

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 3rd September 2018**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

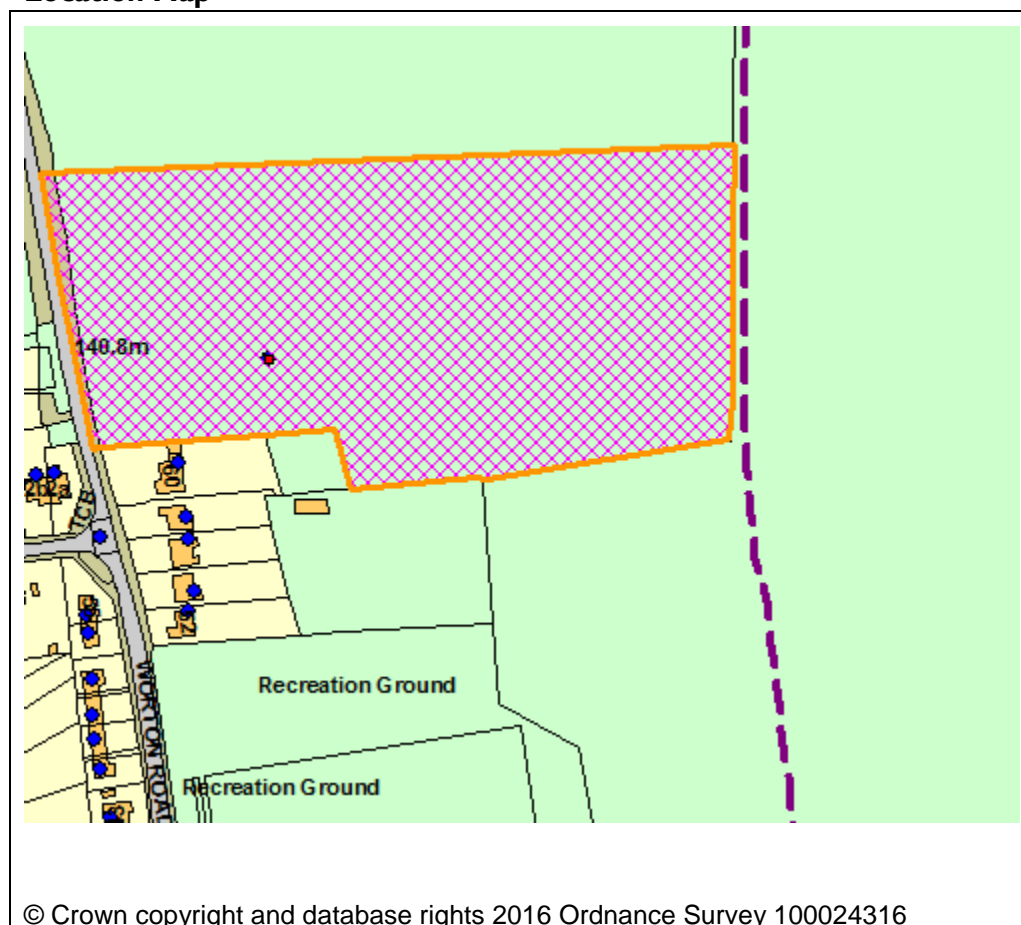
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	18/00398/FUL
Site Address	Land East of Worton Road Middle Barton Oxfordshire
Date	21st August 2018
Officer	Catherine Tetlow
Officer Recommendations	Refuse
Parish	Steeple Barton Parish Council
Grid Reference	443454 E 226266 N
Committee Date	3rd September 2018

### Location Map



### Application Details:

Residential development to erect 22 dwellings (including 11 affordable dwellings), new vehicular and pedestrian access to Worton Road. Formation of a SuDs attenuation basin, perimeter planting and ancillary works.

### Applicant Details:

The Taylor Family, C/O Framptons.

## I CONSULTATIONS

### I.1 Parish Council

Steeple Barton Parish Council have no objection.

The applicants and their agents first contacted the Parish Council in June 2016 when the PC were considering sites within the local community for some limited development. Having looked at a number of sites, we considered that the proposals for this site, East of Worton Road was worthy of our support. Members of the Parish were asked to register their interest in the development, 46 positive responses were received. From that time through the initial Pre-Application submission and to date, the agents have consulted with us and taken on board our views and comments and we would like to express our continued support for this proposal despite the comments/objections from Oxfordshire County Council.

The issues the Parish Council wishes to clarify relate to the provision of affordable housing; the suitability of Middle Barton for limited residential development and issues relating to public transportation.

