

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 5th February 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

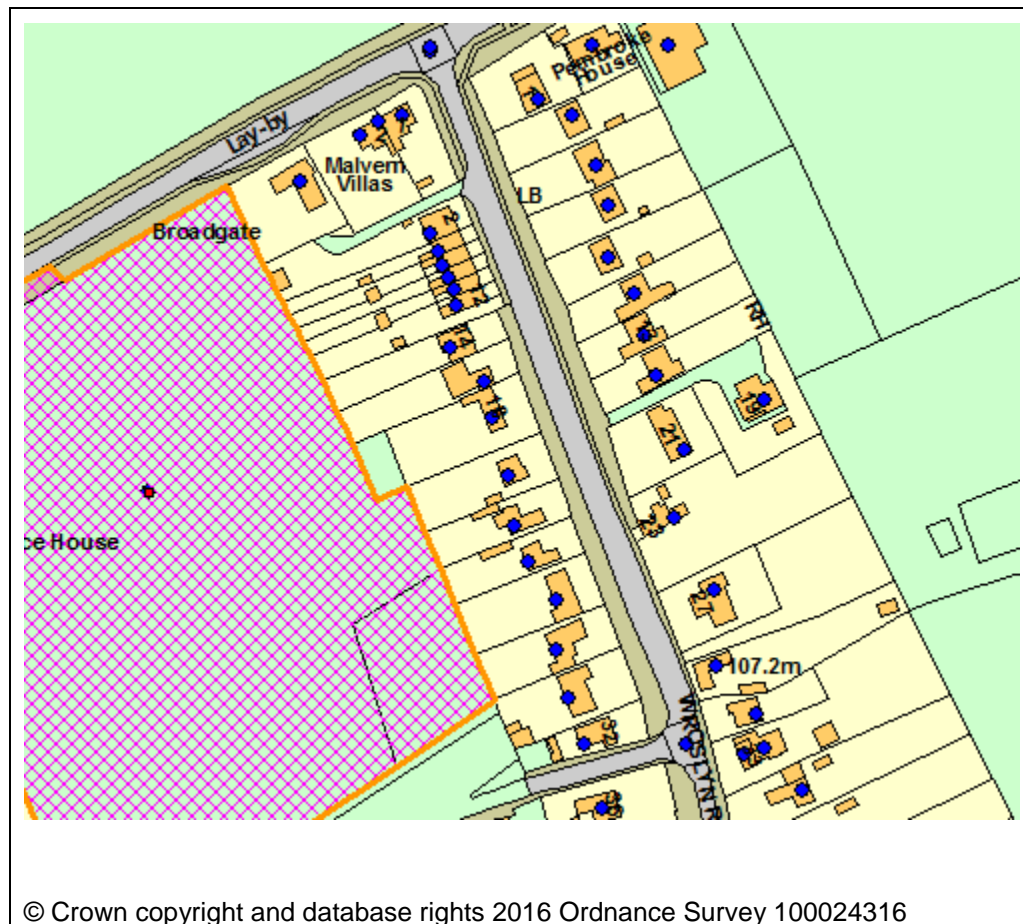
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	17/02996/RES
Site Address	Land Between Wychwood House and Malvern Villas Witney Road Freeland Oxfordshire
Date	24th January 2018
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	440709 E 213779 N
Committee Date	5th February 2018

Location Map



Application Details:

Residential development comprising of 41 dwellings together with associated works.

Applicant Details:

Mears New Homes With Sovereign Housing Associates
C/o Agent

I CONSULTATIONS

- I.1 Parish Council
- I have been asked to write to you on behalf of Freeland Parish Councillors to express their objection to the above planning application.
- Councillors also have real concerns about the drainage of the site that they feel is in the wrong place and the proposed system could therefore aggravate and add to an already overloaded drainage system leading to future flooding, not only in Freeland but also in Long Hanborough. Councillors did raise concerns re the drainage at their June meeting when Carlton Design presented their plans to the Parish Council and Steve Dalton was asked to come back and state by what percentage their scheme would improve the drainage of the site - this has never happened. Can you confirm if this has now been clarified as it is not clear from the documents submitted for approval?
- They also have concerns about the houses being relocated to the rear of the gardens of properties on Wroslyn Road and the lack of privacy and possible overlooking this would create, and the closeness of some properties to existing properties.
- It is also worth noting that the Ordnance Survey maps that were used to draw up the plans are out of date and do not reflect the current layout of existing properties. This calls into question the whole site proposals as they are not based on the current situation.
- A number of concerns have been raised about this application including a buffer zone for Great Crested Newts and the Ecology Surveys that have been carried out that they feel is totally insufficient. Councillors also strongly object to the street lighting that has been included in the proposals, as Freeland village has no street lighting at all, and as noted in the Community Led Plan carried out in recent years, this is how the residents' prefer Freeland to remain, free of street lights.
- I would be grateful if you could take into account all of these concerns when determining this application.
- I.2 Major Planning Applications Team
- Highways - Objection
- It is anticipated that our objection could be overcome if the applicant makes modifications likely to impact on safety and convenience of residents and other users.
- Key issues:
- Visitor laybys and cycle parking for many households is required
 - Improvement required to public transport infrastructure and pedestrian footpath
 - Traffic calming should also be included
- Archaeology - no objection
- Cllr Liam Walker - I have no major concerns about the above planning application.
- Though I think it would be nice if there was some financial contribution towards the No 11 bus service as well as funds for a safe

crossing point in Freeland village preferably near to the school going over Wroslyn Road.

- I.3 Biodiversity Officer I have no objections to the details that have been submitted with regard to biodiversity, namely, the landscaping proposals, which broadly accord with the requirements of the great crested newt method statement and management plan. The landscape proposals drawing no 447-100 Rev A shows two amphibian hibernacula within the southern boundary hedgerow/scrub planting and 4 no. log piles along the southern edge of the site. These will provide new habitat for great crested newts, other amphibians, invertebrates and small mammals such as hedgehogs, therefore contributing towards biodiversity enhancement of the site.
- I.4 WODC Housing Enabler No Objection.
- I.5 Thames Water
Waste Comments
Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into

the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

Water Comments

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

1.6 WODC Env Services - Waste Officer No Comment Received.

1.7 Parish Council See earlier comments.

2 REPRESENTATIONS

2.1 Five objections have been received referring to the following:

- Detrimental impact on approach to the village.
- Inadequate infrastructure to support the development.
- Increased traffic and highway safety.
- Impact on wildlife.
- Flood risk.
- Inappropriate layout.
- Loss of privacy. This would be worse if alterations were made to the properties.
- Light pollution.
- Proximity of footpath link to existing property will create issues of noise, security and privacy.
- Location of contractor compound will lead to impact on amenity and privacy.

3 APPLICANT'S CASE

3.1 The overarching vision is to create a strong sense of a distinctive development in keeping with the village vernacular, and become a positive element in the wider neighbourhood. In particular we have addressed the following design objectives:

- A design proposal of the highest quality which makes efficient use of the land and which provides a variety of housing types including 20 much needed affordable homes.
- A structured, distinctive and attractive environment which respects local urban form and architecture surrounding the site.
- A scale of development that respects the height of existing development within the surrounding area and which is of an appropriate density.
- In summary, the proposal will not cause demonstrable harm to residential amenity, protected species or any other interest of planning importance including the human rights of interested parties. This proposal has been the subject of extensive development and

dialogues with various consultants. It accords with the policies of West Oxfordshire District Council and National Planning Policy Framework and accordingly we believe this application for planning permission ought to be granted.

4 PLANNING POLICIES

BE1 Environmental and Community Infrastructure.

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

H1 I Affordable housing on allocated and previously unidentified sites

T2 Pedestrian and Cycle Facilities

T3 Public Transport Infrastructure

NE13 Biodiversity Conservation

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

EH2NEW Biodiversity

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

- 5.1 The proposal is reserved matters application pursuant to the outline permission (16/01353/OUT) for the erection of 41 dwellings with scale, appearance, layout and landscaping to be considered.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Siting, design and form
Residential amenity
Trees and landscaping
- Siting, design and form
- 5.3 The site lies to the south of the A4095 and west of Wroslyn Road. To the south there is an industrial estate and to the west housing development. The surrounding development is predominantly modern, but there is older housing at Malvern Villas and 2 to 12 Wroslyn Road. None of the nearby buildings is listed. Freeland does not have a Conservation Area and the site is outside the AONB.
- 5.4 The submitted layout differs somewhat from that considered at the outline stage, but this was not fixed. Importantly the access is as previously approved and a large area of open space on the frontage is retained.
- 5.5 To accommodate the drainage attenuation pond it is necessary to locate a second area of open space in the south west corner, as opposed to on the east side of the site as originally envisaged. As a consequence, there are now a number of proposed plots that share a garden to garden relationship with existing properties on Wroslyn Road.

- 5.6 The height of all buildings is two storey. There is a mix of house types on the site with 50% of the units affordable.
- 5.7 There would be three plots facing Witney Road which are set back 20m from the road and behind the building line of existing properties. These are in a similar position to plots contemplated at the outline stage.
- 5.8 Of the units backing onto Wroslyn Road, the closest relationship of buildings facing each other is approximately 40m which is well in excess of the convention of 21m. In this respect it is considered that there would be no unacceptable impact on privacy and light. Proposed units on the west side of the site are gable-on to neighbours. The internal separation of buildings is acceptable.
- 5.9 The design of the units has been amended since original submission to better reflect vernacular forms, such as the addition of chimneys. Overall the design is acceptable.
- 5.10 The units facing Witney Road would be constructed in natural stone, with the remainder either reconstituted stone or red brick. There are a number of red brick properties on Witney Road and Wroslyn Road and therefore the use of brick is not objected to in this case. All materials would be subject to the approval of samples.
- 5.11 In response to previous comments, the line of a footpath to the south boundary is shown, although whether this could be brought into use would be dependent on future agreement of the adjoining land owner.

Trees and landscaping

- 5.12 The site is an open field and there is no planting within it. Existing planting is confined to the perimeter. The frontage hedge would be retained except for limited removal to allow the access to be formed. The proposal would introduce significant tree planting to the open spaces and new streets. This would be in the form of a mix of species and sizes. The area to the front of the site is conceived as heathland planting to reflect the historic character of this location.
- 5.13 There would be frontage planting to plots, hedging and rough grass and wildflower areas.
- 5.14 Rear boundaries would be formed by existing treatments and timber fencing. Estate railings would be provided to open spaces.

Drainage

- 5.15 The layout provides for surface water drainage to an attenuation pond within the open space to the south west corner of the site. This area also accommodates an easement for connection to a foul drain off the site to the south. Condition 12 of the outline approval deals with the submission and approval of the detailed scheme.

Other matters

- 5.16 Impact on the character of the approach to the village, traffic generation, highway safety, impact on wildlife, and flood risk were considered at the outline stage.

Conclusion

- 5.17 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.
- 5.18 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.
- 5.19 Surface drainage is dealt within an existing condition attached to the outline approval.
- 5.20 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 by way of the outline scheme.
- 5.21 The proposed 41 dwellings can be comfortably accommodated on the site without significant detriment to the character and appearance of the area, or unacceptable impacts on existing residents.
- 5.22 The proposal is considered acceptable and is accordingly recommended for approval.

6 CONDITIONS

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 16/01353/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 The development shall be carried out in accordance with the following approved plans: Location plan 170105/LP-01; Landscape 447-100 Rev D; Site Layout 170105/SL-01 Rev G; House Type E-S elevations 170105/HT/E-S/DEL/EL Rev A; House Type E-S floor plans 170105/HT/E-S/DEL/FP; House Type H elevations 170105/HT/H/HAR/EL Rev A; House Type H floor plans 170105/HT/H/HAR/FP; House Type H elevations variant 170105/HT/H/HAR/EL2 Rev A; House Type F elevations 170105/HT/F/THORN/EL Rev A; House Type F floor plans 170105/HT/F/THORN/FP; House Type E elevations 170105/HT/E/DEL/EL2; House Type E floor plans 170105/HT/E/DEL/FP; House Type C elevations 170105/HT/E/C/LAN/EL Rev A; House Type C floor plans 170105/HT/E/C/LAN/FP; House Type 3B elevations 170105/HT/3B/EL Rev A; House Type 3B floor plans 170105/HT/3B/FP; House Type 3BA elevations 170105/HT/3B.A/EL Rev A; House Type 3BA floor plans 170105/HT/3B.A/FP; House Type 2B elevations 170105/HT/2B/EL Rev A; House Type 2B elevations 170105/HT/2B/EL2 Rev A; House Type 2B floor plans 170105/HT/2B/FP; House Type 2BA elevations 170105/HT/2B.A/EL Rev A; House Type 2BA floor plans 170105/HT/2B.A/FP; House Type J elevations 170105/HT/J/PEM/EL ; House Type J elevations 170105/HT/J/PEM/EL2; House Type J elevations 170105/HT/J/PEM/FP; Single garage 170105/AB/SG01/EP; and Double Garage 170105/AB/DG-01/EP.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the submitted materials plan Ref. 170105/SL-MS Rev B 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. Prior to the commencement of 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 and roofs shall be constructed in the approved materials. The panels shall be retained on site until the development is completed.

REASON: To ensure appropriate use of materials and to 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 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.
- 5 Before first occupation of the dwellings hereby permitted all WC and bathroom windows shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To safeguard privacy in neighbouring properties.

NOTES TO APPLICANT

- I In relation to the submitted details and for the purposes of compliance with decision 16/01353/OUT the following advice is given:

Condition 7 - Construction Method Statement - approved in relation to OCC advice dated 25th October 2017.

Condition 8 - Travel Information Pack - not approved and to be amended as follows in relation to OCC advice dated 25th October 2017:

Walking section

- I am a bit confused by the mention of the 2km shaded area as the shaded area doesn't appear to be of a size to be 2km in distance? Please could this be explained?
- The map on this page is quite small and therefore difficult to interpret. Please could it show more detail on a larger scale
- Please could walking times to local facilities be included

Cycling section

- Please could time cycling times to local facilities be included.
- Further information is required regarding cycle parking provision on-site. Are cycles to be accommodated within residential boundaries?

Bus use section

- First and last bus information would be useful for residents for both commuting and leisure purposes.
- Please could information be included about facilities available at the bus a stop i.e. is there a shelter, seating, are they lit, is cycle parking available etc.
- How often do buses run to and from the development?
- Information states that printed copies of bus timetables can be collected from libraries. Whilst

this is true, the likelihood of this happening is questionable. Therefore, please could hyperlinks to the relevant bus companies be added to enable residents to view timetables as and when required.

Car clubs

- I would question the inclusion of car club information as there are no car clubs available to residents in the immediate area.

Condition 12 - Full Surface Water Drainage Scheme - not approved.

Highways -

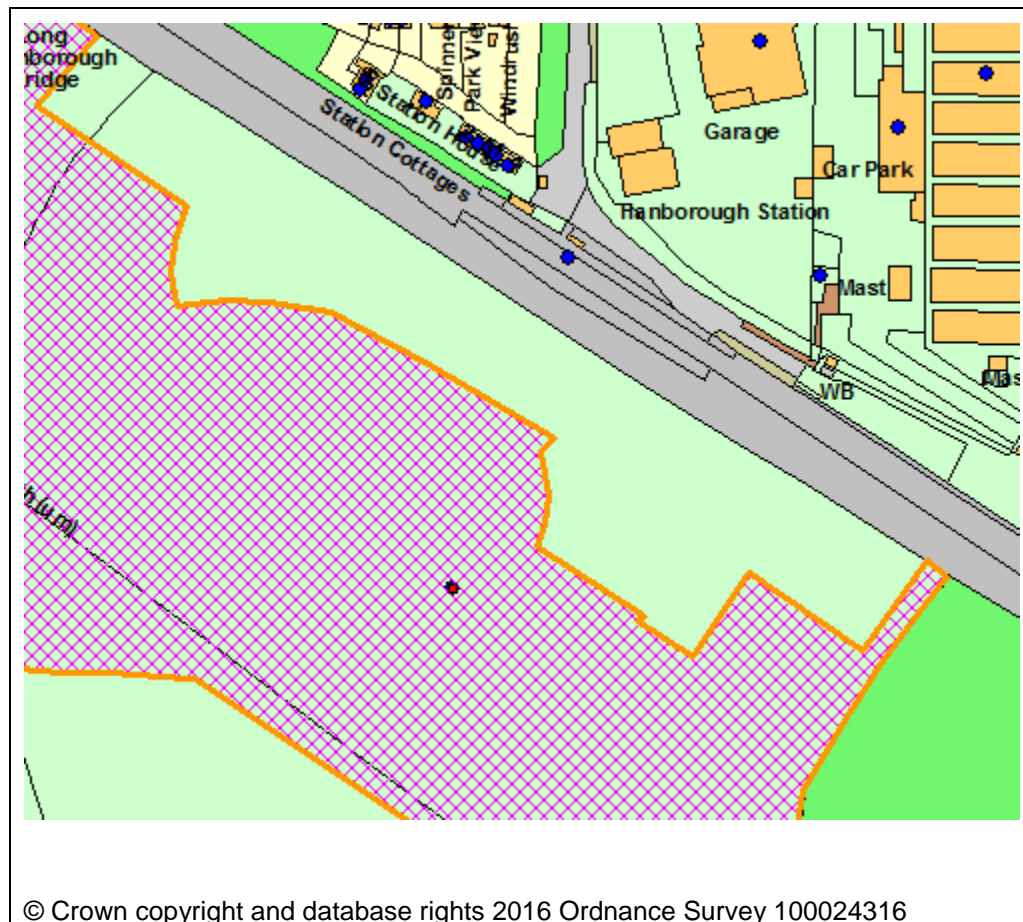
Any section of relatively straight road longer than 70m must have traffic calming measures to maintain the 20mph residential road design speeds. As such, the section fronting plot 30 to plot 40 must have traffic calming features, preferably in the form of vertical deflection. Residents would also benefit from an informal crossing adjacent to the open space area south of the development, to facilitate crossing as well as calm traffic in this section.

