

**WEST OXFORDSHIRE DISTRICT COUNCIL**  
**UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 4<sup>th</sup> December 2017**

**Report of Additional Representations**



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**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

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## Report of Additional Representations

Application Number	I5/03099/FUL
Site Address	Land South Of Forest Road Charlbury Oxfordshire
Date	1st December 2017
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Parish Council
Grid Reference	435053 E 219434 N
Committee Date	4th December 2017

### 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 Additional representations

I.1 Since agenda preparation further representations has been received from the **FOEV, AONB Board and CCAAC** which may be viewed in full on line but are summarised as follows:

- The Landscape Architect employed by FOEV has extensive experience of major development projects and has run his own company since 2008
- Officers assessment is flawed and not balanced
- AONB Board object
- Site must be major development
- It is not sustainable development/exceptional circumstances are not met
- Harm to approach to settlement
- More unsuitable for sheltered housing than a care home
- No commitment has been given to dementia care or sheltered housing
- Conforming to AH policy is not a reason to develop
- AH may be delivered elsewhere in village
- Concern at cumulative impact/precedent
- There is no such thing as a cordon sanitaire
- CCAONB is concerned that the report simplifies their objections

- Requesting that their objections be presented in their entirety (NB This has not happened but, as with all other respondents (other than the TC) a summary has been provided and the full copy is available to view on line)
- Making clear that comments made in a newspaper article do not constitute the Boards representations
- Re- enforces that there is a statutory duty to have regard to the purpose of conserving and enhancing the AONB and giving great weight to scenic beauty
- Paragraph 115 gives the AONB highest status of protection in relation to landscape and scenic beauty and the “double balance” exercise must be undertaken
- Board considers that it is major development and that 116 applies
- Do not consider that exceptional test has been met
- Does not meet the AONB Board management plan policies
- Consider it is contrary to local plan policies
- Consider that it is contrary to emerging plan policies
- Site was not selected as part of the SHLAA exercise
- Consider it is open countryside not adjoining the built up area and will harm AONB and set a precedent
- Better sites may exist
- State that the Council has conceded it is Major development ( NB this is not the case as the definition of ‘major’ applications for statutory returns and the definition for ‘major’ in the context of AONB policy are not the same – see paragraph 5.16 of main report)

1.2 CCAAC reaffirm their previous comments with the majority of Members of the view that the site is outside the natural envelope of the town and would be visible in views out of the CA- especially from Park Street which is one of the finest views in the town. They acknowledge the improvements made to the scheme, the omission of buildings along the frontage, the use of natural stone but consider the YDUK building is an alien feature to its rural setting and have concerns about lighting and traffic. The omission of the roundabout was positive but whilst not unanimous, the majority considered the development unsuitable as harming the Conservation Area. They understand that the development is major where 116 applies but did not consider that exceptional circumstances apply as less sensitive sites are available and may come forward as part of the NP. Intermediate housing would become market housing in due course and the application should be refused.

1.3 **The agent** has written to advise that the TC has for the second time not objected to the application and their suggestions have been incorporated into the development/106. The applicants remain committed to the principles espoused in the 106 which they are happy to strengthen if required.

This is a unique mix of self build and supported living and a site has been sought for over 5 years. The TC have not been able to identify alternative locations so this is the only land available to deliver the scheme. Site is no further from Town than recent approvals and that FOEV have not objected to ten 900k houses on fields on the edge of town which offered no affordable housing and only minimal community contributions and nor did they object to five 800k houses with no Affordable housing at Pooles Lane.

The WODC architect comments can be addressed as the detailed designs are refined by the self- builders. Landscaping can be addressed by condition.

All 18 of the homes for sale will be self-build with first preference to local people and 8 of which will be offered at a discount below full market value with a mechanism to ensure this in the revised I06. 23 households have expressed an interest in such homes. These discount market homes will be in addition to the 7 affordable rented homes.

YDUK remain a part of and committed to the project and will be supported by a local housing association to assist in the procurement and delivery of the scheme.

