

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 8th January 2018**

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



WEST OXFORDSHIRE  
DISTRICT COUNCIL

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

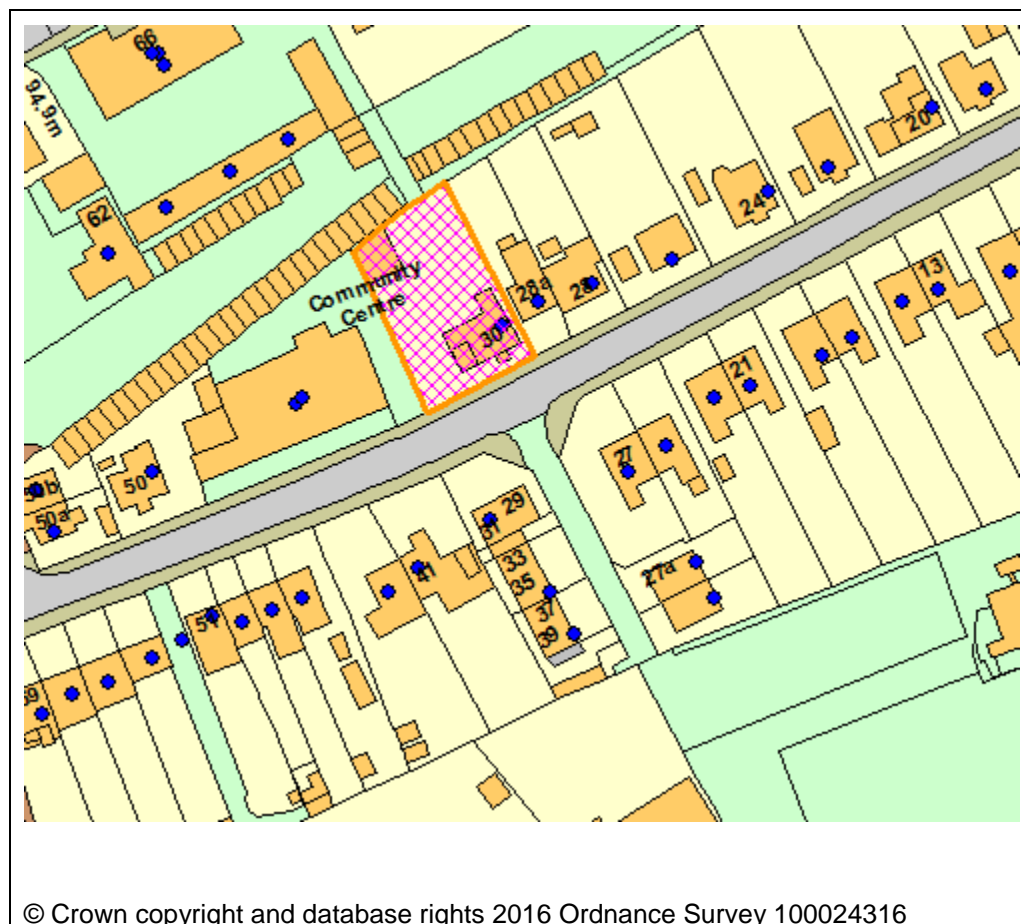
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

<b>Application Number</b>	<b>Address</b>	<b>Page</b>
17/01911/FUL	<a href="#"><u>30 New Road, Woodstock</u></a>	3
17/02923/RES	<a href="#"><u>Land East of Nethercote Road, Tackley</u></a>	14
17/03174/FUL	<a href="#"><u>Foxglove Farm, Chipping Norton Road, Chadlington</u></a>	28
17/03191/FUL	<a href="#"><u>Old Orchard, Woodstock Road, Stonesfield</u></a>	33
17/03423/FUL	<a href="#"><u>The Grange, Woodstock Road, Charlbury</u></a>	40

Application Number	17/01911/FUL
Site Address	30 New Road Woodstock Oxfordshire OX20 1PB
Date	18th December 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444970 E 216813 N
Committee Date	8th January 2018

### 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.

2.2 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.

2.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.

- 3.8 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.
- 3.9 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 The application was deferred from the previous committee meeting held on 4th December 2017 to allow for a members site visit to be carried out.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:



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

Principle

- 5.5 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.6 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.7 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.8 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.9 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions 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.
- 5.10 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.

- 5.11 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.
- 5.12 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.
- 5.13 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

- 5.14 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.
- 5.15 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 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.
- 5.16 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

- 5.17 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.
- 5.18 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.

- 5.19 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

- 5.20 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.
- 5.21 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.
- 5.22 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.
- 5.23 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.
- 5.24 The proposed flats would be served by a small area of private amenity space to the rear of the properties.

#### Conclusion

- 5.25 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.
- 5.26 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.
- 5.27 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.

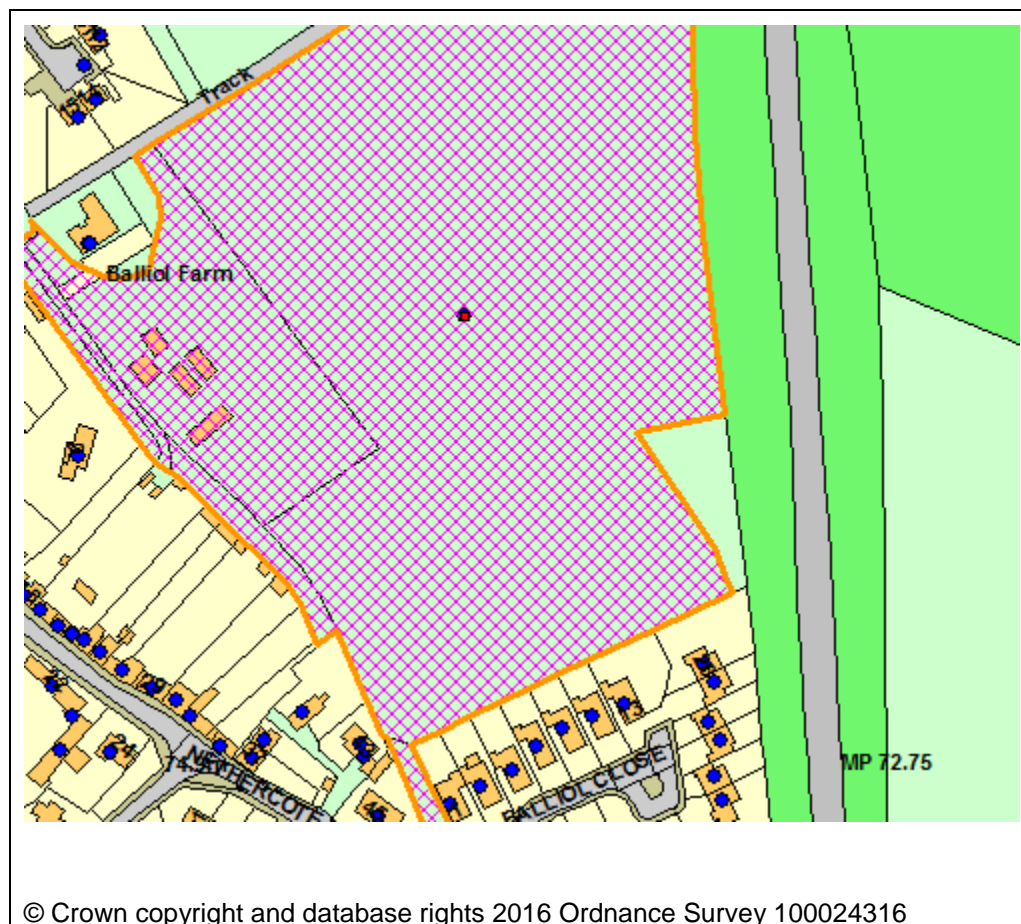
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

- 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	17/02923/RES
Site Address	Land East of Nethercote Road Tackley Oxfordshire
Date	18th December 2017
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Tackley Parish Council
Grid Reference	448320 E 220883 N
Committee Date	8th January 2018

### Location Map



### Application Details:

Reserved matters application for the demolition of existing agricultural buildings and residential development of 70 dwellings and associated works (amended plans).

**Applicant Details:**

Mr Jamie Gibbins  
Grange Park Court  
Roman Way  
Northampton  
NN4 5EA

**I CONSULTATIONS**

- I.1 Major Planning Applications Team Highways  
Objection  
No refuse wagon tracking has been submitted with the layout. There is also lack of clarity over which parts of the site layout will be proposed for adoption.  
No visitor parking is shown.  
Storage of bins on collection day is not shown on the site layout. As such it is not possible to be sure that safe and suitable access can be provided according to the NPPF - can refuse wagons enter and leave the development in a forward gear? Will pedestrian and vehicle routes be kept clear of visitor parking and bins (the latter, especially on collection day)?
- S278 agreement required to provide the site access off Rousham Road. Also to include a hardstanding area for the installation of a bus shelter on the south side of Medcroft Road just south west of the junction with Nethercote Road.
- Condition required on construction traffic management.
- Archaeology - no objection
- I.2 Conservation Officer No Comment Received.
- I.3 Biodiversity Officer No objection.
- I.4 WODC Housing Enabler No objection - the mix and unit type is acceptable.
- I.5 Network Rail As you know Network Rail objected to this scheme and our objections remain, however as this application was approved at appeal our following comments should be considered on other railway matters.