No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design will be subject to a full technical audit.

- 1) OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.
- 2) Foul and surface water manholes should not be placed within the middle of the carriageway, at junctions, tyre tracks and where informal crossing points are located.
- 3) Trees within the highway will need to be approved by OCC and will carry a commuted sum. No private planting to overhang or encroach the proposed adoptable areas.
- 4) Trees that are within 5m of the carriageway or footway will require root protection; trees must not conflict with street lights.
- 5) No private drainage to discharge onto existing Highway.
- 6) No private drainage to discharge onto any area of proposed adoptable highway.

Application Number	17/03155/RES
Site Address	Land South East of Pinsley Farm Main Road Long Hanborough Oxfordshire
Date	24th January 2018
Officer	Catherine Tetlow
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	443274 E 214093 N
Committee Date	5th February 2018

Location Map



Application Details:

Reserved Matters Application for residential development of 120 dwellings (60 open market and 60 affordable homes). Appearance, landscaping, layout and scale.

Applicant Details:

Mr Chris Shaw
Western House
Furrowfield Park
Tewkesbury
GL20 8UR

I CONSULTATIONS**I.1 Parish Council 03.01.2018 Comments on amended plans**

Bloor Homes delivered to Hanborough Parish Council in early December 2017 three amended plans of their submission for the Reserved Matters following comments on earlier plans by WODC, HPC and others.

The revisions are trivial and mostly cosmetic, and do not address any of HPC's concerns about appearance, or Bloor Homes's failure to consider local vernacular architecture, layout of the roads etc. HPC considers that all of its objections made on 7 November 2017 still stand.

Together with the amended plans, Bloor Homes included a list of amendments, to which we wish to add further comments on relevant items:

1. Improved designs with more chimneys across entire scheme

Plans show the same 14 houses, as before, on which there are now 12 chimneys instead of 6. There is no indication of improved designs - simply adding some chimneys does not contribute to improvement.

2. Plots 1-3 and 12 which are natural stone dwellings at the front of the site, with dry stone wall to frontage

Plots 1—3 and 12 are identical to those in the previous plan, there is no indication of the colour of the natural stone, or its source, and is the drystone wall fabricated or authentic?

3. Landmark buildings at focal points (corner turners) such as plots 44 and 54

Plots 44 and 54 are identical to the previous design except that the addition of a chimney on each seems to be used to mark the houses as Landmark buildings.

4. Variety of porches - 5 different treatments as shown on the street scenes drawing

The porches in the revised plan are identical to those shown in the

earlier plan, and to provide only 5 different treatments for 120 dwellings is sparse and will merely, emphasise the repetition of the very limited number of dwelling designs.

The addition of some chimneys and a pair of drystone walls at the entrance to the development is simply superficial and cosmetic and makes no attempt whatever to accord the design and appearance of the dwellings to Cotswold and Hanborough vernacular architecture.

The development is still no more than a reproduction of the Bloor Homes housing styles found elsewhere throughout England in Crewe, Sheffield, Manchester, Swindon, Wigan, Worcester, Tewkesbury, Fairford.

5. External works include 1.8 metre high weld mesh fencing of the railway land - dark green with planting in front of it

The standard of the fence would have to be approved by Network Rail, but there is no indication of what the planting in front of it would be.

6. 1.8 metre close board fencing (with acoustic where recommended) for properties which have a common boundary with the railway land

This seems insubstantial safety protection to prevent access to the railway land but would require Network Rail approval. The acoustic panelling has only been placed on those houses nearest to the railway line, no.1 and 104-110, but not on others nearby and no protection of any form of panelling has been provided for the D1 Use building.

7. Post and rail fencing of woodland at eastern boundary with planting

The location of post and rail fencing, only 1 metre high, at the top of the bank, and nearest to the legal boundary, would not prevent access to the land that falls steeply beyond, and would provide no safety protection whatever. We note that there still appears to be no fencing to prevent access to the pond on the eastern boundary

The Adam Architecture DAS still bears no relation to the styles shown in it, and should not be considered as relevant to the Reserved Matters.

Finally, we would like to endorse the comments already made by residents on the impact of the development on the setting of Pinsley Wood, an Ancient Woodland, an SSSI, a Country Wildlife Site and Wychwood Project Area. Each designation is separately protected under West Oxfordshire Local Plan Policy EH2 that concerns Biodiversity, which gives it protection and establishes the requirement

to maintain its setting and biodiversity.

I.2 Major Planning
Applications Team

Highways Objection

No rationale to the provision of visitor parking is included with the application.

No justification is given for (i) the nature of the DI building within the DI use class, (ii) the relocation of the DI building from its position on the parameter plan approved at outline stage and (iii) the level (28) of car parking spaces for the DI use indicated on the site layout plan.

Access to DI use does not appear to be fit for purpose given the number of car parking spaces and therefore the likely number of vehicle movements

Refuse wagon tracking has not been submitted with the application

The spine road has no traffic calming measures

There are no dropped crossings of side roads for pedestrians along the main spine road

As such it is not possible to be confident that safe and suitable access throughout the development can be provided in line with the NPPF.

Additional key issues:

The layout of the site access junction is not clear due to new design being superimposed on existing layout.

There is no evidence of cycle parking being provided for visitors.

It is unclear how cycle parking will be provided for plots 85-87.

No parking controls are proposed on the spine road as suggested in the county council's response to the outline planning application.

The first side road off the spine road after entering the development is not finished properly on the site layout plan

Archaeology - No objection as conditions are imposed on the outline consent

I.3 Biodiversity Officer

Concerned about conformity with the requirements of the DAS and Ecology Report submitted with the outline application. The proposals for landscaping will therefore not accord with the requirement for an Ecological Management Plan (EMP) under condition 13 of planning consent (ref 15/03797/OUT). The landscaping scheme must therefore accurately present the ecological mitigation, compensation and enhancement measures recommended in the Ecology Report (Baker Consultants, 23 September 2015) and land use parameter plan 2406/P20c submitted with the outline application. I therefore recommend that amended plans are required to ensure that landscaping and ecological requirements are equally considered as part of the landscaping proposals. Otherwise, this will lead to conflicting requirements between the landscaping scheme approved as part of this reserved matters application and the Ecological Management Plan.

The grassland planting needs to be revisited. A flower-rich amenity grassland mix such as the Emorsgate flowering lawn should also be considered, as this will provide an enhancement for biodiversity as well as a more attractive feature within the site.

The treatment of the SUDS attenuation basins is generally acceptable. I also have concerns about the buffer planting on the southeastern edge of the site, which lies adjacent to the existing woodland (off-site). In the Ecology Report submitted with the outline application and in the comments of the former Biodiversity Officer for WODC, it was recommended that the buffer planting adjacent to the woodland comprised native, thorny shrub species and trees to provide a barrier to prevent unrestricted access by people, dogs and cats. This is not shown in the landscaping proposal drawing (009). No fencing is shown along this edge to the woodland, which was also required. The landscaping proposal drawings therefore need to be updated and amended to reflect the ecological mitigation, compensation and enhancement requirements as described above before determination of this application.

I.4	WODC Housing Enabler	No objection.
I.5	Thames Water	No Comment Received.
I.6	WODC Env Services - Waste Officer	No Comment Received.
I.7	Network Rail	<p>After receipt of further details of the fencing proposed have been received and consultation with our Maintenance Protection Co-ordinator I can confirm that Network Rail formally withdraws its objection to the fencing condition, it should be noted that the proposed fencing must be erected adjacent to and ensure that Network Rail's fencing is not removed.</p> <p>We are still awaiting drainage details and will respond when these have been received and reviewed.</p>

2 REPRESENTATIONS

2.1 Objections have been received from 10 local residents referring to the following matters:

- Vast development will cut into greenfield site between Main Road and Pinsley Wood.
- Fantastic walks will be lost forever.
- Impact on infrastructure.
- Increase in traffic and impact on highway safety.
- Pollution.
- Would split the village in two.
- Inappropriate layout that differs from outline.
- Inadequate landscaping. There should be a wider tree border on southern edge.
- Highway works on A4095 will impact on property and amenity to existing residents.
- Inappropriate design and use of materials.
- Inappropriate highway works.

- Questionable requirement for affordable housing. This means that properties are crammed in.
- Flooding to A4095.
- Inadequate public transport.
- Impact on character of the area.

3 APPLICANT'S CASE

- 3.1 Bloor Homes has put forward a carefully considered and well designed scheme for the Outline approved 120 dwellings.
- 3.2 The homes have Cotswold design features and the frontage homes will be of natural stone which pay respect to the local vernacular whilst providing modern, energy efficient homes that meet the requirements of prospective purchasers, a commercial reality that helps enable the provision of the 60 affordable homes which are much needed in the area. This is confirmed by the supportive response from the Council's Housing Enabling Manager who states that there are 146 households registered with the Council who would qualify for housing in Long Hanborough were it to be available.
- 3.3 The use of local materials and design features that can be found elsewhere in Long Hanborough will help ensure that the Parish Council's fears are not realised.
- 3.4 In summary, rather than disfigure the settlement of Long Hanborough, the new homes, including the 60 affordable homes to help meet local housing needs, will contribute significantly to the local community, particularly as most passers by will see the Natural Cotswold Stone homes at the frontage and the glimpsed views to Pinsley Wood. These details are accommodated in the layout and not only build on the Masterplan, but improve on it.
- 3.5 Bloor Homes has remained true to the design principles conveyed by the Illustrative Masterplan as submitted at the Outline Planning stage and to the ethos of the Design and Access Statement. Where changes have been made, they are as a result of careful consideration of the site context; its opportunities and constraints; and an over arching objective to deliver a high quality development that will integrate successfully with the built and natural environment of Long Hanborough.
- 3.6 Bloor has taken account of the consultation responses to date and submitted amended plans to address the concerns raised. Bloor aims to continue to work with the Councils to deliver a high quality housing scheme.

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
 NE13 Biodiversity Conservation
 T2 Pedestrian and Cycle Facilities

T3 Public Transport Infrastructure
OS2NEW Locating development in the right places
H2NEW Delivery of new homes
EH1NEW Landscape character
EH2NEW Biodiversity
EH7NEW Historic Environment
BE8 Development affecting the Setting of a Listed Building
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 residential development of 120 dwellings (60 open market and 60 affordable homes). This is pursuant to an outline application granted on appeal for up to 120 dwellings (15/03797/OUT) (APP/D3125/W/16/3148400). The principle of the development has therefore already been established, and matters such as landscape impact, ecology, heritage, flood risk, 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 the A4095.
- 5.2 The site is agricultural land located to the south of the A4095 and west of Hanborough Railway Station. There is ribbon development either side of the road to the west. Pinsley Wood lies to the south west.
- 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
 - Highways
 - Drainage
- Siting, design and form
- 5.4 Condition 4 of the outline appeal decision referred to the reserved matters needing to be in accordance with the submitted parameters plans. As these only identify broad intentions, they are not prescriptive and do not fix any particular element. Nevertheless the appeal Inspector was clearly of the view that they were a suitable basis on which to proceed.
- 5.5 The scheme shows that 120 dwellings can readily be accommodated on the site, whilst leaving significant 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 that built form on the frontage of the site to the A4095 will be set back and splayed. This is a visually better solution than properties fronting the road in a linear fashion which was indicated in the outline. The splay gives a more open feel and allows a better view

through the access towards Pinsley Wood. The line of the existing public footpath through the site would be maintained.

- 5.7 The DI building has been relocated to a different part of the site and reserved matters details of this element have not been provided.
- 5.8 Land for a potential station car park remains set aside as previously envisaged along the north east edge of the site and does not form part of the proposal. There would be the facility to access this site via the estate road.
- 5.9 The built form would be of an acceptable density with all plots having a suitably sized garden area in proportion to the size of the dwelling. A more spacious layout is provided at the south western edge where the site adjoins open agricultural land.
- 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 There are no existing properties in close proximity to the site that would be likely to be materially affected in terms of privacy, light and outlook.
- 5.12 A materials plan has been submitted which shows the use of natural stone for the properties to the front of the site facing the A4095. The bulk of the rest of the units would be built in reconstituted stone, with a smaller proportion of red brick and render. Concrete tiles of various types 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 There has been criticism that the layout along the south west edge is too regimented, but the units here would not have a uniform front building line, with a stepped arrangement achieved. Units at either end of this part of the site would be splayed. These units front open space of varying depth and planting which will serve to soften this interface.
- 5.14 All properties are two storey which will limit visual impact compared to the significant element of 2.5 storey apartments that had been envisaged at outline.

Trees, Landscaping and Ecology

- 5.15 The site is open farmland and trees and hedgerow are largely limited to its periphery. There is an area of woodland to the east which runs alongside the railway line on its north side 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.
- 5.16 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.
- 5.17 The applicant has sought to address the comments of the Council's Ecologist by submission of revised landscaping plans. Detailed ecological management is addressed in condition 13 of the outline.

Heritage

- 5.18 The effect of the development on heritage assets was fully considered by the appeal Inspector in the context of the parameter plans provided at that time. The layout and scale now proposed does not depart significantly from the form of development envisaged under the outline proposal. Significant separation is achieved to The Old Farmhouse and the Inspectors view was - "My overall assessment is that the ability to experience the listed building would not be materially altered by the appeal scheme. There would be no harm to its significance as a designated asset and its setting would be preserved". His findings in relation to other nearby heritage assets, including the Blenheim World Heritage Site was no material harm.
- 5.19 Having had regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the setting of the Old Farmhouse would not be significantly affected. There is no material harm arising under paragraph 134 of the NPPF.
- 5.20 The OCC Archaeologist has no objection and refers to the requirement for archaeological investigation required under the outline approval.

Highways

- 5.21 The principle of the means of vehicular access from the A4095 was established as part of the outline consent along with highways improvements, including footways and pedestrian crossing. The details of the internal highway layout for the development now considered by OCC were not satisfactory in some technical respects but have now been revised.
- 5.22 The line of the existing right of way to the south is retained within the landscaped area. Connectivity with the village is achieved here and via the A4095.
- 5.23 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.
- 5.24 The outline permission provided for public transport improvements.

Drainage

- 5.25 Two surface water drainage features are provided at the south west and south east of the site within the open space. Detailed surface water drainage arrangements are the subject of outline condition 18.

Conclusion

- 5.26 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.
- 5.27 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.

- 5.28 Foul and surface drainage are dealt with in existing conditions attached to the outline approval.
- 5.29 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 for.
- 5.30 The proposed 120 dwellings can be comfortably accommodated on the site without significant detriment to the character and appearance of the area, or material harm to the significance and setting of heritage assets, in the context of the appeal Inspector's conclusions and parameters considered.
- 5.31 The proposal is considered acceptable and is accordingly recommended for approval subject to conditions.

6 CONDITIONS

- 1 The development shall be commenced within either five years from the date of the outline permission granted under reference 15/03797/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 The development shall be carried out in accordance with the following approved plans: WE089-1000; WE089-SL-001H-COL; WE089-SL-001 H; WEXXX-LS-TREE DIST; WE089-LS-001 A; WE089-LS-002 A; WE089-LS-003 A; WE089-LS-004 A; WE089-LS-0005A; WE089-LS-006A; WE089-LS-007 A; WE089-LS-008 A; WE089-LS-009 A; WE089-LS-010 A; WE089-LS-011 A; WE089-SL-020 F; WE089-SL-030 H; WE089-SL-040; WE089-SL-090 A; WE089-PD-754; WE089-PD-753; WE089-PD-752; WE089-PD-751; WE089-PD-750; WE089-PD-122 A; WE089-PD-121 A; WE089-PD-120 A; WE089-PD-119 A; WE089-PD-127; WE089-PD-126 A; WE089-PD-118 A; WE089-PD-117 B; WE089-PD-125 A; WE089-PD-124 B; WE089-PD-123 A; WE089-PD-115 A; WE089-PD-128; WE089-PD-112; WE089-PD-111; WE089-PD-110 A; WE089-PD-109; WE089-PD-108; WE089-PD-107 A; WE089-PD-106 A; WE089-PD-105; WE089-PD-104; WE089-PD-103 A; WE089-PD-102 A; WE089-PD-101; WE089-PD-100 A; WE089-PD-528 A; WE089-PD-527 B; WE089-PD-526 B; WE089-PD-520 A; WE089-PD-519 A; WE089-PD-516 B; WE089-PD-522; WE089-PD-521 A; WE089-PD-530; WE089-PD-529; WE089-PD-525 A; WE089-PD-524 A; WE089-PD-513 A; WE089-PD-512 A; WE089-PD-511 A; WE089-PD-510 A; WE089-PD-509 A; WE089-PD-508 A; WE089-PD-507 A; WE089-PD-515 A; WE089-PD-514 A; WE089-PD-523 B; WE089-PD-502 A; WE089-PD-501 A; WE089-PD-500 B; WE089-PD-506 A; WE089-PD-505 A; WE089-PD-504; and WE089-PD-503 A.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the submitted materials plan Ref. WE089-SL-202 F 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. Prior to the commencement of 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 and roofs shall be constructed in the approved materials. The panels shall be retained on site until the development is completed.

REASON: To ensure appropriate use of materials and to 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 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.

- 5 Before first occupation of the dwellings hereby permitted all WC and bathroom windows shall be fitted with obscure glazing and shall be retained in that condition thereafter.

REASON: To safeguard privacy in neighbouring properties.