Charlbury shares the pressures on housing and land costs and has been identified as a Rural Service Centre. This scheme will have environmental credentials; will create employment and economic activity for local businesses. All the principal team members are Charlbury residents and local contractors will be used. The new residents will help support and sustain local services and facilities and well as provide I06 benefits. The development cannot commence until the land is transferred to the Housing Association and they will only purchase it at the point that they have funding to commit to the development and the I06 will reflect this.

Following criticism of their landscape report a response has been provided which confirms that it was undertaken in accordance with the relevant guidelines and which concludes that the development will not erode the significance of the CA and will preserve its character. The emerging NP has a key objective to “provide housing that meets the needs of Charlbury residents, achieve greater diversity in new housing, ensuring that affordable housing is provided as well as smaller homes suitable for first time buyers, retirees and those seeking to downsize” This scheme will meet those aims.

The decision on the application will define the future direction for the town. It originated within and is promoted by members of the community for the wider benefit of Charlbury residents and will make a contribution to the future of a special place with the dementia element being a UK first.

FOEV was established by a small group of residents to oppose the development and has been vocal and tenacious but does not represent the wider community. Fewer than 8% of adult residents has objected and the legal arguments used need to be seen in the context of creating an exemplar development and a mixed and balanced community.

- 1.4 **2 letters of objection** have been received advising that the scheme will harm the AONB, is too far from the town and access will be difficult on foot and raising concerns about the safety of residents due to proximity to railway, river and road. Officer report is flawed, site was rejected as a SHLAA site, presumption in favour of development does not apply, consider development is major, Milton Inspector erred in law, raise concerns that the phrase ‘wash over’ downplays the policies protecting AONB, quotes elements of the WOLA where the importance of the valley and quality of the approach are cited as important features of this part of Charlbury, The emerging NP will address housing need, care home does not need to be there, development extends further into countryside than industrial estate, location near station does not make site sustainable, scheme should be considered on planning merits alone, stations were often built outside village limits, it is not part of Charlbury, could set a precedent.
- 1.5 **A further letter of support** has been received that indicates that the respondent supports the much needed housing for families on low or average incomes, that she does not expect the character of the town to change both socially and environmentally.

Application Number	17/02749/RES
Site Address	Land South Of High Street Milton Under Wychwood Oxfordshire
Date	1 <sup>st</sup> December 2017
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council

### **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**

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

## **I Additional Consultations**

### **I.1 OCC final comments**

No objection subject to conditions

### **I.2 Ecology**

The applicants have extended mitigation around badger sett through the submission of a revised ecology report, and that includes working with Oxfordshire Badger Group. The off-site planting is covered in the S106 obligations rather than through the reserved matters application.

### **I.3 Milton PC**

The village of Milton under Wychwood is constructed predominately of stone, natural and reconstituted. Over the years there have been three large extensions to the built environment of the village: Poplar Farm Close. Church Meadow/ Brookfield Close and Elm Grove. They are all constructed with reconstituted stone. Despite this "lack of variety" the Parish Council and villagers are largely content with the aesthetic quality of these developments.

In this revised application, dwellings are predominately finished in yellow brick and rough render.

Less than 50% are finished in reconstituted stone. (30 from a total of 62).

This large development is on a raised site and will dominate the southwestern approaches to Milton under Wychwood. To the west, south and east it will be highly visible across a wide area of the Cotswolds AONB countryside.

Because of its visual impact on the AONB and the southwestern approaches to the village, it should be in harmony with the existing village.

This development is beyond the existing curtilage of the village and not well integrated with the current built environment. Constructing this development primarily in materials not common in the existing village will serve to emphasise its 'otherness', both visually, aesthetically and socially.

This development should be constructed entirely from reconstituted stone.

Vehicular access:

No plan showing sight lines at the vehicular access to the site as requested by the Highways Authority - what does this mean for the boundary vegetation and spring/summer flower planting.

However Visibility Splays are shown on drawing 17/02767CND. Are these still current? The width of the verge at the entrance to the site is approx 2.5m. OCC regulations = 2.4 depth and no obstruction over 0.9m in height for 75m. This should mean minimal disturbance of ground outside the site planted out with spring and summer flowers.