**DEMOLITION**

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from

the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

#### FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

#### DRAINAGE

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, soakaways/attenuation ponds should not be constructed within 20 metres of Network Rail's boundary. Any surface water run-off from the site must drain away from the railway boundary and must NOT drain in the direction of the railway as this could import a risk of flooding and / or pollution onto Network Rail land.

#### SAFETY

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.

#### ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

#### SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

#### PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method



statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

#### EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

#### SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

#### ENVIRONMENTAL ISSUES

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

#### LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

#### PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

1.6	Thames Water	No comments received
1.7	WODC Env Services - Waste Officer	No comments received
1.8	Major Planning Applications Team	Updated comments - There are issues with the refuse vehicle tracking in the area outside of plot 3. The body of the truck overhangs the private area outside of the shared surface. Once the plot is sold there would be nothing

stopping the resident from erecting a fence that would then prohibit this manoeuvre. As such safe and suitable access has not yet been demonstrated.

Additional key issues:

With the previous submission there were no visitor parking spaces. Now there appear to be in the region of 40. This is a large number for a development of this size. The county council's parking standards give guidance on how many visitor parking spaces are ordinarily needed for a development of this size.

The perpendicular visitors parking bays outside plot 21 will not be considered for adoption. It is not ideal for these bays to be located here in the alignment they are shown due to reversing manoeuvres onto the highway.

The parallel lengths of visitor parking that are provided beyond the turning heads do not appear to be fit for purpose - there is no hard standing on the open space side of the bays. It would not be attractive to get out of the vehicle on to the open space side right throughout the year. This is a detail that would be picked up at the S38 adoption stage although it is far from clear what is proposed to be adopted as highway in this development. This was raised in the previous response.

As suggested earlier, these parallel bays do not necessarily need to be as long as shown on the latest plans.

I.9	Biodiversity Officer	No Comment Received.
I.10	Network Rail	No Comment Received.
I.11	Thames Water	No comments received
I.12	Parish Council	Re-consultation response on amended plans

This response relates to the issue of amended drawings deposited on 23rd and 29th November 2017 and the Parish Council's original response.

Layout : it is acknowledged that the 'opportunity to reduce the perceived problem of overlooking' in respect of plot 68 has been addressed. We are also aware that the request to overcome a similar problem with plots 60-62 has not been achieved because of the requirements of Secure by Design considerations (observation of public footpath) and their compliance with planning guidelines (21M separation between opposing windows to habitable rooms). We therefore ask that consideration is given to utilising a different house type in this location. It should be possible to design a one and a half storey house, in a terrace of three, with dormer windows or preferably roof lights (Velux?). This could mitigate some of the concerns expressed by the Balliol Close residents and would also have the benefit of introducing a variation of ridge heights, particularly if used elsewhere as a 'transition' dwelling. The Parish Council welcome the changes to the proposed external wall materials and the

corresponding 'spread' of different finishes through the development. We remain concerned by the proximity of plot 21 to the boundary to the railway. We remain opposed to the inclusion of the Play Area (LEAP) which we previously described as unnecessary and undesirable. This appears to be a unanimous opinion within the village with serious concerns that this would detract from our recently upgraded playground in the centre of the village which has quickly developed into an important social facility. We acknowledge receipt of site sections although the absence of levels relative to adjacent developments diminishes their value. Will these be issued as a resolution of Condition 14?

Construction Vehicle Routing/ On and/or Off Site Drainage Works : these Conditioned matters are of significant interest to us and our parishioners (Conditions 9, 13 and 15) and we ask for notification of their submission if we are not to be formally consulted.

Public Open Space/ Section 106/Unilateral Undertaking : since the previous response, these matters have been subject to productive negotiations and consultations between the Parish Council, the Developer and WODC.

#### I.13 Parish Council

Tackley Parish Council submitted a response, in July 2015, to the outline application 15/01999/OUT. Whilst the Council did not object to the development in principle, we were unable to support the application because of the high level of concern expressed by parishioners at the number of dwellings being proposed. This remains an issue of concern although we acknowledge the findings of the public inquiry, held in September 2016 and the consequent approval for a development of up to 70 dwellings. On receipt of the documentation relating to the Reserved Matters application, parishioners were invited to view the proposals and to attend the Council meeting, held on the 9th October, to express their comments/opinions, and where appropriate these are incorporated in this response.

Layout : there are concerns regarding the proximity of dwellings, plots 60-62 and 68, to the existing properties in Balliol Close. Whilst these are generally within planning guidelines, there would appear to be an opportunity to reduce the perceived problem of overlooking by minimal changes to position and orientation of specific houses. Some of these concerns may have been satisfied if the requirement to include existing and proposed sections, (and consequently composite elevations) had been included in Reserved Matters rather than in Condition 14. This is a requirement contained in the Validation Criteria and is essential to assess any impact the development may have on adjoining properties. We are informed that there is no need for the Council (WODC) to consult the Parish when discharging any of these (Conditions). This matter will be referred to below. Plot 21 appears to be too close to the site boundary to accommodate the intended bridleway diversion (over the bridge?) There are concerns regarding the lack of integration of social housing within the development and we would appreciate advice of any adopted policies

on this matter. The use of differing wall materials appears to identify the social housing element unnecessarily. We fail to understand the continued inclusion of a play Area (LEAP) which we have indicated is not necessary nor desirable in view of our recently upgraded and successful playground adjacent to the Village Hall. We have alternative projects under consideration if considered appropriate.

Construction Vehicle Routing: Condition 9 requires a Construction Method Statement to be submitted to and approved in writing by the Local Planning Authority. As such information is of significant interest to the residents, we must request sight of this statement and the LPA response. See comment above re. Conditions.

Houses : \_The Design Statement, Section 5.4 refers to ...strong built form,...simple form in response to the prevailing local character... simple and uncluttered in their detail, and yet we are offered standard house types, Ascot, Tatton, Lyme etc., which do not reflect that intention. The proliferation of mini gables and scarcity of genuine dormers does not respond to local character.

Sewage : The village has experienced problems related to sewage capacity over a number of years. This was a particular problem during January 2014 and prompted a number of meetings involving the PC, WODC, OCC and Thames Water which resulted in mitigating works and provisions being undertaken by all parties. We were surprised to see the consultation response from TW which appeared to contradict advice given to us following the remedial works. Despite requests for clarification, TW have failed to offer any explanation. Condition 15 requires a drainage strategy detailing any on and/or off site drainage works has been submitted to and approved in writing by the LPA. As referred to above we need to be assured that the village will not experience any further sewage problems as a result of this development and to have sight of the agreed undertakings.

Drainage: Condition 13 applies and we require similar consultation and assurances referred to above.

Public Open Space : The Third Schedule of the unilateral undertaking agreement concerns the provision and management of the POS and para 1.5 requires the Owners To ensure that the Public Open Space is available at all times for use by the general public at large ...May we request notification that this submission has been received and it's conditions are agreed.

Section 106/Unilateral Undertaking: Further to the above, we wish to investigate the transfer of the Management Company (UU Third Schedule) to the Parish Council, subject to acceptable terms and conditions. The PC currently manages and maintains a substantial area of public land in the village and we can see significant benefits in incorporating the proposed POS within the village estate. We are also anxious to clarify the scope of the provisions of the S106 agreement insofar as they affect the village.

## **2 REPRESENTATIONS**

2.1 Objections have been received from 41 local residents referring to the following matters:

- 1) Unacceptable loss of light and privacy to properties in Balliol Close (a number of objections have been received referring specifically to No.7). Dominating effect and loss of outlook.
- 2) Lack of detail of proposed path linking to Nethercote Road. There is concern about danger to children and potential for planting to become overgrown.
- 3) The green space at the top of the site will be inaccessible to many people and should be re-sited to the bottom of the site.
- 4) Two storey buildings adjacent to bungalows not in keeping.
- 5) Noise and disturbance to existing properties.
- 6) A second play area would create a split in the village and will do nothing to integrate people. The area would be better suited to a BMX track or skate park.
- 7) Development should be scaled down. The number of houses is excessive.
- 8) The housing should be mixed across the site and use the same materials. Concentrating the affordable housing on one part of the site is inappropriate.
- 9) Increase in green space between Balliol Close and high density housing would be desirable.
- 10) Attenuation pond would provide breeding ground for flying insects.
- 11) Adequacy of drainage. Is it possible that either Thames Water or the developer can be mandated to take out insurance over several years to cover upgrade of the current sewerage system if the current system proves inadequate?
- 12) Infrastructure will be affected by this many houses.
- 13) Inappropriate design and use of materials.
- 14) Who would be responsible for management of green spaces?
- 15) Construction traffic should use only Rousham Road and directional signs should be provided.
- 16) Layout of access needs to be long enough and wide enough.
- 17) Public footpath to rear of Balliol Close will infringe privacy.
- 18) Boundary treatments need to be clarified.
- 19) Insufficient planting on Balliol Close boundary.
- 20) Existing trees adjoining the site should be protected and separation provided to buildings and hard surfaces.
- 21) Concern about potential provision of railway bridge.
- 22) Loss of agricultural land.
- 23) Impact on wildlife.
- 24) Wider space needed for bridleway link.
- 25) Light pollution should be minimised.