NOTES 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 on roadagreements@oxfordshire.gov.uk

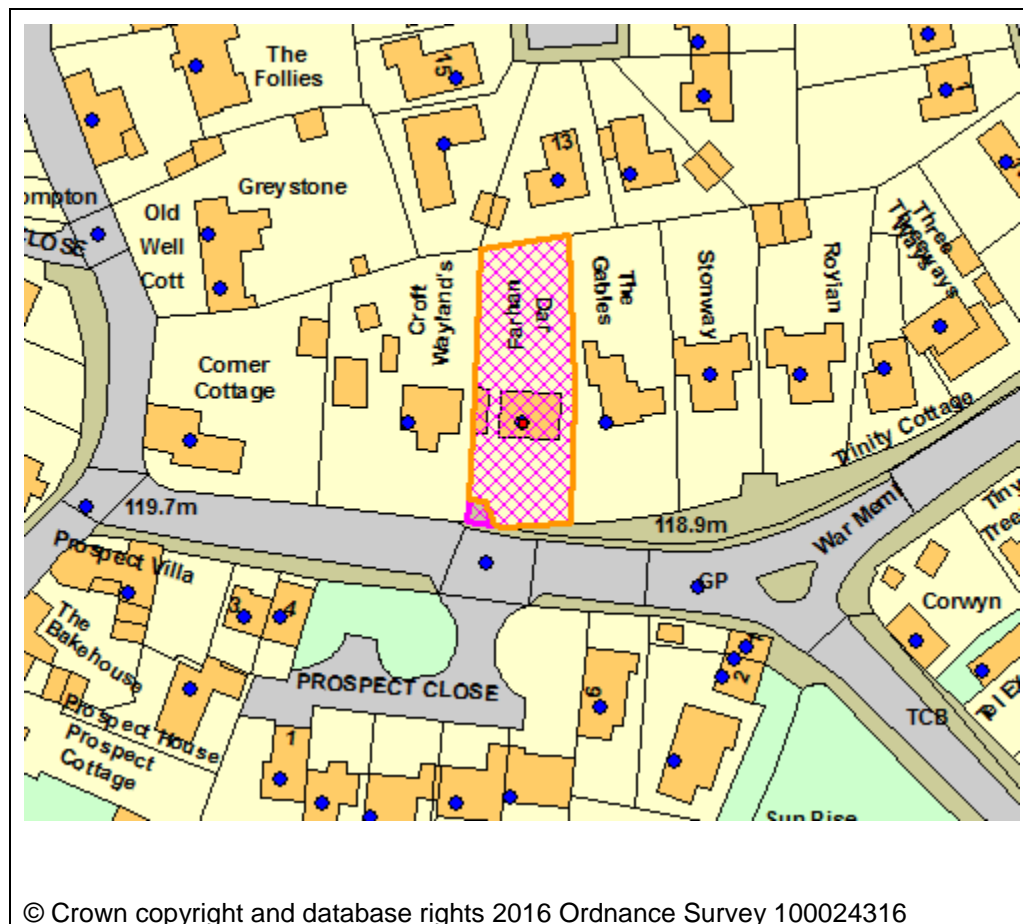
Road Agreements Team standard comments

- 1) No Highway materials, construction methods, adoptable layouts and technical details have been approved at this stage. The detailed design will be subject to a full technical audit.
- 2) Informative note: OCC require saturated CBR laboratory tests on the sub-soil likely to be used as the sub-formation layer. This would be best done alongside the main ground investigation for the site but the location of the samples must relate to the proposed location of the carriageway/footway.
- 3) Foul and surface water manholes should not be placed within the middle of the carriageway, at junctions, tyre tracks and where informal crossing points are located.
- 4) No property should be within 500mm of the proposed highway. No doors, gates, windows, garages or gas/electric cupboards should open onto the proposed highway.
- 5) If there is not a footway adjacent to the carriageway an 800mm maintenance margin is required.
- 6) Trees within the highway will need to be approved by OCC and will carry a commuted sum. No private planting to overhang or encroach the proposed adoptable areas.
- 7) Trees that are within 5m of the carriageway or footway will require root protection, trees must not conflict with street lights.
- 8) No private drainage to discharge onto existing Highway.
- 9) No private drainage to discharge onto any area of proposed adoptable highway.
- 10) Separate S278 agreement is required for entrance bellmouth and associated works.
- 11) Road safety audit stages 1 & 2 required for access.

- 2 The applicant is advised that this decision relates to the appearance, landscaping, layout and scale of the development. This decision does not grant consent or imply consent is granted for matters that are subject to conditions 5 to 24 on the outline decision (15/03797/OUT) APP/D3125/W/16/3148400.

Application Number	17/03191/FUL
Site Address	Old Orchard Woodstock Road Stonesfield Witney Oxfordshire OX29 8QA
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Stonesfield Parish Council
Grid Reference	439512 E 217210 N
Committee Date	5th February 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 | <p>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.</p> <p>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.</p> <p>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.</p> |
| I.3 | ERS Env Health - Uplands | I have no objections and no conditions for this application. |
| I.4 | WODC Drainage Engineers | <p>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.</p> <p>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.</p> <p>An exceedance plan must be submitted, showing the route at which surface water will take, if the proposed surface water drainage</p> |

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/CO₂>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 This application was deferred from the previous planning committee held in January 2018 to enable members to carry out a site visit.
- 5.3 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.
- 5.4 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, siting and Impact on Conservation Area setting.

Residential Amenity

Principle

- 5.5 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.
- 5.6 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

- 5.7 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.

- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 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.
- 5.12 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.
- 5.13 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

- 5.14 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

- 5.15 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.
- 5.16 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.
- 5.17 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

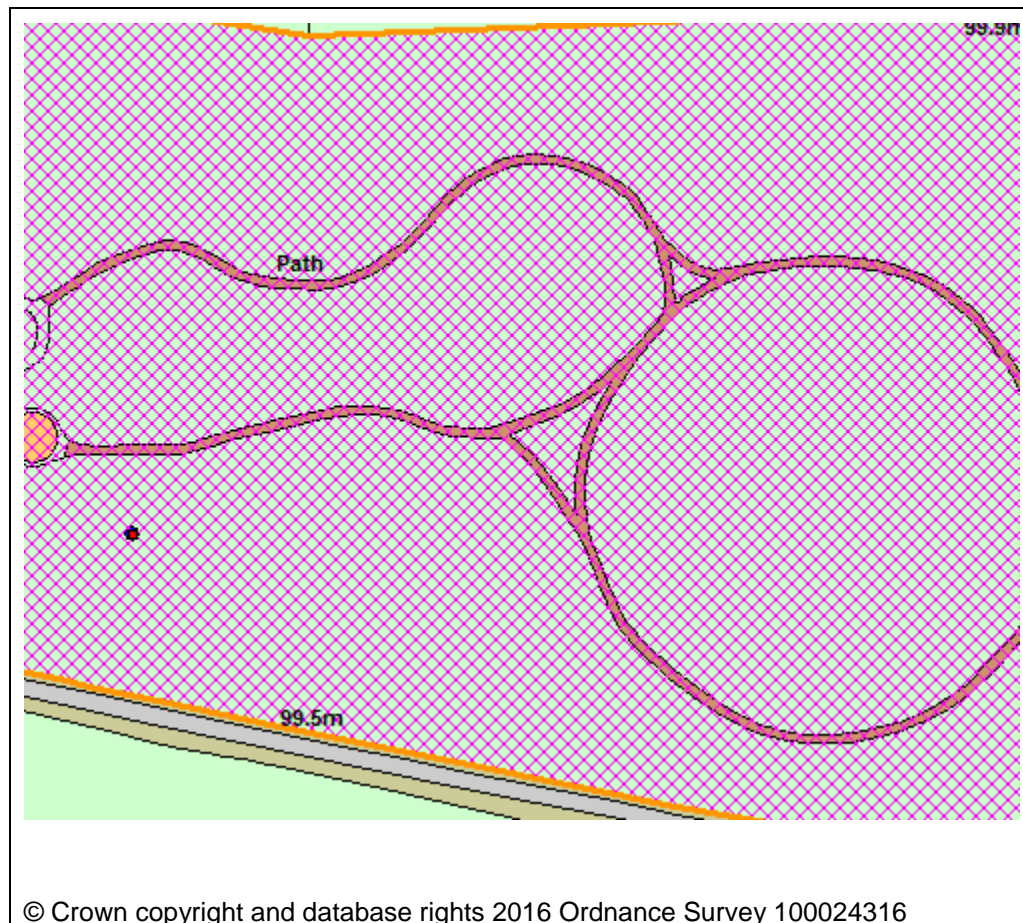
- 5.18 Whilst officers consider that the erection of a replacement dwelling would be considered acceptable in principle, for the reasons expressed above namely in relation to the siting, design and form of the front element of the dwelling, officers consider that the proposed development would fail to 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.
- 5.19 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.
- 5.20 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	I7/03529/FUL
Site Address	Weaveley Arboretum Natural Burial Ground Tackley Kidlington Oxfordshire OX5 3ER
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Tackley Parish Council
Grid Reference	446226 E 218588 N
Committee Date	5th February 2018

Location Map



Application Details:

Proposed development of crematorium including additional car parking

Applicant Details:

David Wilson
Weaveley Arboretum Natural Burial Ground
Tackley
Kidlington
Oxfordshire
OX5 3ER

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|--|
| I.1 | Parish Council | The Parish Council do not wish to object to this proposal. They would, however, request improvement to the Wootton Road junction to improve safety. |
| I.2 | OCC Highways | No Objection - subject to conditions |
| I.3 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.4 | Environment Agency | No comments to make. |
| I.5 | Biodiversity Officer | <p>The site has limited ecological value due to the age of the planted trees (arboretum) and a lack of habitats other than amenity grassland, which has low ecological value. The proposal does offer an opportunity to make significant biodiversity enhancements through associated landscaping.</p> <p>The Preliminary Ecological Appraisal by Windrush Ecology dated April 2017 is considered to be sufficient and confirms that the site overall has low ecological value. No further surveys are required and the recommendations in Section 5 of the report should be implemented as a condition of planning consent (including protection of hedgerows, minimal external lighting, etc)</p> <p>I also recommend attaching a condition for bird and bat box details to be submitted for approval.</p> |
| I.6 | ERS Env. Consultation Sites | Thank you for the opportunity to comment on this application. I have no serious concerns in relation to contaminated land and no objections to the development. |
| I.7 | ERS Env Health - Uplands | From a noise and amenity angle I have no objection in principle. |

2 REPRESENTATIONS

No third party comments have been received in support or in objection to the proposed development.

3 APPLICANT'S CASE

- 3.1 The application site has been developed as a natural burial cemetery following an appeal. The inspector considered the key issue to be the impact of the proposal on the character and appearance of the countryside. He concluded that the proposal would not have a harmful impact and should be allowed.
- 3.2 The subsequent proposal included built development which has been implemented. Subsequently other buildings have been constructed on the site. The current proposal will add a further building of a similar style to the existing Roundhouse and well related to it. The majority of the site will remain open with trees, shrubs and meadows.
- 3.3 There is a demonstrable need, both quantitative and qualitative for a new crematorium in this general location. Given the existing use of the site, the addition of a crematorium is a logical, sensible and appropriate proposal.
- 3.4 The proposal sustainable in terms of the full definition of the NPPF. It may not be readily accessible to means of transport other than a car but the nature of the proposed use is such that access by any other means other than a car is extremely unlikely in any event. This was acknowledged by the appeal inspector.
- 3.5 The appeal proposal dealt with matters relating to archaeology, ecology and drainage. There have been no changes to the site since that time which would affect these matters so it must be concluded that they do not raise concerns.
- 3.6 The consultation exercise has indicated a high level of support for the proposals. It is seen as providing an excellent alternative to existing provision in a location and on a site which is entirely appropriate. It will provide the local community greater flexibility and choice.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
NE1 Safeguarding the Countryside
NE3 Local Landscape Character
OS2NEW Locating development in the right places
OS4NEW High quality design
EH1NEW Landscape character
E5NEW Local services and community facilities
TLC1 New Tourism, Leisure and Community Facilities
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 development involving the erection of a crematorium building. The application site comprises of a former agricultural field located approximately 1.5 miles to the north of Woodstock and 1.5 miles to the east of Wootton.

Permission was granted on appeal in 2013 (APP/D3125/A/12/2187065) for the change of use of the former agricultural field to a use as a natural burial ground.

- 5.2 The site comprises of a landscaped open field with tree planting, a series of gravel paths, gravel parking and a series of small buildings including a cylindrical building known as The Roundhouse as well as a small office building close to the site entrance. Access to the site is currently obtained to the west onto the Banbury Road. The A4260 is located adjacent to the eastern boundary of the site, with the land to the north comprising of a residential care home, which was granted planning permission at appeal in 2015.
- 5.3 The adjacent land is characterised by relatively flat, low lying countryside. The development would comprise of a single timber clad building, which would extend to a height of 5.6 metres to the roof ridge.
- 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, siting and visual impact
Amenity Impacts
Highways and Access

Principle of Development

- 5.5 Policy OS2 of the Emerging Local Plan specifies that the majority of development, including supporting services should be located within the main service centres and larger villages within the district in order to meet general sustainability aims. Paragraph 17 of the NPPF requires that development should be sited in locations where best use can be made of opportunities to use public transport, to walk or to cycle. This largely precludes most new build forms of development in the open countryside.
- 5.6 Relevant appeals case law relating to similar development has clarified that crematoriums should be treated in policy terms as community facilities. Officers note that the provisions of Paragraph 28 of the NPPF, which aims to promote sustainable rural development allows for the development of new community facilities in rural areas, though this is notwithstanding a schemes wider compliance with the provisions of the framework.
- 5.7 Policy TLC1 of the Existing Local Plan is permissive in principle of the development of new community facilities, although whilst this policy is not location restrictive as such it is expected that such forms of development should not have an adverse impact on the character or environment of the countryside.
- 5.8 The site is in a remote location in relation to adjacent higher order settlements and given the remoteness of the site it would be envisaged that the majority of users of the crematorium would access the site by private means of transport. Although it is noted that there is a bus stop around 500 metres to the north of the site on the A4260, though there is no safe pedestrian means of access running between the site and this bus stop.

- 5.9 The application is accompanied by an appeal decision which references The Cremation Act 1902, the implications of this act; effectively restrict the siting of Crematoria on amenity grounds and the siting of Crematoria in remote locations is favoured for these reasons. Officers consider that the relevant existing and emerging local plan policy, in addition to the provisions of the NPPF, notably Paragraph 28 would not preclude the siting of the crematorium building on this site on the grounds of locational sustainability, however significant regard should be given as to the impact of the development on the character of the open countryside as well as the impact on the local landscape character, which is explored in greater depth in the following sections of this report.
- 5.10 The application is supported by a needs assessment, which identifies a primary catchment area intended to be within a 30 minute drive time of the site. The study assesses the likely needs in a 20 year period between 2015 and 2035 and identifies existing crematoria in the catchment area, these being sites at Oxford, Banbury and Abingdon.
- 5.11 The needs assessment based on the applicant's methodology indicates both an increase in the number of deaths in the period between 2015 and 2035 and a 6.38% increase in the rate of cremations giving an increase in the annual need for cremations of around +1967. Overall the applicant's needs assessment makes a robust case for the requirement for additional crematoria within the local area and the stated need for the crematorium is not disputed by officers.

Siting, Design, Form, Visual Impact and Impact on Open Countryside

- 5.12 The crematorium building would comprise of a single, 5.5 metre high single building, located within the south western part of the site. The building is relatively low lying and the scale is limited to the extent necessitated by the buildings operational need. The building would be timber clad and of a similar visual appearance to the existing roundhouse building located to the east of the site of the crematoria. Whilst the level of development would be limited in terms of its scale, the addition of the building would be significant in visual terms, given the present openness of the site and the relatively limited existing built form.
- 5.13 The site lies within an area identified within the West Oxfordshire Landscape Appraisal as an open limestone wold landscape, however as referenced by the appeals inspector in the 2013 appeal decision on the site, the site shares some of the characteristics of a semi-enclosed limestone wold landscape, which abuts the site to the north. The WOLA document identifies the visual sensitivity of both of these landscape types to new development, in particular prominent structures. Given this sensitivity there would be a requirement for development to be integrated within the existing landscape structure or sited close to existing buildings, as highlighted within Policy BE2 of the Existing Local Plan.
- 5.14 Within Paragraph 14 of the 2013 Appeal Decision, the inspector makes reference to the perception that the site would read in its proposed form as a low-density wooded area in views from outside of the site, with internal open areas appearing as grassed areas. The inspector references in Paragraph 18 that the site would not appear as artificial or alien. The inspector takes the view that the site would read as a natural area of wooded or open space and makes provision to restrict the addition of paraphernalia throughout the site in order to protect the visual amenities of the area. Officers consider that the erection of a large additional building to the site would run contrary to the aim of protecting the open character of the site, which it was considered that the previously permitted scheme would have preserved.

- 5.15 The site lies within what is a fairly open and low lying area of countryside. Owing to the relatively limited extent of the existing built form on the site, visibility of the existing buildings is fairly limited and views of the built form are only visible in glimpses from the adjacent Banbury Road and B4027. The proposals would introduce a significant quantity of further built form into the site, which in officer's opinion would erode the open character of the area, reducing the extent to which the site would appear as a natural landscape, particularly where perceived from outside vantage points along Banbury Road and the B4027.
- 5.16 Furthermore officers consider that the intended use of the building proposals would amount to a significant intensification of the existing use of the site. The accompanying needs assessment suggests that there would be no more than 5 cremations a day, amounting to a maximum of 1300 cremations a year. Whilst this number of cremations is unlikely to be exceeded and could be controlled by way of a planning condition there would still be a comparatively high level of additional activity generated, when compared with the fairly limited use of the site at present. Between each cremation there would be a number of attendees, the majority of which would be entering and leaving the site, mainly by car which would generate significant activity and would in officers opinion be of detriment to the tranquillity and character of the countryside.
- 5.17 Owing to the detrimental landscape impact of the development, by reason of the siting of the proposed building and the subsequent eroding impact of the development on the open character of the countryside, coupled with the increase in activity arising from an intensification of the use of the site, officers consider that the development would be contrary to the provisions of Policies BE2, NE1 and NE3 of the Existing Local Plan; Policies OS2 and EH1 of the Emerging Local Plan; in addition to the provisions of the NPPF in particular paragraphs 17 and 109.

