wide area of the AONB.
- As this will be a car dependant development the number of parking spaces does not appear to be sufficient. It may meet a formula but has this taken into account the need to drive in a car for education and employment as there is no public transport that meets these needs?
- There is no traffic management plan to minimise disruption whilst construction is undertaken.
- There is no plan for the routing of construction traffic. We were informed that it was a condition of their purchase that this would not come through the village of Milton-under-Wychwood, or Upper Milton, which already has a weight limit of 7.5 tonnes
- The required 30MPH limit extension should not integrate Upper Milton and Milton under Wychwood.
- secondary roads should have proper pavements

Drainage

- The balancing area immediately behind our property is to collect ALL the rainwater coming off the whole estate. We do not see any means of retaining this water which will drain directly on to our property and could cause damage. Why is this not located at the other side of the site away from neighbouring houses where it would drain into open land, or several balancing areas to spread the load?
- Still seriously concerned about the drainage from the site. During the serious flooding that affected the Wychwoods a few years ago, run-off from this field was flowing down my drive, and I see little to mitigate this. The water gathering area or Balancing Basin at the North-East corner looks like a flood hazard for the properties at the East end of

Jubilee Lane, and there appears to be no reason why that could not be located at the South-East corner, or for drainage to go directly into the brook in the field to the East.

- I have always thought that to grant planning approval for a scheme where the sewage disposal is not guaranteed either for the new development or the existing village by any of the parties involved is absolutely unbelievable.
- The plan for drainage is unclear.

Design

- The proposed building materials are not in keeping with the rest of the village which has neither thatch nor red brick. In an AONB standards and quality should be considered.
- We do not think that much effort was made to get a proper flavour of our village and what would best blend in, especially when they talk about a thatched house and red brick houses
- It is disappointing that the applicant has shown so little understanding of the local vernacular. If the scheme is built as currently proposed, it will have a very harmful effect on the character and appearance of the local AONB landscape
- At minimum, ALL the houses on the perimeter of the site must be built of stone not brick as the site can be seen from miles around.
- Garages should not be wooden

General

- The presentation of the documentation is illogical, it is badly written and factually confusing. The smooth presentation made to the village in an open meeting shows that the application is riddled with altruistic claptrap, it implies that the village will benefit from the development
- Please read all the documents fully, and reject the application out of hand, until such time as it is re-presented in a logical, literate and professional manner. The planning committee cannot be expected to make a hugely significant decision upon the future of the village based upon the bungling ineptitude of the application in its present form.
- I refer to one of many errors in their documentation i.e. where they say that they require the landowner's permission to plant in an area of which they are, in fact, the landowners

2.2 Email received from Robert Courts MP

I am writing to pass on the concerns of my constituent regarding the above development. Mr Young believes the design of the dwellings, at present, is not within keeping with the existing village. I trust that Mr Young's concerns will be fully considered.

3 APPLICANT'S CASE

3.1 Correspondence from the agents following initial consultee comments and recent amendments:

Further to our recent conversations and the various comments received from the consultation process, the applicants Mactaggart and Mickel Homes England Ltd have carefully considered the feedback and made a number of revisions to the application. These are detailed under various headings below.

Transport & Engineering

3.2 Pedestrian Access to High Street

Drawing 40829-2001-015 shows the proposals for the pedestrian access to High Street including dropped kerbs with tactile paving. In addition, a pedestrian barrier is also proposed to prevent the potentially unsafe direct access of pedestrians onto the highway.

Pedestrian Access to the South-East

The redline plan for the reserved matters is the same redline as the outline application which was approved at appeal. Whilst not a requirement of the planning permission, the applicants Mactaggart and Mickel will liaise with the landowner about delivering this connection from the edge of the permission redline, to the public right of way.

Section 278 Agreement

It has always been understood that a Section 278 Agreement would be required for the off-site highway works. To avoid the risk of asking OCC carrying out a technical approval on a scheme that may change, the applicant has held-off from advancing the S278 package. If OCC are now at the point where they are satisfied that the scheme is settled, then the client is happy to commence the S278 process.

Section 38 Agreement

As above, the applicant has held-off progressing the S38 until the scheme is settled. It is envisaged that the Section 38 Agreement will be progressed at the same time as the Section 278.

Vehicle Tracking

PBA drawing 40829-2001-014 has been revised (current version is Rev D) to show a 11.6m refuse lorry. This drawing demonstrates the correct refuse lorry can safely enter, turn in and exit the site.

Drainage

3.3 The previous Drainage Strategy Plan did not identify the porous parking areas. Drawing 40829-2001-006 has been amended (current version is Rev C) to pick up these areas.

Access to Shared Spaces

A concern was raised by Oxfordshire County Council as Highway Authority, that residents would have to walk across the grass to access the shared spaces as paths weren't clear on the submitted drawings. The Highway Adoption Plan has been updated (current version is Rev B) to identify the private paths throughout the scheme.

Ecology

3.4 Ecological Method Statement

Following feedback received from the Biodiversity Officer at West Oxfordshire District Council, the Ecological Method Statement submitted to Discharge Condition Seven has been revised by Aspect Ecology to address the various issues raised. This includes revised buffer zones to badger setts and enhanced mitigation where appropriate.

The original Ecological Method Statement and Management Plan (addressing the requirements of Condition 7 of Appeal Decision Ref: APP/B3125/W/16/3143885) dated 24th August 2017, should be replaced with the revised report of 19th October 2017.

Mechanism to Secure Ecological Mitigation

Whilst the revised report specifically addresses the requirements of Condition 7, which is dealt with by the Application to Discharge a Planning Condition (ref 17/02792/CND), there is overlap

with the overall outline planning permission, due to the requirements within the Unilateral Undertaking, which oblige the Owner of the site to submit additional information as follows:

- a. Upon or prior to implementation of development, the Owner shall submit to the Council the Tree Copse and Hedgerow Area Strategy for approval.
- b. Prior to the occupation of any of the Residential Units the Owner shall lay out and provide the Tree Copse and Hedgerow Area in accordance with the approved Tree Copse and Hedgerow Area Strategy and where relevant in accordance with the terms of the Planning Permission and this Undertaking.

The woodland copse planting is outside of the redline of the planning application and therefore outside of scope of either the reserved matters application or any applications to discharge planning conditions. This land is owned by the applicant Mactaggart and Mickel Homes England Ltd and will be delivered in accordance with the agreement. The mechanism to secure that the off-site woodland copse planting is delivered is secured via the Section 106 agreement.

The mechanisms (found within Part C of Schedule Two) oblige the owner to create a Management Company on the basis that one of its primary objectives is to maintain

 - a) The Open Space in accordance with the Open Space Strategy, the submission of which is a requirement of the Planning Obligation
 - b) the Ecological Area in accordance with the Ecological Area Strategy, the submission of which is a requirement of the Planning Obligation and
 - c) the Tree Copse and Hedgerow Area in accordance with the Tree Copse and Hedgerow Area Strategy, the submission of which is a requirement of the Planning Obligation.

The Planning Authority therefore have the ability to ensure that there is no unacceptable impact on the badger setts, when the Tree Copse and Hedgerow Area Strategy are submitted to West Oxfordshire District Council in due course.

Design

3.5 Red Brick

Following feedback and consideration of this issue, the scheme has been amended to remove all red brick as a main facing material. Additional natural slate roofs have also replaced tiles. Whilst it is acknowledged that Milton Under Wychwood does not contain red brick houses, the applicant Mactaggart and Mickel Homes (an award-winning housebuilder) are keen to ensure that the overall scheme design is not compromised via the excessive use of one material. There are examples of housing throughout the Cotswolds where just one type of reconstituted stone has been used throughout a scheme. This approach can result in a stark appearance with little variety across the individual buildings.

To avoid such a pitfall, the palette of materials proposed therefore uses 50% reconstituted stone, 25% buff brick and 25% render, which still results in a varied and attractive street scene, but now better reflects the existing materials which are present within Milton Under Wychwood.

3.6 Apartment Blocks

The apartment buildings have been amended to break up the roof with the central section ridge being dropped by approx. 850mm. Unfortunately, the buildings' accommodation does not lend itself to smaller windows to comply with the current Building Regulations (as suggested and seen on the type A1). Therefore, the original fenestration has been retained.

3.7 Leaded Windows
The comments regarding the proposed window style are acknowledged. All windows across the scheme have now been revised to simple casements with a single glazing bar.

3.8 Thatched House : Plot One
The comments made regarding Plot One have been noted. The building is proposed at the entrance to the scheme to provide an attractive feature to the scheme. Mactaggart and Mickel are keen to ensure that the scheme makes a positive contribution to the overall character and architecture of the village and have taken care to ensure that the local character of Milton Under Wychwood has been respected. This does not however entail the slavish replication of surrounding housing materials. Moreover, the proposed thatched property provides a positive entrance feature to both the site and the village itself and enhances the overall sense of arrival into the scheme. Para 11.6 of the West Oxfordshire Design Guide provides a policy basis for the use of feature buildings which enhance the overall place-making approach being taken, as it states that:

"In the case of edge-of-settlement or more removed sites... there may be greater scope for the creation of a place with a new and strongly defined character and identity of its own. Larger developments fundamentally differ from smaller schemes in that they offer far greater potential for the creation of distinctive and characterful new places - rather than simply additions to existing places...."

It is the applicant's view that the proposals for Plot One accord with this policy and should be seen in the context of creating distinctive and characterful places, rather than merely looking to replicate what already exists.

3.9 Garage Materials
We note your comments regarding timber boarding and have revised all garages to buff brick which we believe will simplify the material palette.

3.10 Chimneys
All of the house designs have been revised to now include chimneys.

3.11 Application Submission
Given the changes outlined above have changed several the submitted building designs and site plans, then a schedule outlining all the changes to the various drawings is appended to this letter. I trust that the above information addresses all the issues raised through the consultation process and the application can now move forward to be considered by West Oxfordshire District Council's Uplands Planning Committee.

4 PLANNING POLICIES

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

5 PLANNING ASSESSMENT

Background Information

5.1 The application seeks consent for the following reserved matters: appearance, layout, landscaping and scale, for 62 dwellings on the edge of Milton under Wychwood. The access was established at outline stage, the application 15/03128/OUT was allowed at appeal in July 2016. The proposal includes 50% affordable housing, and will provide 21 two bed apartments and

houses, 32 three bed houses and 9 five bed houses. Amended plans have been received to address some of the County Council and Parish Council concerns.

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

Principle
Siting design and layout
Highways
Residential amenity
Landscape and ecology
Drainage

Principle

- 5.3 The principle of development was established when the appeal for up to 62 dwellings was allowed.
- 5.4 The proposal broadly follows the indicative layout of the Outline application, the main exception being the relocation of the balancing pond which has moved from the southern corner to the eastern corner because of the filtration of the site.
- 5.5 The number of dwellings accords with the description of development on the outline application and percentage of affordable housing (50% across the site) is in accordance with policy and the legal agreement associated with the outline.
- 5.6 The proposal is therefore acceptable in principle.

Siting, Design and Form

- 5.7 The layout of the scheme is broadly in accordance with the outline. There are a row of houses fronting onto the High Street but they have been set a little further into the site, the closest being plots 1 and 18 which are over 15m back with the rest being 20m+ from the street. There is a main road through the site with cul-de-sacs off it and there is a pedestrian access point in the northernmost corner onto the High Street. Plot 18 is 16m from the boundary with the closest existing property.
- 5.8 The proposed properties are 2 storey, vernacular in design. Initially the scheme was proposed to have a high proportion of red brick properties but given that red brick is generally used only as a feature in Milton and that there are no red brick properties within the village, the plans have been amended and the materials are now a combination of recon stone, render and buff brick which is much more representative of the locality.
- 5.9 There is a thatch cottage proposed as a feature building at the entrance to the site. It has been raised in representations and by the Parish Council that there are no other thatch buildings within Milton. However, thatch is identified as an appropriate material for limestone wold villages in the Design Guide and many local villages have a couple of examples of thatch properties so officers are of the opinion that it would not be a totally inappropriate addition to

this scheme. There have also been comments about the cost of upkeep of thatch properties but that is not a planning consideration.

- 5.10 The apartment buildings have also been amended to reduce their height and bulk and now appear more domestic in form and will sit lower in the centre of the scheme.
- 5.11 The garage buildings were shown as timber clad but they have been amended as cladding was not considered sympathetic to the local vernacular.
- 5.12 All the properties now have chimneys, the window details have been simplified and Officers consider that they are in accordance with the outline application, the design guide and local plan policies.