**Affordable housing** - The PC supports the proposals submitted as it addresses specific affordable housing needs which were researched by the Parish Council and discussed with the Applicant's agents prior to submission. We support the principles of the development as it seeks to target the categories of affordable housing shown to be required by persons with connections to the village, in the Parish Housing Needs Survey undertaken by us in July 2017 and should be supported.

**Suitability of Middle Barton** - The Parish Council is disappointed with the consultation response of Oxfordshire County Council (OCC) which implies that no villages are capable of sustainably accommodating limited development. The Parish Council disagrees with OCC and believes that Middle Barton is sustainable and suitable for residential development on a limited scale. The village is a large village in the context of West Oxfordshire villages and has a good range of services and facilities. It has local employment commensurate with villages of similar size. To suggest the village is not capable of accommodating any growth is in our view an unreasonable position to adopt. It will prevent the delivery of much needed affordable housing, which it should not be forgotten is required for people with local connections, who already have social and economic linkages to the village and surrounding area. To prevent growth on the basis that it is a village without public transport and is therefore not as sustainable as larger settlements is a wholly inappropriate position for OCC to adopt when it was them who withdrew the funding for the public transport service. A modest increase in the population will help the village retain its existing services and facilities which are relied on by many of the existing residents. The new housing will assist the vibrancy and vitality of the settlement and help continue to make the Parish a desirable place to live to the benefit of existing and future residents alike.

Public Transport - Transportation is an aspect of sustainability that the Parish Council considers that the OCC consultation response, which implies that the village is not served by regular bus connectivity, is un-reasonable. Middle Barton affords good access to other villages, local towns and public transport, via its own bus services. In the context of rural settlements the Bartons are well served in comparison to other settlements as there is a bus service. The 'Our Bus Bartons' service offers far more opportunities for use by those commuting to work than is suggested by the OCC response. The Parish Council considers that subject to the developer enhancing this popular and flexible local service via a planning obligation or other means, something that the land owners have already said they are prepared to do, should not be used by OCC as a factor used to prevent the delivery of the much needed affordable housing.

We sincerely hope that this letter is useful to the Local Planning Authority and helps clarify the Parish Council's position concerning the three matters highlighted as concerns for objection to the planning application by OCC. The Parish Council remains supportive to the proposals for this site in an effort to secure a high quality development which can help deliver both market and much needed affordable housing and other benefits associated with the development to the Parish.

I.2 Major Planning Applications Team

Highways - Objection for the following reasons  
 The site is not in a transport sustainable location.  
 Vehicle tracking requires revision.  
 If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement and S38 agreement to mitigate the impact of the development, plus planning conditions and informatives.

Drainage - Further drainage information and analysis is required.

Education - No objection. Local schools have sufficient capacity to meet the needs of a development of the proposed scale.

Archaeology - No Objection. There are currently no known archaeological features within or adjacent to the application site. As such there are currently no archaeological constraints to the principle of this development.

I.3 WODC - Arts

A contribution to public art would be required in line with Council standards of £210 per unit of market housing.

I.4 Biodiversity Officer

No Comment Received.

I.5 ERS Env. Consultation Sites

Thank you for the opportunity to provide comment on planning application 18/00398/FUL. Review of the historical maps we hold

indicates that the proposed development plot has remained undeveloped over time and appears to have been used for agriculture. Given the size of the development and the potential for pesticides, herbicides and other unknown sources of contamination to be present 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.

I.6 ERS Env Health - Uplands

The application is supported by a noise report. The methodology of the approach adopted in the noise report was not discussed or agreed with me before its commission.

I know of the application site and the context. In principle I have No Objection.

New dwellings as you will know should accord with the design criteria stated in British Standard BS 8233:2014 to achieve internal acoustic environments appropriate to their function. The guideline values provided are in terms of an average (LAeq) level.