Highways

- 5.18 The development would utilise the existing means of access to the site from Banbury Road, which benefits from adequate visibility in both directions. Some concern has been raised by OCC Highways Officers that the burial and cremation services on the site may coincide and have suggested staggering services to avoid the parking capacity being exceeded. It is noted that there is provision to increase the parking capacity from 50 spaces at present to 80 spaces; the applicant has advised that an additional 15-20 spaces could also be provided as overflow parking if needed to avoid the requirement for a condition to stagger the services.
- 5.19 In terms of traffic generation it is considered by OCC Highways Officers that the development would have a negligible impact on traffic flows and congestion on the surrounding highways network.
- 5.20 Overall no objection has been raised by OCC Highways in relation to the proposed development.

Residential Amenities

- 5.21 The nearest residential development is located to the north of the site, over 150 metres from the proposed crematorium building, this comprises of a recently approved residential care home.
- 5.22 Officers consider that the proposed separation distance would be sufficient to ensure that the development would not impact adversely on the residential amenity of any adjacent occupants

or land uses. Officers note that no objections have been raised by the Councils environmental health officers.

Ecology

- 5.23 The site is accompanied by an ecology statement which identifies that the site is of low ecological potential, officers note that no objection has been raised by the Councils ecologist.

Conclusion

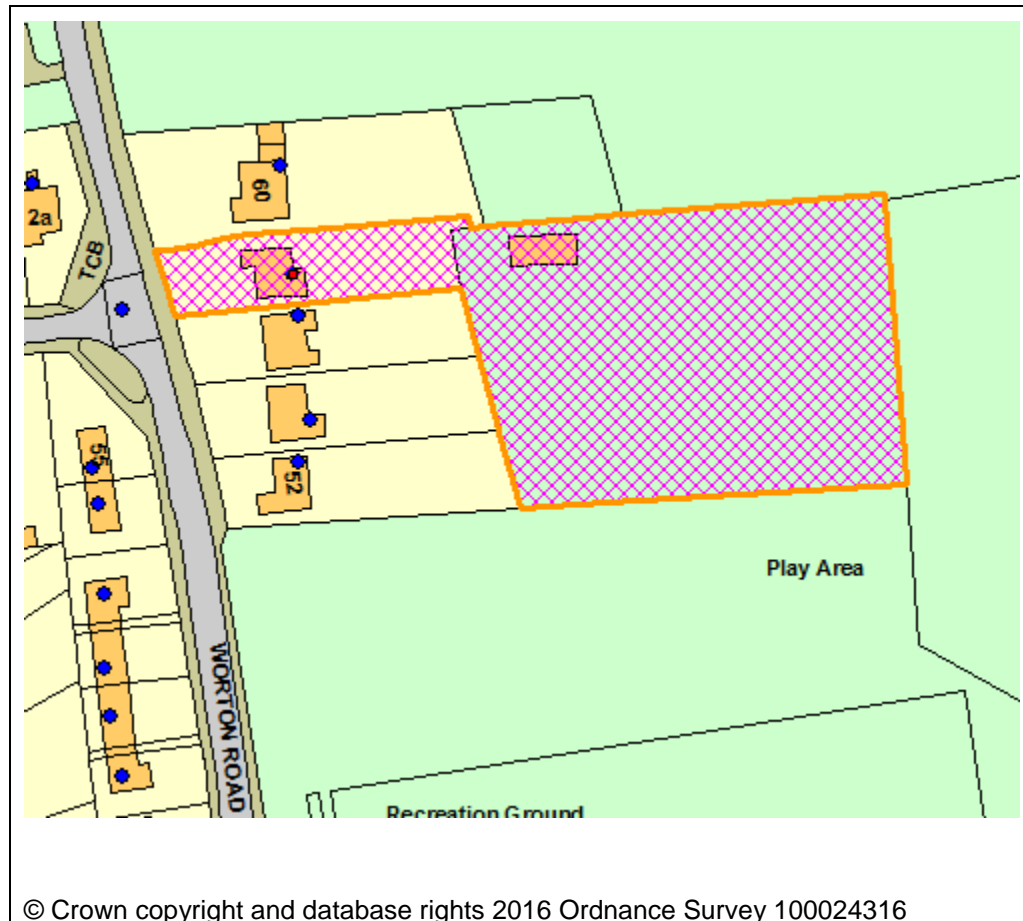
- 5.24 Whilst officers are accepting of the need and requirement in principle for the provision of additional crematoria within the local area, officers are of the opinion that the site on landscape and visual grounds represents an unsuitable location for the provision of this facility.
- 5.25 The erection of a large additional building would in officer's opinion have a significantly detrimental impact on the open rural character of the area which the appeal decision granting permission for the site identified as a key characteristic that it is necessary to protect and the corresponding activity associated with the proposed use would in officer's opinion adversely affect the tranquillity of the open countryside.
- 5.26 Consequently officers consider that the development, as proposed would be contrary to the provisions of Policies BE2, NE1 and NE3 of the Existing Local Plan; Policies OS2 and EH1 of the Emerging Local Plan; in addition to the provisions of the NPPF in particular paragraphs 17 and 109 and for the reasons expressed above officers recommend that development should be refused.

6 REASON FOR REFUSAL

- 1 By reason of the siting of the proposed building and the subsequent eroding impact of the built form on the open character of the countryside, together with the resulting increase in activity arising from an intensification of the use of the site, officers consider that the development would be contrary to the provisions of Policies BE2, NE1 and NE3 of the Existing West Oxfordshire Local Plan 2011; Policies OS2 and EH1 of the Emerging West Oxfordshire Local Plan 2031; in addition to the provisions of the NPPF in particular paragraphs 17 and 109.

Application Number	17/03815/OUT
Site Address	58 Worton Road Middle Barton Chipping Norton Oxfordshire OX7 7EE
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Steeple Barton Parish Council
Grid Reference	443427 E 226213 N
Committee Date	5th February 2018

Location Map



Application Details:

Remove existing dwelling and erection of eleven dwellings.

Applicant Details:

Mr And Mrs Paul & Elizabeth Wilcox
58 Worton Road
Middle Barton
Chipping Norton
Oxfordshire
OX7 7EE

I CONSULTATIONS

- | | | |
|-----|----------------------------------|--|
| I.1 | Major Planning Applications Team | Highways

Objection for the following reasons:

Insufficient details of the access arrangements and a lack of pedestrian infrastructure connectivity leaves me unconvinced that the site can be safely and suitably accessed by all users in accordance to Government's guidance contained within the NPPF.

Education - No objection

Archaeology - No objection |
| I.2 | Thames Water | Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application. |
| I.3 | ERS Env Health - Uplands | No objection in principle. |
| I.4 | Conservation Officer | No Comment Received. |
| I.5 | WODC - Arts | We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site. |
| I.6 | WODC - Sports | No Comment Received. |
| I.7 | Environment Agency | No Comment Received. |
| I.8 | ERS Env. Consultation Sites | From the information that has been submitted with the application it is understood that the site has previously been used as a residential garden and then a paddock with stables. Review of our records does not indicate any potentially contaminating land uses in the vicinity of the site. I therefore do not have any serious concerns in relation to contaminated land, however given the scale of the proposed |

residential development please consider adding the following condition as a precaution.

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

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

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

- | | | |
|------|------------------------------|---|
| 1.9 | WODC Housing Enabler | Even though the net total falls below the requirement for an affordable housing provision on-site, I do believe that the development could make a financial contribution to the delivery of affordable housing. With this in mind I have checked the current number of those in need of affordable housing in middle Barton. The total number is 28 households, with 24 of these households requiring smaller homes, and 4 households needing family sized accommodation. |
| 1.10 | Natural England | Natural England has no comments to make on this application. |
| 1.11 | WODC Planning Policy Manager | No Comment Received. |
| 1.12 | Parish Council | The Steeple Barton Parish Council object to this application, all Councillors were in agreement. |

2 REPRESENTATIONS

2.1 A total of six letters of objection have been received in respect of this application. The key points in objection are summarised below:

- The development would put pressure on the existing sewerage infrastructure.
- The development would increase traffic generation along Worton Road.
- There are concerns about existing parking along Worton Road.
- Concerns regarding drainage in relation to the adjacent playing fields.
- Concerns regarding surface water runoff and the destabilising impact of excavation work within 20 metres of 17 Marshall Crescent. Conditions requiring drainage of the site should be attached.
- The location of the access road would cause noise and disturbance to the occupants of the adjacent property No.56 Worton Road.

- The location of the road and public footpath would result in a loss of privacy for the occupants of No.56, which would be of detriment to their residential amenity.
- The development would impact negatively on the view of all neighbouring properties.
- The adjacent occupants are concerned that the demolition of No.58 and the subsequent use of the access by construction vehicles would result in structural damage to this property.
- The removal of number 58 would have a detrimental impact on the appearance of the streetscene.

3 APPLICANT'S CASE

- 3.1 We have considered the outline planning proposal very carefully. We are very aware that there is a need for more housing in the village. This proposal seeks to make sustainable use of the land and enable a builder to create an attractive development that would benefit the village as a whole.
- 3.2 We would hope that this proposal would be sensitive to the character of the area and enable a developer to provide attractive new buildings that should not have any adverse impact on the surrounding landscape and village as a whole.
- 3.3 Having looked at the national and local policy this outline planning proposal complies with the local plan allowing new dwellings in villages in group B including Middle Barton as infilling or rounding off of the existing built up area.
- 3.4 We therefore respectfully ask West Oxfordshire District Council for approval of this outline planning application.

4 PLANNING POLICIES

BE2 General Development Standards
 BE3 Provision for Movement and Parking
 BE4 Open space within and adjoining settlements
 NE1 Safeguarding the Countryside
 NE3 Local Landscape Character
 H2 General residential development standards
 H6 Medium-sized villages
 T1 Traffic Generation
 T2 Pedestrian and Cycle Facilities
 OS2NEW Locating development in the right places
 OS4NEW High quality design
 H2NEW Delivery of new homes
 EH1NEW Landscape character
 T1NEW Sustainable transport
 T3NEW Public transport, walking and cycling
 T4NEW Parking provision
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks outline planning approval, with all matters reserved for the removal of an existing dwelling and the erection of 11 dwellings. The site comprises of an undeveloped paddock located to the rear of four detached properties which front Worton Road. The site is located on the northern edge of Middle Barton. The land to the north and east of the site comprises of two large, open agricultural fields with the area to the south of the site comprising of a large recreation ground. The site has large boundary hedgerows on all sides.
- 5.2 Number 58 Worton Road is a modern buff brick detached property and would be removed in order to facilitate a means of access to serve the 11 dwellings. The immediate area is characterised by 1960's/1970's properties.
- 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
Landscape and Visual Impact
Access and Highways Impacts

Principle

- 5.4 Members will be aware that on 16/1/18 the initial views of the Local Plan Inspector were received as regards to the likely soundness of the emerging plan and, in that to be sound a plan must be able to demonstrate an adequate 5 year housing land supply, the likelihood that the Council is now able to demonstrate a 5 year housing land supply. Clearly this could have potential implications for the application or otherwise of the so called 'tilted balance' set out in paragraph 14 of the NPPF and the weight to be given to adopted and emerging policies. At the time of agenda preparation Officers are in the process of securing legal advice as to how the planning balancing exercise will be affected and a full update will be given as part of the additional representations report.
- 5.5 In light of this, an assessment of the proposal against the emerging draft housing supply related policies has been made alongside other relevant policies (adopted and emerging) as well as guidance set out in the NPPF.
- 5.6 Furthermore, in accordance with good planning principles, an assessment has been made of the likely benefits of the proposal against the likely harms in reaching an overall conclusion on the acceptability of the scheme.
- 5.7 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. In relation to the Councils Existing Local Plan, Middle Barton is identified as a Medium Sized Village, whereby development is considered permissible where this amounts to 'infilling' or a 'rounding off' of the settlement area, in line with Policy H6 of the Existing Local Plan.
- 5.8 Policy H2 of the Emerging Local Plan is permissive in principle of housing development on previously development land in villages, including Middle Barton either within or adjacent to the settlement boundary where development is compliant with all other policy provisions of the Emerging Local Plan, in particular OS2. Development is considered permissible on edge of

settlement sites, where required to meet an identified housing need and where development is compliant with the wider provisions of the Emerging Local Plan, in particular Policy OS2. In terms of locational siting Policy OS2 of the Emerging Local Plan requires that new development should form a logical complement to the existing scale and pattern of development and the character of the area.

- 5.9 The planning application is in outline with all matters reserved, although officers note that an indicative layout has been submitted, comprising of a mix of dwelling types and sizes. The proposals would result in the residential development of an existing undeveloped backland paddock site located on the edge of Middle Barton. The existing settlement pattern in this part of the village is somewhat dispersed and at present the immediate built form to the west of the site comprises of a linear row of properties running parallel to Worton Road. The existing land to the south, north and east is open and undeveloped and consequently in officers opinion broadly falls outside the settlement envelope.
- 5.10 Officers consider that development of the site, rather than representing a rounding off of the existing built form would constitute backland development, which rather than complementing the existing pattern of development, would read as an illogically sited form of development which would run contrary to the existing settlement pattern. Furthermore officers consider that the locational siting of the development would have a detrimental impact on the local landscape character. This is clarified in greater depth in the following sections of this report.
- 5.11 Policy H2 of the Emerging Local Plan specifies that development of edge of settlement sites is considered permissible where this is required to meet an identified housing need. As the Council are now currently able to demonstrate a five year housing land supply, officers consider that the proposed development would not be required to meet an identified housing need. Furthermore as there is identified harm to the settlement character and local landscape character, officers consider that the principle of development would not be considered acceptable. Officers consider that the locational siting of the development would fail to comply with the provisions of Policy H6 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan.
- 5.12 Exclusively in terms of the sites proximity to local services and facilities in the village, officers are satisfied that the development would represent a sustainable location for residential development, though this does not override officers concerns regarding the principle of siting residential development on this particular site.

Affordable Housing

- 5.13 Policy H3 of the Emerging Local Plan specifies that on site affordable housing should be sought on schemes of 11 or more housing units outside of the Cotswolds AONB. In this instance the proposals are for 11 units, when accounting for the removal of No.58 this would amount to a net provision of 10 additional dwellings. The proposals would fall outside the threshold whereby on-site affordable housing provision would be expected in accordance with Policy H3 of the Emerging Local Plan. Officers note that no contribution towards affordable housing either as on site provision or as an off-site financial contribution is proposed by the applicants.

Landscape and Visual Impact

- 5.14 The application site is located on the village edge, with existing development located to the east and comprising of a linear row of properties fronting Worton Road. The area to the south of the site comprises of a large recreation ground, whilst the land to the north and west comprises of two large, open agricultural fields.
- 5.15 The site itself is an area of undeveloped paddock land surrounded by existing mature hedgerows and is semi-rural in character forming a soft edge to the village. The site is fairly prominent, exposed and lies in an elevated position in the immediate landscape setting. There are prominent views of the site from a number of immediate and medium range vantage points, most notably from a right of way, which is located within 100 metres to the east of the site, leading from Holliers Crescent. The site is also visible from a further, more distant right of way leading from Holliers Crescent in a position to the east and from Holliers Crescent itself, which lies to the south east of the application site. The application is not accompanied by an LVIA or any form of landscape assessment.
- 5.16 The site lies within The Ironstone Valleys and Ridges landscape character area, as identified within the West Oxfordshire Landscape Appraisal. The area to the north of Middle Barton, which includes the application site, is classified as a semi-enclosed limestone wold landscape. This particular landscape is characterised by large scale rolling farmland within the West Oxfordshire Landscape appraisal. The West Oxfordshire Landscape appraisal highlights the sensitivity of open limestone wold landscapes in terms of their visual exposure as well as the need for new development to be sensitively integrated with existing buildings and within a strong landscape structure.
- 5.17 In assessing the landscape impact of the proposals, officers consider that development of the site would result in a visually exposed built form, which would be prominent and highly visible within an immediate and wider context including from several public vantage points. At present there is no existing built form to the rear of existing properties fronting Worton Road, the paddock land to the rear forms a soft semi-rural edge to the settlement which would be eroded by a relatively dense form of urban development. As referenced within the preceding section, officers are of the opinion that the development, rather than representing a 'rounding off' of the settlement or reading as a complementary addition to the existing built form, would to the contrary read as urban encroachment into the countryside.
- 5.18 The proposed layout, albeit indicative would allow for only minimal landscaping provision to offset the visual impact of the development and officers consider it unlikely that development of the scale proposed could be effectively mitigated in terms of its visual impact given the relatively constrained nature of the site. Whilst in immediate views from the footpath to the east and from Holliers Crescent to the South East, the site forms part of a soft semi-rural edge to the settlement of Middle Barton, the proposed development would introduce a hard urban edge which would be of detriment to the landscape setting and the settlement character.
- 5.19 Accounting for this, officers consider that the development would result in adverse visual harm contrary to the provisions of Policies NE1 and NE3 of the Existing Local Plan; Policies EH1 and OS2 of the Emerging Local Plan; and Paragraph 109 of the NPPF.

Ecology

- 5.20 The application is accompanied by an ecological appraisal which finds that the development would have no adverse impact on site ecology, particularly when accounting for the limited ecological potential of the site. Officers would concur with this assessment and consider that the development would not result in harm to site ecology.