Pedestrian Access:

Still no section showing the slope down from the site to the High Street. However gradients are shown on drawing 15/03128/OUT Are these still current? Access at the south-east corner will not be adopted (see comments from Oxfordshire County Council.) The Ecology Report shows a thin strip of land between the site and the footpath from Upper Milton, is this still retained by the developer? We had asked for the position of the footpath leaving the site at the SE corner to be moved to the southern corner of the attenuation basin and then through the woodland planting (not shown) to avoid close proximity to houses in Jubilee Lane. If this path is not being adopted then the short part of the path east of the attenuation basin ought to be removed and the 10m barrier zone along the whole length of the boundary with Jubilee Lane maintained.

Revised Pedestrian Crossing:

Although OCC seem fit to reject the railing, we would strongly suggest that they are retained. On a gradient of 1:12.5 buggies/prams will easily roll down to the road if not securely held.

Revised Vehicle Tracking:

This is assuming that no cars are parked on the roadside otherwise access could be obstructed.

Revised House type:

Reservations with House Style Type F (2B). Windows on front elevation do not line up vertically.

Thatched House is still retained - a Stonesfield slate roof would be more in keeping.

Revised Garage Plans:

Welcomed

Lighting:

No proposals for street lighting shown.

Woodland planting in adjoining fields as shown on original plans:

Not shown or reference given to this.

## 2 **Report corrections**

- 2.1 At paragraph 5.20 of the committee report (page 101) the sentence should read:  
“..some trees are to be removed in the south eastern corner but there is still more sufficient distance (over 90m) between the existing and proposed dwellings to retain privacy.”

Application Number	I7/03057/FUL
Site Address	Land North Of Gas Lane And Ascott Road Shipton Under Wychwood Oxfordshire
Date	1 <sup>st</sup> December 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

### **Application Details:**

Erection of two detached dwellings with associated access and landscaping

### **Applicant Details:**

Mr Vince O'Brien  
C/O Agent

## **I Additional Representations**

- I.1 The following letter has been received from Dawn Brodie (Agent acting on behalf of the applicant), the full content of the letter is included below:

I write further to the Council's previous consideration of the application at the November Committee Meeting where the application was deferred to enable Members to undertake a site visit. Following that meeting the applicant would like to clarify some matters which relate to the site and its development.

Firstly, it is important to note that the site already has planning permission for residential development. One dwelling has been approved which lies on the site frontage and this permission allowed the removal of trees within the site. This property was not considered to have a harmful impact upon the Conservation or the outlook from properties to the west of the application site. The image below gives a visual representation of the previously approved scheme.

The current application proposes two dwellings and has been developed in line with discussions with the Local Planning Authority. The scheme is materially different from that which was previously withdrawn. The current application does not result in any additional trees being removed compared to the approved scheme. Furthermore, being single storey the scheme would not have an adverse impact upon the amenity of properties to the west. Whilst the scheme will be visible to these properties it is not the purpose of the planning system to protect private views over third party land.

As part of the comments which have been received in relation to the application there are a number of misconceptions which also need to be clarified:

- Preference of local residents for natural stone – the applicant would prefer to construct the dwellings in natural stone however, the Council's Officers have recommended the use of timber boarding.
- Giant Hogweed – neighbours have made comments regarding the removal of giant hogweed and that this was incorrectly handled. The applicant has confirmed that the removal was handled by a specialist contractor.



- Archaeology – The Council has confirmed with the County Council that this is not an area of known archaeology and the County Council do not consider there to be archaeological constraints for the development of the site.
- Flooding – comments were made at the Committee meeting regarding flooding however, the stream which runs along the western edge of the site was cleared by the applicant with the approval of the Environment Agency to help water flow in this area.

It is acknowledged that the Council previously concluded the site to be inappropriate for development however, the planning system has evolved since these decisions were reached and there is now a greater emphasis on the provision of housing. The Council have, by virtue of the approval of the previous application, acknowledged that the scheme is appropriate for development. The current proposal seeks to make best and most efficient use of the land in accordance with guidance in the NPPF.

The scheme will have no adverse impact upon the residential amenity of neighbouring properties. The impact to these properties would be the development being visible in a private view which is not protected by the planning system. The visualisations set out above demonstrate that the proposed scheme would have no significantly greater impact upon the character of the Conservation Area to be considered so harmful to justify the refusal of planning permission.