Highways

- 5.13 OCC initially raised concerns about several aspects of the proposal but following receipt of the amended and additional information they requested the objection has been lifted. Their detailed comments are as follows:
- 5.14 "Pedestrian Access to the Site
One of the issues I raised in my response of 28 September 2017 was that the applicant had not given sufficient detail regarding the proposed pedestrian access to the site from Milton-under-Wychwood High Street. This access will be constructed via an agreement under S278 of the Highways Act 1980. The applicant has now supplied Drawing No. 40829/2001/015-A which shows the proposed pedestrian access in detail. I think these works are achievable within the highway boundary. However, the railings that the applicant proposes are not necessary. The applicant also proposes another pedestrian access in the south-eastern corner of the site. However, there is third party land between this access and Public Footpath 301/14, which leads to 343/12 and Shipton-under-Wychwood, and 301/5, which leads to Jubilee Lane. These are the nearest public rights of way. Therefore, the Local Highway Authority cannot adopt this access as it does not abut existing public highway.
- 5.15 Pedestrian Access within the Site
The applicant has proposed a mixture of shared space areas and separate footways along the adoptable highways within the development. However, from the hard landscaping plan provided is unclear how some pedestrians will access the proposed shared space areas from Plot Nos. 31, 45-47, and 36-39.
There is a separate planning Condition relevant to this, which is planning condition No. 5 attached to planning application No. 15/03128/OUT (Reference No. 17/02767/CND).
Therefore, I am unable to discharge this condition at this stage until further detail is given regarding pedestrian access to the shared space areas from these plots. The applicant, when assessing this, also needs to have regard to the central government guidance note Inclusive Mobility, which can be accessed at: <https://www.gov.uk/government/publications/inclusive-mobility>.
- 5.16 Vehicle Tracking Analysis - Refuse Vehicle
In my response of 28 September 2017 I objected on the grounds that the applicant did not submit vehicle tracking for a refuse vehicle of the following dimensions:
Overall length - 11.6m (including bin lift, when down)
Overall Width - 2.530m

Overall body height - 3.205m
Min body ground clearance - 0.410m
Track width - 2.5m
Lock to lock time - 4.00s

The applicant has now submitted a drawing which shows that a refuse vehicle of 11.6m in length can enter, turn in, and exit the development safely in forward gear. Therefore, I remove my objection on these grounds."

- 5.17 The Parish Council commented that not all properties had a garage but there was no planning requirement for garages to be provided. Each property has the requisite parking spaces, in some cases additional parking has been provided which is considered appropriate on this edge of village site.
- 5.18 After discussion with the applicant a construction traffic management plan condition has been recommended so that the movement of construction vehicles to the site can be managed and monitored.

Residential Amenities

- 5.19 Distances between properties within the site accord with the guidelines. Each property has sufficient parking and amenity space. 27 of the properties will have garages, there is no requirement for a garage to be provided for every property.
- 5.20 Residential amenities of neighbouring properties are not considered to be unduly harmed by the proposed layout in terms of unacceptable overlooking or overshadowing. Some trees are to be removed in the
- 5.21 The residential amenity of future and current occupants is therefore considered acceptable and to accord with local plan policies.

Landscape and ecology

- 5.22 The site is within the Cotswolds AONB so landscape was an important consideration of the outline application and at the appeal. The outline application included on and off site landscaping requirements which were secured by condition and by way of the legal agreement. The legal agreement is the most binding of the two methods and that requires the tree copse planting to be submitted prior to commencement on site. However, the applicant is willing to provide the off site planting plan prior to committee so members will be able to consider it. The on site landscaping proposed is a mix of native and ornamental species that are considered appropriate for a housing development. The off site tree copse and hedge planting will all be native mix as is appropriate to form a natural screen for the development from the surrounding agricultural land.
- 5.23 The outline application included an ecology area, which is to be laid out and constructed as part of the overall development, which was endorsed by the planning inspectorate. Details of this have been submitted which are broadly in accordance with the outline application. The District Ecologist has been consulted but at the time of agenda preparation the response had not been received. Members will be updated at the meeting on any comments.

Drainage

- 5.24 Provision for drainage was dealt with by condition on the Outline application. The applicants initial test results did not support a 100% infiltration solution and therefore an attenuation basin has been included within the south-east corner of the site and the layout therefore differs in this respect from that proposed at the outline stage. Details to discharge that condition have been submitted and are awaiting sign off from the relevant consultees. An update will be provided at committee if available, but it does not have a bearing on the approval of the reserved matters.

Conclusion

- 5.25 The application for the reasons set out above is considered to be in accordance with the outline application and relevant local plan and NPPF policies and, subject to no further substantive issues being raised is recommended for approval subject to the conditions set out below.

6 CONDITIONS

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 15/03128/OUT, or two years from the date of this approval, or where there are details yet to be approved, within two years from the final approval of those matters.
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 2.11.17.
REASON: The application details have been amended by the submission of revised details.
- 4 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 5 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all

materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 8 Prior to the commencement of development, a plan showing the vehicular access to the site, together with visibility splays of 2.4m x 74m in a south-westerly direction and 2.4m x 72m in a north-easterly direction shall be submitted to and approved in writing by the Local Planning Authority. Furthermore, these visibility splays shall not be obstructed by any object of 0.9m or more in height. Thereafter, construction shall only commence in accordance with the approved details.

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

- 9 Development shall not begin until a construction phase traffic management plan has been submitted and approved by the Local Planning Authority and the approved plan shall be implemented and adhered to throughout the period of construction.

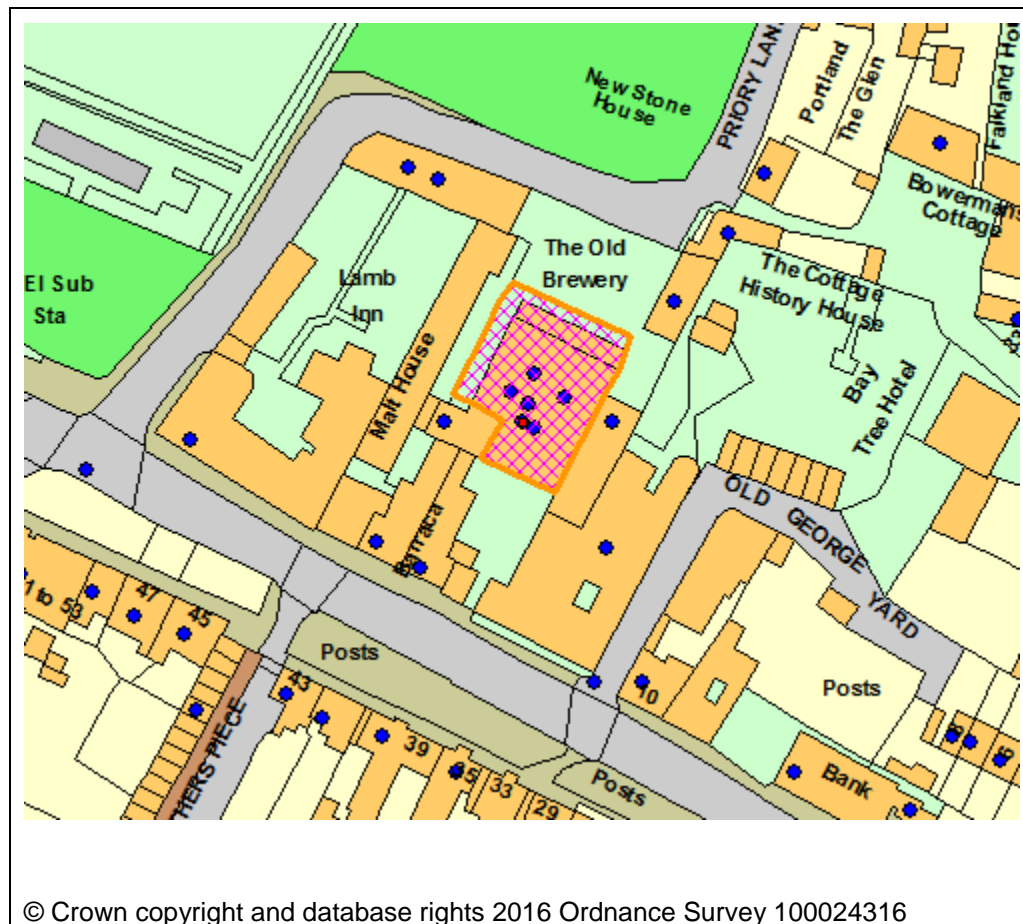
REASON: In the interests of Highway safety.

NOTES TO APPLICANT

- 1 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality
- 2 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.

Application Number	17/02994/S73
Site Address	The Old Brewery Priory Lane Burford Oxfordshire OX18 4SG
Date	22nd November 2017
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Burford Town Council
Grid Reference	425012 E 212240 N
Committee Date	4th December 2017

Location Map



Application Details:

Non-compliance with condition 2 of planning permission 16/04255/FUL to allow, changes to openings, materials, bike store, and layout.

Applicant Details:

Gentian Development (Oxford Three)
C/O Agent

I CONSULTATIONS

- | | | |
|-----|-------------------------|--|
| 1.1 | Town Council | No Comment Received. |
| 1.2 | WODC Architect | No objection to the alterations with the exception of the proposed balconies and fenestration to front elevation which would result in an obtrusive form of development in the heart of the Conservation Area. |
| 1.3 | OCC Highways | No objection. |
| 1.4 | WODC Drainage Engineers | Approval of booster tank as part of condition compliance for 16/04255/FUL . |

2 REPRESENTATIONS

No third party representations received.

3 APPLICANT'S CASE

- 3.1 The proposed development has been approved and this application proposes minor amendments to improve the design. The main elements of the consented scheme (scale, general appearance, massing, layout) remain as consented.
- 3.2 The proposed amendments will improve the consented proposals by maximising light ingress into the building. The other changes to the materials are in keeping with the surrounding area.
- 3.3 As such, the minor changes are in accordance with relevant planning policy and should be granted consent.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE6 Demolition in Conservation Areas
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
NE4 Cotswolds Area of Outstanding Natural Beauty
NE15 Protected Species
E6 Change of Use of Existing Employment Sites
T1 Traffic Generation
H7 Service centres
H11 Affordable housing on allocated and previously unidentified sites
OS2NEW Locating development in the right places
OS4NEW High quality design
T2 Pedestrian and Cycle Facilities
T4NEW Parking provision
EH1NEW Landscape character

EH2NEW Biodiversity
EH7NEW Historic Environment
BC1NEW Burford-Charlbury sub-area
BE19 Noise
EH6NEW Environmental protection

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

5 PLANNING ASSESSMENT

- 5.1 The applicants seeks planning permission for a variation to Condition 2 of planning permission 16/02455/FUL to allow for changes to openings, materials, bike store and layout to comprise removal of the communal area to the rear and its replacement with two private garden areas to serve Flats 1 and 2.
- 5.2 Planning permission was granted in August 2017 for the removal of the existing offices located within The Old Brewery Yard, Priory Lane, and the erection of 7, 2-bed flats with associated parking and access. The access to the development would remain as existing, from Priory Lane.
- 5.3 The application is brought before the Uplands Planning Committee following the previous Committee decision.

Background Information

- 5.4 The application site is within the Burford Conservation Area and the Cotswold AONB and is constrained by existing development surrounding the site. There are also a number of Listed Buildings in the vicinity.
- 5.5 The relevant planning history for the site is as follows:
- 17/02995/S73 - Non compliance with condition 2 of planning permission 16/04255/FUL to allow addition of balconies and changes to openings, materials, bike store, and layout. - Pending Committee decision on 4th December 2017.
- 16/04255/FUL - 7, 2-bed flats with associated parking and access - approved subject to legal agreement.
- 16/0456/FUL - 10 unit scheme - approved subject to legal agreement.
- 16/02024/FUL - Removal of the existing offices located within the yard and erection of 4no. 3-bed dwellings with associated parking and access (amended) - Committee refusal. 09.11.2016.
- 16/01063/PN56 - Prior Approval - Offices to single residential unit (adjacent building) - Permitted
- 13/1415/P/FP - Demolition of building and erection of ten flats with associated works - Approved (Extant until 26.08.2017). Comprised 6, 1-bed units and 4, 2-bed units.
- 13/0821/P/FP - Demolition of building and erection of ten flats with associated works - Withdrawn
- 11/1182/P/FP - Change of use of existing building to residential - Approved
- 5.6 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of this application are:
- Design amendments and impact on the AONB, Conservation Area and heritage assets

- Loss of the communal area
- Impact on residential amenity

Principle

- 5.7 Planning permission for the development of a scheme for 7 or 10 flats has already been granted. Design amendments to the scheme are likely to be considered acceptable in principle under the adopted and emerging Local Plan policies, providing the proposals do not conflict with any other aims of the development plan, in terms of design, impact on neighbouring amenities etc.

Design Amendments

- 5.8 The amendments to note are as follows:

Ground Floor

1. Reduction in size of entrance lobby and introduction of two sidelight windows either side of the main entrance doors.
2. Smaller window to the kitchen in Flat 1.
3. Small window removed to the master bedroom in Flat 1 and a larger window proposed.
4. Window removed to stairwell.
5. Alteration to ground floor layout to the rear to omit communal amenity space and provide two private garden areas for the ground floor flats.
6. Realigned cycle stores and their enclosure and inclusion of a booster tank beneath the retained rear wall structure.

First Floor

Two smaller windows in the master bedroom in Flat 3 replaced by a single larger window.

Proposed Second Floor

1. New window proposed in the western elevation of the living room in Flat 6.
2. Location of window slightly altered in the living room to Flat 7.
3. Larger window replacing two smaller windows in the master bedroom of Flat 6.

Proposed Roof Plan

In general, some repositioning of skylights and proposed new skylights.