To ensure this happens I recommend a condition which requires;

'That the design and build of the new dwellings accords with the internal acoustic criteria provided in British Standard BS 8233:2014 (or later versions) 'Guidance on sound insulation and noise reduction for buildings' BSI, with criteria for Living rooms of 35 dB LAeq,16 hr and Bedrooms of 30 dB LAeq,8hr

- |     |                      |  |
|-----|----------------------|--|
| 1.7 | WODC Housing Enabler | No objection in principle in relation to housing needs in the area but it is noted that there is inadequate public transport.  |
| 1.8 | WODC - Sports        | $£1,156 \times 22 = £25,432$ off-site contribution towards sport/recreation facilities within the catchment.<br>$£818 \times 22 = £17,996$ for the enhancement and maintenance of play/recreation areas within the catchment.  |
| 1.9 | Thames Water         | <p>Waste Comments<br/>Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.<br/>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.</p> <p>Water Comments<br/>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.<br/>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.</p> |

1.10 Major Planning Applications Team No Comment Received.

## 2 REPRESENTATIONS

2.1 7 objections have been received referring to:

- Inappropriate scale of proposal.
- Does not conform with Local Plan
- Impact on highway safety
- Increase in traffic
- Drainage
- Accuracy of noise survey questioned.
- Visual impact on landscape
- Pollution risk
- Not logical complement to existing development
- Layout and design does not fit existing pattern
- Design and use of materials inappropriate
- Size and scale inappropriate
- Light pollution
- Impact on residential amenity
- Loss of tranquillity
- Inadequate public transport
- No cycle parking
- Loss of open space

2.2 CPRE

- Not an allocation in the Local Plan
- Green space/farmland would be eroded unnecessarily
- Mix of housing not in line with requirements
- Inadequate drainage information
- Landscape assessment needed
- Ecological survey provides limited information

2.3 OurBus Bartons has supported the application as follows:

OurBus Bartons was set up in 2016 to provide a sustainable bus service to Middle Barton and surrounding villages. We currently run over 30 timetabled services each week, using two mini buses, staffed by volunteer drivers, running under Permit 22 licences, on routes approved and agreed by the Traffic Commissioner.

By a sustainable service we mean a service that:

- a) Meets the demands from villagers for an affordable transport service to meet the needs of commuters, college students, and the elderly and infirm
- b) Is viable in the long term and provides reliability and continuity of service



- c) Is adaptable and flexible enough to meet the changes to timetabled services from the services we link to (ie Stagecoach and Chiltern Railways), and to the changing needs of villagers as jobs change, new routes are suggested, and new villagers move into the area

We canvassed extensively and measured the demand when the service was established in 2016, and we regularly monitor the demand and adjust our schedules as a result of feedback from passengers and others. We are able to alter our timetables quickly and flexibly (in agreement with OCC and the Traffic Commissioners) precisely because we are a small, agile organisation. This means that when Stagecoach or Chiltern Railways alter their services we respond accordingly.

While we do offer a range of destinations, over 60% of our timetabled services connect with the Stagecoach S4 services to Oxford and Banbury, and support regular commuters to these towns, as well as shoppers, and people visiting the doctors surgery or visiting friends. We also link to the station at Upper Heyford for trains to and from Banbury and Oxford in the morning and evening.

Should the development go ahead we would naturally not expect a huge increase in passenger numbers, rather we might find that there is a college student who needs to get into Banbury or Oxford, or a new commuter, and there may be elderly people who would like to join others on the journeys to the local markets in Chipping Norton and Bicester, or shopping in Kidlington.

We believe that the OCC response paints an unfair picture of the services we offer and is written from the perspective of a council who themselves removed the subsidy for the S4C (the last bus service to run through Middle Barton). The S4C service provided a rigidly timetabled service through the village to Banbury and Oxford which did not meet villagers' needs.

As you know, the developers have stated that they are willing to provide a capital contribution to OurBus Bartons should the development go ahead, so naturally you may expect this letter to be supportive of the proposal. However, regardless of the outcome of the planning decision, OurBus Bartons will continue to provide a sustainable transport service to Middle Barton and we are looking forward to arranging a meeting with OCC in order to improve their understanding of our services in the future.

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

- 3.1 The scheme concept has been carefully developed, through extensive consultation with the Local Community and at Pre-application with Officers of the Council to ensure that proposed development responds to the site context, opportunities and constraints.
- 3.2 The application is accompanied by a full suite of technical reports, which have assessed the Site and the surrounding area. In each case, they have concluded the Site is suitable for development and can be accommodated by the existing infrastructure in the area.
- 3.3 The development proposals will achieve: The creation of an integrated residential development with a sensitive relationship to the existing settlement and countryside setting; The creation of appropriate vehicular and pedestrian routes through the development; The provision of a development that is well connected, readily understood and easily navigated, promoted through a layout that is efficient, safe and user-friendly; Creation of a strong landscape and open space structure; Provision of a range of dwelling sizes, types and tenure that offers an accessible and

acceptable choice of lifestyles; and Promoting the objectives of sustainable development through layout and design.