Highways

- 5.21 The application is all matters reserved and the proposed means of access is indicative at this stage. Notwithstanding this access is only feasible or practically possible in the indicated position of the existing property No.58 Worton Road.
- 5.22 Officers note that objections have been raised by OCC Highways with regards to the pedestrian access arrangements as well as the extent of details provided in respect of vehicular access.
- 5.23 Regarding pedestrian connectivity, officers note that there is an existing pavement located on the western side of Worton Road, which extends up to Hillside Road. There is no existing footpath on the eastern side of Worton Road or on the western side beyond Hillside Road. Within the consultation response provided by OCC, it is strongly suggested that a footpath should be provided along the eastern side of Worton Road, to terminate in a position adjacent to No.52 Worton Road, with dropped tactiles, providing a link to the opposite footpath extending along the western side of Worton Road.
- 5.24 Officers note that there are no proposals within the application submission to provide any form of improvement or contribution towards improving pedestrian connectivity. Presently as there is no existing footpath, future occupants or visitors to the application site will be required to use either the verges along Worton Road or walk along the road itself in order to access the site on foot. OCC Highways have requested that the applicants enter into a Section 278 agreement in order to provide a pedestrian footway along Worton Road. In the absence of such an agreement and in the absence of any commitment on behalf of the applicant that they would be prepared to enter into an agreement to provide suitable pedestrian access to the site, officers are not satisfied that safe and suitable access to the site for pedestrians can be achieved and consequently the proposals would be contrary to the provisions of Policy BE3 of the Existing Local Plan; Policies OS2, T1 and T3 of the Emerging Local Plan; and the provisions of Paragraph 32 of the NPPF.
- 5.25 Officers note that the application is not accompanied by an access plan and details of appropriate site access arrangements are required in order to determine whether the principle of development is acceptable. Full details of the means of access between the land and the highway, including the position, layout geometry and vision splays have been requested by OCC Highways Officers. A speed survey is also required to establish the appropriate visibility distance at the position of the proposed access, particularly as concerns have been raised by OCC Officers regarding visibility to the right along Worton Road. In the absence of sufficient details in respect of the vehicular means of access onto Worton Road, officers are not satisfied that suitable vehicular access can be achieved to the site without compromising highway safety or amenity. Consequently the proposals would be contrary to the provisions of Policy BE3 of the Existing Local Plan; Policies OS2, T1 and T3 of the Emerging Local Plan; and the provisions of Paragraph 32 of the NPPF.

- 5.26 In terms of general traffic generation officers consider that the cumulative impact of the development would not be severe and would not impact detrimentally on traffic flows. Officers note that no objection has been raised by OCC Highways with regards to the cumulative impact of the development on the immediate road network.

Residential Amenities

- 5.27 The application is in outline with all matters reserved and the submitted layout is indicative at this stage. Notwithstanding this the indicative layout indicates a separation distance of between 39 metres and 43 between the proposed dwellings and the existing properties 52-60 Worton Road. This would be significantly in excess of the 21 metres usually expected to afford existing occupants an acceptable degree of privacy from potential overlooking. The site is relatively constrained; however it is likely that each property could be afforded an acceptable degree of private amenity space.
- 5.28 Given that vehicular access to the site is achievable in only one position, this would necessitate the need for a vehicular access to be located between two existing residential dwellings, these being No's 56 and 60 Worton Road. There would be a likely separation distance of 4-6 metres between the side elevation of these properties and the likely position of any access road serving the development site. The access road would serve 11 dwellings and would generate a significant number of daily vehicle movements in close proximity to the side and rear elevations of both adjacent properties as well as the private amenity space. Officers consider that the proximity of the access as well as the extent of the vehicular use of the access would have a detrimental impact on the residential amenity of the occupants of both adjacent properties, by reason of noise and general disturbance.
- 5.29 By reason of the siting of any vehicular access, officers consider that the proposed development would have a significant adverse impact on the residential amenity of the occupants of the adjacent properties 60 Worton Road and 58 Worton Road contrary to the provisions of Policy BE2 of the Existing Local Plan and Policy OS2 of the Emerging Local Plan.

Conclusion

- 5.30 The application proposes the erection of 11 dwellings in outline with all matters reserved. The site is a backland space to the rear of a linear row of properties fronting Worton Road, officers consider that development of the site would fail to represent a rounding off of the settlement area and would fail to form a logical complement to the existing pattern of development in this part of Middle Barton, contrary to the provisions of Policy H6 of the Existing Local Plan and Policies H2 and OS2 of the Emerging Local Plan.
- 5.31 Furthermore officers consider that the development would represent an urban encroachment beyond the established settlement boundary which would erode the semi-rural character of the area and would appear highly visible and prominent accounting for the elevated position of the site within the immediate landscape setting. Officers consider that the development would have an adverse visual impact on the immediate landscape setting and the character of the open countryside, contrary to the provisions of Policies NE1 and NE3 of the Existing Local Plan and Policy EH1 of the Emerging Local Plan.
- 5.32 Whilst it is likely that a layout of 11 dwellings could be arranged on the site without significantly compromising the residential amenity of the existing occupants of Nos. 56 – 52 Worton Road,

officers consider that the likely position of ant access would have an adverse impact on the amenity of these properties by reason of noise, increased activity and disturbance arising from the use of this road by future occupiers, contrary to the provisions of Policy BE2 of the Existing Local Plan and Policy OS2 of the Emerging Local Plan.

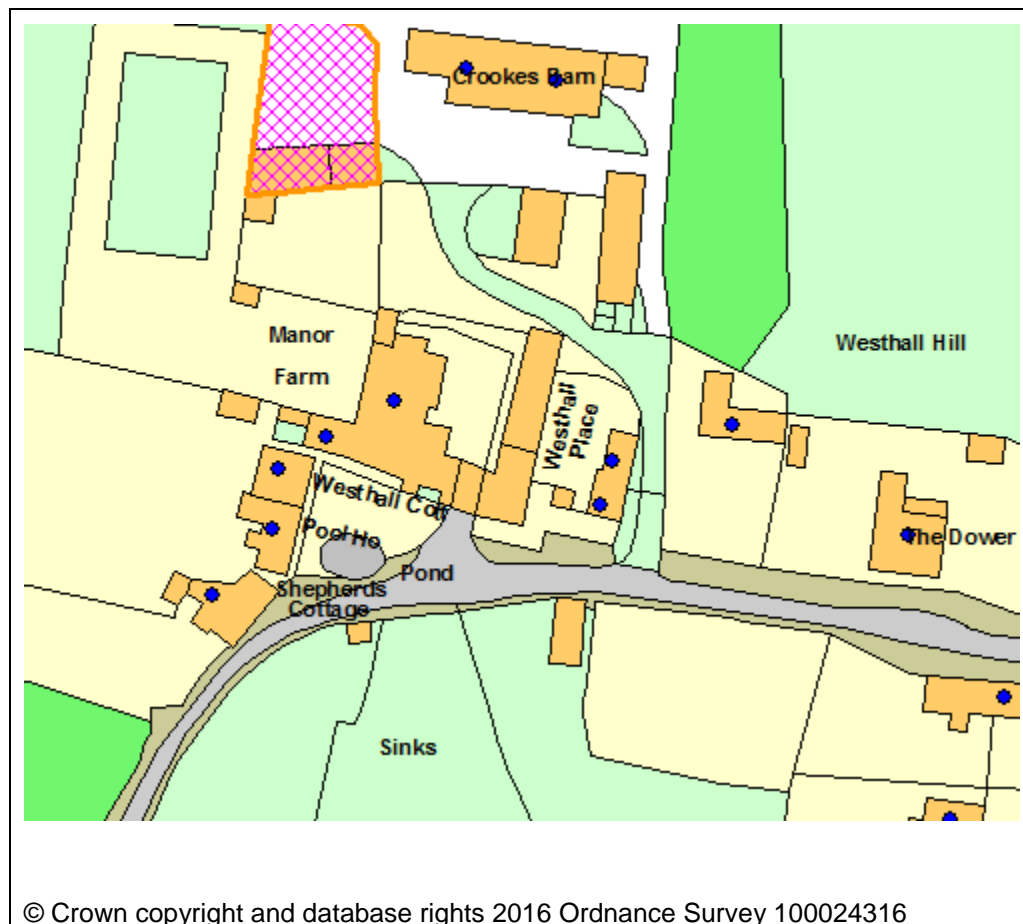
5.33 For the reasons expressed above, officers recommend that the development should be refused.

6 REASONS FOR REFUSAL

- 1 The development, as proposed by reason its siting would fail to represent a rounding off of the settlement area and would fail to read as a logical complement to the existing pattern of development and character of the area. The development to the contrary would read as an illogical urban encroachment into a semi-rural edge of village, which would have an adverse impact on the settlement character and the character of the immediate and wider landscape setting. Consequently the development would be contrary to the provisions of Policies BE2, BE4, NE1 and NE3 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2 and EH1 of the Emerging West Oxfordshire Local Plan 2031; in addition to the relevant provisions of the NPPF, in particular paragraphs 17 and 109.
- 2 By reason of the likely siting of the vehicular means of access serving the development, the proposals would have an adverse impact on the residential amenity of the occupants of the immediately adjacent properties, namely Nos. 56 and 60 Worton Road. Consequently the development as proposed would be contrary to the provisions of Policy BE2 of the Existing West Oxfordshire Local Plan 2011; Policy OS2 of the Emerging West Oxfordshire Local Plan 2031; and the relevant paragraphs of the NPPF, in particular paragraphs 17 and 64.
- 3 In the absence of any agreement to provide suitable pedestrian access to the site it cannot be demonstrated that safe and suitable access to the site for pedestrians can be achieved. Furthermore in the absence of sufficient details in respect of vehicular means of access onto Worton Road it has not been demonstrated that safe and suitable vehicular access can be achieved to the site and that the development would not compromise highway safety or amenity. Consequently the proposals would be contrary to the provisions of Policy BE3 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, T1 and T3 of the Emerging West Oxfordshire Local Plan 2031; and the provisions of Paragraph 32 of the NPPF.

Application Number	17/03727/FUL
Site Address	Manor Farm Westhall Hill Fulbrook Burford Oxfordshire OX18 4BJ
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Fulbrook Parish Council
Grid Reference	425038 E 213007 N
Committee Date	5th February 2018

Location Map



Application Details:

Conversion and extension of existing barn to form a residential dwelling.

Applicant Details:

Mr Tim Pearce

C/O Agent

1 CONSULTATIONS

- 1.1 Parish Council Fulbrook Parish Council has no comments or objections to this planning application.
- 1.2 Conservation Officer The previous approval was very much an on-balance affair, as the surviving fabric is of no huge merit, and as the previous extension was sizeable by comparison. This latest enlarged extension tips the balance, and is no longer supportable from a Conservation point of view.
- Appears incompliant with policies BE2 and BE7.
- 1.3 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- No objection subject to
- G28 parking as plan
- 1.4 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 The application seeks planning permission for the change of use and extension of an existing barn to form a three-bedroom residential dwelling. The application relates to a single storey barn located to the south east of the Listed Barn formerly associated with Manor Farm.
- 3.2 The site is located in Westhall Hill within close proximity of the main built up part of Fulbrook and within walking distance of Burford High Street. The application proposes change of use of the existing barn with the reinstatement of a single storey projection from the north elevation. The proposal will enable an open plan living area in the place of a former single storey structure in this location.
- 3.3 The report above sets out that the principle of development is considered supportable and in line with the guidance provided in the NPPF at paragraph 55, furthermore, given that the Council is currently unable to demonstrate that it has a five-year supply of land for housing the proposals should be considered in the context of a presumption in favour of sustainable development.

- 3.4 The proposed development will enhance the setting of the adjacent Listed Buildings and will restore the former courtyard of farm buildings, re-establishing the historical context of the Listed Barns. Whilst this is the case the form and design of the buildings will ensure that the proposals have no impact upon the character and appearance of the immediate area.
- 3.5 The proposed dwelling will have the majority of its windows facing in towards the courtyard garden which serves as private amenity space. Those windows which face towards neighbouring properties are high level and will not adversely impact the amenity of neighbouring properties. The amenity of the Properties allowed in the Listed Barns will be maintained as will the right of access for Manor Farm.
- 3.6 Appropriate parking will be provided to serve the scheme and there is an unencumbered right of access from Westhall Hill to serve the application site. The scheme would not generate such a level of traffic to justify the refusal of planning permission.
- 3.7 Given the above it is considered that the scheme complies with the relevant policies of the West Oxfordshire Local Plan and the emerging Local Plan 2031 and as such, in line with paragraph 14 of the NPPF the application should be approved without delay. Notwithstanding this, should the Council disagree with the conclusions regarding compliance with policies of the development plan, given the Council's lack of a five year land supply the application should be considered against the presumption in favour of sustainable development. In this regard, it has been adequately demonstrated that there are no significant and demonstrable harms associated with the scheme which would justify the refusal of planning permission.

4 PLANNING POLICIES

BE2 General Development Standards
BE7 Alterations and Extensions to Listed Buildings
BE8 Development affecting the Setting of a Listed Building
H2 General residential development standards
H10 Conversion of existing buildings to residential use in the countryside and
OS2NEW Locating development in the right places
OS4NEW High quality design
H2NEW Delivery of new homes
EH7NEW Historic Environment
NE4 Cotswolds Area of Outstanding Natural Beauty
EH1NEW Landscape character
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the conversion of an existing barn to form a single dwelling; the proposals include extensions and other external and internal alterations to the barn. The building lies within the curtilage area of the Grade II listed Crookes Barn and forms part of the listing of this building. The building adjoins the curtilage area of the Grade II listed Manor Farm and lies within a cluster of listed buildings sited approximately 300 metres from the edge of Fulbrook and 500 metres to the north of Burford.

- 5.2 The building subject of the proposed change of use is a vernacular barn which is smaller in scale than the adjacent Crookes Barn and is constructed from stone with a mono-pitched roof. The adjacent Crookes Barn is presently under the process of conversion to a residential use.
- 5.3 Delegated planning approval was granted in October 2017 for the conversion of the barn to form a single dwelling (17/02138/FUL). This consent included a small extension to the north facing front elevation of the building. Originally a larger, less secondary extension was proposed, though the plans were amended on the advice of officers and the Councils Conservation Architect. The present planning application reverts to the scale of the original proposals and proposes a sizeable extension to the barn.
- 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
Residential Amenity
Impact on Grade II listed building.

Principle

- 5.5 Members will be aware that on 16/1/18 the initial views of the Local Plan Inspector were received as regards to the likely soundness of the emerging plan and, in that to be sound a plan must be able to demonstrate an adequate 5 year housing land supply, the likelihood that the Council is now able to demonstrate a 5 year housing land supply. Clearly this could have potential implications for the application or otherwise of the so called 'tilted balance' set out in paragraph 14 of the NPPF and the weight to be given to adopted and emerging policies. At the time of agenda preparation Officers are in the process of securing legal advice as to how the planning balancing exercise will be affected and a full update will be given as part of the additional representations report.
- 5.6 In light of this, an assessment of the proposal against the emerging draft housing supply related policies has been made alongside other relevant policies (adopted and emerging) as well as guidance set out in the NPPF.
- 5.7 Furthermore, whilst the 'tilted balance' of paragraph 14 of the NPPF has not been applied, in accordance with good planning principles, an assessment has been made of the likely benefits of the proposal against the likely harms in reaching an overall conclusion on the acceptability of the scheme.
- 5.8 The location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. The site lies outside the defined settlement area of Burford and Fulbrook and by definition would be considered to be within an area of open countryside, where the provisions of Policy H4 of the Existing Local Plan and Policy H2 of the Emerging Local Plan would be applicable.
- 5.9 The development relates to the conversion of an existing building to a dwelling, which is considered acceptable in principle in line with the policy provisions of Policy H10 of the Existing

Local Plan; H2 of the Emerging Local Plan and Paragraph 55 of the NPPF. Each of these policies allow for the conversion of appropriate existing building to a residential use, subject to the criteria that the reuse of the building would provide a positive enhancement to the immediate setting. Paragraph 55 of the NPPF is also permissive of development which would secure the optimal viable use of a heritage asset. Policy H10, which relates to the conversion of existing buildings, requires that the building is capable of conversion without major reconstruction or enlargement.

- 5.10 The building is a vernacular barn which is currently vacant; the building is in a reasonable physical condition, though it has been subject of some previous alterations which have been unsympathetic to the character and appearance of the building. It has already been accepted that the building is capable of conversion and that an appropriate scheme which preserves the character of the listed barn would represent an enhancement of the immediate setting.
- 5.11 The adjacent range of barns are currently in the process of conversion to two dwellings and the section of the site, which includes the existing vacant barn appears neglected. Design enhancements arising from the conversion of the building and subsequent improvements to the area immediately to the front of the barn would be an enhancement to the visual appearance of this presently neglected part of the site.

Siting, Design and Form

- 5.12 The building lies within the curtilage area of the Grade II listed Crookes Barns and lies adjacent to the Grade II listed Manor Farm. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration.
- 5.13 The design for the conversion of the existing building would retain the fabric of original structure, though there would be a requirement to infill the relatively large opening on the north elevation of the barn, which would include the insertion of two large window openings. The proposed alterations to the existing building are largely unchanged from the previously consented scheme (17/02138/FUL).
- 5.14 The proposals include a single storey extension to the north elevation of the existing barn, which features a mono-pitched roof. The extension would project off the north elevation in an identical position to the previously consented extension. The extension proposed within this application would measure a total of 13.9 in length and would be clad in timber. The existing west facing stone boundary wall would be retained.
- 5.15 Policy H10 of the Existing Local Plan allows for conversion of existing buildings on the basis that the building subject of conversion is capable of reuse without requirement for significant enlargement. The building is a vernacular barn and extensions to such buildings risk obscuring their vernacular form and risks compromising the character of the building.
- 5.16 The application is accompanied by a historic impact building assessment, which outlines that there was previously a structure in the position of the proposed extension. This is supported to

some degree by historic photographic evidence which indicates that there was a previous lightweight utilitarian addition attached to the front elevation of the barn in the position of the proposed extension, which existed up to a point, probably in the 1980's or 1990's when this structure was removed. At present there is currently nothing in the position of this former structure and officers consider that the former siting of the utilitarian canopy would not represent a sufficient basis on which to justify a permanent extension and much more substantial addition to the building.