Eastern Elevation

1. Slight amendments to window sizes.
2. Change in material from Cotswold stone cladding to render.

West Elevation

1. Slight alterations to window sizes.
2. Change in material from Cotswold stone cladding to render.

Rear/Southern Elevation

1. Removal of windows on the western side.
 3. Increase in size of windows.
 2. Change in material from Cotswold stone cladding to render.
- 5.9 These proposed amendments are all shown on the elevation plans which are submitted with this application.
- 5.10 The application site is within the Cotswold AONB. Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the site is within the centre of Burford and would not be visible the wider AONB landscape.
- 5.11 The site is within Burford Conservation Area and is in the vicinity of a Grade II listed property. As such 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 in particular paragraph 134 in considering the harm to the significance of the setting of the Conservation Area.
- 5.12 In your officers opinion the alteration of materials to render on the side and rear elevations, enclosure of the half-roof structure and amendments to window sizes and positioning and rooflights are generally considered acceptable in design terms (albeit it is noted that lintel details are lost on all but the front elevation. On balance, these alterations would not be considered to be harmful to the character and appearance of the scheme, Conservation Area or significance of the setting of the nearby Grade II listed property.
- 5.13 The Booster Tank has been considered acceptable by drainage officers as part of a condition discharge application for 16/02455/FUL.
- 5.14 On balance, your officers consider the amended scheme would not be harmful to the significance or settings of the designated heritage assets having regard to the adopted Local Plan policies BE2, BE5, BE8, H2, emerging Local Plan policies OS2, OS4, EH7 and relevant paragraphs of the NPPF.

Residential Amenity Impacts

- 5.15 In terms of other commercial units within the yard it is acknowledged that the development will impact upon some of the window openings serving these units however, this impact remains limited with the altered window openings and would not give rise to such harm to the commercial nature of these units to justify the refusal of planning permission on this basis. In addition, the alterations to the window sizes and positions are not considered to have a harmful impact on the adjoining residential property currently being converted from an office building. The windows remain below the half-roof structure so as to prevent overlooking of Barraca to the rear.
- 5.16 With regard to the loss of the communal amenity space, 5 of the 7 flats would have no access to any outside seating area. Officers consider this to be unacceptable, giving a sense of overdevelopment of the site with poor amenity provision for future occupants, contrary to

adopted Local Plan policies BE2 and H2 emerging Local Plan policies OS2, OS4, EH7 and relevant paragraphs of the NPPF.

Conclusion

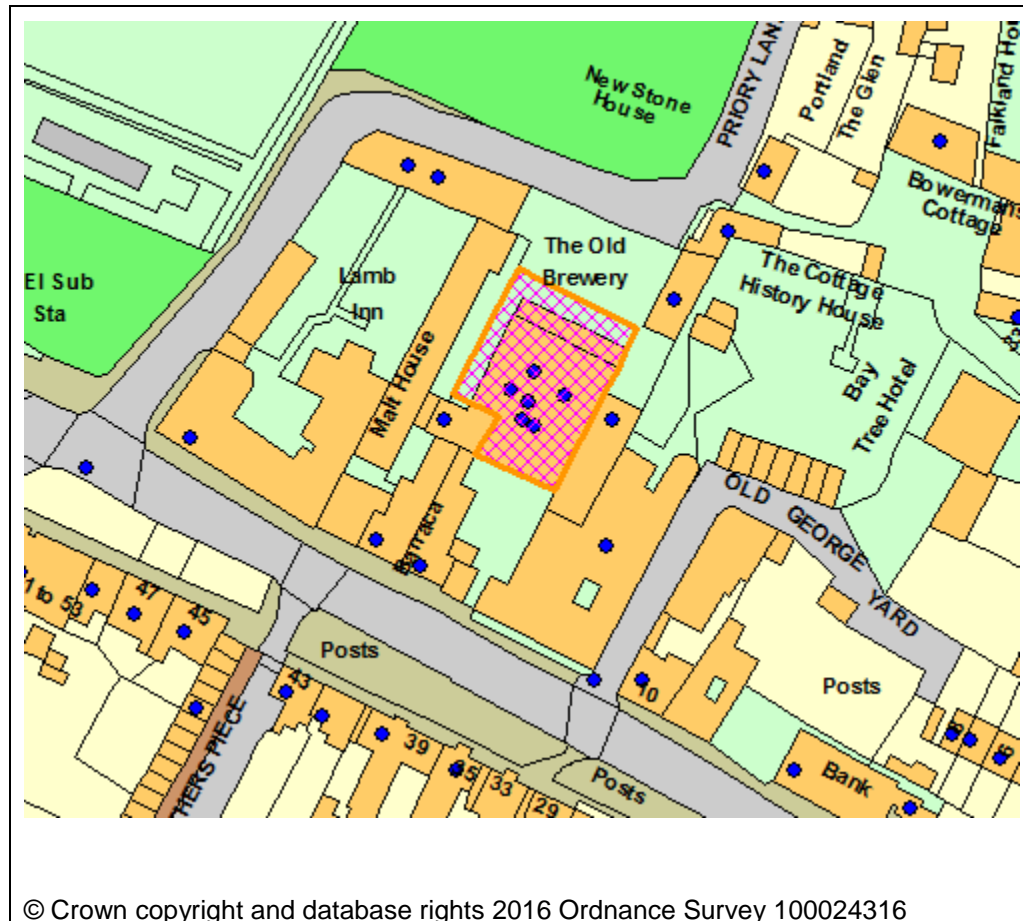
5. 17 In light of the above observations, the design amendments are generally considered acceptable with the exception of the loss of the communal amenity space to the rear. The application is therefore recommended for refusal for this reason having regard to the adopted and emerging Local Plan policies, West Oxfordshire Design Guide 2016 and relevant provisions of the NPPF, specifically referred to above and in the reason for refusal.

6 REASON FOR REFUSAL

By reason of the conversion of the communal space to the rear to form two private garden spaces for Flats 1 and 2 the scheme would result in a lack of usable amenity space for the remaining flats and result in a poor standard of amenity for the occupiers thereof. This would be contrary in particular to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4, H2, as well as the relevant provisions of the West Oxfordshire Design Guide and NPPF, in particular paragraph 17, 58, 61 and 64.

Application Number	17/02995/S73
Site Address	The Old Brewery Priory Lane Burford Oxfordshire OX18 4SG
Date	22nd November 2017
Officer	Joanna Lishman
Officer Recommendations	Refuse
Parish	Burford Town Council
Grid Reference	425012 E 212240 N
Committee Date	4th December 2017

Location Map



Application Details:

Non compliance with condition 2 of planning permission 16/04255/FUL to allow addition of balconies and changes to openings, materials, bike store, and layout.

Applicant Details:

Gentian Development (Oxfordshire Three)

C/O Agent

1 CONSULTATIONS

- | | | |
|-----|-------------------------|--|
| 1.1 | Town Council | Council objects to the new proposal and strongly prefers 'Juliette' style balconies to preserve privacy of adjoining neighbours. |
| 1.2 | WODC Architect | No objection to the amended scheme in design terms. |
| 1.3 | OCC Highways | No Comment Received. |
| 1.4 | WODC Drainage Engineers | Approval of booster tank as part of condition compliance for 16/04255/FUL . |

2 REPRESENTATIONS

No third party representations received.

3 APPLICANT'S CASE

- 3.1 The proposed development has been approved and this application proposes minor amendments to improve the design. The main elements of the consented scheme (scale, general appearance, massing, layout) remain as consented.
- 3.2 The proposed balcony amendments will improve the consented proposals by maximising amenity space for the apartments. The proposed external balconies will be contained within the building line of the previous building on site. The inset balconies would be contained within the envelope of the consented building.
- 3.3 The minor changes are in accordance with relevant planning policy and should be granted consent.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
BE6 Demolition in Conservation Areas
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
NE4 Cotswolds Area of Outstanding Natural Beauty
NE15 Protected Species
E6 Change of Use of Existing Employment Sites
T1 Traffic Generation
H7 Service centres
H11 Affordable housing on allocated and previously unidentified sites
OS2NEW Locating development in the right places
OS4NEW High quality design

T2 Pedestrian and Cycle Facilities
T4NEW Parking provision
EH1NEW Landscape character
EH2NEW Biodiversity
EH7NEW Historic Environment
BC1NEW Burford-Charlbury sub-area
BE19 Noise
EH6NEW Environmental protection

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

5 PLANNING ASSESSMENT

- 5.1 The applicants seeks planning permission for a variation to Condition 2 of planning permission 16/02455/FUL to allow for changes to openings, materials, bike store and layout to comprise removal of the communal area to the rear and its replacement with two private garden areas to serve Flats 1 and 2.
- 5.2 Planning permission was granted in August 2017 for the removal of the existing offices located within The Old Brewery Yard, Priory Lane, and the erection of 7, 2-bed flats with associated parking and access. The access to the development would remain as existing, from Priory Lane.
- 5.3 The application is brought before the Uplands Planning Committee following the previous Committee decision.

Background Information

- 5.4 The application site is within the Burford Conservation Area and the Cotswold AONB and is constrained by existing development surrounding the site. There are also a number of Listed Buildings in the vicinity.

- 5.5 The relevant planning history for the site is as follows:

17/02994/S73 - Non compliance with condition 2 of planning permission 16/04255/FUL to allow changes to openings, materials, bike store, and layout. - Pending Committee decision on 4th December 2017.

16/04255/FUL - 7, 2-bed flats with associated parking and access - approved subject to legal agreement.

16/0456/FUL - 10 unit scheme - approved subject to legal agreement.

16/02024/FUL - Removal of the existing offices located within the yard and erection of 4no. 3-bed dwellings with associated parking and access (amended) - Committee refusal. 09.11.2016.

16/01063/PN56 - Prior Approval - Offices to single residential unit (adjacent building) - Permitted

13/1415/P/FP - Demolition of building and erection of ten flats with associated works - Approved (Extant until 26.08.2017). Comprised 6, 1-bed units and 4, 2-bed units.

13/0821/P/FP - Demolition of building and erection of ten flats with associated works - Withdrawn

11/1182/P/FP - Change of use of existing building to residential - Approved

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

Design amendments and impact on the character and appearance of the building, AONB, Conservation Area and heritage assets,
Loss of the communal area; and
Impact on residential amenity.

Principle

- 5.7 Planning permission for the development of a scheme for 7 or 10 flats has already been granted. Design amendments to the scheme are likely to be considered acceptable in principle under the adopted and emerging Local Plan policies, providing the proposals do not conflict with any other aims of the development plan, in terms of design, impact on neighbouring amenities etc.

Design Amendments

- 5.8 The application seeks external projecting balconies to the first and second floors on the eastern and western sides of the front elevation. It is also proposed to add inset balconies to the middle windows of the second floor. The applicant considers these amendments will improve the saleability of the units by providing external amenity space.
- 5.9 The application also seeks the same amendments to window sizes and rooflights as sought for 17/02994/S73 as well as alterations to materials of the building (render as opposed to Cotswold stone cladding on side and rear elevations) , enclosure of the half-roof structure to form cycle stores, inclusion of a booster tank, and alteration to ground floor layout to the rear to omit communal amenity space and provide two private gardens areas for the ground floor flats. These proposed amendments are all shown on the elevation plans which are submitted with this application.
- 5.10 The application site is within the Cotswold AONB. Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the site is within the centre of Burford and would not be visible the wider AONB landscape.
- 5.11 The site is also within Burford Conservation Area and is in the vicinity of a Grade II listed property. As such 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 in particular paragraph 134 in considering the harm to the significance of the setting of the Conservation Area.
- 5.12 In your officers opinion the alteration of materials to render, enclosure of the half-roof structure and amendments to window sizes and positioning and rooflights are generally considered acceptable in design terms. On balance, these alterations would not be considered to be harmful to the character and appearance of the scheme, Conservation Area or significance of the setting of the nearby Grade II listed property.

- 5.13 With regard to the projecting balconies, these were removed from an earlier scheme at the suggestion of officers in order to support a scheme which was considered to accord with the design aims of the development plan and NPPF, in terms of seeking to secure a scheme which responds well to local character and history, and reflects the identity of local surroundings and materials in an historically sensitive area. The balconies and increased fenestration to the front elevation alter the appearance of the scheme from a fairly simple facade with juliet balconies to a more visually prominent form by virtue of the activity moving to the external envelope and area of glazing which would be problematic during the day as a result of the glare and at night from the amount of visible artificial light. Your officers consider the amended scheme would be harmful to the significance and settings of the designated heritage assets having regard to the adopted Local Plan policies BE2, BE5, BE8, H2, emerging Local Plan policies OS2, OS4, EH7 and relevant paragraphs of the NPPF and in weighing the planning balance, would not demonstrate any wider public benefit to outweigh the harm.
- 5.14 The Booster Tank has been considered acceptable by drainage officers as part of a condition discharge application for I6/02455/FUL.

Residential Amenity Impacts

- 5.15 In terms of other commercial units within the yard it is acknowledged that the development will impact upon some of the window openings serving these units however, this impact remains limited with the altered window openings and would not give rise to such harm to the commercial nature of these units to justify the refusal of planning permission on this basis. In addition, the alterations to the window sizes and positions are not considered to have a harmful impact on the adjoining residential property currently being converted from an office building. The windows remain below the half-roof structure so as to prevent overlooking of Barraca to the rear.
- 5.16 With regard to the loss of the communal amenity space, Flat 4 would have no access to any outside seating area at all, with occupants of Flats 3 and 5, both 2-bed units, having use of very small balcony. Officers consider this to be unacceptable, giving a sense of overdevelopment of the site with poor amenity provision for future occupants, contrary to adopted Local Plan policies BE2 and H2 emerging Local Plan policies OS2, OS4, EH7 and relevant paragraphs of the NPPF.

Conclusion

- 5.17 In light of the above observations, the design amendments are generally considered acceptable with the exception of the projecting balconies and over-fenestrated front elevation and loss of the communal amenity space to the rear. The application is therefore recommended for refusal for these reasons having regard to the adopted and emerging Local Plan policies, West Oxfordshire Design Guide 2016 and relevant provisions of the NPPF, specifically referred to in the reasons for refusal.