- 3.4 The layout for the proposal makes the maximum use of the site, in close proximity to an established residential area, whilst meeting the Council's planning policies regarding its relationship with the street scene and in ensuring that privacy of surrounding dwellings is not compromised. Proposed landscaping reflects the local vernacular and is an appropriate and sensitive design.
- 3.5 The proposals will be well integrated with the settlement and its form and scale and positioning within the plot, would make it appear a natural addition, enhancing the quality of the local environment. It will have a good relationship with its immediate surroundings, buildings, spaces and views from the public realm and will retain the character and identity of the settlement and for the adjoining rural area, in accordance with the aspirations of the West Oxfordshire Design Guide.
- 3.6 The planning balance lies firmly in favour of approving the application. The benefits of the development significantly and demonstrably outweigh any harm in of bringing forward the development:
- 1) The development will deliver market and affordable housing;
  - 2) The development will assist in maintaining the viability of local facilities and services;
  - 3) The development will create job opportunities during the construction phase;
  - 4) The design and scale are appropriate and will bring sustainability improvements
  - 5) The site has a safe access;
  - 6) The scale of the development will not generate significant traffic that would materially impact the wider highway network;
  - 7) Biodiversity gain will be achieved;
  - 8) The development will not harm biodiversity of the site. The development will not have any adverse impacts on the surrounding ecology or any designated conservation sites;
  - 9) The development will not cause or increase the risk of flooding in the immediate or wider area;  
The development will not harm the wider landscape character or the setting of the village;
  - 10) The impact on the distant Middle Barton Conservation Area and Listed Buildings is considered to achieve no impact whatsoever;
  - 11) The archaeology potential given the history of the site is considered to be low potential;  
and
  - 12) The privacy and amenity of neighbours and future resident has been considered and the design satisfactorily addresses the issues.
- 3.7 The development fulfils the three strands of sustainability and accords with the Development Plan (saved and emerging). The proposed scheme constitutes a sustainable form of development and complies with national planning policy specifically the Framework.
- 3.8 This statement has demonstrated that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme. In accordance with paragraph 14 of the Framework the application should be approved without delay.

## **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE4 Open space within and adjoining settlements  
H2 General residential development standards  
H5 Villages  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE6 Retention of Trees, Woodlands and Hedgerows  
NE13 Biodiversity Conservation  
T1 Traffic Generation  
T2 Pedestrian and Cycle Facilities  
TLC7 Provision for Public Art  
EH1NEW Landscape character  
EH2NEW Biodiversity  
EH5NEW Flood risk  
H1NEW Amount and distribution of housing  
H2NEW Delivery of new homes  
H3NEW Affordable Housing  
H11 Affordable housing on allocated and previously unidentified sites  
H4NEW Type and mix of new homes  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
OS5NEW Supporting infrastructure  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
CN2 Chipping Norton sub-area Strategy  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The proposal is a full application for the erection of 22 dwellings adjoining the northern edge of Middle Barton at Worton Road. A range of supporting information and detailed plans have been provided. The development would be 2 storey. The vehicular access would be from Worton Road.
- 5.2 The site is part of a large arable field. There are established hedgerows to the boundaries of the field, but no existing boundary to the northern and eastern edges of the red line site area. To the south and west there are existing properties which front Worton Road. Beyond the site to the north, north west, east and south east is open countryside of which it forms part. A recreation ground lies a short distance to the south incorporating sports facilities, children's playground and community building.
- 5.3 The site is not within the Middle Barton Conservation Area which lies some distance to the south. There are no listed buildings in the vicinity. It is not within the Cotswolds AONB or any other designated area. A public right of way lies approximately 87m to the east, running in a north-south alignment.

5.4 There does not appear to be any planning history associated with the site. However, planning permission was recently refused on a site to the south, part of which adjoins the current application site, 17/03815/OUT. This proposed the demolition of No.58 Worton Road and the erection of 11 dwellings. The reasons for refusal referred to: the relationship of the development to the settlement and impact on the character of the area; impact on residential amenity arising from the siting of the access; and unsuitable pedestrian access.

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

Principle  
Siting, design and form  
Landscape  
Heritage  
Highways  
Ecology  
Drainage  
Residential amenity  
S106 matters

Principle

5.6 Middle Barton is classified in the Local Plan 2011 as a medium sized, group B settlement. Based on the settlement sustainability assessment (Nov 2016) the village is ranked 19th of the 41 settlements assessed in terms of services and facilities available.