- 5.17 An extension of 8.5 metres in length was previously consented under planning reference (17/02138/FUL) on the basis that this would be acceptable when weighed against the planning benefits arising from the reuse of the barn and the sensitive conversion of the existing building. Officers adjudged that the extension would be secondary to the existing barn and would not compromise the form and character of the building.
- 5.18 The proposed extension would be 13.9 metres in length, 5.4 metres greater than the consented extension; officers consider that the proposed extension would be a sizeable and significant addition to a modest sized agricultural building, which would be compromising of the form of the curtilage listed barn. Officers consider that the extension would be insufficiently secondary and unduly dominating of the form of the vernacular barn. In relation to the provisions of Policy H10 of the Existing Local Plan, it expected that the existing building is capable of accommodating residential use without the requirement for significant enlargement. Permission has previously been granted for an extension to the building and officers consider that an extension of the scale proposed would not be necessary in order to allow the building to function effectively as a residential dwelling.
- 5.19 Owing to the comprising impact of the extension on the character and form of the existing barn, officers consider that the development would result in less than substantial harm to the significance of the Grade II curtilage listed barn. In accordance with the provisions of Paragraph 14 of the NPPF, when assessing the public benefits of the proposed development, namely the provision of a single residential unit and the benefits arising from the reuse of the existing building and associated enhancements against the comprising impact of the extension on the significance of the listed barn officers consider that the less than substantial harm would not be outweighed.
- 5.20 Consequently officers consider that the development would be contrary to the provisions of Policies BE2, BE7, H2 and H10 of the Existing Local Plan; Policies OS2, OS4, H2 and EH7 of the Emerging Local Plan; and the provisions of paragraphs 17, 64 and 134 of the NPPF.

AONB

- 5.21 Paragraph 115 of the NPPF requires that great weight is given to preserving landscape and scenic beauty within AONB areas. The application site is within the Cotswolds AONB and is in a sheltered location. The general scale of development is limited and officers consider that the proposals would not result in harm to the landscape setting of the AONB.

Highways

- 5.22 The development would be served by an existing means of access, presently serving the adjacent barns which have consent for conversion. The likely level of traffic generation would be low and

officers subsequently consider that the development would not be detrimental to highway safety or amenity.

Residential Amenities

- 5.23 The south elevation of the barn forms a section of the boundary with the adjacent property Manor Farm. With the exception of three roof lights which are located high on the roof slope, there would be no windows facing this property. The previously proposed west facing windows have been excluded. Given that the dwelling and amenity space would face away from the adjacent property to the south, officers consider that the development would not be detrimental to the residential amenity of Manor Farm.
- 5.24 Officers consider that owing to the position of the building and corresponding position of the windows in relation to Crookes Barn that there would be no adverse impact on the amenity of potential future occupants of this building.

Conclusion

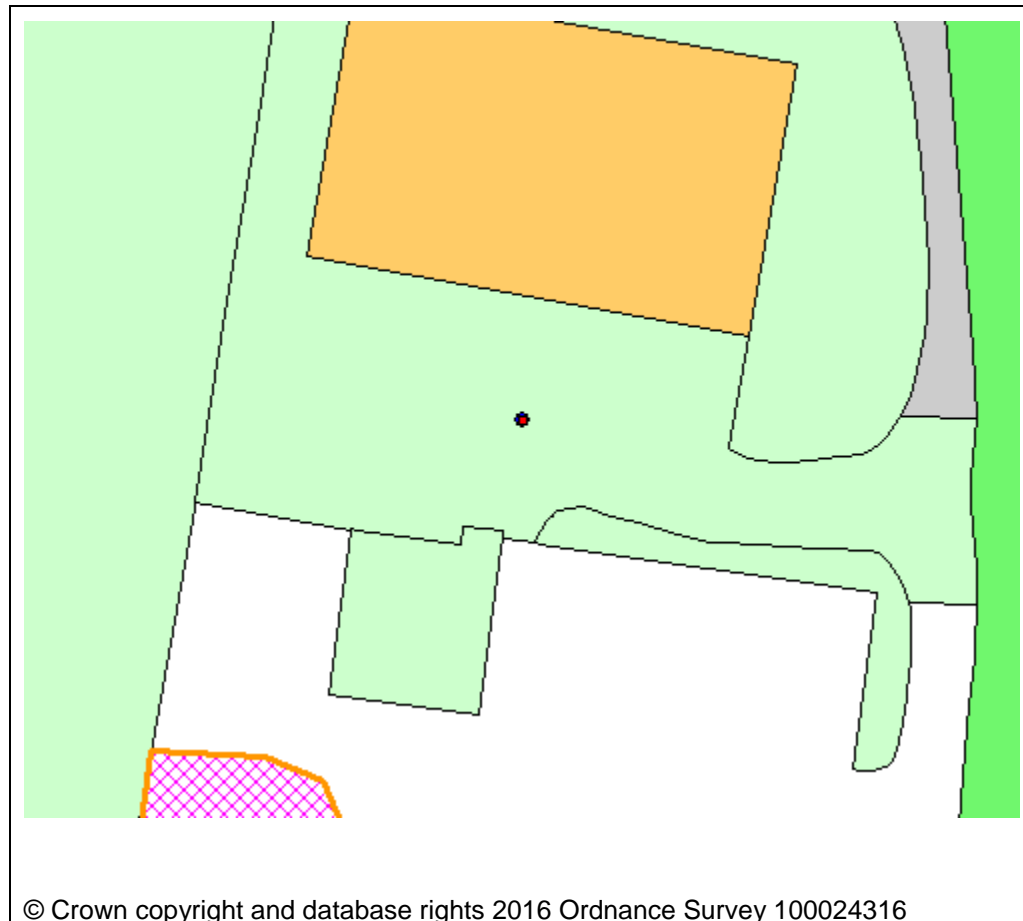
- 5.25 The application seeks permission to convert and form an extension to a small vernacular Grade II listed barn. Permission was previously granted allowing for the conversion of the barn the barn to form a single dwelling, whereby officers accepted that the principle of the change of use of the building was acceptable and would represent an enhancement of the immediate setting. As part of this application officers accepted the principle of a secondary single storey extension to the north elevation of the building.
- 5.26 The present proposals seek permission for a larger extension, which officers consider would be insufficiently secondary to the barn and would obscure the agricultural character of the existing modest vernacular barn. Officers consider that the extension by reason of its scale would result in less than substantial harm to the significance of the Grade II listed barn, which would be insufficiently outweighed by the limited public benefits associated with its reuse as a single dwelling.
- 5.27 Officers therefore consider that the development would be contrary to the provisions of Policies BE2, BE7, H2 and H10 of the Existing Local Plan; Policies OS2, OS4, H2 and EH7 of the Emerging Local Plan; and the provisions of paragraphs 17, 64 and 134 of the NPPF.
- 5.28 For the reasons expressed above officers recommend that permission should be refused.

6 REASON FOR REFUSAL

- I The extension to the north elevation of the barn as proposed would represent a disproportionate and insufficiently secondary extension to the Grade II listed barn, which would obscure the character and significance of this vernacular agricultural building. Consequently the development would result in less than substantial harm to the significance of the heritage asset, which would not be outweighed by the limited public benefits of the proposals. The development would therefore be contrary to the provisions of Policies BE2, BE7, H2 and H10 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; as well as the relevant provisions of the NPPF, in particular Paragraphs 16, 64 and 134.

Application Number	17/03728/LBC
Site Address	Manor Farm Westhall Hill Fulbrook Burford Oxfordshire OX18 4BJ
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Fulbrook Parish Council
Grid Reference	425038 E 213007 N
Committee Date	5th February 2018

Location Map



Application Details:

Change of use and extension of existing barn to form a residential dwelling.

Applicant Details:

Mr Tim Pearce, C/O Agent

I CONSULTATIONS

- 1.1 Conservation Officer The previous approval was very much an on-balance affair, as the surviving fabric is of no huge merit, and as the previous extension was sizeable by comparison. This latest enlarged extension tips the balance, and is no longer supportable from a Conservation point of view.
- Appears incompliant with policies BE2 and BE7.
- 1.2 Parish Council Fulbrook Parish Council has no comments or objections regarding this planning application.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 The application seeks planning permission for the change of use and extension of an existing barn to form a three-bedroom residential dwelling. The application relates to a single storey barn located to the south east of the Listed Barn formerly associated with Manor Farm.
- 3.2 The site is located in Westhall Hill within close proximity of the main built up part of Fulbrook and within walking distance of Burford High Street. The application proposes change of use of the existing barn with the reinstatement of a single storey projection from the north elevation. The proposal will enable an open plan living area in the place of a former single storey structure in this location.
- 3.3 The report above sets out that the principle of development is considered supportable and in line with the guidance provided in the NPPF at paragraph 55, furthermore, given that the Council is currently unable to demonstrate that it has a five-year supply of land for housing the proposals should be considered in the context of a presumption in favour of sustainable development.
- 3.4 The proposed development will enhance the setting of the adjacent Listed Buildings and will restore the former courtyard of farm buildings, re-establishing the historical context of the Listed Barns. Whilst this is the case the form and design of the buildings will ensure that the proposals have no impact upon the character and appearance of the immediate area.
- 3.5 The proposed dwelling will have the majority of its windows facing in towards the courtyard garden which serves as private amenity space. Those windows which face towards neighbouring properties are high level and will not adversely impact the amenity of neighbouring properties. The amenity of the Properties allowed in the Listed Barns will be maintained as will the right of access for Manor Farm.
- 3.6 Appropriate parking will be provided to serve the scheme and there is an unencumbered right of access from Westhall Hill to serve the application site. The scheme would not generate such a level of traffic to justify the refusal of planning permission.

- 3.7 Given the above it is considered that the scheme complies with the relevant policies of the West Oxfordshire Local Plan and the emerging Local Plan 2031 and as such, in line with paragraph 14 of the NPPF the application should be approved without delay. Notwithstanding this, should the Council disagree with the conclusions regarding compliance with policies of the development plan, given the Council's lack of a five year land supply the application should be considered against the presumption in favour of sustainable development. In this regard, it has been adequately demonstrated that there are no significant and demonstrable harms associated with the scheme which would justify the refusal of planning permission.

4 PLANNING POLICIES

BE7 Alterations and Extensions to Listed Buildings

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 listed building consent approval for the conversion of an existing barn to form a single dwelling; the proposals include extensions and other external and internal alterations to the barn. The building lies within the curtilage area of the Grade II listed Crookes Barn and potentially forms part of the listing of this building. The building adjoins the curtilage area of the Grade II listed Manor Farm and lies within a cluster of listed buildings and is sited approximately 300 metres from the edge of Fulbrook and 500 metres to the north of Burford.
- 5.2 The building is a vernacular barn which is smaller in scale than the adjacent Crookes Barn and is constructed from stone with a mono-pitched roof. The adjacent Crookes Barn is presently under the process of conversion to a residential use.
- 5.3 Delegated planning approval was granted in October 2017 for the conversion of the barn to form a single dwelling (17/02138/FUL). This consent included a small extension to the north facing front elevation of the building. Originally a larger, less secondary extension was proposed, though the plans were amended on the advice of the officers and the Councils Conservation Architect. The present planning application reverts to the scale of the original proposals and proposes a larger extension to the barn.
- 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:

Impact on listed building and heritage assets

Siting, Design, Form and Heritage Considerations

- 5.5 The building lies within the curtilage area of the Grade II listed Crookes Barns and lies adjacent to the Grade II listed Manor Farm. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National

Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration.

- 5.6 The design for the conversion of the existing building would retain the fabric of original structure, though there would be a requirement to infill the relatively large opening on the north elevation of the barn, which would include the insertion of two large window openings. The proposed alterations to the existing building are largely unchanged from the previously consented scheme (17/02138/FUL).
- 5.7 The proposals include a single storey extension to the north elevation of the existing barn, which features a mono-pitched roof. The extension would project off the north elevation in an identical position to the previously consented extension. The extension proposed within this application would measure a total of 13.9 in length and would be clad in timber. The existing west facing stone boundary wall would be retained.
- 5.8 Policy H10 of the Existing Local Plan allows for conversion of existing buildings on the basis that the building subject of conversion is capable of reuse without requirement for significant enlargement. The building is a vernacular barn and extensions to such buildings risk obscuring their vernacular form and risks compromising the character of the building.
- 5.9 The application is accompanied by a historic impact building assessment, which outlines that there was previously a structure in the position of the proposed extension. This is supported to some degree by historic photographic evidence which indicates that there was a previous lightweight utilitarian addition attached to the front elevation of the barn in the position of the proposed extension, which existed up to a point, probably in the 1980's or 1990's when this structure was removed. At present there is currently nothing in the position of this former structure and officers consider that the former siting of the utilitarian canopy would not represent a sufficient basis on which to justify a permanent extension and much more substantial addition to the building.
- 5.10 An extension of 8.5 metres in length was previously consented under planning reference (17/02138/FUL) on the basis that this would be acceptable when weighed against the planning benefits arising from the reuse of the barn and the sensitive conversion of the existing building. Officers adjudged that the extension would be secondary to the existing barn and would not compromise the form and character of the building.
- 5.11 The proposed extension would be 13.9 metres in length, 5.4 metres greater than the consented extension; officers consider that the proposed extension would be a sizeable and significant addition to a modest sized agricultural building, which would be compromising of the form of the curtilage listed barn. Officers consider that the extension would be insufficiently secondary and unduly dominating of the form of the vernacular barn. In relation to the provisions of Policy H10 of the Existing Local Plan, it expected that the existing building is capable of accommodating residential use without the requirement for significant enlargement. Permission has previously been granted for an extension to the building and officers consider that an extension of the scale proposed would not be necessary in order to allow the building to function effectively as a residential dwelling.
- 5.12 Owing to the comprising impact of the extension on the character and form of the existing barn, officers consider that the development would result in less than substantial harm to the

significance of the Grade II curtilage listed barn. In accordance with the provisions of Paragraph 14 of the NPPF, when assessing the public benefits of the proposed development, namely the provision of a single residential unit and the benefits arising from the reuse of the existing building and associated enhancements against the comprising impact of the extension on the significance of the listed barn officers consider that the less than substantial harm would not be outweighed.

- 5.13 Consequently officers consider that the development would be contrary to the provisions of Policies BE2, BE7, H2 and H10 of the Existing Local Plan; Policies OS2, OS4, H2 and EH7 of the Emerging Local Plan; and the provisions of paragraphs 17, 64 and 134 of the NPPF.

Conclusion

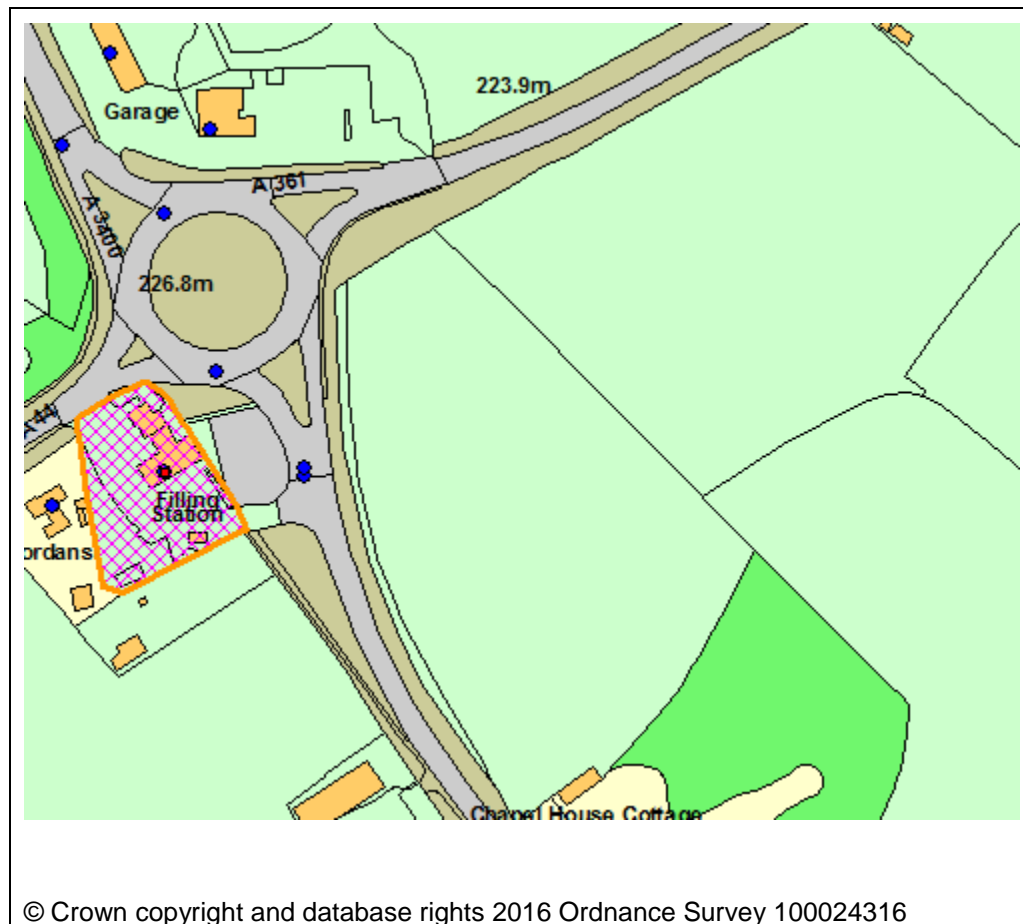
- 5.14 The application seeks listed building consent approval to convert and form an extension to a small vernacular Grade II listed barn. Permission was previously granted allowing for the conversion of the barn the barn to form a single dwelling, whereby officers accepted that the principle of the change of use of the building was acceptable and would represent an enhancement of the immediate setting. As part of this application officers accepted the principle of a secondary single storey extension to the north elevation of the building.
- 5.15 The present proposals seek permission for a larger extension, which officers consider would be insufficiently secondary to the barn and would obscure the agricultural character of the existing modest vernacular barn. Officers consider that the extension by reason of its scale would result in less than substantial harm to the significance of the Grade II listed barn, which would be insufficiently outweighed by the limited public benefits associated with its reuse as a single dwelling.
- 5.16 Officers therefore consider that the development would be contrary to the provisions of Policies BE2, BE7, H2 and H10 of the Existing Local Plan; Policies OS2, OS4, H2 and EH7 of the Emerging Local Plan; and the provisions of paragraphs 17, 64 and 134 of the NPPF.
- 5.17 For the reasons expressed above officers recommend that listed building consent should be refused.