6 REASONS FOR REFUSAL

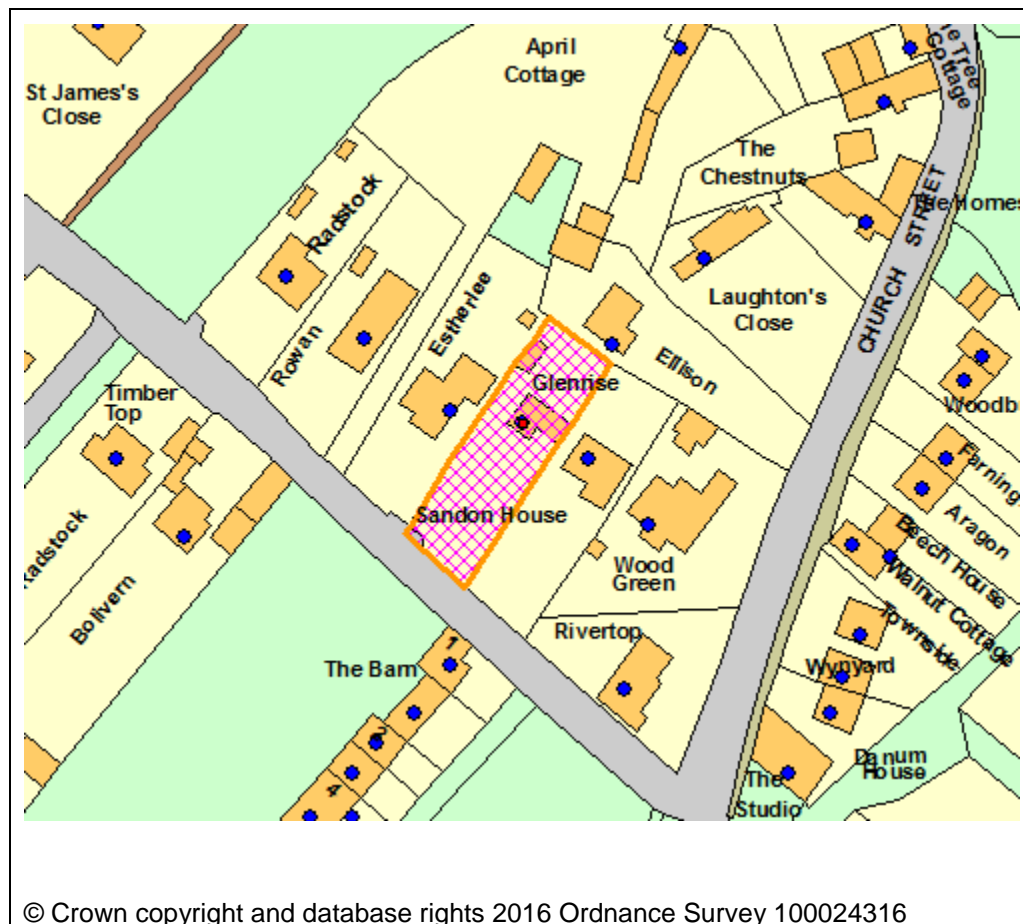
- 1 By reason of the conversion of the communal space to the rear to form two private garden spaces for Flats 1 and 2 the scheme would result in a poor provision and standard of usable amenity space for the occupants of the remaining flats. This would be contrary in particular to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011, emerging West Oxfordshire

Local Plan 2031 Policies OS2, OS4, H2, as well as the relevant provisions of the West Oxfordshire Design Guide and NPPF, in particular paragraph 17, 58, 61 and 64.

- 2 By reason of the addition of the projecting balconies and over-fenestrated front elevation, the scheme would result in a more visually prominent form of development in a sensitive location at the heart of the Conservation Area, failing to preserve the character and appearance of the Conservation Area and setting of the Grade II listed building or offer any wider public benefit to outweigh the harm. This would be contrary in particular to Policies BE2, BE5 and H2 of the West Oxfordshire Local Plan 2011, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4, H2 and EH7 as well as the relevant provisions of the West Oxfordshire Design Guide and NPPF, in particular paragraphs 17, 58, 61, 64, 132 and 134.

Application Number	I7/03281/HHD
Site Address	Glenrise Churchfields Stonesfield Witney Oxfordshire OX29 8PP
Date	22nd November 2017
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439346 E 217007 N
Committee Date	4th December 2017

Location Map



Application Details:

Erection of two storey side extension to provide garage and bedroom above.

Applicant Details:

Mr Richard Bishop
Glenrise
Churchfields
Stonesfield
Witney
Oxfordshire
OX29 8PP

I CONSULTATIONS

Parish Council This is to advise you that Stonesfield Parish Council has no objection to this application.

2 REPRESENTATIONS

Two neighbour objections summarised as follows:

Relating to Estherlee:

- i. Cramped building to tree relationship - overshadowing 2 apple and 2 bay trees.
- ii. Overlooking 5 windows.
- iii. Loss of light.
- iv. Creating a terraced appearance.
- v. Unacceptable density - out of keeping with existing properties in the street.
- vi. Overbearing impact, high density and out of keeping with the area of the village.

Relating to Ellison:

- i. Was unaware of application.
- ii. Not concerned with the extension with the exception of the dressing room window which would overlook a recently approved extension - proposed obscure glazing or rooflight.

3 APPLICANT'S CASE

The submitted application form and plans can be viewed on the Council's website.

4 PLANNING POLICIES

BE2 General Development Standards
BE5 Conservation Areas
NE4 Cotswolds Area of Outstanding Natural Beauty
H2 General residential development standards
OS2NEW Locating development in the right places
H6NEW Existing housing
OS4NEW High quality design
EH1NEW Landscape character
EH7NEW Historic Environment

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

5 PLANNING ASSESSMENT

- 5.1 The application site is a two-storey detached property located on Churchfields, in the village of Stonesfield.
- 5.2 The application site is located within the Stonesfield Conservation Area and Cotswold AONB.
- 5.3 The applicant seeks planning permission for the erection of two storey side extension to provide garage and ensuite bedroom above.
- 5.4 This application is being brought to Committee as the applicant is a Ward Member.

Background Information

- 5.5 The application site is a mid-20th Century, detached dwelling, located in a residential area to the north east side of Churchfields. This area is characterised by a mix of styles and ages of residential development, with the properties from Radstock to Sandon House, being set back from the road with fairly large front gardens. Glenrise has a smaller rear garden and a single garage located in the rear garden, along the boundary with Estherlee. The side elevation of Ellison, located on Church Street, is positioned close to the rear boundary.
- 5.6 The application property is a rendered dwelling, with a plain concrete tiled roof and steel painted windows.
- 5.7 The proposal is to retain the existing garage and erect a new two storey side extension, set back 2.8m from the front building line and flush with the rear building line. The extension would continue the ridgeline to the west in a form that replicates the existing dwelling. A gap of 0.6m is to be retained to the side of the extension to enable external pedestrian access. Proposed materials are to match the existing.
- 5.8 A conservatory to the front elevation was granted planning permission in 2001 (ref: W2001/0927).
- 5.9 Taking into account current 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 AONB

Design, Form and Siting and Impact on the Conservation Area

Residential Amenity

Highway

Principle

- 5.10 The principle of extending an existing residential property in this village location is considered acceptable under the adopted and emerging Local Plan policies, providing the proposals do not conflict with any other aims of the development plan, in terms of design, impact on neighbouring amenities etc.

Impact on the AONB

- 5.11 Within the Cotswold AONB, paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the proposal is a modest addition to a dwelling in a residential area and therefore it is not considered it would be harmful to the AONB.

Design, Form and Siting and Impact on the Conservation Area

- 5.12 The property is within Charlbury Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.13 The design, form and siting are all considered acceptable, continuing the eaves and the existing ridgeline of the property. The materials are to match, together with the window proportion to the front elevation. In the streetscene, the extension would appear separate from the adjacent property and not overbearing due to the siting off the boundary and set back from Estherlee. In terms of the impact on the Conservation Area, the extension is considered a modest addition to a modern property, set back from the road frontage and designed in keeping with the host dwelling. Your officers consider the extension would preserve the character and appearance of the Conservation Area having regard to adopted Local Plan Policies BE and BE5, emerging policies OS4 and EH7 and the relevant sections of the NPPF.

Residential Amenity

- 5.14 The application has received an objection from the neighbouring property regarding impact on all elements of residential amenity. The orientation of the sun and the set back of the extension, alongside the neighbouring garage, would not result in harmful loss of light to the habitable rooms of the neighbouring property. In terms of overlooking, the proposal has been assessed on site and would not cause harmful overlooking from the front bedroom window (oblique angle) to the utility room as shown on site. The area to the side of the property does not constitute private amenity space and this space is readily visible in the public domain and from the existing property. In terms of siting, density and appearing overbearing on the neighbouring bungalow, the proposed extension is considered a sufficient distance from the main dwelling, so as not to appear overbearing. The extension is also set back from the front building line.
- 5.15 Concern has been raised regarding overlooking of an approved extension at Ellison. The obscuring of the rear first floor windows (dressing room and ensuite) via a condition is recommended in this instance to prevent overlooking of Estherlee and Ellison.
- 5.16 The proposal is therefore considered to accord with Policies BE2 and H2 of the Adopted Plan and OS2, OS4 and H6 of the Emerging Plan.

Highways

- 5.16 Notwithstanding the proposed single garage, access to the existing garage remains for cars and there remains sufficient off-street parking on the driveway. There would be no detrimental impact to highway safety.

Conclusions

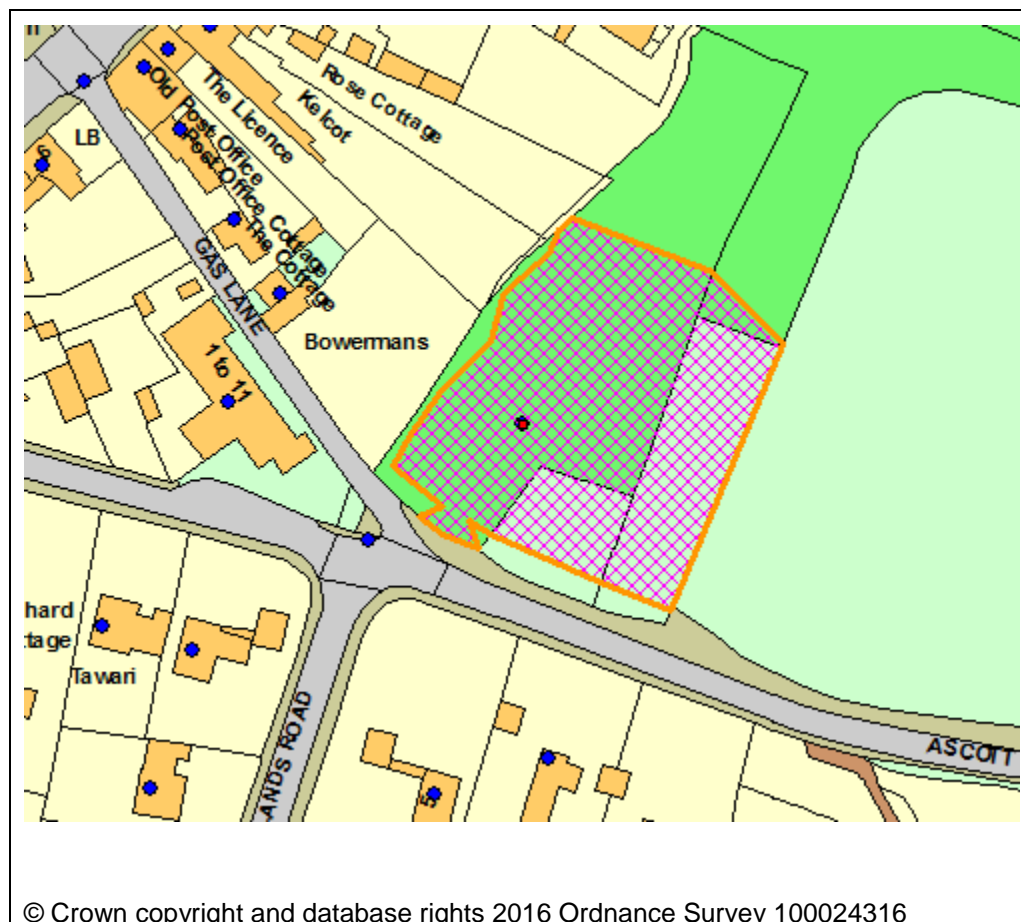
- 5.17 The proposed extension is considered to be well-designed and well-proportioned and will form a visually appropriate addition to the main dwelling and within the wider village setting, preserving the character and appearance of the Conservation Area. For these reasons officers consider that the development as proposed, would be acceptable and compliant with the provisions of adopted and emerging Local Plan policies, and the provisions of the NPPF, subject to the conditions below.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 Before first occupation of the extension hereby permitted the rear first floor windows shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

Application Number	17/03057/FUL
Site Address	Land North Of Gas Lane And Ascott Road Shipton Under Wychwood Oxfordshire
Date	22nd November 2017
Officer	Joanna Lishman
Officer Recommendations	Approve subject to Legal Agreement
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427959 E 217796 N
Committee Date	4th December 2017

Location Map



Application Details:

Erection of two detached dwellings with associated access and landscaping

Applicant Details:

Mr Vince O'Brien
C/O Agent

I CONSULTATIONS

- I.1 Parish Council The Parish Council commented on 17 June 2016 on a previous application-16/01566/FUL which was granted subject to conditions on 4 August 2016. The permission is still extant and has not been withdrawn.
- In its comments the Parish Council objected strongly to the choice of materials which it believed were incongruous and fitted very poorly into the general street scene and expressed a preference for Cotswold stone.
- The current application repeats this use of unsuitable wooded cladding and the Parish Council wishes to restate its previous objection.
- 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 conditions.
- I.3 WODC Drainage Engineers No objection subject to condition.
- I.4 Thames Water No response.
- I.5 WODC Architect No response.
- I.6 Biodiversity Officer No objection subject to conditions.
- I.7 OCC Archaeological Services There are no known archaeological features or sites within or adjacent to the application area. As such there are no known archaeological constraints to this application.