### **3 APPLICANT'S CASE**

#### **3.1 The summary of the submitted design statement reads as follows:**

This statement is submitted in support of the Reserved Matters application for new residential development at Land North of Nethercote Road, Tackley. The scheme proposes a high quality development of 70 dwellings with associated public open space, parking and access, sensitive to its context. The statement identifies the approach taken to address the details of appearance, landscaping, layout and scale and ensure that the proposals are sympathetic and complementary to Tackley's existing landscape and built character. The detailed scheme design conforms with the parameters established in the approved outline planning application and associated Design and Access Statement and responds to the comments put forward by the Planning Officer during the pre-application process.

## **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H11 Affordable housing on allocated and previously unidentified sites  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
T2 Pedestrian and Cycle Facilities  
T3 Public Transport Infrastructure  
NE13 Biodiversity Conservation  
BE5 Conservation Areas  
BE8 Development affecting the Setting of a Listed Building  
OS2NEW Locating development in the right places  
H2NEW Delivery of new homes  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal is a reserved matters application for the erection of 70 dwellings and associated works on 4.10 ha of land to the north east of the village of Tackley. This is pursuant to an outline application for up to 70 dwellings granted on appeal on 14th November 2016 (15/01999/OUT). The principle of the development has therefore already been established, and matters such as transport, drainage and infrastructure have been considered. The consideration of the current application relates only to: appearance; landscaping; layout; and scale (the reserved matters). A range of supporting information and detailed drawings have been provided. The approved vehicular access is from Rousham Road.
- 5.2 The site is agricultural land located to the north east side of the village to the rear of Nethercote Road. To the north west there is modern housing development at The Ridge, as well as a further dwellings at Crecy Hill and a collection of agricultural buildings. To the south there is modern housing development at Balliol Close. To the east is the Cherwell Valley railway line. The village benefits from local amenities such as the primary school, shop, village hall, pub and railway station.
- 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:
- Siting, design and form
  - Trees, landscaping and ecology
  - Heritage
  - Drainage
  - SI06 Matters

### Siting, design and form

- 5.4 Condition 1 of the outline appeal decision referred to the reserved matters needing to be in general accordance with the submitted illustrative layout and parameters plan. To that end the plans now submitted reflect the intentions at the outline stage and in your Officers opinion are a suitable basis on which to proceed. The requirement for dwellings to be no more than 2 storey has been followed.
- 5.5 The scheme shows that 70 dwellings can readily be accommodated on the site, whilst leaving large areas of open space and landscaping. There would be no need to seek to reduce the number of units. Making the best use of land is important in reducing the pressure to release further sites.
- 5.6 The layout shows an intention to avoid built form on the higher ground to the northern corner of the site which would be informal open space. In discussion with the Parish Council and West Oxfordshire Leisure Services, it has been agreed that the equipped play area intended to be located in this area will be omitted in favour of additional funding for the improvement of existing play provision elsewhere in the village. Footpath links to the bridleway to the north west would be provided.
- 5.7 The lower part of the site adjacent to the boundaries of existing properties in Nethercote Road will provide a drainage swale and linear landscape buffer. Alongside this would be a footpath linking Nethercote Road to Rousham Road.
- 5.8 An area of land adjacent to the railway on the eastern edge of the site is set aside for a future car park and does not form part of this proposal. There would be the facility to access this car park by car via the estate road and on foot by way of a footpath link from Nethercote Road along the southern boundary should this car park ever be brought forward. Whilst the path close to the rear boundaries of Balliol Close could facilitate access to a future bridge over the railway, it also provides front pedestrian access to plots 55 to 59 and plots 60 to 62. An active frontage is desirable in design terms. It has been suggested by some objectors that the position of the path could lead to impacts on amenity. However, there is no evidence to suggest that the layout would have any such effect.
- 5.9 The built form would be relatively low density with all plots having a suitably sized garden area in proportion to the size of the dwelling. Plots do not encroach into peripheral areas of the site. A more spacious layout is provided in relation to the plots higher up the slope in recognition that these are likely to have more visual impact.
- 5.10 All houses would 2 storey and a mix of house types is proposed all of which reflect design and forms found elsewhere in the District.
- 5.11 The relationship between properties in Balliol Close and the new houses in the southern part of the site has been subject to a number of objections. The amended layout shows that the new houses would be set back from the boundary, with two gable-on to Balliol Close (plots 59 and 68) and a terrace of three properties with front elevations facing towards Balliol Close (plots 60, 61 and 62). The distances achieved are consistent with planning conventions and it is considered that there would be no unacceptable loss of privacy. The separation results in no material loss of light and the built form would not be considered overbearing. It is acknowledged that new housing brings with it the potential for new sources of noise and activity from residents and

vehicle movements. This is inevitable as people go about their day to day business and is to be expected in a village location.

- 5.12 A materials plan has been submitted which shows two types of reconstituted stone, and render as facing materials. Concrete tiles are suggested for roofs. Notwithstanding the plan, Officers have some reservations about the materials, particularly the roofing tiles, and therefore samples of all materials would need to be provided and agreed by condition.
- 5.13 The applicant has responded to criticisms about the difference in the use of materials on the open market and affordable units and the plans now show a distribution of the proposed materials across the site. The Council does not have a policy requiring affordable units to be distributed throughout a development, and social housing providers tend to find properties easier to manage where they are grouped together. There would therefore be no grounds to seek a different arrangement from that proposed.

#### Trees, Landscaping and Ecology

- 5.14 The site currently has a significant numbers of trees and hedgerow to its periphery. There is also a belt of woodland to the east which runs alongside the railway line and lies outside the site. All of the retained trees and hedgerows will be located within or beyond the landscaped areas. Their root protection areas would not be affected by the siting of the dwellings.
- 5.15 A full landscaping scheme has been provided and this shows that large numbers of trees of varying species and size would be planted, as well as hedgerow and shrubs. In order to break up the built form, trees would be planted in rear gardens, broadly along contours.
- 5.16 The Council's Ecologist has reviewed the landscape plans which include ecological enhancements and is content that these are appropriate.

#### Heritage

- 5.17 The effect of the development on the Tackley Conservation Area and nearby Listed Buildings was fully considered by the appeal Inspector in the context of the illustrative layout and parameter plan provided at that time. The layout and scale now proposed does not depart significantly from the form of development envisaged under the outline proposal. The area of the site adjoining the historic part of the village at the rear of Nethercote Road is given over to a landscape buffer incorporating a drainage swale. This area would be separated from the new dwellings by estate railings.
- 5.18 In common with original Officer advise on the outline proposal, and the findings of the appeal Inspector, the assessment of the reserved matters leads to a conclusion of less than substantial harm to the heritage assets.
- 5.19 Having had regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the settings of the Listed Buildings in Nethercote Road would not be significantly affected.
- 5.20 With regard to both the Conservation Area and the Listed Buildings, the contribution to housing land supply, provision of affordable housing, ecological enhancements, new landscaping, and improved public access are clear positives that would outweigh the limited harm identified.



5.21 The OCC Archaeologist has no objection.

#### Highways

5.22 The principle of the means of vehicular access from Rousham Road was established as part of the outline consent. The details of the highway layout for the development now considered by OCC are generally acceptable, but the Highways Officer has observed some technical issues in terms of vehicle manoeuvring and the position of some parking spaces. In addition it is noted that whilst visitor parking is a requirement the level of parking provided exceeds standards. These are matters that can be readily addressed by way of minor revisions should Members be minded to approve the application.

5.23 The pedestrian links through the site are considered desirable in providing connectivity to the existing village and public rights of way. It has been suggested that the footpath link at the south of the site to Nethercote Road would be unsafe where it joins the road, but there is no evidence to support this. There is adequate visibility at this point.

5.24 Matters in relation to traffic generation and impacts on the local highway network were considered under the outline application and do not need to be revisited under reserved matters as there has been no change to the number of dwellings.

5.25 The outline permission provided for public transport improvements and OCC would seek to secure further works by way of hard standing to the relocated bus stop under a highways agreement.

#### Drainage

5.26 A number of objections have referred to capacity of the foul sewage network in this location. This was considered at the outline stage and a condition was imposed to deal with this matter in terms of submission and approval of a drainage strategy.

5.27 Surface water drainage is also the subject of condition.

#### Other Matters

5.28 The Parish has requested that the proposed on-site equipped play area is removed and instead, existing provision in the village enhanced. Officers are agreeable to this as there was concern about the visual effect of play equipment on the highest part of the site. The open spaces were to be subject to a management scheme and management company to be instituted by the developer, as set out the legal agreement attached to the outline approval. However, the Parish has now expressed a desire to have the public open spaces transferred to them. The applicant has provided a solicitor's letter outlining these matters and a variation to the existing legal agreement will be required.