6 REASON FOR REFUSAL

- I The extension to the north elevation of the barn as proposed would represent a disproportionate and insufficiently secondary extension to the Grade II listed barn, which would obscure the character and significance of this vernacular agricultural building. Consequently the development would result in less than substantial harm to the significance of the heritage asset, which would not be outweighed by the limited public benefits of the proposals. The development would therefore be contrary to the provisions of Policies BE2, BE7, H2 and H10 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, OS4, H2 and EH7 of the Emerging West Oxfordshire Local Plan 2031; as well as the relevant provisions of the NPPF, in particular Paragraphs 16, 64 and 134.

Application Number	I7/03846/FUL
Site Address	Holywell Filling Station Banbury Road Chipping Norton Oxfordshire OX7 5SX
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Over Norton Parish Council
Grid Reference	432752 E 228197 N
Committee Date	5th February 2018

Location Map



Application Details:

Replacement sales building, new bin store and customer parking

Applicant Details:

Jim Lye
Shell Oil Products
Rouke House
The Causeway
Staines
TW18 3BU

I CONSULTATIONS

- I.1 ERS Air Quality No Comment Received.
- I.2 ERS Env. Consultation Sites
Thank you for the opportunity to comment on planning application 17/03846/FUL. I have reviewed the application in relation to contaminated land. Review of the historical maps we hold indicate that the development site has been used as a petrol filling station since the 1970s. There is also a former quarry located approximately 120m north of the site which is now used as agricultural land and appears to have been infilled prior to the 1970s as is not shown on the 1970 - 1980 map. The proposed replacement sales building appears to be away from the fuel storage and distribution infrastructure, however given the historical use of the site, the potential for contamination beneath the site and the proposed work on the canopy 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 prevent pollution of the environment in the interests of the amenity.
- Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.
- I.3 ERS Env Health - Uplands Mr ERS Pollution Consultation No objection in principle.
- I.4 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.5 WODC Drainage Engineers

Presumably consultation will be carried out to ascertain whether there is any potential for pollution on the site so it can be established whether soakaways are a suitable means of disposing of surface water. A "deep well" is shown adjacent to the sales building - does this have some relevance to the existing / proposed drainage arrangements ?

If suitable, soakaways should be designed to withstand a 1 in 30 year + 40% climate change event.

The site should contain surface water for all return periods up to and including the 1 in 100 year + 40% climate change event.

How will the new parking areas be drained ?

An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties.

I.6 Parish Council

The Parish Council strongly object to the proposed development for highway safety reasons. The visibility associated with the existing exits on to both the Banbury and Oxford Road is poor, however, the flexibility allows the driver to choose which exit they take depending on whether they are travelling in the direction of Chipping Norton, Oxford or Banbury. The Parish Council are concerned that the proposed single exit onto the Banbury Road, will require vehicles travelling on the A3400 or east on the A361 to turn right in very close proximity to the roundabout, where visibility is poor and vehicles exit the roundabout at speed. The Parish Council note that no comments have been received from the County Council as highway authority and would ask that the application is not determined until these are received.

Finally the Parish Council also note that the proposed development includes a significant increase in retail floor space, with no end user or range of goods identified. Due to the existing limited floor space, historically retail sales were very much ancillary to the petrol filling station and were limited to newspapers, sweets and milk. If the increased floor spaces results in the retail unit acting as a convenience store such as a Budgens or Tesco Express, the Parish Council would ask the planning officer to consider the impact that this may have upon other convenience stores in Chipping Norton such as the Co-op and Sainsbury's.

2 REPRESENTATIONS

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

3 APPLICANT'S CASE

- 3.1 The site has been developed in consideration of relevant town planning guidance and the petroleum regulations. The principle of the site for use as a petrol filling station is well established and the current proposals take this as a starting point. As such, in terms of the appearance of the site following the development, its appearance will remain that of a petrol filling station.
- 3.2 There is a clear need for the service station facility on the application site and there exists circumstances which justify the granting of permission. The scale of the scheme is considered appropriate and the rationale for the scheme and the layout, scale and amount of development is clearly shown.
- 3.3 Overall, it is considered that the proposal represents a sustainable and appropriate design, which relates directly to the site's permitted use and to its physical, social environmental context reflecting the requirements of national and local planning policy.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
SH1 New Retail Development
E6NEW Town centres
OS2NEW Locating development in the right places
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks planning approval for the redevelopment of an existing fuel station located approximately 0.5 miles to the north east of Chipping Norton. The site presently comprises of fuel pumps, a covered canopy and an existing sales building.
- 5.2 It is proposed that the existing sales building would be removed and replaced by a larger sales building. The application also proposes raising the existing canopy by 400mm, alongside the addition of new customer parking, in addition to new fascia signage, which would be located above the entrance of the sales building and has already been consented under a related advertisement consent application (17/03847/ADV).
- 5.3 Vehicular access would remain unchanged and the site would remain accessible via two access points from the A4300 and the A361.

- 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 – including out of centre retail use
Design and external appearance
Highways and Access
Residential Amenity

Principle

- 5.5 The site is located in an out of centre location and presently functions as a small sales store principally for fuel but also for small scale convenience retail.
- 5.6 The development would involve the demolition of the existing sales building (82sqm gross internal floor area) and the erection of a larger sales building (190sqm gross internal floor area), an overall increase of 108sqm. 100sqm of the new building would comprise of sales space.
- 5.7 Policy SH1 of the Existing Local Plan and Policy E6 of the Emerging Local Plan outline a ‘town centre first’ sequential approach to new retail development within the district. It is also expected that a retail impact assessment is carried out, where significant development is proposed, comprising of more than 500sqm of floorspace.
- 5.8 The total size of the new building would be 190sqm, significantly below the 500sqm threshold, whereby a retail impact assessment would be required under the provisions of Emerging Local Plan Policy E6.
- 5.9 When assessing the proposals in relation to the sequential test requirement specified within Paragraph 24 of the NPPF and Policy E6 of the Emerging Local Plan, officers would note several factors. Firstly the proposals relate to the redevelopment of an existing site which has a retail function, albeit that the proposals involve creating a larger sales building. Secondly despite the development of an enlarged sales building the building remains small scale, is below the RIA assessment threshold and would continue to function principally for fuel sales, despite the increased retail offering and is unlikely to compete with town centre retailers. Thirdly given the principal function of the site as a fuel station it would be both unrealistic in spatial terms and undesirable on visual and amenity grounds for the site to be located in a town centre or edge of centre location.
- 5.10 Taking these factors into account, officers consider that the principle of an enlarged retail building would be acceptable in relation to the provisions of Policies SH1 of the Existing Local Plan and E6 of the Emerging Local Plan.

Siting, Design and Form

- 5.11 The new sales building is considered to be of an acceptable design and an enhancement on the appearance of the existing building. The proposals would not in officer’s opinion impact detrimentally on the visual appearance of the immediate area.

Highways

- 5.12 Officers note the concerns raised by the Parish Council in relation to the safety of the proposed access, but also note that no changes are proposed to the existing access arrangements. Officers consider that the proposed redevelopment of the site would not have any adverse implications with regards to highway safety and amenity and note that no objections have been raised by OCC Highways.

Residential Amenities

- 5.13 There is one existing property adjacent to the site, known as Jordan's. Owing to the existing use of the site and taking into account the relative separation distance between the sales building and this property, officers consider that the development would not impact significantly on the amenity of this property.

Conclusion

- 5.14 Officers consider that the creation of an enlarged sales building would be acceptable in principle, is adequately justified in planning terms and would not impact adversely on existing town centre retail. The redevelopment of the site would not have any adverse impact in visual terms or in terms of highway safety and amenity or in relation to the amenity of any adjacent occupiers. Officers therefore consider that the development would be acceptable and compliant with the provisions of Policies BE2, BE3 and SH1 of the Existing Local Plan.

6 CONDITIONS/REASONS FOR REFUSAL

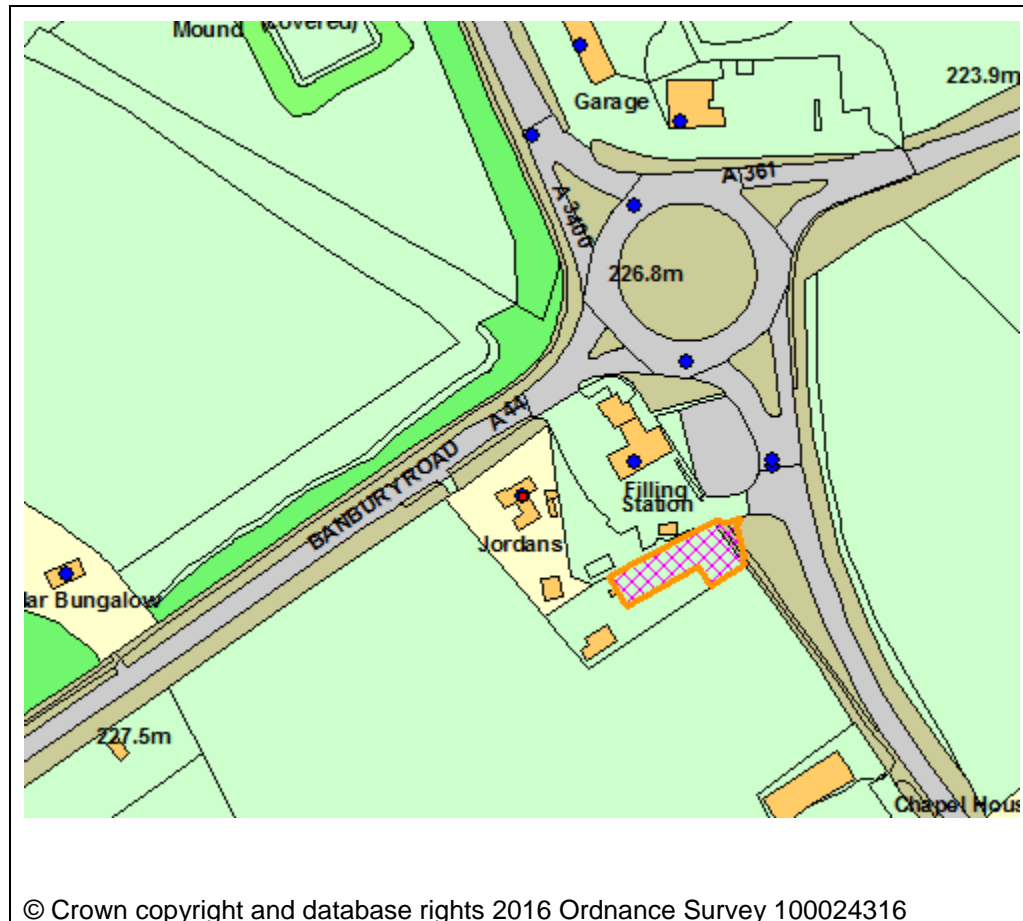
- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).
- 4 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 prevent pollution of the environment in the interests of the amenity. Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.

Application Number	17/03879/FUL
Site Address	Jordans Banbury Road Chipping Norton Oxfordshire OX7 5SX
Date	24th January 2018
Officer	Sarah De La Coze
Officer Recommendations	Refuse
Parish	Over Norton Parish Council
Grid Reference	432715 E 228186 N
Committee Date	5th February 2018

Location Map



Application Details:

Erection of detached dwelling with associated works

Applicant Details:

Mr G Wise
Jordans
Banbury Road
Chipping Norton
Oxfordshire
OX7 5SX

I CONSULTATIONS

I.1 ERS Env. Consultation Sites Mr ERS Pollution Consultation Thank you for the opportunity to comment on planning application 17/03879/FUL.

The proposed development site is adjacent to a petrol filling station and in the vicinity of a former quarry. Both of these land uses has potential to be a source of contamination. Please consider adding the following condition to any grant of permission.

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

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

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

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

- 1.2 ERS Env Health - Uplands Mr ERS Pollution Consultation Hello,
Thank you for the opportunity to comment.
I have no objections and no conditions for this application.
- 1.3 Parish Council No objection.
- 1.4 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network

No objection subject to
- G28 parking as plan
- G11 access specification

The applicant is advised not to commence work in the public highway until formal approval has been granted by Oxfordshire County Council by way of a section 184 Notice under the Highways Act 1980
- 1.5 WODC Drainage Engineers No objection subject to conditions.

2 REPRESENTATIONS

No letters of representation have been received.

3 APPLICANT'S CASE

- 3.1 The application was submitted with a design statement which can be viewed online alongside the rest of the application. With regard to the proposal the conclusion states;
- 3.2 It is considered that the proposals are in keeping with the Government NPPH and current local planning policies and design guidelines in meeting the current needs to provide suitable housing in good sustainable locations. The proposals reflect those of many examples locally in terms of style and design and will provide good standards of housing accommodation in this sustainable location. The scheme is appropriate for its location and meets local planning policies. On the basis of the above design it is believed that planning permission should be granted.

4 PLANNING POLICIES

H2 General residential development standards
BE2 General Development Standards
BE3 Provision for Movement and Parking
OS2NEW Locating development in the right places
H2NEW Delivery of new homes

T4NEW Parking provision
BE4 Open space within and adjoining settlements
OS4NEW High quality design
EH1NEW Landscape character
EH6NEW Environmental protection
BE18 Pollution

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks permission for the erection of a detached dwelling with associated access.
- 5.2 The application site is located adjacent to the existing filling station and the site would back on to the rear of the main property 'Jordans'. The site is proposed to be accessed from the junction the garage uses from the A4300.
- 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

- 5.4 Members will be aware that on 16/01/18 the initial views of the Local Plan Inspector were received as regards to the likely soundness of the emerging plan and, in that to be sound a plan must be able to demonstrate an adequate 5 year housing land supply, the likelihood that the Council is now able to demonstrate a 5 year housing land supply. Clearly this could have potential implications for the application or otherwise of the so called 'tilted balance' set out in paragraph 14 of the NPPF and the weight to be given to adopted and emerging policies. At the time of agenda preparation Officers are in the process of securing legal advice as to how the planning balancing exercise will be affected and a full update will be given as part of the additional representations report.
- 5.5 The application site is located in an open countryside location when assessed against policy H4 of the adopted plan and H2 of the emerging local plan. Policy H2 of the emerging local plan states that development in these locations will be limited and will include:
- where there is an essential operational or other specific need that cannot be met in any other way.
 - where residential development would represent the optimal viable use of a heritage asset.
 - residential development of exceptional quality or innovative design.
 - new accommodation which will remain ancillary to existing dwelling.
 - replacement dwellings on a one for one basis and;
 - re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting.
- 5.6 The erection of a dwelling in this location would therefore be contrary to both adopted and emerging policy. However, in the context of the Councils evolving emerging local plan, limited weight is given to Policy H4 which is considered out of date. Paragraph 55 of the NPPF is

therefore a consideration of the application. Paragraph 55 states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'.

- 5.7 The site is located in a countryside location which benefits from minimal services and facilities with the exception of the garage next door. The nearest larger settlement is Chipping Norton.
- 5.8 Any new residents to the dwelling would have to travel for most services and facilities. Given the distance to larger settlements from the application site, it is considered that the use of a private car would be heavily relied upon. Given the size of Chipping Norton, officers are of the opinion that the addition of a single dwelling is unlikely to enhance or maintain the vitality of Chipping Norton. Furthermore the dwelling is not intended to be for occupation for a rural worker, it does not involve the re-use of a heritage asset or redundant building and is not of exceptional design.
- 5.9 Officers are therefore of the opinion that the proposal for a new dwelling in this location would fail to comply with the tests as set out in local plan policy or the NPPF. The addition of one dwelling to the housing supply is not considered to outweigh the harm of developing in an unsustainable location.
- 5.10 With reference to a range of policy considerations, and the balancing of harm and benefit required under paragraph 14 of the NPPF, the detailed merits of the proposal are assessed below.

Siting, Design and Form

- 5.11 The dwelling is proposed to include 3 storeys which will include a dormer in the roof and a large rear gable projection. The nearest dwellings are more traditional in character and appearance. The height of the dwelling is considered to make the dwelling more prominent than the neighbouring buildings in the immediate vicinity such as the garage building and the property 'Jordans'. Officers are of the opinion that the dwelling would be somewhat contrived due to the size and layout of the site and this is reflected in the design of the dwelling. Whilst there would be some screening the site and dwelling would likely be highly visible from the street scene.
- 5.12 In order to gain access to the site and create a sufficient turning area a large area of hardstanding is proposed to the front of the site and an area of tarmac is proposed to the existing verge to create the access. Officers are of the opinion that this area of hardstanding is likely to have an urbanising impact on an area of land that currently benefits from a rural character and appearance as well as the wider street scene.
- 5.13 Officers are therefore of the opinion that the dwelling would fail to form a logical addition to the pattern of development in the area and instead would be viewed as an incongruous urbanising addition to the site when viewed from the street scene.

Residential Amenities

- 5.14 Given the separation distances between the site and the neighbouring properties the proposed dwelling is not considered to have an unacceptable impact on neighbouring amenity and would allow for minimal separation distances to be achieved.

- 5.15 The application site is located adjacent to a petrol station. Environmental services have been consulted on the application and have raised no objection to the scheme, subject to conditions requiring investigative contamination work to be carried out prior to commencing development.