2 REPRESENTATIONS

- 2.1 Letters have been received from 11 residences, the key points are summarised as follows:
- a) Visual amenity impact
 - b) Permitted development for single dwelling has been acceptable based on the limited extent of development, limit visual intrusion, didn't extend beyond previous till yard and the rest of the site would be left wild and undisturbed.
 - c) The proposed area to be taken up by the second house will lead to around two thirds of the site being used and the visual amenity from the west virtually destroyed.
 - d) The proposed area will be very far away from any former till yard location.
 - e) No mention of visual amenity impact to nearby dwellings and occupants to the west.
 - f) No public consultation by applicant.
 - g) Flood risk - recently much clay has been brought in from other sites and compacted close to the stream where gunera has traditionally grown in damp conditions. This must have increased the danger of run off.

- h) Foul sewerage disposal - Not known.
- i) Is the land known to be contaminated? Answer given - No. However there is video evidence of the applicant's workmen or contractors deliberately knocking down mature Greater Hogweed plants (video available on request). As a result there has been a serious outbreak for this very dangerous plant and this is likely to continue.
- j) In summary, this application, for a second house, completely disregards the arguments made for the permitted application for a single house. It does not consider the visual amenity argument from the Western side which has led to the rejection of all previously failed applications. It is a merely an attempt to squeeze extra revenue from the site and in this way will destroy the character and visual amenity of this precious piece of the Shipton Conservation Area. It is an unsuitable house too far and should be rejected.
- k) No public bus service - withdrawn in 2016.
- l) Shed-like appearance is out of keeping.
- m) Non-compliance with conditions regarding soil dumping and tree protection.
- n) persistent refusals on the site testifies its unsuitability.
- o) a very damp area which flooded some years ago.
- p) The permitted application is roughly on the old tillyard site but this new application goes far beyond that.
- q) Many people walk down to look at it, the trees and layout are lovely and small children love playing in Trot's Brook.

2.2 CPRE objects to the above application on ecology and landscape grounds. The previous application for one house was passed on condition that the area where the additional house is now proposed, remain as a natural environment. It is difficult to see how circumstances could have changed in the interim and it's important that the ring-fenced natural environment is protected and preserved. The landscape impact from the west has not been considered, but with the loss of green space on that side, the effect will be significant. It would seem that the site of the first house is brown-field, but the second house is on natural ground. Past planning history has identified this site as sensitive with regard to the setting of the Conservation Area. Therefore, CPRE considers that an additional house on the site is inappropriate.

3 APPLICANT'S CASE

- 3.1 This proposal has been prepared with the benefit of Officer's views and comments, given during various discussion following the earlier approval for a single residential unit.
- 3.2 In preparing the revised scheme, we have endeavoured to produce a scheme that is modest and appropriate in scale, for this site responds to local character and vernacular, in terms of design detail and proposed materials, in order to fit successfully into this part of the Conservation Area, with no adverse effect on neighbours.
- 3.3 Taking the above into account, with due regard to the position regarding housing supply and the opportunity to add a positive contribution to the street scene, we believe that this proposal on this site should be worthy of positive consideration.

4 PLANNING POLICIES

OS4NEW High quality design
H2NEW Delivery of new homes
H2 General residential development standards

H6 Medium-sized villages
BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
NE4 Cotswolds Area of Outstanding Natural Beauty
NE15 Protected Species
EH1NEW Landscape character
EH2NEW Biodiversity
EH7NEW Historic Environment
T1 Traffic Generation
T4NEW Parking provision
OS2NEW Locating development in the right places
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal relates to a 0.175ha parcel of land to the north of Ascott Road, Shipton-Under-Wychwood.
- 5.2 The site is currently being cleared ready for redevelopment of the site having obtained planning permission in August 2016 for a single dwelling (ref: 16/01566/FUL).
- 5.3 The application site is located towards the east of the village centre, facing onto Ascott Road. To the south of the site, on the opposite side of Ascott Road, lies residential development at Courtlands Road and Sinnels Field. To the west are the rear gardens of the properties in Church Fields and Gas Lane. To the north east are a number of larger residential properties sited within large plots, including the Grade II Listed Old Vicarage.
- 5.4 The site is within the Cotswolds AONB and is within Shipton-Under-Wychwood Conservation Area.
- 5.5 The submitted scheme seeks to provide an additional 2/3-bed dwelling and two parking spaces behind the approved dwelling.
- 5.6 The application has been brought to Committee as a result of the previous Committee approval and following deferment of this application for Member site visit on 30th November. Officers seek approval of the application subject to the signing of a unilateral agreement.

Background Information

- 5.7 As referred to above the recent approval is a material consideration. However there has been substantial planning history associated with the application site, detailed below:
- i. A planning application was submitted in December 2014 for the proposed erection of a single detached dwelling with an associated garage. This application was subsequently withdrawn on the 26th January 2015 following comments received from the Council's Conservation Officer and the Parish Council.

- ii. A revised application was prepared to address the concerns regarding the original scheme and this was submitted in February 2016, but subsequently withdrawn in order for further design amendments to be made.
- iii. These recent applications follow on from a number of historical applications, the most recent of which was determined over 14 years ago in 2002 (W2002/1788). The application was refused and appealed with the reasons for refusal detailed below. Whilst policy has developed in relation to the first reason (discussed further below), the Inspector concurred with the second reason for refusal and the assessment of this scheme is now whether this particular proposal is deemed acceptable in terms of the impact on the visual amenity and Conservation Area.

Refusal Reason 1. The proposal would not compromise acceptable rounding off, in that the development would not form a logical complement to the existing pattern of development. As such the proposal would be contrary to Policy H6 of the West Oxfordshire Local Plan.

Refusal Reason 2. The proposal would erode the character and harm the visual amenity of an important area of open space which contributes to the wider character and appearance of this part of the Shipton under Wychwood Conservation Area, and would be likely to set an undesirable precedent for other similar sites where the cumulative resultant scale of development would erode the character and environment of the area.

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

Principle
 Design, layout and impact on the character of the area
 Residential amenities
 Highways
 Ecology
 Drainage

Principle

- 5.9 The principle for redevelopment of the site has been established with the 2016 approval for a single dwelling. The settlement is deemed sustainable having regard to adopted and emerging national and local planning policy and guidance.
- 5.10 In terms of the current Local Plan position, following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.

- 5.11 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
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 will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.13 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate 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.
- 5.14 Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.15 The consideration now, with the principle of new development on the site established, is whether or not the proposal for a second dwelling in a subservient, annexe style, would erode the character and harm the visual amenity of an important area of open space which contributes to the wider character and appearance of this part of the Shipton under Wychwood Conservation Area. Would it be likely to set an undesirable precedent for other similar sites where the cumulative resultant scale of development would erode the character and environment of the area?

Design and Layout and Impact on the Character of the Area

- 5.16 The site lies within the Shipton-Under-Wychwood Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".
- 5.17 In the consideration of the site for the approved development, the site was acknowledged as being sensitive, on the edge of the settlement. The site's relationship with the existing urban edge had a bearing on its suitability for development. The assessment considered the function and importance of the site in terms it being a gap and as open space. On balance, given its history, being located opposite existing dwellings, its overgrown appearance and the low-key

character and appearance of the development proposed, the scheme was recommended for approval by officers.

- 5.18 The approved detached dwelling featured an inward facing, single storey workshop form. The proposed additional dwelling is again low-key in design, scale and form, replicating the workshop character of the approved scheme but with the appearance of an outbuilding/annexe.
- 5.19 The site is located within the Cotswolds AONB and so is sensitive in its very nature. It is within an area designated for its high landscape quality however this is not considered necessarily to be an impediment in principle to development in this locality. 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. This particular site is within a built-up area and therefore the impact of the two dwellings on the wider AONB landscape is minimal. In particular, the layout has been designed to ensure minimal visual intrusion from Ascott Road by orientating the additional dwelling with an east facing gable in natural stone with a blue slate roof. The finished floor levels also show that the second dwelling will be set down lower into the site, adding to the subservient outbuilding appearance.
- 5.20 Although the development of the site for two dwellings would represent significant change, this is not necessarily the same as harm. Given the characteristics of the site and its relationship with the existing urban edge to the north, west and opposite to the south, it is considered that the development would not be materially harmful to the setting of the Conservation Area and its character would be preserved.
- 5.21 In the terms of NPPF paragraph 134, the benefits of the scheme in delivering a further dwelling on a site in a sustainable location, whilst retaining the rear-most third of the site in an undisturbed state for ecological value, would outweigh any less than substantial harm arising from the scheme.
- 5.22 The proposal is considered to comply with WOLP Policies BE2, BE5, NE4, and H2, as well as emerging plan policies OS2, H2, EH1 and EH7 and officers consider the new scheme comprising an additional modest dwelling overcomes the previous reasons for refusal with regard to impact on visual amenity and character and appearance of the Conservation Area.

Residential Amenities

- 5.23 Appropriate garden areas would be provided for both new dwellings, and general amenity space would therefore be catered for.
- 5.24 The separation distance between the existing dwellings to the west, and the aspect of those properties is such that there would be no unacceptable loss of light or overlooking to properties adjoining the site. Loss of a private view or reduction in property values are not material planning considerations.

Highways

- 5.25 The proposal is for vehicular and pedestrian access to be taken via a single access point from Gas Lane. Parking is provided for two spaces for each property, which is within maximum parking standards and a garage.

- 5.26 The County as Highway Authority have confirmed that there is no demonstration of severe harm that would warrant the refusal of the planning application for reasons of highway safety and convenience. The proposal, if permitted, will not have a significant detrimental effect (in terms of highway safety and convenience) on the local road network.

Landscaping and Ecology

- 5.27 The supporting statement states that the remaining site area to the rear of the site will be retained in separate private ownership and will be managed so as to minimise impact on the new property or other neighbours, acting as an area of natural habitat for wildlife and ecology. A unilateral agreement to retain the rear of the site in a natural state in perpetuity has been agreed to by the applicant.
- 5.28 The submitted ecology report Phase One Habitat Survey (Windrush Ecology 2014) identified enhancements for biodiversity that could be achieved by planting of a native hedgerow and trees along the southern and eastern boundary and the provision of bat and bird boxes.
- 5.29 If all the recommended mitigations are implemented by way of condition, the development would not cause undue harm to bats, reptiles or birds, and therefore the proposal would comply with WOLP Policies NE13 and NE15 and emerging Local Plan Policy EH2, as well as the NPPF.

Drainage

- 5.30 The site is in Flood Zone 1 and at low risk of flooding. The site is not deemed susceptible to surface or groundwater flooding and the WODC Drainage Officer confirmed for the previous scheme that SUDS are feasible and to be secured by condition (Drainage response to be confirmed at Committee).
- 5.31 Whilst the concerns of residents regarding surface water drainage and impact on the stream are noted, a sustainable drainage system should lead to no greater impact as regards run-off or groundwater contamination compared to existing conditions.

Precedent

- 5.32 The 2002 second reason for refusal refers the proposed dwelling being likely to set an undesirable precedent for other similar sites where the cumulative resultant scale of development would erode the character and environment of the area. It is not considered that allowing the second dwelling to the rear of the approved dwelling would set an undesirable precedent which erodes the character and environment of the area to such an extent that would be considered harmful and that outweighs the benefits of the scheme. Each application is considered on its own merits.

Other Matters

- 5.33 Residents have raised issues relating to site clearance and dumping of soil in certain areas and non-compliance of conditions. The applicant's agent has been advised that site levelling and removal of the vegetation is a breach of Conditions 14 and 15.

Conclusion

- 5.34 The adopted Local Plan is time expired and the Council is now moving forward with a revised plan up to the year 2031. The proposal is consistent with the need to deliver windfall housing on suitably located sites within the Burford-Charlbury sub-area and the scheme follows the guidance set out in paragraph 14 of the NPPF.
- 5.35 The layout and access for the proposed dwelling is considered acceptable with reference to the constraints of the AONB and the need to avoid undue harm to the character and appearance of the Conservation Area.
- 5.36 The layout proposed would result in no material impact on privacy, light or general amenity in relation to neighbouring properties.
- 5.37 The proposed dwelling would not have an unacceptable impact on the operation of the highway network in this location or on highway safety generally.
- 5.38 Retention and protection of trees, appropriate landscaping, and suitable mitigation and enhancements for wildlife can be secured by condition.
- 5.39 Officers seek approval for the application subject to a unilateral agreement to secure the undisturbed ground in perpetuity.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Policy Statement 25 Technical Guidance).
- 4 The development shall be completed in accordance with the recommendations in Section 4 of

the Phase I Habitat Survey report dated December 2014 prepared by Windrush Ecology Ltd. 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 birds and bats 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, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 5 Before development takes place, details of the provision of bat roosting features and nesting opportunities for birds (House martin, House sparrow, Starling or Swift) into the new building and boxes in trees shall be submitted to the local planning authority for approval, including architectural elevations and site layout drawings showing the locations and types of features. The approved details shall be implemented before the dwelling hereby approved is first occupied, and thereafter permanently maintained.
REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 118 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 6 Prior to occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
REASON: To protect foraging, commuting and roosting bats (particularly along the river corridor) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 11), policy NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 7 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 8 The external walls of the dwellings shall be constructed with natural stone and 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.
- 9 The roofs of the dwellings shall be covered with blue slate 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.