5.29 A condition on the outline approval deals with lighting of footpaths. Street lighting would form part of the roads agreement with OCC.

### S106 Matters

- 5.30 The existing legal agreement will need to be varied to take account of the on-site equipped play area now being omitted from the scheme, with the agreement of the Parish and WODC.
- 5.31 OCC have requested a S278 agreement to provide the site access off Rousham Road. Also to include a hardstanding area for the installation of a bus shelter on the south side of Medcroft Road just south west of the junction with Nethercote Road. A S184 agreement is needed where the proposed on site footway connects to the highway close to the junction of Balliol Close and Nethercote Road.

### Conclusion

- 5.32 The applicant is seeking reserved matters approval for appearance, landscaping, layout, and scale. All matters of principle, including means of access, were addressed at the outline stage and dealt with by the appeal Inspector.
- 5.33 The layout and design are acceptable, but the use of materials would be subject to conditional approval. There would be no unacceptable impact on residential amenity arising from the scale, layout and design proposed.
- 5.34 Foul and surface drainage are dealt with in existing conditions attached to the outline approval.
- 5.35 Built form and hard surfaces are set away from boundaries and there would be no unacceptable loss of trees and hedgerow. Appropriate ecological enhancements are provided.
- 5.36 The proposed 70 dwellings can be comfortably accommodated on the site without significant detriment to the character and appearance of the area, or substantial harm to the significance and setting of heritage assets. The less than substantial harm in heritage terms is outweighed by the benefits of delivering new housing (including affordable housing) and the economic and social benefits that are associated with new development and an increased resident population.
- 5.37 The proposal is considered acceptable and is accordingly recommended for approval subject to a variation to the legal agreement dealing with the provision of the play area.

## **6 CONDITIONS**

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 15/01999/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 Notwithstanding the submitted materials plan Ref 3041-12 Rev D the materials are not approved. Prior to the commencement of construction, samples of all external walling and roofing materials shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed fully in accordance with the approved details. Prior to commencement of the construction of any external walls, a sample panel of external walling for each of the proposed walling materials shall be erected on site and approved in writing by the Local Planning Authority. Thereafter the external walls shall be constructed in accordance with the approved panels which shall be retained on site until the development is completed.

REASON: To ensure appropriate use of materials and ensure that the mix and colour of mortar, and coursing of the walling, is satisfactory in order to safeguard the character and appearance of the area.

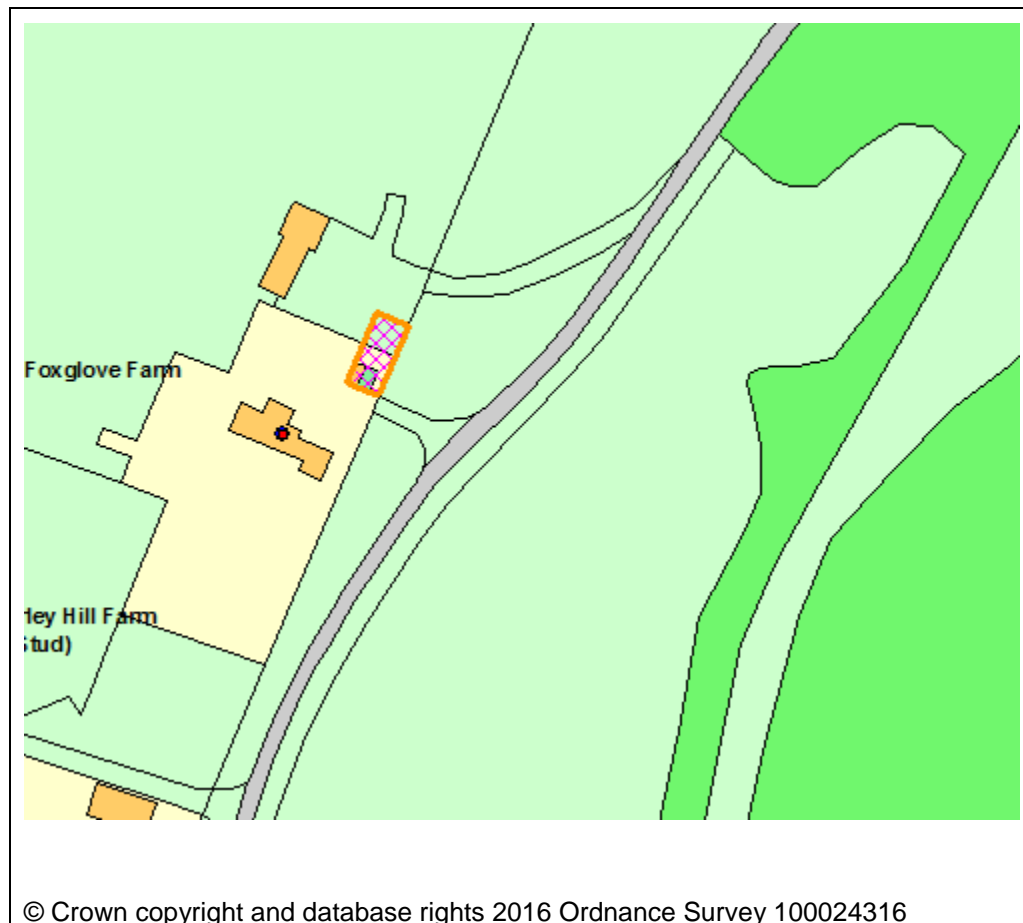
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows, doors, chimneys and garage doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details 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.
- 5 Prior to first occupation of any dwelling, all bathroom/WC windows to that dwelling shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To safeguard privacy in the neighbouring properties.
- 6 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) 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 for the duration of the construction period.  
REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.
- 7 Notwithstanding the submitted plans, prior to the occupation of any part of the development, full details of the proposed location, layout and any means of enclosure of the bin collection areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.  
REASON: In the interests of amenity and highway safety.

#### NOTE TO APPLICANT

- I 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. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team by email - [roadagreements@oxfordshire.gov.uk](mailto:roadagreements@oxfordshire.gov.uk)

Application Number	I7/03174/FUL
Site Address	Foxglove Farm Chipping Norton Road Chadlington Chipping Norton Oxfordshire OX7 3NT
Date	18th December 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Chadlington Parish Council
Grid Reference	432378 E 222921 N
Committee Date	8th January 2018

**Location Map**



**Application Details:**

Erection of self contained ancillary accommodation.

**Applicant Details:**

Mr Graham Bourne  
Foxglove Farm  
Chipping Norton Road  
Chadlington  
Chipping Norton  
Oxfordshire  
OX7 3NT

**I CONSULTATIONS**

- I.1 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.2 Parish Council                      Chadlington Parish Council are objecting to this planning application.
- It is not clear where the ancillary accommodation will be built.  
It is not clear how it will fit in with the existing properties in the area.  
It is not clear for what it will be used.  
It gives the impression of becoming a creeping development.

**2 REPRESENTATIONS**

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

**3 APPLICANT'S CASE**Outline and Overview of Proposals

- This application seeks to gain consent for the proposed building of an annexe to the main farm house for additional accommodation.
- It is our view that more additions/extensions to the existing farmhouse could not easily be planned around the existing foot print to allow further accommodation without detracting from the matured look and scale the farmhouse now has.
- In terms of the relationship of the new annexe to the site, it is single storey, sits well into the contours and subservient to the farmhouse. It will have a traditional vernacular of stone walls and tiles to match the existing farmhouse and will create a fine first impression as you approach the property on the drive from the north east and enter the small cluster of stables and outbuildings.

Use

The annexe would be solely ancillary to the residential use of the main house (the owners are happy to sign an agreement to this affect if the council would like), for the purposes of accommodating visiting family and guests. The building is sized to accommodate family members who will be travelling from abroad and staying at Foxglove Farm and our Client wishes to offer

some self-containment during their visits. As the farmhouse is not totally accessible the annexe has the added advantage of accommodating visitors with any disability.

### Appearance

Materials are notated on the drawings, but would be rubble stone to match the existing with arched stone lintels from rubble stone, tiles to match the existing roof, painted hardwood windows and doors and painted cast iron rainwater goods. A stone porch is proposed on the north west elevation, to visually break this elevation up and create a more interesting aesthetic.

### Access/Landscaping

There will be level access to the annexe and other than general maintenance the landscaping will remain as existing.

### Sustainability

The building will be built to comply with Part L of the Building Regulations.

### Consultation

The owner of the adjoining property (Barley Hill Farm) has been fully informed of the proposal and has no objection to the scale and appearance of the building.