Application Number	17/03078/FUL
Site Address	High Fields Church Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LF
Date	1 <sup>st</sup> December 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426504 E 218440 N
Committee Date	4th December 2017

**Application Details:**

Erection of five dwellings with associated access and landscaping works

**Applicant Details:**

Mr Bill Wyatt  
C/O Agent

**I Additional Representations**

- I.1 The following letter has been received from Dawn Brodie (Agent acting on behalf of the applicant), the full content of the letter is included below:

I write further to your officer's report published on Friday 24<sup>th</sup> November. Following publication of the report we have asked our landscape consultant to review the comments within the report in relation to the LVIA which was produced and supports the planning application for development on the site.

Firstly, it is noted that there appears to have been no consideration of LVIA submitted as there is no reference to the report or its conclusions as part of the Committee report. Secondly, the committee report identifies that no comments from the Council's Landscape Officers have been received, nor has there been any reference to any third-party consultant providing detailed comments in relation to the proposed development. Given that the preparation of an LVIA was undertaken as a direct result of previous pre-application discussions with the Council's Officer it is disappointing that little regard has been had to the content and/ or conclusions of this report and it is therefore difficult to understand how the conclusions of the officer report have been reached.

Dealing with the assertions made in the committee report there are a number of comments and conclusions which are in direct conflict with conclusions drawn in the professionally produced LVIA. Firstly, the report concludes that the development will be 'highly prominent'. I would note that the submitted Landscape and Visual Assessment (LVIA) identified that views of the Site are predominantly restricted to glimpsed views from the PROW network to the immediate east of the Site. The submitted assessment acknowledged that the proposals would result in a moderate adverse impact overall but that this impact would be confined to a small

number of views from the PRow network to the south and east. This is clearly not 'highly prominent' given the limited and 'glimpsed' nature of these views.

Secondly, the committee report identifies that the development would result in a significant urban encroachment into what is perceived to be a 'distinctly rural edge of settlement space'. I would contend that the very fact that the site is considered edge of settlement, undermines its rural character, particularly as the settlement edge is a clearly visible feature both from within the Site and within views from the PRow network to the east. Notwithstanding this, elsewhere in the committee report the site is identified as being located in a "semi-rural setting" (at paragraph 5.20). This is clearly of different character to the 'distinctly rural edge' identified elsewhere. The report prepared is inconsistent in regard to the character of the existing site and this therefore influences the assessment of the impact of development in the landscape. The aerial photograph below outlines the site in context identifying the immediate context and setting out the previously developed nature of the land and that the site already impacts upon the character of this part of the AONB would not result in the wholesale erosion of the character of the Site and its immediate context, rather it will be seen as a minor addition to the settlement, one which is situated immediately adjacent to the existing settlement edge and which will be seen against the backdrop of the wider settlement to the west. Whilst limited weight can be attached to the emerging local plan at this stage this is clear in indicating the Council's direction in relation to new development. At policy H2 it identifies that dwellings will be permitted: *'on previously developed land within or adjoining the built up area provided it is not of high environmental value (e.g. ecology) and the loss of any existing use would not conflict with other plan policies'*.

The requirement for the special character of the AONB to be protected does provide a constraint for development however, in this case, it is demonstrated that the site is not 'highly prominent' as asserted in the committee report. Further, it has been shown that development does accord with the general thrust of the Council's emerging policy regarding the re-use of previously developed land on settlement edges. Finally, it is shown though the plan above that the site provides a logical complement not only to the existing pattern of development but also in relation to the consented scheme approved by the Council in 2017. It is not argued that the proposed development will not change the character of this part of the AONB. It is however, argued that the change in character does not equate to harm, particularly not sufficient harm to justify the refusal of planning permission where there should be a presumption in favour of development.

To summarise, the report is wholly subjective, and no evidence has been provided to support the conclusions drawn. Furthermore, no regard has been given to the findings of the professionally produced and submitted LVIA.

In this proposal the development will be seen as a new addition in the context of a small development of other newly constructed properties. In this regard it will not appear alien or incongruous. Residential development is a defining characteristic of the immediate site context and the development will be seen as an appropriate addition within what is an edge of settlement location as supported by emerging policy. The scheme proposes a sustainable development which has met with the support of the Parish Council and immediately neighbouring properties.