- 10 Notwithstanding details contained in the application, detailed specifications and drawings of all external joinery details (including cladding), with elevations of each assembly at min. 1:20 scale, with sections of each component at min. 1:5 scale including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 11 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 12 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.
REASON: To ensure a safe and adequate access.
- 13 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety
- 14 The dwellings shall not be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatments to be erected has been agreed in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development otherwise approved by Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of the Order or Class A of Part 2 of Schedule 2 of the Order other than that expressly authorised by this permission, shall be erected or carried out.
REASON: Control is needed to protect the residential amenity of adjacent properties and the character and appearance of the site in the Conservation Area.
- 16 No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

- 17 That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. This shall include an updated Tree Protection Plan. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To ensure the safeguarding of the character and landscape of the area during and post development.
- 18 Prior to the commencement of development, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.
REASON: In the interest of improving connectivity in the District.
NB Council will be able to advise developers of known network operators in the area.
- 19 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
 - II The loading and unloading of plant and materials
 - III The storage of plant and materials used in constructing the development
 - IV The erection and maintenance of security hoarding including decorative displays
 - V Wheel washing facilities
 - VI Measures to control the emission of dust and dirt during construction
 - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
- REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and road safety are in place before work starts.

NOTES TO APPLICANTS

- I Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). Further information can be found at the West Oxfordshire District Council website:
<http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-developmentframework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and

Selecting 'Biodiversity' from the drop down box)

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

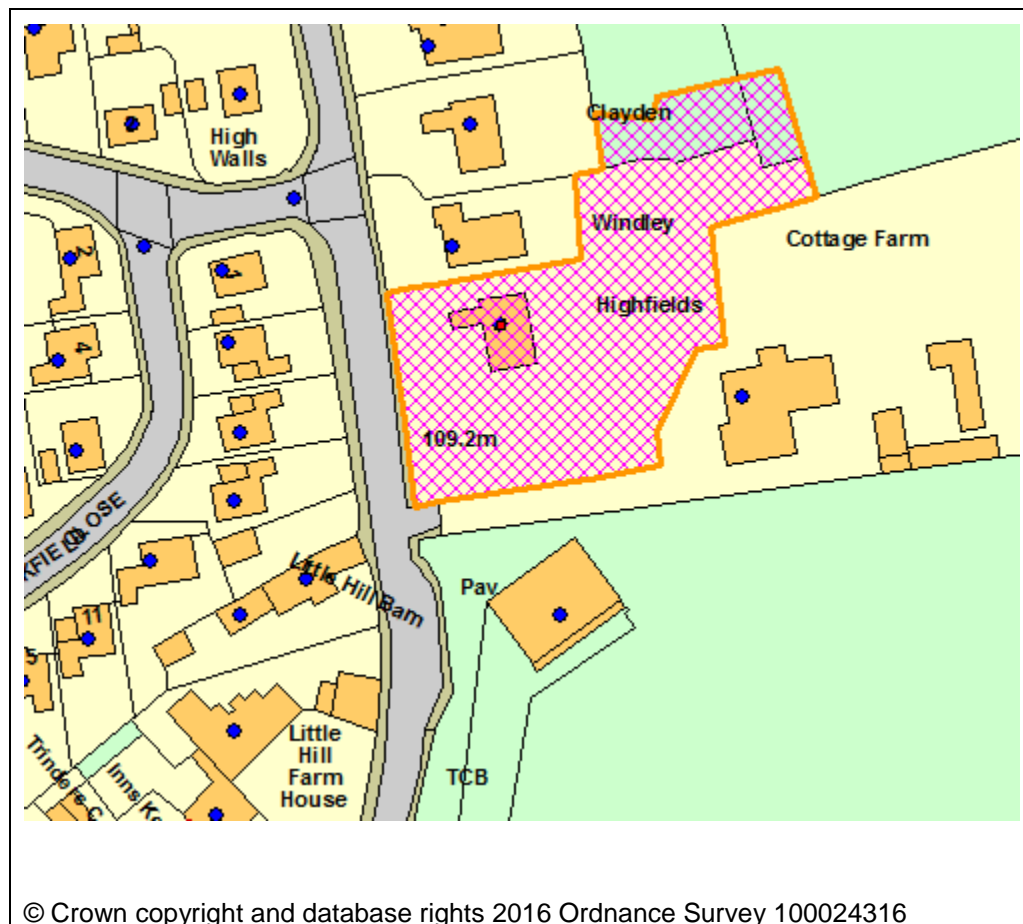
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))

(Follow link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>).

- CIRIA C753 SuDS Manual 2015

Application Number	I7/03078/FUL
Site Address	High Fields Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LF
Date	22nd November 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426504 E 218440 N
Committee Date	4th December 2017

Location Map



Application Details:

Erection of five dwellings with associated access and landscaping works

Applicant Details:

Mr Bill Wyatt

C/O Agent

I CONSULTATIONS

- I.1 Parish Council The Parish Council has no objection to this 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 subject to
- G28 parking as plan
 - G11 access specification
 - G25 drive etc specification
 - G35 SUDS sustainable surface water drainage details
 - Cycle parking as standards
 - Vision splays as plan
- Note The application details a private drive to serve 5 dwellings - the layout will require amendment to serve development in excess of this number.
- The turning area will accommodate a private car or small commercial vehicle but not the standard refuse vehicle.
- I.3 WODC Drainage Engineers Due to initial concerns with regards to the probable underlying geology at the site, we would request that BRE365 soakage testing is carried out prior to us forming any further comments. This will then enable all parties to have a clear understanding and direction on what type of surface water drainage system will be feasible at this site. To that end, we would currently object to planning permission being granted for the reason stated.
- I.4 ERS Env. Consultation Sites I have looked at the above referenced planning application in relation to potentially contaminated land. While I have no serious concerns in relation to contamination and the proposed development, the site survey submitted with the application and aerial photographs of the area suggest that there is a spoil heap towards the east of the site. Given this and that the proposal is for residential development with gardens please consider adding conditions relating to contamination investigation and remediation.
- I.5 WODC Architect No Comment Received.
- I.6 WODC Env Services - Landscape No Comment Received.

2 REPRESENTATIONS

2 letters of support have been received in relation to this planning application:

Mrs Murphy commented that the current submission was an attractive, modern design which would leave adequate space around each property for wildlife and vegetation.

Mrs Mann commented that the development would improve the outlook from the rear of her property (Wyndley). It was asked that care was taken to ensure that the positioning of the house adjacent to Wyndley would be built as close to Church Road as possible so that it will not shade, more than necessary the solar panels on this property.

3 APPLICANT'S CASE

- 3.1 The current proposals seek permission for the erection of five dwellings within the village of Milton-under-Wychwood.
- 3.2 With due consideration to the NPPF, the council's inability to demonstrate a five - year supply and previous permissions to the adjacent area, it is considered that the principle of development is acceptable. Housing development on this site will help maintain the services and facilities within Milton under Wychwood, in addition to contributing towards the Council's five - year housing land supply.
- 3.3 As discussed above, the planning application (the subject of this statement) is considered to accord with the relevant policy framework in the existing and emerging West Oxfordshire Local Plan, the West Oxfordshire Design Guide 2016 and National Planning Policy.
- 3.4 The proposed development will provide high quality housing in a sustainable location where there is an identified requirement to increase the housing supply.
- 3.5 There are no adverse impacts of the proposed development in relation to the impact upon the character and appearance of the area, the impact upon highway safety or residential amenity.
- 3.6 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable benefits to the local area. There are no significant and demonstrable adverse impacts which outweigh these benefits.
- 3.7 In light of the above, planning permission should be granted without delay.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE4 Open space within and adjoining settlements
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
H2 General residential development standards
H6 Medium-sized villages
OS2NEW Locating development in the right places

OS4NEW High quality design
H2NEW Delivery of new homes
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 erection of five detached dwellings on an area of land located on the edge of Milton-under-Wychwood. The site comprises of an open agricultural paddock and an area of untidy previously developed land which lies to the rear of a detached property and to the rear of a row of detached bungalows fronting Church Road.
- 5.2 The site has been subject of several planning applications for residential development. An application for four dwellings was permitted in 2015 (14/01759/FUL), the consented dwellings would be sited in the position of High Fields and previously developed land immediately to the rear of High Fields. A revised application for four dwellings on this particular part of site was recently consented in 2017 (17/01708/FUL).
- 5.3 The site has been subject of two withdrawn applications (16/02129/FUL and 16/02908/FUL), both of which related to the siting of two additional dwellings to the north east of the consented 4 dwellings, in the area of adjacent paddock land. The proposed development includes the siting of four dwellings in the position previously consented under planning reference 17/01708/FUL, with an additional dwelling (Plot A5) sited within the paddock area to the north east.
- 5.4 The site has a distinctly rural character and is predominantly open and undeveloped, with the exception of a small stable building. There is existing development to the north of the site beyond a large open paddock, although the area to the East and North East consists of open countryside with the exception of a single dwelling located at the end of Green Lane. A public right of way runs to the East and North East of the site area. The entirety of the site is located within the Cotswolds AONB but does not lie within a designated Conservation Area.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle of Development
 - Design, scale and siting
 - Landscape and Visual Impact
 - Residential Amenities

Principle

- 5.6 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's

apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.

- 5.7 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.8 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.9 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.10 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions having taken 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.
- 5.11 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Milton-Under-Wychwood is identified as a medium sized village in the Existing Local Plan where development was deemed acceptable where this constitutes infill or rounding off of the settlement area. The location based housing policy H2 within the Emerging Local Plan is however additionally permissive of the development of appropriate edge of settlement sites for housing where development would form a logical complement to the existing built form. The site in a locational sense purely in terms of its proximity to local services and facilities would be deemed sustainable however officers do not consider that the development would form a logical complement to the built form in this area of Milton-under-Wychwood.
- 5.12 Officers considered that the approved development of 4 dwellings on the site of High Fields bungalow (17/01078/FUL) would round off this area of the settlement. The 4 approved dwellings would be reasonably well contained given the existing development to the north, cottage farm to the east and the sports pavilion to the south.

- 5.13 The additional dwelling (Plot A5) in contrast would be located within an open paddock to the rear of the row of bungalows to the west and to the rear of cottage farm. In terms of locational siting officers consider that the siting of Plot A5 would constitute back land development and would clearly extend beyond the defined village boundary. The development of Plot A5 would involve the partial development of a presently open field in an illogical manner which fails relate to the existing built form or prevailing rural context.
- 5.14 Although there is an existing stables building located on this part of the site, this is a small scale and low key form of development which is unobtrusive within the immediate landscape setting. Though a single dwelling is proposed, there would also be a relatively extensive area of domestic curtilage associated with this property, which further protrudes into the open paddock and would read as a further domestic encroachment in the open countryside, which would read as illogical in its relationship with the existing pattern of built form.

Landscape and Visual Impact

- 5.15 Due to the sites prominent and highly visible position on the edge of the village, the landscape impact of the development is a major consideration which is attributed enhanced weight, given that the site lies within the Cotswolds AONB. Great weight is attributed towards the protection of the Cotswolds AONB landscape within Policy NE4 of the Emerging Local Plan and Paragraph EHI of the existing local plan; as well as paragraph I 15 of the NPPF.
- 5.16 The site exists as a distinctly rural edge of settlement space comprising of an agricultural paddock, a section of which would be lost and visibly urbanised by the erection of what is considered to be an incongruously sited dwelling and visibly prominent area of associated amenity space. There are prominent views of the site from two nearby public rights of way leading from Green Lane and Shipton Road; plot A5 would be particularly visible from these vantage points. The West Oxfordshire Landscape Assessment states that the area to the north of Milton has moderate to high intervisibility, with views across the open land. The landscape itself is defined as a semi-enclosed clay Wold landscape.
- 5.17 In terms of the impact on the AONB setting it is accepted that the development would not be visibly prominent in wider views, however officers consider that the impact associated with the siting of plot A5 on the immediate setting would be detrimental and would have an unduly eroding influence on the rural character of this sensitive, open and presently undeveloped site which would result in harm to the setting of the CAONB. Plot A5 would appear highly visible and incongruous when viewed from existing public rights of way to the east of the site.
- 5.18 In officers opinion the provision of landscaping would fail to adequately mitigate the visual impact of the proposed development and officers are of the opinion that the proposed siting of Plot A5 and associated domestic curtilage space would appear incongruous within the context of the open undeveloped and characteristically rural open paddock land into which it would visibly encroach.
- 5.19 The proposals would result in the development of a significant section of the paddock area with the remainder of the space remaining open and undeveloped. Within a landscape context where there are important views into a site, it is important that new development should be sited in a position where it assimilates and visually merges with the existing built form. Rather than merging with the existing built form, Plot A5 would visibly extend beyond both the existing pattern of development and recently consented development and consequently would read as

an urban encroachment, which would appear visually obtrusive in the immediate landscape context.