### Assessment

In considering the above we feel that the policies covering the permission for a self-contained ancillary building have been covered.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
H2 General residential development standards  
NE3 Local Landscape Character  
NE4 Cotswolds Area of Outstanding Natural Beauty  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H6NEW Existing housing

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 single storey annex building which would be located to the front of a large two storey detached property located in an area of open countryside approximately 1 mile to the north of Chadlington. It is intended that the annex building would function as ancillary accommodation for the host property Foxglove Farm.

- 5.2 The building would extend to a height of 4.9 metres to the roof ridge and would measure 12 metres in length. The building would incorporate a single bedroom, living space and bathroom accommodation.
- 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.

Landscape Impact and Impact on AONB setting.

#### Principle

- 5.4 The annex is proposed as self-contained accommodation, which would be ancillary to the residential occupation of the existing dwelling. In terms of its siting, the building would be located in relatively close proximity to the host dwelling and there are existing detached garage buildings to the north of the proposed annex.
- 5.5 Policy H2 of the Existing Local Plan and Policy H2 of the Emerging Local Plan are permissive in principle of self-contained ancillary accommodation, including where justified the creation of stand-alone 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 of the building to a use which is ancillary to the host property.
- 5.6 In this instance given the remote location of the site, officers consider that the imposition of a restrictive occupancy condition would be necessary to control future use of the dwelling.

#### Siting, Design and Form

- 5.7 Officers consider that the scale of the annex building would be appropriate; at 4.9 metres in height the building would clearly sit below the roof ridge of the host property and would read as a secondary, subservient structure.
- 5.8 The building would be of a simple design and form and would be constructed from natural stone to match the main property. Officers consider that the design, form and external appearance would harmonise well with the appearance of the host property and would be appropriate within its setting.
- 5.9 As the building would be sited in close proximity to the main dwelling and is of a modest scale, officers consider that the landscape impact of the development would be minimal and the siting of the building would not have an adverse impact on the landscape qualities of the Cotswolds AONB.

### Highways

- 5.10 Officers consider that the siting of the building would not have any adverse implications with regard to highway safety or amenity and note that no objections have been raised by OCC Highways Officers in relation to the proposals.

### Residential Amenities

- 5.11 There are no immediately adjoining properties, which would be affected by the siting of the proposed building and there are considered to be no adverse amenity implications associated with the siting of the building.

### Conclusion

- 5.12 The application proposes the erection of an annex building, which would be occupied for residential purposes ancillary to the residential occupation of the main dwelling.
- 5.13 Officers consider that there would be no adverse residential or highway amenity impacts associated with the siting of the building. The siting of the development would not adversely impact upon the setting of the Cotswolds AONB. The development as proposed would be acceptable and compliant with the provisions of Policies BE2, NE4 and H2 of the Existing Local Plan.

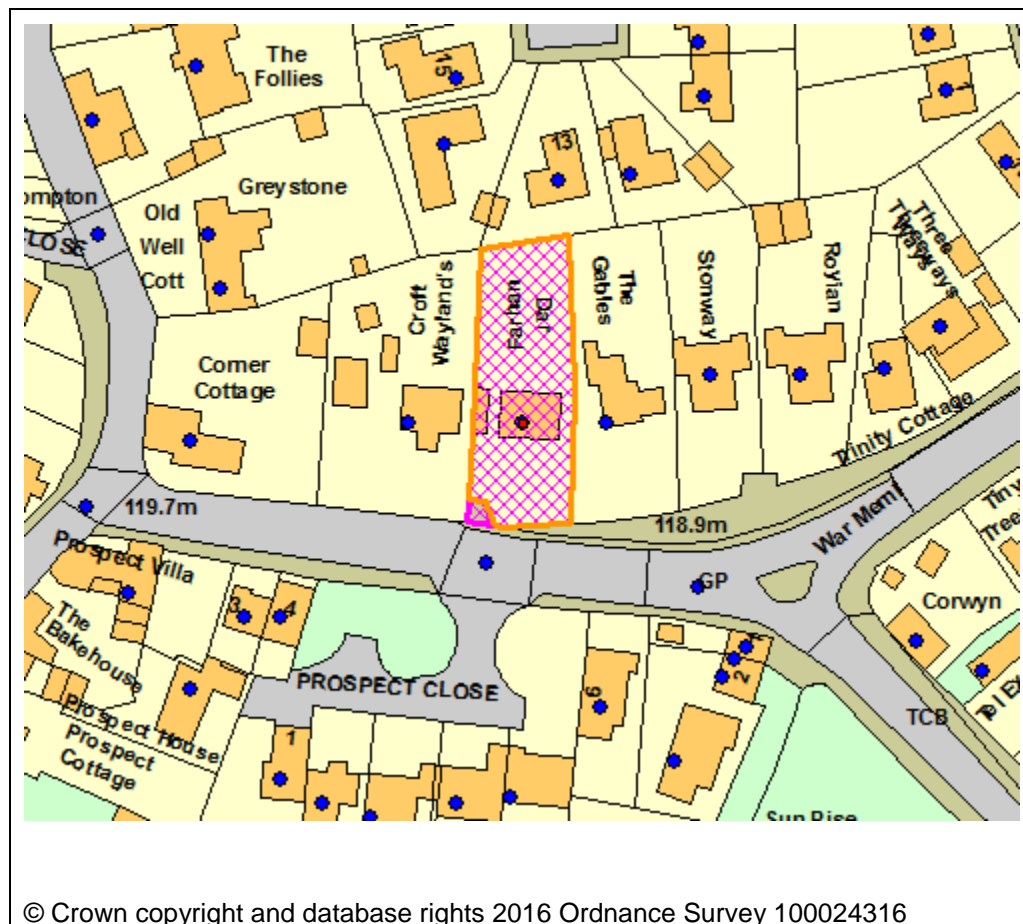
## **6 CONDITIONS**

- 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 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 The annex accommodation hereby permitted shall be used as accommodation ancillary to the existing dwelling 'Foxglove Farm' and shall not be occupied as a separate dwelling.  
REASON: The site would represent an unsustainable location for an unfettered residential dwelling.



Application Number	I7/03191/FUL
Site Address	Old Orchard Woodstock Road Stonesfield Witney Oxfordshire OX29 8QA
Date	18th December 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Stonesfield Parish Council
Grid Reference	439512 E 217210 N
Committee Date	8th January 2018

### Location Map



### Application Details:

Demolition of existing dormer bungalow and replace with new zero energy dwelling.

**Applicant Details:**

Mr David Rollinson  
Old Orchard  
Woodstock Road  
STONESFIELD  
OX29 8QA

**I CONSULTATIONS**

- I.1 Parish Council No objection.
- I.2 ERS Env. Consultation Sites  
There are a number of historical mine shafts in the vicinity of the development site, but none appear to be within the site boundaries. They are seen on the historical map dating from 1875 - 1887 but are not shown on the 1899 - 1905 map and may have been in filled at this time. There is potential for spoil material to be present on the development site and the documents submitted with the application suggest there is currently a heating oil tank present on site, as such please consider adding the following condition to any grant of permission.
- I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary, a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.
- Reason: To ensure any contamination of the site is identified and appropriately remediated.  
Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.
- I.3 ERS Env Health - Uplands I have no objections and no conditions for this application.
- I.4 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.
- 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.

- 1.5 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.

No objection.

## 2 REPRESENTATIONS

Mr McShane commented that he supported the proposed development but raised concerns about how long the demolition would take and how much dust would be created.

## 3 APPLICANT'S CASE

- 3.1 The new house design looks to reduce all areas of the ecological footprint of the occupiers by providing convenient and amenable energy efficient facilities for living, working, growing and storing food, and avoiding the need for travel. The plan of the new house has two distinct areas linked by a small external courtyard. The front single storey part of the house contains the entrance hall, bicycle store and two home work studios for the occupants. It also provides a location for home batteries, electric car charging and access to log storage. The rear two storey part of the house provides a large open plan kitchen/dining/day living room that links both to a South facing sunspace and courtyard, and the rear garden. Additionally there is a more intimate sitting room that can be closed off from the main space via two pocket sliding doors.

- 3.2 The new house will be a highly sustainable exemplary design.

- The visual impact will be an improvement, as the design will use local and natural materials.
- It will be of a suitable scale and appearance, designed for 21st Century living.
- The house will be more suitable in scale for the size of the plot.
- Access to the road already exists.
- Sustainable rural economic activity will be maintained/improved as the house will include home offices for working from home, reducing car miles.
- Vitality of the village maintained by the potential for home working.
- The house will be designed following Passivhaus principles, with the aim of being Zero Carbon (EPC >92/CO<sub>2</sub>>100)
- The new roof will have integrated solar panels whereas the existing is not optimal for renewables due to dormers.