Highways

- 5.16 Oxfordshire County Highways have been consulted on the application and they have raised no objection to the application subject to conditions and the relevant permission from the County Council.

Conclusion

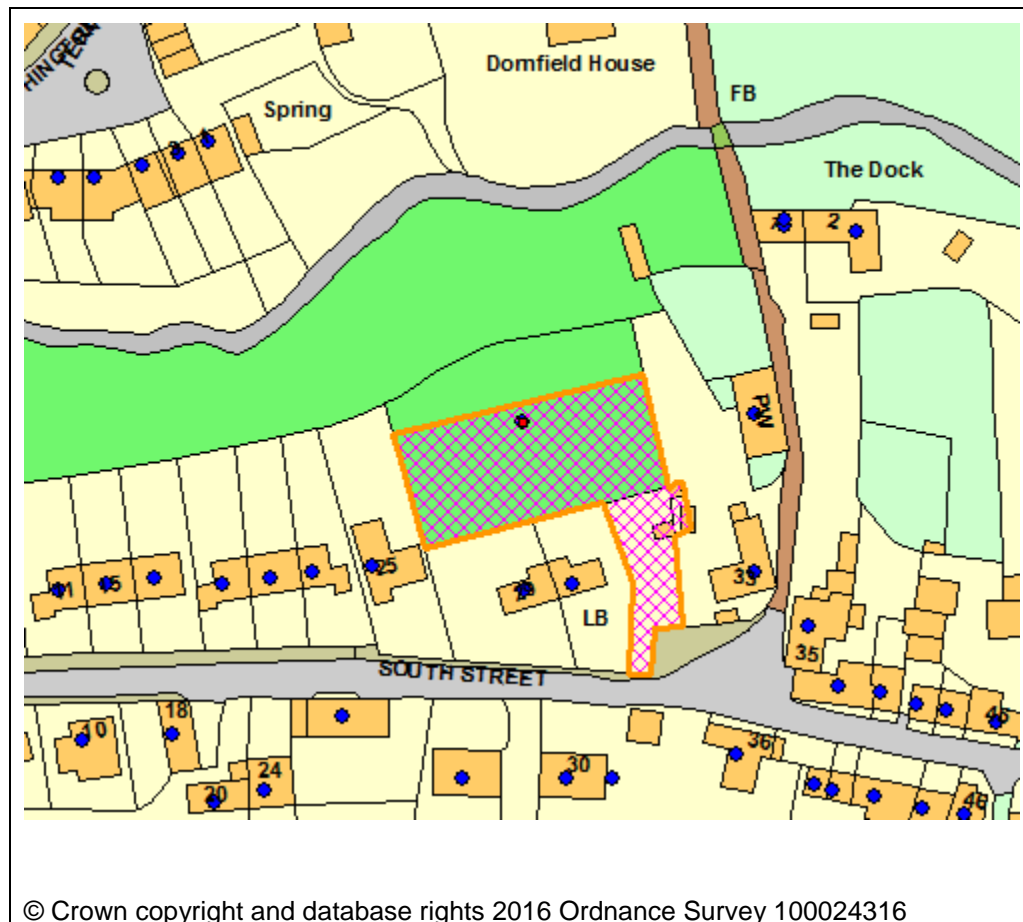
- 5.17 It is considered that due to the harm to the visual amenity and character of the area, the scale and location of this proposal dwelling located in an isolated position with regard to services and facilities, would fail to constitute sustainable development and the harm would significantly and demonstrably outweigh the benefit. Accordingly, the proposal is recommended for refusal.

6 REASONS FOR REFUSAL

- 1 The proposed dwelling would be remote in terms of locational proximity to existing services and facilities, which is not considered to be a sustainable location. A single dwelling would not contribute meaningfully to the enhancement or maintenance of the vitality of rural communities. The dwelling is not required for a rural worker, it does not involve the re-use of a heritage asset or redundant building, and is not of exceptional quality or innovative design. Therefore no exceptional circumstances have been provided and due to its location the development would be unsustainable and result in dependence on the private car to access most services and facilities. The proposed development would therefore be contrary to the West Oxfordshire Local Plan 2011 Policies H2, BE2 and BE3, Emerging West Oxfordshire Local Plan 2031 Policies OS2, H2 and T3, and the relevant paragraphs of the NPPF.
- 2 By reason of design, scale and siting, the development as proposed would fail to complement the existing rural pattern of development in the area and would instead erode and urbanise the presently open and semi-rural character and appearance of the site as experienced in public views from the street scene. The development as proposed is subsequently considered to be contrary to Policies BE2, BE4 and H2 of the Existing West Oxfordshire Local Plan; Policies OS4, EH1 and H2 of the Emerging West Oxfordshire Local Plan 2031 and the relevant Provisions of the NPPF.

Application Number	17/03905/FUL
Site Address	Land North West of 33 South Street Middle Barton Oxfordshire
Date	24th January 2018
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Steeple Barton Parish Council
Grid Reference	443655 E 225626 N
Committee Date	5th February 2018

Location Map



Application Details:

Erection of new dwelling on land to the rear of no.33 South Street.

Applicant Details:

Mr & Mrs Bramley, 33, South Street, MIDDLE BARTON, OX7 7BU

I CONSULTATIONS

- I.1 Parish Council I understand that you have now received an objection from a resident, Dr Brian McKeown. I would like to confirm that Steeple Barton Parish Council agree whole heartedly with Dr McKeown, and we would also like to object to the application due to the loss of privacy the build would have on Dr McKeown and his family.
- I.2 OCC Highways The road network adjacent to the site is substandard in terms of layout geometry and junction visibility. However the proposal, if permitted, will not result in a significant intensification of traffic.
- Visibility at the access to South St is obstructed by the stone wall. The application drawing no 0862.201A shows an alteration to the wall that would result in a minor improvement to the vision splay.
- I would like to see the height of the wall reduced to 1.0m in order to provide vision for the proposed dwelling.
- No objection subject to
- G28 parking as plan
 - Prior to occupation the frontage wall shall be lowered in accordance with a scheme to be submitted and approved.
- I.3 ERS Env. Consultation Sites It is understood that the proposed development site has remained undeveloped over time and appears to be used as a residential garden. I have no serious concerns in relation to potentially contaminated land but given the proposed residential use of the site 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 prevent pollution of the environment in the interests of the amenity.
- Relevant Policies: West Oxfordshire Local Planning Policy BE18 and Section 11 of the NPPF.
- I.4 ERS Env Health - Uplands I have no objections and no conditions for this application.

- 1.5 WODC Drainage Engineers No objection - subject to conditions

2 REPRESENTATIONS

- 2.1 A letter of objection has been received from Dr Brian McKeown, occupant of 32A North Street, objections are raised to the application on the following grounds, which are summarised below:
- 2.2 Loss of privacy/ use of garden - The development is positioned in an elevated position with a 'wall of glass' facing across the short aspect of the applicants' garden, facing north. It is considered that the rear windows of the proposed dwelling would overlook 32A North Street.
- 2.3 An observation has also been raised, with regard to the strip of land "retained by the applicant" and queries are raised as to the purpose of this land and future ownership of this space. It is requested that if planning permission is granted, even for a significantly modified proposal, this should be under the condition that the indicated strip of land remains enforceably with 33 South Street in the event that the applicants sell that property in the future.

It is requested that:

- (i) significant modification; rotation of the building through 90 degrees, so it faces west, benefiting from the view along the longer aspect of the property's garden, rather than directly into ours.
- (ii) requirement that the strip of land indicated to the north of the property, indicated as remaining with 33 South Street is accurately defined (precise measurements from the plans) and as a condition of grant of planning, cannot be transferred (legal title) to the new build property at any time in the future
- (iii) any and all windows that may remain facing northward into our garden should be obscured glass and fixed shut permanently.

3 APPLICANT'S CASE

In accordance with the presumption in favour of sustainable development, the proposal is situated in a sustainable location and has demonstrable economic and social benefits through the provision of much needed housing. The dwelling has been designed to reflect the form and appearance of the local vernacular, maintain the residential amenity of adjacent dwellings and preserve the character and appearance of the Conservation Area and the adjacent listed building. The proposal is therefore in accordance with the approach adopted in both national planning policy (NPPF) and local policy, such that permission should be granted.

4 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
H2 General residential development standards
H6 Medium-sized villages
BE8 Development affecting the Setting of a Listed Building
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 erection of a 1.5 storey detached dwelling on land to the rear of 33 South Street, Middle Barton. The application site comprises of a rectangular plot of rear garden curtilage associated with 33 South Street, which is a Grade II listed building. The application site is located within The Bartons Conservation Area and sits in an elevated position in relation to the adjacent land to the north. The proposed dwelling would be accessed as previously proposed from South Street, with existing garaging utilised.
- 5.2 The application is a resubmission of a previously granted planning application (14/02275/FUL) for a residential dwelling of an identical scale and design and sited within the previously consented position on the site. The application to all intents and purposes remains identical to the plans which were previously consented.
- 5.3 The approved planning permission remains extant until 9th February 2018 and at the time of writing it has been claimed by the applicant's agent that development has commenced and as such permission has been implemented, though as of the time of writing this has yet to be verified by officers.
- 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 Conservation Area setting
Impact on setting of Grade II listed building
Highways and Access
Residential Amenity

Principle

- 5.5 The previous granting of planning consent has to all intents and purposes established the in-principle acceptability of a dwelling on this site, though officers would note that the planning context has changed since approval was granted in 2015 in respect of the Councils housing land supply position as well as the relative weight now afforded to the provisions of the Councils Emerging Local Plan.
- 5.6 Members will be aware that on 16/1/18 the initial views of the Local Plan Inspector were received as regards to the likely soundness of the emerging plan and, in that to be sound a plan must be able to demonstrate an adequate 5 year housing land supply, the likelihood that the Council is now able to demonstrate a 5 year housing land supply. Clearly this could have potential implications for the application or otherwise of the so called 'tilted balance' set out in

paragraph 14 of the NPPF and the weight to be given to adopted and emerging policies. At the time of agenda preparation Officers are in the process of securing legal advice as to how the planning balancing exercise will be affected and a full update will be given as part of the additional representations report.

- 5.7 In light of this, an assessment of the proposal against the emerging draft housing supply related policies has been made alongside other relevant policies (adopted and emerging) as well as guidance set out in the NPPF.
- 5.8 Furthermore, whilst the 'tilted balance' of paragraph 14 of the NPPF has not been applied, in accordance with good planning principles, an assessment has been made of the likely benefits of the proposal against the likely harms in reaching an overall conclusion on the acceptability of the scheme.
- 5.9 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. Middle Barton is listed as a medium sized village within the provisions of Policy H6 of the Existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan. Under the provisions of Existing Policy H6 it is considered that the development of sites within the settlement area is considered acceptable in principle where this constitutes infilling or a rounding off of the settlement area, whilst Policy H2 of the Emerging Local Plan allows in principle for the development of plots within the settlement area, where this forms a logical complement to the existing pattern of development and where there is no conflict with the wider provisions of the plan.
- 5.10 The site would be located within an undeveloped but well contained plot in a relatively central location in Middle Barton. The site is located in close proximity to existing services and facilities and is considered to represent a sustainable location in this regard. Owing to the contained nature of the site, which is surrounded by existing development to the south and west and an area of residential curtilage to the north, officers consider that the siting of a dwelling in the position proposed would form a logical complement to the existing pattern of development.

Impact on Conservation Area

- 5.11 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.12 At the time of determining the previous planning application, officers adjudged that the proposed development would not result in harm to the character and appearance of the Conservation Area.
- 5.13 The dwelling would be located to the rear of a row of existing properties fronting South Street as well as an existing garage building and consequently public views of the site are limited. Whilst the site presently exists as open space, given the limited visibility, it is considered that the site is no substantial significance in terms of its contribution to the character of the Conservation area.

The siting of a modest dwelling as proposed within this application would not be visibly prominent from the only notable public vantage point in South Street, furthermore it is noted that the dwelling would be of a broadly vernacular design.

- 5.14 Consequently officers consider that the development as proposed would preserve the setting of the Conservation Area and when assessing the impact of the development on the significance of the Conservation Area, as required under paragraph 132 of the NPPF, officers consider that the development would not result in harm to the setting of the Conservation Area.

Impact on Setting of Listed Building

- 5.15 The building lies within the immediate setting of 33 South Street, which is a Grade II listed building. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Development within the setting of a listed building can impact on its significance.
- 5.16 Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration.
- 5.17 The development, whilst located within the immediate setting of the Grade II listed 33 South Street would not in terms of its siting compromise the setting of the listed building, consequently officers consider that the development would not result in harm to the Grade II listed building.

Siting, Design and Form

- 5.18 The proposed building would be sited to the rear of an existing large detached garage which will form part of its curtilage. It would relate well to this building and the former chapel to the east. In this respect it forms a group with existing development and would not be seen as an isolated structure.
- 5.19 The design is a 1.5 storey building of traditional proportions with a single storey flat roofed element wrapping around the side/rear. The form, materials and detail are simple, reasonably restrained and within the vernacular. The listed building, No.33 retains sufficient garden and the alterations to the walls at the front are acceptable.

Highways

- 5.20 The proposed access arrangements are unchanged from the previously permitted scheme. The existing garage at the site will be retained for the use of the new dwelling. The driveway is retained as well, but the walling to the west side of it reduced to 1m to improve visibility. Given these existing arrangements, no objection is raised by the Highways Officer. One additional dwelling would not have a significant impact in terms of additional traffic.

Residential Amenities

- 5.21 There are a number of adjacent properties, including a pair of stone cottages to the south of the site. The frontage of the proposed dwelling would feature ground floor windows, though the first floor windows would be limited to roof lights. Officers consider that the amenity of either of these two properties would not be significantly compromised by reason of overlooking or by the overbearingness of the proposed built form.
- 5.22 The concerns of the occupier of 32A North Street, the adjacent property located to the north of the site are duly noted. This property has an extensive area of garden curtilage, which adjoins the site and officers note that there is a significant separation distance between the proposed dwelling and the rear elevation of this property to the extent that the dwelling itself would not be significantly overlooked, notwithstanding the raised topography of the site and the fact that the proposed dwelling would sit in a higher position in relation to this property.
- 5.23 Officers note the concerns raised regarding overlooking of the rear curtilage area of this property, whilst also noting that permission has already been granted for a dwelling in the proposed position and that this consent remains at the present time extant. The design of the dwelling has not changed since consent was previously granted and neither has the context of the site or the adjacent land. Officers note that the application is accompanied by a landscaping plan and that details in respect of providing screening within the northern part of the site, adjacent to the boundary of 32A North Street have previously been agreed. The agreed landscaping plan includes the planting of 6 new trees, which would provide screening in order to limit potential overlooking of the rear garden area of 32A from the rear windows of the proposed dwelling, particularly from the first floor windows. Officers attach a condition in order to ensure compliance with the agreed landscaping plan.
- 5.24 It is noted that there are several windows proposed within the rear, north facing elevation of the dwelling as previously permitted. It was noted that at the time of determining the previous planning application, officers considered that the siting of the dwelling would not compromise the residential amenity of 32A North Street by reason of overlooking. It is noted that there is a distance of 12.8 metres between the rear aspect of the proposed dwelling and the rear boundary of the adjacent property. This is deemed an acceptable separation distance between rear windows and an adjacent boundary, in order to preserve the privacy of adjacent occupants. Accounting for the extant status of the existing planning permission 14/02275/FUL and accounting for the deemed acceptability of the separation distance between the proposed rear windows and the boundary of the adjacent property to the north, officers consider that it would be unreasonable to attach a condition requesting that the windows be fitted with obscure glass.
- 5.25 Regarding the status of the small section of land located within the blue line area of the site, officers can clarify that this is land under the applicants ownership, but is not included within the red line site as this would trigger a requirement on behalf of the applicants to provide a flood risk assessment, given that this lower part of the site falls within flood zone 3.

Conclusion

- 5.26 The proposals are an identical resubmission of an extant planning permission for a dwelling on this site. Officers consider that the proposals represent an acceptable form of development, which is appropriate in its design, scale and siting and would not result in harm to the setting of the Conservation Area or the setting of the adjacent Grade II listed 33 South Street.

- 5.27 Officers consider that the development would not result in demonstrable harm to the amenity of adjacent occupants and would not compromise highway safety and amenity.
- 5.28 Consequently officers consider that the proposals are acceptable and compliant with the provisions of Policies BE2, BE3, BE5, BE8, H2 and H6 of the Existing Local Plan.

6 CONDITIONS/REASONS FOR REFUSAL

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The external walls and roofs of the building shall be constructed from the materials approved under discharge of conditions reference 17/02384/CND.
REASON: To ensure that the development, as consented harmonises with the character and appearance of the area.
- 4 The development shall be carried out in accordance with the window details approved and discharged under discharge of conditions reference 17/02384/CND.
REASON: To ensure that the development harmonises with the character and appearance of existing properties in the area.
- 5 The building shall be constructed in accordance with levels details approved under discharge of conditions reference 17/02384/CND.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Classes A, B, C, D and E of Schedule 2, Part 1 of the Order shall be carried out.
REASON: The site lies within a Conservation Area and it is important that alterations and additions are controlled in the interest of protecting the appearance of the dwelling and the character of the area.
- 7 The car parking areas and turning areas shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 8 Prior to the occupation of the dwelling, the wall to the west of the access shall be lowered to a maximum height of 1m in accordance with details discharged under discharge of conditions reference 16/00918/CND.
REASON: In the interests of road safety.

- 9 The development shall be carried out in accordance with the recommendations contained in Section 4 of the Phase I Habitat Survey Report dated November 2017 by Windrush Ecology.
REASON: To safeguard and enhance biodiversity.

- 10 The landscaping of the site shall be carried out in accordance with the approved details agreed under discharge of conditions, plan nos. 002-01, 002-09, 002-11 and the approved Arboricultural Method Statement dated 11th March 2016.
REASON: To protect the privacy of occupants of the adjacent occupants.