- 5.20 Neither the existing condition of the site or the fact that there is a stables building presently located on the site of Plot A5 would justify further intensification of development on the site. The existing stables are relatively low lying and unobtrusive in the immediate landscape context and furthermore the provision of small scale buildings such as this are commonplace within such semi-rural settings. In contrast the siting of a dwelling in the position proposed would result in an urban, domestic encroachment into the open countryside. Officers therefore consider that the development would be contrary to Existing Local Plan Policies NE1, NE3 and NE4 as well as Emerging Local Plan Policy EH1.

Design

- 5.21 The design of dwellings A1 to A4 have previously been consented and are considered appropriate within the context of the immediate built form. The proposed additional dwelling would be single storey and of a relatively low key appearance. Officers consider that the design of plot A5 would be broadly appropriate, however for reasons outlined in the preceding section of the report it is considered that the siting of the dwelling would be inappropriate and as such the development would fail to complement the existing built form and would impact detrimentally on the character of the immediate landscape and setting of the CAONB.

Highways

- 5.22 The development would utilise an existing means of access and officers consider that the additional impact of a further two dwellings would not compromise highway safety or amenity. Officers note that no objections have been raised by OCC Highways Officers in relation to the proposed development.

Residential Amenities

- 5.23 Officers consider that adequate separation distance would be retained between the proposed dwellings and the nearest property Cottage Farm to avoid the development appearing overbearing. The proposed buildings would not result in significant detrimental amenity impacts on any of the neighbouring properties in terms of overlooking, overshadowing, overbearingness or loss of light.

Conclusion

- 5.24 Officers consider that the siting of proposed Plot A5 would fail to complement the existing pattern of development within this part of Milton under Wychwood and would represent an illogical urban encroachment into an important, sensitive edge of settlement space of a distinctly rural character. Officers consider that siting of the built form would consequently have an eroding influence on the sensitive rural character of this space which at present derives from its open, undeveloped nature. Consequently officers consider that the proposed development would result in harm to the immediate landscape setting and the setting of the Cotswolds AONB.
- 5.25 Officers consider that in the context of Paragraph 14 of the NPPF, the limited benefits of the scheme in terms of the provision of one additional dwelling would be outweighed by the

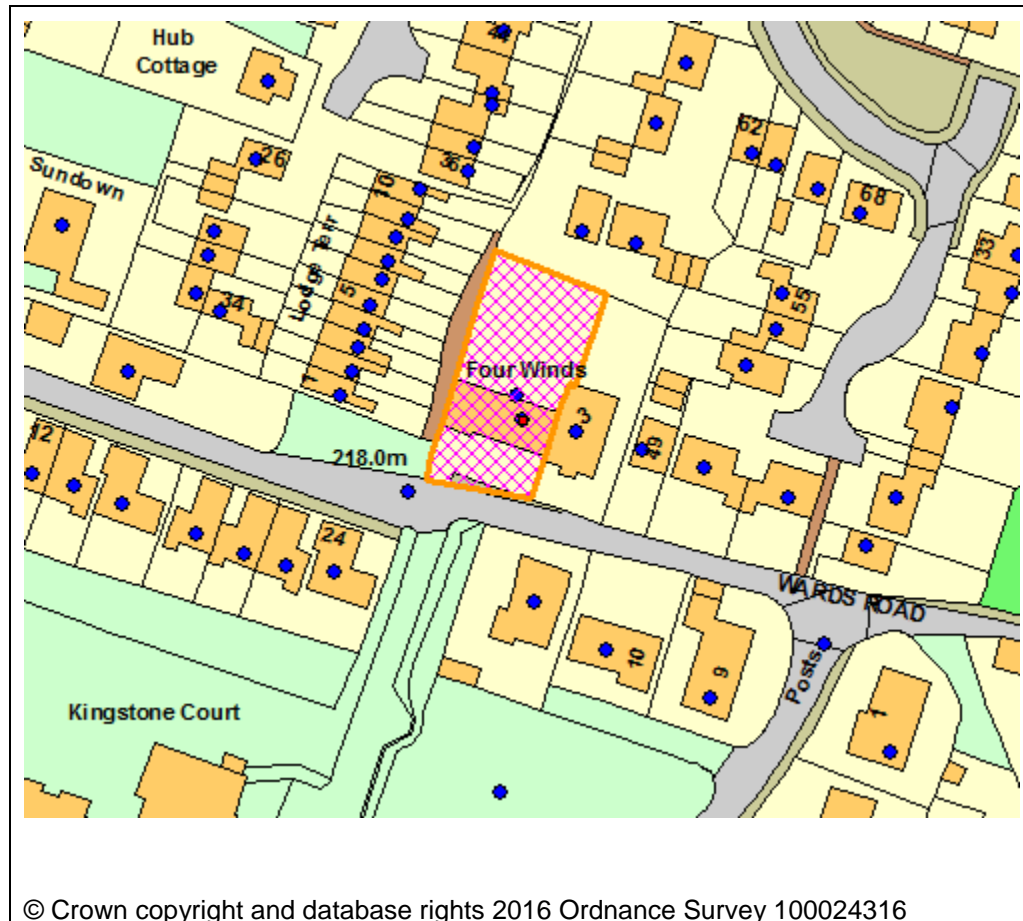
significant and demonstrable harm caused to a protected landscape setting. Officers consider that the development would be contrary to Existing Local Plan Policies BE2, BE4, H2, NE1, NE3 and NE4; Emerging Local Plan Policies OS2, H2 and EH1; and the relevant paragraphs of the NPPF in particular Paragraphs 17, 109 and 115 and consequently recommend that permission is refused.

6 REASON FOR REFUSAL

By reason of the siting of proposed Plot A5, the development as proposed would fail to complement the existing pattern of development in this part of the settlement of Milton Under Wychwood and would represent an illogical and incongruous urban encroachment into a sensitive and characteristically rural open space. Consequently the development would result in harm to the immediate landscape character and the landscape setting of the Cotswolds AONB and would be contrary to Policies BE2, BE4, H2, NE1, NE3 and NE4 of the Adopted West Oxfordshire Local Plan 2011; Policies OS2, H2 and EH1 of the Emerging West Oxfordshire Local Plan; and the relevant paragraphs of the NPPF in particular Paragraphs 17, 109 and 115.

Application Number	17/03161/FUL
Site Address	1 Four Winds Wards Road Chipping Norton Oxfordshire OX7 5BU
Date	22nd November 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	431632 E 227027 N
Committee Date	4th December 2017

Location Map



Application Details:

Demolition of two bungalows and erection of two dwellings with single garages.

Applicant Details:

Mr K J Millard
Sandfields Farm
Over Norton
Chipping Norton
Oxon OX7 5HF

I CONSULTATIONS

- I.1 WODC Drainage Engineers A drainage plan must be submitted showing all components of the proposed surface water drainage system. In addition, sizing of the components will need to be shown.
- We would like to see the form of soakaway proposed as either cellular or perforated manhole chambers, as appose to rubble filled. This is for the long term efficiency of the soakaway and ease of maintenance as of when required.
- Clarification on whether the proposed brick pavers are going to be of a permeable form.
- An exceedance plan must be submitted, showing the route at which surface water will take, if the proposed surface water drainage system/s were to over capacitate and surcharge, with all exceedance flows being directed towards the highway and not towards private property or land. This plan must include existing/proposed CL, FF/slab levels.
- I.2 OCC Highways Records show the length of Wards Rd along the site frontage not to be public highway - the red edged area does not therefore include access to the highway.
- The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- I.3 Town Council No objection

2 REPRESENTATIONS

A total of four letters of objection have been received in respect of this planning application which are summarised below:

Anita Pratley raised the following concerns/objections:

- Height and proximity of the dwellings in relation to No.2 Lodge Terrace.
- The siting of the vehicle access driveways would have a detrimental impact on the amenity of the neighbouring properties.

Paul Willis raised the following objections, which relate to: Visual impact, noise and disturbance, overlooking, loss of privacy and negative impact in terms of the character of the area.

Ms Crichton raised concerns in relation to the following issues:

- Design - Mainly in relation to loss of light to her property (36 Rowell Way) in addition to overlooking.
- Loss of views from garden and rear of her property.

Mr Dunleavy raised concerns regarding the following issues:

- Access, particularly in relation to Kingstone Court.
- Parking
- Access and traffic issues, associated with the width of Wards Lane.
- Parking of construction vehicles
- The whole site should be redeveloped, including No.3 Four Winds.

3 APPLICANT'S CASE

- 3.1 One of the core land-use planning principles set out in the National Planning Policy Framework (NPPF) is to proactively drive and support sustainable economic development to deliver the homes that the country needs. As the application site is located within one of the three principle service centres of the district, which is a main transport hub, and lies within easy walking and cycling distance of the town centre and its numerous facilities, the proposal to redevelop the site for additional housing constitutes a sustainable form of development which is entirely in accord with key national policy guidance. The principle of redevelopment of the site was accepted in the consideration of the two previous applications and did not form part of the refusal reasons.
- 3.2 The currently proposed layout and siting of the semi-detached dwellings is now identical to the second submission (17/01857/FUL) and has fully addressed the concerns related to the original submission in terms of over dominance, massing and siting in relation to Nos. 1,2 and 3 Lodge Terrace. The incorporation of a single garage to the side of Plot 1 will not impact on the amenities of the occupiers of these adjoining properties given that it is lower in height than the existing bungalow on the site.
- 3.3 The bungalow at the back of the site proposed in the last submission has been omitted from the present layout and as a consequence the pair of semi-detached dwellings now have considerably larger rear gardens. Whilst removing the bungalow, the current layout has retained the positive elements of the last submission by retaining the separation distance of 4.6m between the side (east) elevation of the 16 proposed dwelling on Plot 2 and the west elevation of No.3 Four Winds. The layout and siting of the pair of semis now replicate and respect the scale, pattern and character of the surrounding built form on Wards Road and Rowell Way.
- 3.4 By omitting the bungalow, the proposed access drive to serve it has also been removed from this current scheme. This element of the last application was considered unacceptable as it would have been detrimental to the amenities of No.3 Four Winds by reason of increased noise and disruption associated with vehicular movements.

- 3.5 The proposed single garage to Plot 2 and its associated access drive do not extend back into the site further than the blank side elevation wall of No.3 Four Winds. Given this proposed relationship, it will cause any loss of amenity by reason of noise and disturbance to the occupier of this adjacent dwelling.
- 3.6 In summary, the latest amendments made to the currently proposed layout and design now respect the scale, pattern and character of the surrounding built form, will not have a detrimental impact on the amenities of adjoining occupiers and will not result in an overdevelopment of the site. As the proposal is a sustainable form of development which fully complies with the requirements of the NPPF and the adopted and emerging Local Plans and there are no other material planning considerations, there are therefore no reasonable grounds for refusing planning permission. It is anticipated therefore that this current application will now receive the full support and encouragement of the District Council.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
H2 General residential development standards
H7 Service centres
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application proposes the erection of a pair of two storey semi-detached dwellings, which would replace two existing dilapidated single storey bungalows. The application site is located on Wards Road, close to the centre of Chipping Norton and lies outside the designated Conservation Area. The immediate area comprises mainly of two storey stone dwellings, including a row of relatively modern properties on the opposite side of Wards Road.
- 5.2 The proposed dwellings would be constructed from stone and would have a broadly vernacular appearance, which would both include single front facing dormer windows and a pair of rear facing dormer windows. The proposed dwellings would extend to a total height of 7.9 metres to the roof ridge. Each dwelling would be served by detached single storey side garages, both of which would extend to a height of 3.9 metres to the roof ridge.
- 5.3 The application is brought before committee at the request of the local ward member.
- 5.4 The site has been subject of two recent planning applications, both of which were refused by committee members.
- 5.5 The first of these applications 16/03408/FUL, which related to the erection of three two storey dwellings, was refused on the basis that the siting and scale of these properties would have an unacceptable, overbearing impact on the residential amenity of the adjacent properties in Lodge Terrace, namely Nos. 1-3.

5.6 A second application 17/01857/FUL, which proposed the erection of two dwellings to the front of the site and a further dwelling to the rear of these properties, was also refused on the basis that the siting of the bungalow to the rear would fail to form a logical complement to the existing built form in the immediate area. Furthermore the siting of the proposed access serving the rear bungalow would have resulted in a detrimental impact on the amenity of the adjacent retained bungalow No.3 Four Winds, by reason of the proximity of the proposed vehicular access in relation to the side wall of this property.

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
- Design, scale and siting
- Residential amenity impacts
- Highways and Access

Principle

5.8 The application proposes the development of two dwellings, which would replace two existing substandard bungalows; therefore there would be no net gain in the number of dwellings proposed. Notwithstanding this, the site lies in a relatively central position within Chipping Norton, which is listed as a main service centre within the Councils Existing and Emerging Local Plans. The site is brownfield land and the proposed layout would generally be considered to be complementary to the existing built form, furthermore the site is considered to be a sustainable location for new residential development given its relative proximity to existing services and facilities in the town.

5.9 Officers consider that the principle of development would be acceptable in accordance with the provisions of Policy H7 of the Adopted Local Plan and Policy H2 of the Emerging Local Plan and furthermore there would be significant planning benefits arising from the removal of two substandard properties and the replacement of these dwellings with two properties of an enhanced design and build quality.

Siting, Design and Form

5.10 As referenced within the above section of this report, officers are satisfied that the siting of the proposed dwellings, which would be located in a similar position to the existing bungalows would be complementary of the existing built form.