## 4 PLANNING POLICIES

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
OS2NEW Locating development in the right places

OS4NEW High quality design  
H2NEW Delivery of new homes  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks planning approval for the demolition of an existing two storey property and the erection of a two storey replacement dwelling. The existing property is a 1.5 storey dormer bungalow located close to the centre of Stonesfield. The property is located within the Conservation Area, although the adjacent properties and properties in the immediate area comprise mainly of 20th Century non-vernacular rendered dwellings.
- 5.2 The application proposes a two storey dwelling, which includes a single storey projecting L shaped wing, comprising of a home office. The building would be contemporary in its form and design characteristics, although the building would be constructed from coursed natural stone with a replica Cotswold stone slate roof. It is proposed that the replacement dwelling would be built to a zero-energy standard.
- 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, siting and Impact on Conservation Area setting.  
Residential Amenity

### Principle

- 5.4 Policy H2 of the Existing Local Plan and Policies H2 and H6 of the Emerging Local Plan are permissive in principle of the development of replacement dwellings on a one for one basis, including within the open countryside, where the existing property is of no architectural merit and where the replacement dwelling would not impact adversely on the character of the immediate area or the quality of the environment.
- 5.5 The existing property, although relatively low key in design terms and would not be deemed to be incongruous within the street scene, is of no particular architectural merit. The removal of the building and its replacement with a dwelling would generally be considered acceptable in principle, subject to the design of the replacement dwelling be deemed appropriate and subject to the development having no adverse implications with regards to the amenity of existing land uses or to highway amenity.

### Siting, Design, Form and Impact on Conservation Area setting

- 5.6 The proposed dwelling would comprise of a contemporary form consisting of a larger two storey element set back to the rear of an L shaped single storey projecting wing. It is noted that the immediate area, whilst falling within the parameters of the Stonesfield Conservation Area, comprises predominantly of late 20th century, 1.5 and two storey, similarly non-vernacular,

albeit low key properties. The replacement dwelling by virtue of its design would be a prominent addition within the context of the immediate area; however this would not preclude the development of a contemporary dwelling. Officers note that the dwelling would incorporate high standards of energy efficiency and would apply Passivhaus principles and the addition of such sustainability measures is supported within the relevant design policies of the Councils Existing and Emerging Local Plan and the NPPF.

- 5.7 The relatively simple form of the principle two storey element of the dwelling is deemed to be appropriate and officers note that the dwelling would be constructed from coursed local stone, which would be in keeping with the local vernacular and Conservation Area setting.
- 5.8 Officers however consider that the proposed single storey L shaped projection to be an awkward and uncharacteristic element of the building, which detracts from the design and form of the principal two storey element of the building and would appear incongruous within the street scene and out of place within the setting of the Conservation Area. It is noted that in the immediate street scene that there are no existing properties with front extensions or projecting elements of this scale.
- 5.9 The amendments made to the height and positioning of the single storey element are duly noted however officers consider these are minor alterations, which do not significantly address officers concerns with the scale and siting of this element of the building. Officers would not object to the overall scale of the dwelling or the proposed footprint and consequently it is considered that the additional floor space required to form the home office space presently proposed to the front of the dwelling could be provided to the rear of the property, which would improve the visual relationship between the proposed dwelling and the street scene, by creating a simpler frontage.
- 5.10 For the reasons expressed officers consider that the proposed development would fail to represent good design as required under the provisions of Policies BE2 and H2 of the Existing Local Plan; Policies OS4 and H2 of the Emerging Local Plan; and NPPF Paragraphs 17 and 64.
- 5.11 The site is within the Stonesfield 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.
- 5.12 Officers consider that an appropriately designed replacement dwelling would have a neutral impact on the Conservation Area and as such would 'preserve' the appearance of the Conservation Area. Officers however consider that the proposed dwelling for the reasons expressed above namely in relation to the form of the front elements of the dwelling would fail to 'preserve or enhance' the setting of the Conservation Area and as such would result in less than substantial harm being caused to the setting of the Conservation Area. Whilst the level of less than substantial harm would be towards the lower end of the scale, this must be measured against the public benefits of the proposed development, which in this instance are deemed to be minimal and in officers opinion would not demonstrably outweigh the less than substantial harm identified. Officers therefore consider that the development as proposed would fail to comply with the provisions of Policies BE5 of the Existing Local Plan; Policy EH7 of the Emerging Local Plan and Paragraph 134 of the NPPF.

### Highways

- 5.13 The replacement dwelling would be utilised by the existing means of access serving the existing property and officers consider that the proposed development would not have an adverse impact on highway safety or amenity.

### Residential Amenities

- 5.14 The positioning of the dwelling has been amended and moved forwards by 1.5 metres to address concerns raised by officers regarding potential loss of light to the rear aspect of the adjacent property, Waylands Croft.
- 5.15 Following the amendments made to reposition the dwelling, officers are satisfied that the siting of the replacement dwelling would not have a demonstrably adverse impact on the amenity of either adjacent property Waylands Croft or The Gables.
- 5.16 The replacement dwelling would be of a larger scale in comparison to the existing property and would extend 1.2 metres beyond the rear elevation of Waylands Croft, there would be a separation distance varying between 1.2 metres and 2 metres between the side wall of the replacement dwelling and the boundary of Waylands Croft. Officers consider that the scale and siting of the replacement dwelling would not have a significant overbearing impact on the adjacent property. Officers consider that the amended siting of the dwelling and associated separation distance between the side wall of the dwelling and the rear windows of the adjacent property should ensure that the development would not result in a substantial loss of light to the immediately adjacent property Waylands Croft.

### Conclusion

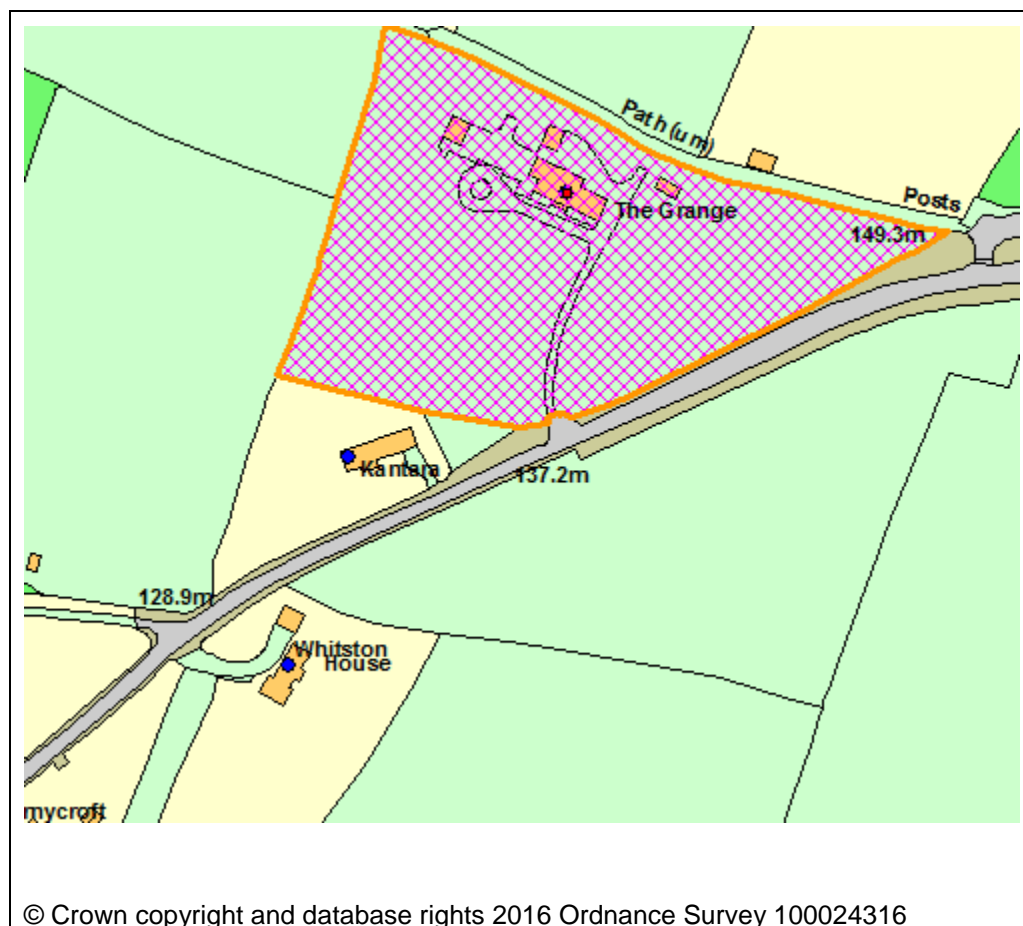
- 5.17 Whilst officers consider that the erection of a replacement dwelling would be considered acceptable in principle, for the reasons expressed above namely in relation to the siting, design and form of the front element of the dwelling, officers consider that the proposed development would fail to represent good design contrary to the provisions of Policies BE2 and H2 of the Existing Local Plan; Policies OS4 and H2 of the Emerging Local Plan; and NPPF Paragraphs 17 and 64.
- 5.18 Owing to the inappropriateness of aspects of the proposed design, officers consider that the development would result in less than substantial harm being caused to the setting of the Conservation Area, which when weighed against the limited public benefits, would not be justified under the provisions of Paragraph 134 of the NPPF.
- 5.19 For the reasons expressed above, officers recommend that permission be refused.