5.7 The village benefits from a range of services, including a primary school, food shop, community building, sports facilities, and pub.

5.8 In the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.

5.9 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.

5.10 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to

be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.

- 5.11 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.12 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, Officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the "decision taking" under paragraph 11 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.
- 5.13 Local Plan 2011 Policy H6 would not allow for the development of the application site under a strict interpretation of the definitions of infilling and rounding off contained therein. However, in the context of the Council currently being unable to definitively demonstrate a 5 year supply of land for housing, this policy is considered out of date with reference to the NPPF.
- 5.14 Emerging Local Plan 2031 Policy OS2 allows for limited development in villages which respects the village character and would help to maintain the vitality of these communities. Emerging Policy H2 allows for housing development on undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the Plan, in particular the general principles in Policy OS2.
- 5.15 The site is located within the Chipping Norton sub area which includes a number of sites with planning permission and a large strategic allocation on the east side of Chipping Norton. The unidentified supply in this part of the District amounts to 188 windfalls in the period 2017 to 2031, which equates to 13 units per year across the whole sub area. Whilst the housing delivery figures in the local plan are not a ceiling, it is appropriate to have regard to the need for development in the context of policy H2 when considering greenfield development on the edge of settlements. There is no acceptability in principle for this scale of development in this location under the terms of the revised Plan. It would not be considered "limited" under Policy OS2.

#### Siting, Design and Form

- 5.16 The plans show an estate layout arranged off a cul-de-sac. Six plots forming a terrace would front Worton Road, with a looser layout behind. The layout shows that 24 dwellings can be accommodated.
- 5.17 There is a considerable amount of modern estate development in the northern part of the village, north of Enstone Road. However, in the vicinity of the application site, on the east side of Worton Road, built form is limited. North of the recreation ground there are 5 detached houses on large plots fronting Worton Road. There is no development in depth away from the road and the proposal would push out into the open countryside to the north and east. It would extend north of the northernmost house on the west side of Worton Road.

- 5.18 The development would occupy only a portion of the existing field and there are no established existing features such as walls, hedges or trees that provide a demarcation of the site area. It would appear as an alien intrusion into the open countryside.
- 5.19 The landscape masterplan provided shows an intention to provide planting to the edges of the site. However, this does not for the most part form part of areas of public open space. The intention is to erect a mesh fence on a sinuous line along the north and east boundaries which would form the outer edge of the plots, with tree and understorey planting outside of this, varying in depth between 3m and 7m. The interface with the arable field beyond is not intended to be fenced. The depth of the landscaping would tend to indicate that there would only be space for planting 1 tree deep for larger species. At maturity such trees are likely to overhang gardens which could mean lopping or pruning. They are also likely to overhang the field and could be compromised in terms of passing machinery and root damage from the weight of machinery or ploughing. It isn't clear how the planting would be managed. The specification for the mesh fencing has not been provided but this would be likely to inhibit the movement of wildlife. Such a fence would not necessarily dissuade or prevent the annexing of landscaped areas by householders. The planting is of insufficient depth to provide a meaningful buffer that would appropriately mitigate the visual impact of the development. The management of the existing hedge to the Worton Road boundary would need to ensure that this continues to provide a landscape feature whilst balancing the need to provide screening but also an appropriate level of outlook and light to the proposed properties fronting the road.
- 5.20 The relationship between the rear of plot 10 and the gable of plot 15 is too close, at 7m, and would not provide an appropriate outlook for plot 10. Plots 18 and 19 are too close together in terms of loss of privacy. Plot 19 sits awkwardly part way across the front elevation of plot 18. The garage to plot 19 cuts in front of its front elevation.
- 5.21 The line of vision on entering the cul de sac would be onto the gable end of plot 10 and parking along the access. This would not create a pleasing approach to the development. The line of sight on turning east past plot 10 would be towards parking and garaging, rather than a landscaped frontage and elevation of a building. These issues considerably diminish the quality of the design and would not create a visually appealing environment.
- 5.22 With regard to the relationship between proposed and existing neighbouring properties, main elevation interfaces meet or exceed a 21m standard. The layout would not lead to unacceptable loss of light or privacy to existing occupiers.
- 5.23 The design of the individual buildings is inspired by vernacular forms and is generally acceptable. It is intended to provide predominantly reconstituted stone units, with a smaller proportion of render and brick. The type of walling and roofing materials can be secured by condition.
- 5.24 Whilst viewed in isolation the house types are not inappropriate per se, the layout and arrangement of built form and landscaping does not represent a suitable design solution in this location.