5.11 The proposed dwellings would be of a broadly vernacular appearance and would be constructed from stone, similar to the adjacent properties in Wards Road, the majority of which with the exception of the adjacent bungalow, No.3 Four Winds are two storey properties. Officers consider that the general design and scale of the development would be acceptable within the context of the immediate built form.

5.12 The previous planning application relating to the development of three dwellings was refused, partly due to the close proximity of the end property in relation to No.3 Four Winds. It was deemed that the scale of the built form would be overbearing in relation to No.3 Four Winds

and the relationship between the proposed terrace and the retained property would be unacceptable in visual terms. To address these concerns, an increased separation distance would be retained between Plot 2 and No.3 Four Winds, which would ensure that there is more defined separation distance and gap maintained between the proposed dwellings and retained property.

- 5.13 Officers note that the design, scale and siting of the two storey dwellings to the front of the site was considered to be appropriate at the time of the most recent planning application and did not form a basis for refusal of the previous planning application. Officers likewise consider that the present proposals are acceptable in terms of the design, scale and siting of the built form.

Highways

- 5.14 Both properties would be served by an adequate quantity of off-street parking, which would be an increase on present parking provision for the two existing properties. Officers consider that the siting of the dwellings and associated accesses would not have any adverse implications with regards to highway safety or amenity and note that OCC, as highways authority have raised no objection to the proposed development.

Residential Amenities

- 5.15 The impact of the scale of the previously proposed terrace of three dwellings on the residential amenity of Nos 1-3 Lodge Terrace formed the basis for the refusal of the previous planning application 16/03408/FUL. Officers considered that the impact of the proposed development on the immediate built form would be overbearing and would result in overshadowing of the rear curtilage area of these properties.
- 5.16 To address officers concerns regarding the siting of the dwellings and associated amenity implications, the position of the proposed dwellings has been amended and Plot 1 would be positioned 3.2 metres from the side boundary of the site. This separation distance was also proposed within the most recent planning application 17/01857/FUL.
- 5.17 The side wall of proposed plot 1 would be sited approximately 15 metres from the rear aspect of Nos. 1-3 Lodge Terrace; there would be an approximate distance of 5.5 metres between the side wall of proposed plot 1 and the rear curtilage area of the adjacent properties in Lodge Terrace. The proposed dwellings would extend to a total height of 7.9 metres to the roof ridge, compared with 4.5 metres, which is the height of the existing bungalow. The increase in the height of the proposed dwellings, compared with the existing bungalows would be 3.4 metres.
- 5.18 Notwithstanding the increase in height of the side elevation of the proposed dwellings and even when accounting for the topographic difference between the application site and Lodge Terrace, officers consider that there would be adequate separation between the proposed dwellings and the existing properties to ensure that the development would not have an unacceptable overbearing impact on Nos. 1-3 Lodge Terrace and would not result in substantial overshadowing or loss of light. Officers note that no windows are proposed at either first floor or ground floor level in the side elevation of Plot 1, which would result in overlooking of the adjacent properties. Officers would additionally note that the impact of the proposed siting of the semi-detached two storey properties was not deemed to be detrimental when considering the most recent planning application on this site (17/01857/FUL). There would be a separation distance of 28 metres between the rear windows of the proposed dwellings and the facing rear

windows of the adjacent property to the North in Rowell Way, which officers consider would be above the 21 metres back to back separation distance usually required between facing windows.

- 5.19 The present application proposes the siting of two detached garage buildings, both of which would be relatively small in scale. The garage building for plot 2 would be sited adjacent to the blank side elevation wall of No.3 Four Winds and officers consider that the impact of the siting of the garage on this property would be negligible. The garage serving Plot 1 would be sited close to the boundary of Nos. 4 and 5 Lodge Terrace, though officers note that the height of the garages would be relatively low at 3.9 metres to the roof ridge and 2.5 metres to the eaves and would be unlikely to appear overbearing in terms of scale or result in significant issues of overshadowing or loss of light.

Conclusion

- 5.20 In summary the application proposes the removal of two substandard properties, which would be replaced by two dwellings of a significantly enhanced design and form. Officers consider that the development would be acceptable in terms of its design, scale and siting and would harmonise satisfactorily with the character and appearance of the immediate built form. Officers are satisfied that there would be adequate separation retained between the side wall of the proposed dwellings and the rear aspect and curtilage space of the adjacent properties in Lodge Terrace, this would ensure that the development would not have an unacceptable overbearing impact on the immediately neighbouring properties. Officers are satisfied that the siting of the proposed two storey properties would not significantly compromise the residential amenity of the nearest neighbouring properties.
- 5.21 Officers consider that the development, as proposed would be acceptable and compliant with the provisions of Policies BE2, BE3, H2 and H7 of the Existing Local Plan.

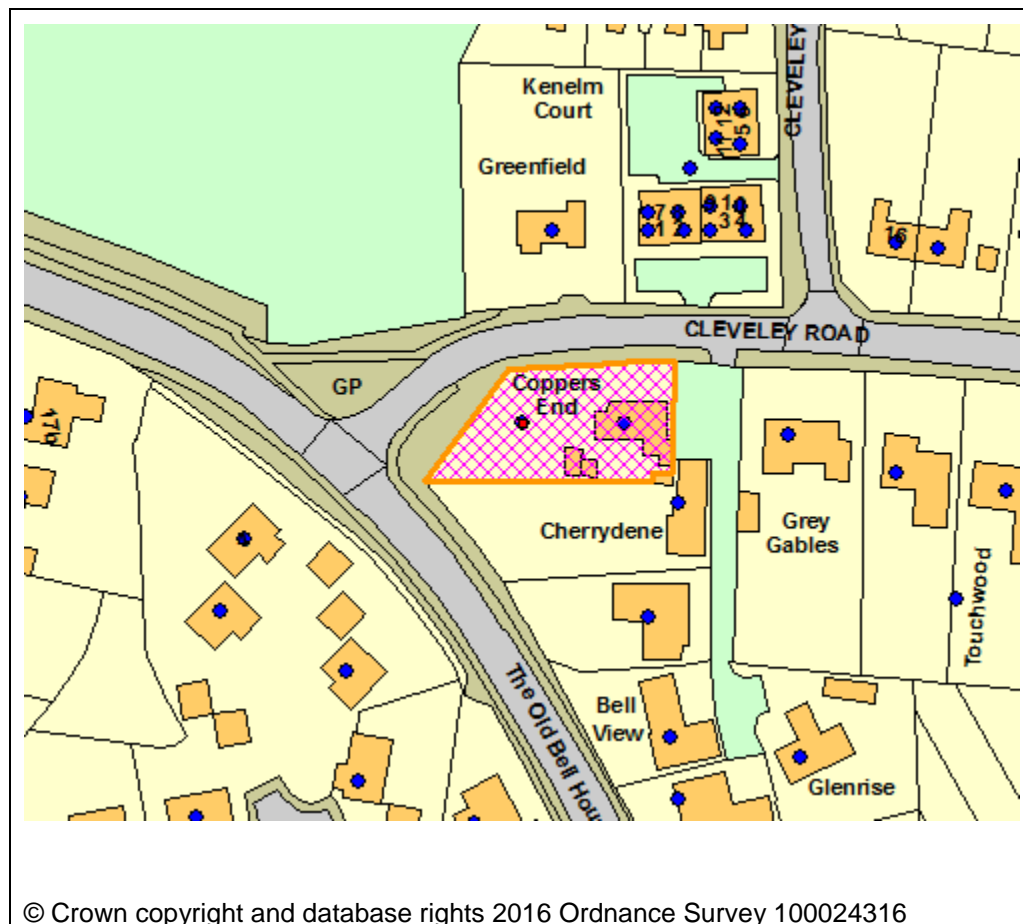
6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.
REASON: To safeguard the character and appearance of the area.

- 5 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 6 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.
- 7 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: In the interests of safeguarding the amenity of adjacent residents
- 9 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

Application Number	I7/03553/S73
Site Address	Bay Tree House Cleveley Road Enstone Chipping Norton Oxfordshire OX7 4LW
Date	22nd November 2017
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	437900 E 224136 N
Committee Date	4th December 2017

Location Map



Application Details:

Non-compliance with condition 8 of planning permission I4/0686/P/FP to allow removal of trees.

Applicant Details:

Mr Subhash Chavda
Bay Tree House
Cleveley Road
Enstone
Chipping Norton
Oxfordshire
OX7 4LW

1 CONSULTATIONS

- 1.1 WODC Landscape And Forestry Officer Accept removal of trees - seek replacement planting.
- 1.2 Parish Council Enstone Parish Council objects to this planning application and that the trees should stay, as agreed by the original planning application.

2 REPRESENTATIONS

One neighbour objection summarised as follows:

- Substantial thinning has already been carried out.
- Removal of the trees will impact screening of the road for Cherrydene.

3 APPLICANT'S CASE

Conclusion of the Arboricultural Report:

Considering the size of the property garden, number of trees and species, it is obvious that if left to their own devices the trees will soon overwhelm and may potentially influence the structure of the property. Owing to all these circumstances, I would suggest that it would be prudent to remove the subject trees entirely and consider planting a single suitable replacement within a small lawn area of the garden.

4 PLANNING POLICIES

BE2 General Development Standards
NE6 Retention of Trees, Woodlands and Hedgerows
NE3 Local Landscape Character
NE13 Biodiversity Conservation
EH1NEW Landscape character
EH2NEW Biodiversity
OS2NEW Locating development in the right places
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The applicant seeks approval for removal of 4 self-seeded Sycamore trees subject to retention via condition 8 of planning permission 14/0686/P/FP.

- 5.2 The application site comprises of a detached dwelling at Bay Tree House, on the corner of Oxford Road and Cleveley Road in the village of Enstone. The site is screened to the A44 by existing mature tree screening but is visible from views from Cleveley Road.
- 5.3 The site is situated outside of the Conservation Area and outside of the Cotswolds Area of Outstanding Natural Beauty.
- 5.4 The application is required to be presented to Committee as the Parish Council objects to the removal of the trees.

Background Information

- 5.7 Planning permission 14/0686/P/FP was granted in July 2014 for the erection of detached dwelling with associated parking. The submitted Arboricultural report stated that one tree was proposed for removal and the other self-seed sycamore trees would be retained. This was conditioned, which read:

Unless otherwise agreed in writing by the Local Planning Authority, the trees shall be retained in accordance with the plan no. 3759/01/13-3151 and retained thereafter.

REASON: To safeguard features that contribute to the character and landscape of the area. (Policy NE6 of the adopted West Oxfordshire Local Plan 2011)

- 5.8 This application has been submitted as a formal means of seeking that agreement in writing.
- 5.9 Taking into account planning policy, other material considerations, your officers are of the opinion that the key considerations of the application are:

Assessment of the health of the trees; and
Impact of their removal on the character and appearance of the area

Officer Assessment

- 5.10 The Tree and Landscape Officer has concluded that from the original planning application and associated documents, it appeared as though there was little prospect of the trees remaining in the longer term due to their nature and close proximity of the new dwelling. Whilst it looks to have been recognised on both sides that the vegetation growing on this prominent corner was important in terms of public amenity and impact on the character and appearance of the area, the end result has been unsatisfactory as far as the juxtaposition of the trees to the buildings was concerned and subsequent deterioration of the health of the trees. The Tree Officer agrees with the submitted technical assessment the condition of the trees and suggests that the trees identified should be allowed to be removed.
- 5.11 The Tree Officer notes that space for replacement tree planting that would make a noticeable contribution to public amenity is very limited. A hedgerow above the fence would not be suitable given the reduced ground level on the inside of the wall/fence. The Arboricultural report suggests the planting of a single replacement tree to contribute to the character and appearance of the area. Officers recommend a condition requiring tree planting details to be submitted and approved within an acceptable time frame.

- 5.12 With regard to the letter of objection received, the matter is whether or not the trees are potentially dangerous and should be removed. The property is not within a designated area of control and the planting of a replacement tree will contribute to the character and appearance of the area. In the interests of transparency, the applicant has submitted the S73 application to remove the condition from the 2014 consent. However, the wording of the condition is such that it would not have been necessary to consult in the public domain on the removal of these trees as only written confirmation was required.

Conclusion

- 5.13 In light of the above, Officers consider the application to be acceptable, having regard to the policies listed above and subject to the conditions stated and should therefore be approved.

6 CONDITIONS

- 1 That the development be carried out in accordance with plan No's, 0816_100, 0816_201, 0803_281, 0803_282, 0803_283, 0803_284, 0803_285 and 0803_286.
REASON: For the avoidance of doubt as to what is permitted.
- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Class A, B and E of Part 1, Schedule 2, Article 3 shall take place.
REASON: To protect the character and appearance of the area and to protect the residential amenity of future occupiers.
- 3 The means of access between the land and the highway shall be formed, laid out and constructed in accordance with the specification of the means of access attached hereto, and all ancillary works therein specified shall be undertaken in accordance with the said specification before occupation of the development and thereafter retained.
REASON: To ensure a safe and adequate access.
- 4 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.
- 5 A single tree on the south west boundary in the vicinity of the removed trees shall be planted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The tree will be planted within 2 months of the removal of the 4 self-seeded Sycamore trees, unless otherwise agreed in writing by the Local Planning Authority and should thereafter be maintained in accordance with the approved details. In the event the tree so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree of equivalent species, shall be planted as a replacement and thereafter properly maintained.
REASON: To safeguard the character and landscape of the area.