## **6 REASON FOR REFUSAL**

- I The proposed development, by reason of the inappropriateness of the design, siting and form would fail to represent good design contrary to the provisions of Policies BE2 and H2 of the Existing West Oxfordshire Local Plan 2011; Policies OS4 and H2 of the Emerging West Oxfordshire Local Plan 2031; and NPPF Paragraphs 17 and 64. Owing to the inappropriateness of the proposed design, siting and form of the replacement dwelling, the development would result in less than substantial harm to the setting of the Conservation Area, which would fail to be outweighed by the limited public benefits of the proposed development. Consequently the development would fail to comply with the provisions of Policy BE5 of the Existing West Oxfordshire Local Plan 2011; Policy EH7 of the Emerging West Oxfordshire Local Plan 2031; and NPPF Paragraph 134.

Application Number	I7/03423/FUL
Site Address	The Grange Woodstock Road Charlbury Chipping Norton Oxfordshire OX7 3ET
Date	18th December 2017
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Charlbury Town Council
Grid Reference	436586 E 219022 N
Committee Date	8th January 2018

### Location Map



### Application Details:

The erection of six dwellings with associated garages and parking and the construction of two driveways and a new access.



**Applicant Details:**

Mr Brendan O'Brien  
The Long Barn  
Oxford Road  
Old Chalford  
Chipping Norton  
OX7 5QR

**I CONSULTATIONS**

- |     |                                 |   |
|-----|---------------------------------|---|
| I.1 | WODC Drainage Engineers         | No objection subject to conditions.   |
| 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.<br>No objection subject to<br>- G28 parking as plan<br>- G11 access specification inc. 2.4 x 43m vision splays<br>- G25 drive etc specification<br>- G35 SUDS sustainable surface water drainage details |
| I.3 | WODC Env Services - Landscape   | No Comment Received.  |
| I.4 | Conservation Officer            | No Comment Received.  |
| I.5 | OCC Rights Of Way Field Officer | No Comment Received.  |
| I.6 | Town Council                    | Town Council objects  |

Position statement identifies need for genuinely affordable houses as a priority. This application represents yet a further high value development which fails to address this need. Therefore can a financial contribution towards the provision of AH be requested as part of the S106.

Significant concerns re pedestrian safety as there is no footpath or pedestrian refuge on this part of Woodstock Road, and no footpath further down where road narrows and has hedges both sides with poor visibility splays. For this reason we ask that a footpath be constructed from Stonesfield Lane junction up to the Grange and beyond. A further link to Woody Lane would enable safer cycle access to Charlbury Town Centre.

Can this go to Committee and be the subject of a site visit please.

**2 REPRESENTATIONS**

- 2.1 Three objections have been received on following grounds:

- These large properties do not meet the needs of local families.
- With their high sale values the Council should ensure that there is significant planning benefit for the town i.e. to provide affordable housing elsewhere.
- Charlbury has so many detached & large semi-detached houses no more are wanted.
- So many local younger people have nowhere to live near their families that they can afford.
- If the plans were for truly affordable homes I should not object.
- The owner is just looking to make as much money as possible with no thought to local needs.
- As Woodstock Road does not have a footpath there should be access for all the properties to the right of way behind this land.

## 2.2 Four support letters received on following grounds:

- The planning of this development appears to be discreet and does not visually impinge on the approach to Charlbury.
- It also does not extend the Charlbury town boundary and the obvious care with which it has been designed, with many trees added, offers a sympathetic feel to the rural aspects of the area.
- The development is not likely to cause harm to the local ecology.
- The site is within the 30 mile per hour speed limit with good lines of site. -Pedestrians have easy access to Woody Lane footpath.
- The plans submitted show attractive houses which will enhance the landscape of this area of Charlbury.
- There is already extensive hedging and I believe more is planned.
- Additional housing is always good for the local economy.
- In support of the development's new approach, the low density housing, the quality of the scheme and the proposed amended layout are particular elements in the new proposal we favour.
- As the nearest neighbour we had concerns with regards to our privacy and the visibility of the scheme from Woodstock Road but these have now been addressed very satisfactorily and we appreciate the alterations that have been made to the revised proposal.
- Building only 6 homes and retaining the existing house in the scheme maintains the rural look and feel to the Charlbury Town Entrance.
- In addition the revised scheme rearranges the Plots further back from the road, breaks up buildings by separating the garages from the house to produce a more sympathetic lower density.

## 2.3 Charlbury Conservation Area Committee had the following comments:

- The Committee noted the revisions made to the scheme since the refusal of the previous application but did not consider that they addressed the points made in their comments on that application. These are therefore largely reiterated with some additions:
- Members were not opposed in principle to some modest development on this site but rejected the applicant's argument that the extant permission for one new house established the principle for the development of an estate of six large houses. They did not accept that a speculative development of 4 and 5 bedroom houses on the outskirts of Charlbury met an 'identified housing need' and deplored the attempt to avoid contributing to affordable housing which was badly needed in Charlbury.

- The Committee noted that the presumption in favour of sustainable development (NPPF para 14) was restricted by the policies in the Framework relating to AONBs and designated heritage assets (which included conservation areas) (NPPF footnote 9).
- Their principal concerns related to the impact of the proposed development on the character and appearance of this part of the Conservation Area in terms of landscape, layout and the design of the houses.

#### Landscape and layout

- The site was a steeply sloping one. Whereas The Grange itself, a one and a half storey bungalow, sat low on its site to the rear of the plot, the proposed development was of large two storey detached houses mainly placed closer to the road. Even with the new tree planting, they would be conspicuous rising up the slope from the road at the entrance to Charlbury. Proper cross-sections, referred to in section 4.0 on the Design and Access Statement but not among the application drawings, were needed to understand the impact.
- Much was made in the new application of the low- density, loose knit-character of the area which provided the context for the proposed development and how the present landscape setting and sense of openness would be retained. It was difficult to reconcile this with the new planting proposed along the south-west boundary to help screen the development. In addition, while the revisions included 'the removal of The Grange's boundary treatment, thus retaining the open aspect of the site and dwellings within a landscape setting', the site plan showed the garden enclosed by fencing and low hedge planting. Other lines on this plan appeared to show boundaries between plots but with no indication of their nature. Detailed information about the proposed site and plot boundary treatments is needed before the application is determined. Stone walls were more characteristic of Charlbury and the surrounding area than fencing.
- The layout of the houses and their repetitious character would inevitably cause the development to be read as a housing estate rather than as series of individual properties in their own grounds in the manner of this part of the Conservation Area.

#### House design

- No significant changes appeared to have been made to the design of the houses apart from the three detached garages. The Committee rejected the claim that the design was a sensitive one, promoting 'local distinctiveness'. The front elevations of the three larger houses (plots 1-3) were stylistically- confused, pretentious and uncharacteristic of Charlbury, particularly in the profusion of gables and the treatment of the windows within them. The local vernacular was for straight eaves and - confirmed in the WODC Design Guide (10.5) - for dormers to sit within the roof or sometimes at the eaves. Timber rather than stone lintels were characteristic of Charlbury and the surrounding area as were brick chimneys. The inset curved porches (plots 1-2) owed more to the 1930s than anything found in the historic Charlbury vernacular. Apart from their relentless gables and stone lintels, the smaller houses (plots 4-6) were considered less inappropriate in scale and character although marred by ugly garage doors. However, in this part of the Conservation Area, where the dominant character was of medium to large twentieth- century suburban houses, set in spacious grounds, the designs were seen as too urban. Most members felt that high-quality modern design using natural rather than reconstituted stone would be preferable in this location.
- In conclusion, the proposed development would not preserve or enhance this part of the Conservation Area, being inappropriate to its character and unworthy in terms of design

quality. Nor would it meet local housing needs in Charlbury. The application should therefore be refused.

### **3 APPLICANT'S CASE**

3.1 The Planning Statement submitted in support of the application is concluded as follows:

- The site is considered to be a sustainable location for new residential development and the proposed development is of an acceptable design that would have no detrimental impact on the character or appearance of the Conservation Area, or on the residential amenity of any neighbouring dwelling. The use of the existing access and the proposed access by the occupiers of a small number of additional houses will not compromise highway safety.
- At the current time, the existing Local Plan 2011 is 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.

#### An economic role

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

#### A social role

The proposed development will provide high quality housing in a sustainable location where there is an identified requirement to increase the housing supply. The proposed layout demonstrates that the site can accommodate six larger homes to meet the needs of growing families, complementing the housing mix of other planned developments nearby.

#### An environmental role

- The proposed development would complement the existing pattern of development at the edge of the settlement.
- The design solution seeks to promote the local distinctiveness found within the historic core of the settlement. The proposed development does not harm the significance of a designated heritage asset.
- The proposed development respects the relationship with adjacent residential land uses.
- The proposed development does not encroach into the open countryside, or detract from the landscape setting of the settlement.
- Safe and suitable access and acceptable levels of amenity can be achieved.

- The proposed development has no adverse effect on important habitats or protected species.
- There are no significant and adverse environmental impacts.