#### Landscape

- 5.25 The site is not within a designated area, but is pleasant countryside that provides a landscape setting for the rural village of Middle Barton. A Landscape and Visual Impact Assessment has not been provided.

- 5.26 When viewed from Worton Road, the existing hedge along the western edge of the field does provide a degree of screening, but the field beyond is perceptible, particularly in winter. However, cutting of the hedge, consistent with regular management and ensuring reasonable outlook and light to Plots 1 to 6 would reduce its height and volume. There is no intention shown on the plans to buffer the roadside hedge.
- 5.27 A public footpath to the east runs along the eastern edge of the arable field. The hedge to this edge and those to adjoining fields currently provides effective screening in views towards the site but this would vary depending on future management.
- 5.28 The creation of the access would open up the view into the site and the proximity of plots 1 to 6 to the road as well as an appreciation of development in depth away from the road would be visually harmful in terms of landscape character.
- 5.29 The site doesn't sit within the context of existing landscape features or built form that suggest development here might be appropriate by way of infilling or rounding off. The morphology on the east side of the road is of a large gap in development formed by the recreation grounds and limited linear development to the north of this at Nos. 52 to 60. On the west side of the road the built form terminates at Nos. 61/63, some way short of the northern edge of the proposed site.
- 5.30 Estate type development would be entirely alien here and the proposal cannot be considered a logical complement to the village morphology. It would not appropriately assimilate into the environment of the locality.
- 5.31 Officers are of the view that there would be significant harmful change to the landscape arising from the proposal. The ability of the landscape to accommodate this change is contingent to a great extent on suitable mitigation being provided. The layout includes some landscaping to the edges, but for the reasons set out above, there is no certainty that this would be effective in the long term. The scale and extent of development would remain evident.

#### Heritage

- 5.32 There are no listed buildings in close proximity to the site. The boundary of the Middle Barton Conservation Area lies some distance to the south and is focussed around Enstone Road and the historic parts of the village lying to the south of the Enstone Road. No objection is raised as regards archaeology and no conditions would be required.
- 5.33 It is considered that there would be no material impact on heritage assets in this location. Given this finding, there is no requirement to assess public benefit here before applying the wider balance of paragraph 11 of the NPPF.

#### Highways

- 5.34 Having considered further information submitted in response to highways concerns, OCC Highways maintain their objection on the grounds that the site is not in a transport sustainable location.

- 5.35 Middle Barton is located away from Oxfordshire's main transport corridors. Whilst a community bus has been set up, its operations are very dispersed and irregular, and are also subject to frequent change. Compared to the previous bus service which provided regular links to the hourly Banbury-Oxford inter-urban bus route, providing journey opportunities in both directions, the current OurBus Bartons operation is focused on infrequent (weekly or twice weekly) journeys to a very wide range of destinations, suitable for shopping and other purposes rather than journeys to work.
- 5.36 This extremely limited transport arrangement would not fit with the travel aspirations of most working people and it is unlikely that the range of travel opportunities to work would increase, given the very infrequent train service and the OurBus Bartons mode of operation, focusing on very infrequent journeys to a wide range of destinations. The lack of journey opportunities for work by public transport means that this location should be considered to be unsustainable in transport terms since a heavy reliance on private vehicles would be necessary.
- 5.37 No objection is raised by OCC Highways in relation to the means of access, traffic generation and parking provision.
- 5.38 There is no footway on either side of Worton Road north of the junction with Hillside Road. A footway link on the east side of Worton Road would be necessary should the application be permitted.

#### Ecology

- 5.39 The site comprises mainly arable land of low ecological value. A small portion of habitats of medium ecological value would be affected as a consequence of the removal of a small portion of the western and southern hedgerows, which would be lost to provide access.
- 5.40 The Site has no statutory or non-statutory designation for nature conservation within its boundary and no such sites are expected to be affected by the proposed development of the site.
- 5.41 The Site offers some potential to support a range of protected and notable species with the hedgerows offering nesting bird opportunities and valuable connectivity to species such as small mammals, reptiles and amphibians. The hedgerows are intended to be retained apart from removal to form the access. Two mature trees within the western boundary hedgerow offered low suitability for roosting bats. It is therefore recommended that these trees are retained and protected during and post development. Any tree felling or lopping works must be informed by further detailed survey work for bats.
- 5.42 The development would be required to provide ecological enhancements and management which could be secured by condition. The further observations of the Biodiversity Officer on potential effects on dormice, skylark and other farmland birds, as well as any recommended conditions will be reported at the meeting.

#### Drainage

- 5.43 In the light of further information, OCC Drainage officers raise no objection to the proposal. However, a drainage condition is recommended. This would include a SuDS Management and Maintenance Plan.



5.44 Thames Water raise no objection as regards foul drainage.

SI06 matters

5.45 The applicant has referred to the provision of 50% affordable housing which is a policy compliant contribution.

5.46 A contribution of £2,310.00 is required towards public art.

5.47 A contribution of  $£1,156 \times 22 = £25,432$  off-site contribution towards sport/recreation facilities within the catchment. In addition,  $£818 \times 22 = £17,996$  for the enhancement and maintenance of play/recreation areas within the catchment.

5.48 Local schools have sufficient capacity to meet the needs of a development of the proposed scale and therefore no contributions are required.

5.49 There is no scheduled bus service in the village to which contributions could be made, but a contribution towards the community bus service (currently OurBus Bartons) would be warranted. This would be the subject of further negotiation with the applicant should there be a resolution to approve the application.

Conclusion

5.50 The site is located adjacent to a medium sized village benefiting from a number of services and facilities. However, it does not benefit from public transport that would be suitable for travel to work and a frequency of local service convenient for day to day travel to larger settlements. It is therefore considered that the location of the site is not sustainable in transport terms and the development would result in unacceptable reliance on the private car.

5.51 The imposition of condition(s) is capable of addressing the appropriate provision of sustainable surface water drainage.

5.52 The final comments of the Biodiversity Officer are awaited and will be reported at the meeting.

5.53 The proposal would represent an inappropriate incursion into open countryside that would be unacceptable in terms of its visual impact, urbanising effects and harm to landscape character. The design, scale, extent, arrangement and depth of development would not reflect the established character of the area. It would fail to establish a strong sense of place and would not reinforce local distinctiveness. It is unlikely that existing and proposed planting would allow the development to satisfactorily assimilate into its surroundings.

5.54 The Parish support for the provision of affordable housing is noted. Such provision is an objective of the Council. Until such time as the Council can definitively demonstrate a 5 year housing land supply the provision of housing continues to attract significant weight in the planning balance.

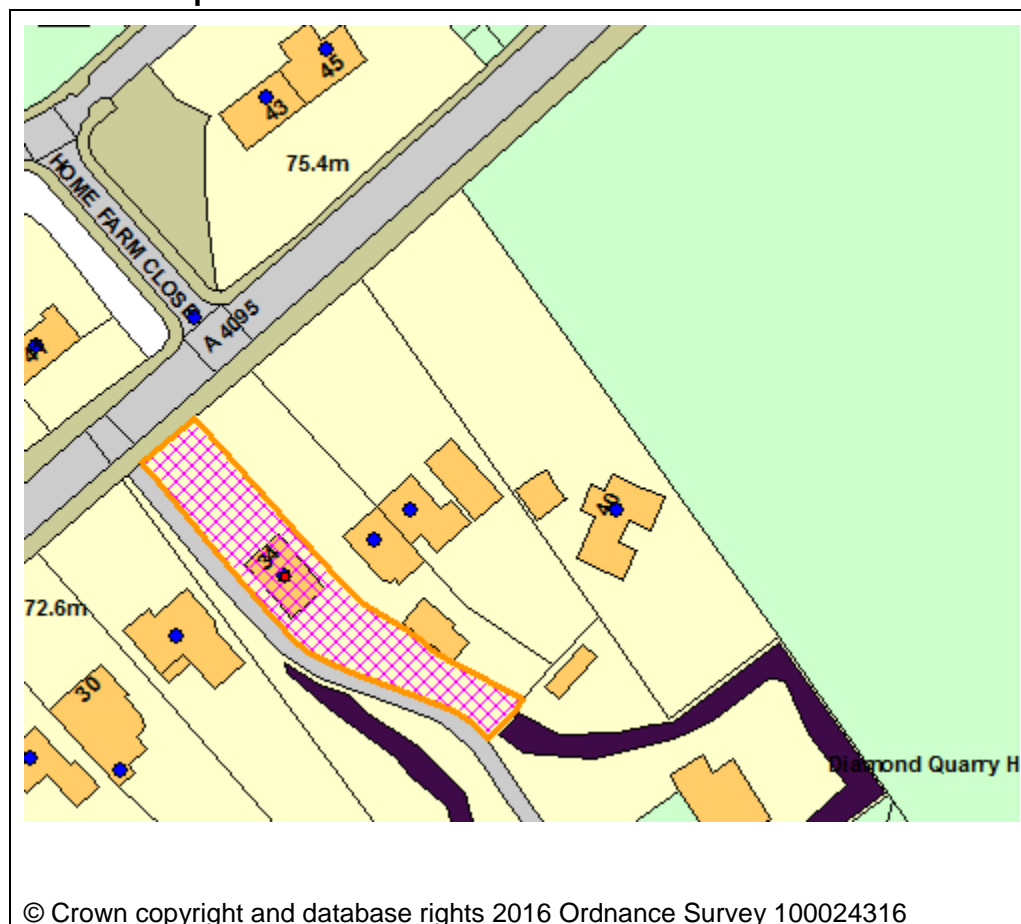
5.55 Taking account of material factors, the harm arising in terms of landscape and the character of the area, and lack of transport sustainability significantly and demonstrably outweighs the benefits. Accordingly, it is recommended that the application is refused.