#### The planning balance

- 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.
- 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

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

OS1NEW 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 This application relates to a site located to the north of the Woodstock road as it leaves Charlbury. It is currently the curtilage of a large house that sits in a scatter of dwellings fronting Woodstock Road and the track that leads back into the settlement from the layby at the outer limits of the settlement. The proposal seeks to retain the existing large dwelling within a smaller curtilage and to erect a further 6 dwellings within the site.
- 5.2 The site currently has a single access point to Woodstock Road and this is to be re-used along with the creation of a further access that will necessitate the removal of a small section of frontage hedge. The site rises up from the level of the road towards the footpath that runs west/east along the northern boundary of the site. There are a series of trees located within the plot that are in the main proposed for retention.
- 5.3 The houses take a neo vernacular design form as "extended" cottages and houses and sit in amongst the retained trees.
- 5.4 Members will be aware that a similar previous application was refused under delegated powers under reference 17/01893/FUL for reasons of scale, siting, form and appearance failing to preserve or enhance the character and appearance of the Conservation Area and urbanising the generally loose knit low density pattern of development with insufficient benefits to outweigh the adverse impacts and that the site lay beyond the established built up limits, but that a single additional dwelling was approved on site under reference 16/02047/FUL which was served by an additional access and where the site was considered to fall within the settlement.
- 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

- 5.6 The site lies within the AONB but is not major development. As such paragraph 115 of the NPPF applies but due to the limited size and scale of the development not paragraph 116. Paragraph 115 identifies that great weight should be given to conserving the landscape and scenic beauty in the AONB. In assessing that character the site forms an established curtilage of a dwelling sitting within an area characterised by similar large dwellings lying in extensive grounds. The site contributes positively to the approach to the town by reason of the extent of landscaping and the perception of openness with the West Oxfordshire Landscape Assessment noting that the " boundary between the urban edge and the countryside is blurred by topography, individual properties set in woodland and new housing" but that the area has very few urban influences with low to moderate intervisibility, forming an attractive green approach into Charlbury along the B 4437 such that the need to maintain the green approach and strong landscape structure are key considerations.
- 5.7 The scheme has been designed to seek to take on board these influences by retaining the majority of the trees, retaining the hedgerow frontage to the B4437 except to provide the

additional access, generally following the frontage building line and orientation set by the adjoining property Kantara and by the provision of built form that whilst quite sizeable has been designed to appear smaller through the use of secondary wings and outshoots. The garages have been generally detached from the host buildings to decrease the massing of the buildings and provide a more dispersed overall character. Additionally the internal boundary enclosures have been amended to seek to create a large open space at the heart of the site where it is most visible from the existing access.

- 5.8 Clearly the scheme will be more dense and urban than the prevailing situation. However the developer has sought to take on board the key sensitivities of the site in a manner that respects the defining characteristics of the AONB in this area. Having applied great weight to the residual levels of harm your officers are of the opinion that the extent of harm is not such as determines that the application must be refused. It will however be factored into the planning balance.
- 5.9 Similarly Members will be aware of the duty under section 72(1) of the Act as regards impact of development on Conservation Areas and also the need to address the level of harm with reference to paras 133 and 134 of NPPF and the balance required therein. In that regard your officers consider that the scheme has addressed/respected the key characteristics of the Conservation Area at this point and that whilst its appearance will be changed that of itself does not amount to substantial harm. Given that there will be less than substantial harm this will need to be weighed against the public benefits of the scheme.
- 5.10 With regards to the relevant housing policies 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, shops and pubs and the draft Local Plan 2031 classifies it as a Rural Service Centre.
- 5.11 The application site is currently previously developed land beyond the existing main built up limits of the village but within an area of dispersed housing development at the edge of the settlement 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 but this is not a greenfield site, and as such the scheme would be acceptable in principle if considered rounding off under 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. Emerging policy H2 allows development on previously developed land within or adjoining the built up area provided it is not of high environmental value and or it helps in meeting identified housing needs. However emerging policies whilst of increasing weight do not of themselves yet have full weight in determination of applications.
- 5.12 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.

- 5.13 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.
- 5.14 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 somewhat tight 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.
- 5.15 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.
- 5.16 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.
- 5.17 The current position is thus that the housing supply policies 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 para 14. This involves first considering whether the development is acceptable in terms of 'restrictive policies' e.g those applicable to the AONB (see above) and then, if so, applying the more general planning balance described in NPPF paragraph 14. The remainder of this report follows that structure.

#### Siting, Design and Form

- 5.18 As outlined above the scheme has been amended since last refused to seek to address some of the issues raised in the refusal reasons last time a similar proposal was considered. It is noted that the CCAAC raise a series of issues with regards to the design of the units and the scheme as a whole but the proposals are architect designed and follow conventional architectural principles such that the scheme is not considered to have the design harms being suggested by the CCAAC. To the extent that the new units will be visible given the retained/proposed



landscaping it is considered that they will be respectful of the location and the neo vernacular forms of the adjoining development.

#### Highways

- 5.19 OCC has advised that it has no objections subject to conditions to the development and Officers would concur that it will be possible to create safe means of vehicular access. In response to the request from the TC seeking the provision of a new length of footpath along the Woodstock Road the agent has advised that "We have explored the opportunity to provide a footpath along the length of Woodstock Road internally within the site. In reality only a small proportion of the site fronts Woodstock Road. Due to the width of the hedge, the position of trees and the fact that this land will form the private amenity space serving plots 4-6 is it not possible to deliver a footpath in this location. However, Empire Homes are able to offer the provision of two pedestrian gates (one serving plots 1,2 3 and The Grange, and one serving plots 4, 5 and 6) providing direct access on to Woody Lane, providing safe and direct access to Sturt Road/ The Slade for future residents". Whilst this does not provide the extent of public benefit for all pedestrians that officers were seeking it does ensure that the existing situation will not be made materially worse with the new residents able to access the main town centre without having to walk along the Woodstock Road.

#### Residential Amenities

- 5.20 The scheme is a low density proposal and the retention of many of the existing trees will further ensure that adequate levels of privacy for new residents is secured. Members will also note that the residents living in the adjoining property have written to support the scheme in its amended form. Residential amenity is not therefore considered to justify refusal.

#### Affordable Housing

- 5.21 As a scheme for 6 units the emerging policies of the Local Plan would anticipate that an affordable housing contribution would be made. However the agent is advising that with the fall back position of the extant permission for a single house there is only a nett gain of 5 units and that as such the policy is not triggered. Mindful of the great need for affordable housing in the area and the comments of the Town Council as to the need for the scheme to contribute to that aim Officers have been in negotiation with the developer to ascertain whether he is prepared to make a contribution towards off site affordable housing provision and as a result of those negotiations an offer of 40K has been received.

#### Section 106

- 5.22 Were consent to be given then there would need to be a legal agreement to secure the affordable housing funding before the decision could be issued.

#### Ecology

- 5.23 The agents have offered to undertake a series of ecological enhancements in the form of bat and bird boxes, log piles etc as a means to reduce any ecological impact of the development and promote biodiversity enhancement. This can be addressed by condition

## Conclusion and Planning balance

- 5.24 The site lies within the AONB and Conservation Area which are given elevated status in planning decisions and where harms are to be given particular/great weight. Your officers consider that by redeveloping an existing site at an increased density there will be some harm to the character of the AONB at this point and to the character and appearance of the Conservation Area. However the extent of this harm, as a result of the form of the development and the tree retention /planting sits at the lower end of the scale of harm. It is not considered to preclude development even having given it particular weight.
- 5.25 Access to the site is safe in the view of the relevant technical body and new residents will be able to access the main town centre without walking along the B 4437 thereby ensuring that the highway position is not worsened by increasing additional pedestrians onto a road with no pedestrian facilities at this point. The ecological value of the site can be enhanced by condition and the design of the units is considered acceptable in context.
- 5.26 The applicant has tabled an offer of a contribution towards affordable housing which in light of the extent of housing need and the likely sales value of the houses not meeting that need your officers consider is CIL compliant and to which some weight can be attached in the overall planning balance.
- 5.27 Having regard to the above, and notwithstanding that a similar scheme was refused relatively recently your officers are of the view that the amendments made and the offer of the public benefit of a contribution towards affordable housing is such that on balance the public benefits outweigh any residual harms to the Conservation Area and the overall benefits of the delivery of housing including the provision of monies towards affordable housing outweighs any residual harms to the AONB. Conditional Approval subject to a legal agreement is therefore recommended.

## **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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to protect the sensitive landscape and existing trees.
- 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 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.
- 7 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.
- 8 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.
- 9 Bat and bird boxes shall be installed in accordance with details including phasing that have been submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard and enhance biodiversity.
- 10 That, prior to the commencement of development, a full surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority. The plan 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 development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.  
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 Practice Guidance).
- 11 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained, with 2.4 x 43m vision splays, 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.

- 12 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.

- 13 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.

#### NOTE TO APPLICANT

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))
- CIRIA C753 SUDS Manual.
- The forthcoming local flood risk management strategy to be published by Oxfordshire County Council sometime after March 2015. As per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))