## 6 REASONS FOR REFUSAL

- 1 The development site is in an area which does not benefit from a commuter frequency public transport service. This will result in heavy reliance on private vehicles for journeys to destinations outside of Middle Barton. In transport terms the development site is therefore considered to be in an unsustainable location. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policy T1, emerging West Oxfordshire Local Plan 2031 Policies OS2, T1, and T3, and paragraphs 108 and 110.
- 2 The site is located in the countryside beyond the existing settlement edge of the village of Middle Barton. The development would encroach unacceptably into an extensive area of agricultural land that characterises the landscape in this location. It would fail to relate satisfactorily to the village or the existing rural environment which provides a setting for it, and it would not easily assimilate into its surroundings in resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. It would be prominent and visible in public views from Worton Road. There would be a substantial impact on the character and appearance of this location, and the countryside would be urbanised and its tranquillity disturbed to a harmful degree. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 policies BE2, BE4, NE1, NE3, and H2, emerging West Oxfordshire Local Plan 2031 policies OS2, and EH1, and the relevant policies of the NPPF, in particular paragraph 170.
- 3 The proposed layout would not provide an appropriate level of amenity in relation to the proximity of buildings on plots 10, 15, 18 and 19. The design, scale, extent, arrangement and depth of development would not reflect the established character of the area, where the site adjoins ribbon development on the east side of Worton Road. It would fail to establish a strong sense of place and would not reinforce local distinctiveness. The peripheral planting is of insufficient depth, would be difficult to manage effectively, and where plots adjoin planting there is the potential for removal and lopping of trees and hedgerows and encroachment of garden areas. The proposal would not add to the overall quality of the area and the landscaping is unlikely to provide effective mitigation. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4 and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, and OS4, and the relevant paragraphs of the NPPF, in particular 127 and 130.
- 4 The applicant has not entered into legal agreements to ensure that the development adequately mitigates its impact on community infrastructure, secures the provision of affordable housing, secures the provision and appropriate management of landscaping and open space, and provides for public art. The local planning authority cannot therefore be satisfied that the impacts of the development can be made acceptable. Consequently the proposal conflicts with West Oxfordshire Local Plan 2011 Policies BE1, TLC7 and H11, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS5, and H3, and paragraph 54 of the NPPF.

Application Number	18/00967/FUL
Site Address	34 Grove Road Bladon Woodstock Oxfordshire OX20 1RD
Date	21st August 2018
Officer	Sarah De La Coze
Officer Recommendations	Approve
Parish	Bladon Parish Council
Grid Reference	445014 E 215111 N
Committee Date	3rd September 2018

### Location Map



### Application Details:

Demolition of existing house and outbuildings. Erection of new dwelling with associated drainage, parking and landscaping with new vehicular and pedestrian access (amended plans)

### Applicant Details:

Mr Peter Barrett, Long Barn, The Straight Mile, Woodstock, OX20 1PW

## I CONSULTATIONS

I.1 Conservation Officer No objection subject to conditions.

I.2 Parish Council The Parish Council has considered the amendments to the above application and comments as follows:

1. It is pleased to note the change in proposed materials on all elevations, but would like clarification of whether any rendering is still planned to the left side or rear of the building as per the original Design & Access Statement as this has not been specifically stated in the Revised Statement.

2. Whilst the floor area of the proposed building has been slightly reduced it would still appear to be very substantially larger than the existing property, and large for the site. The further plans submitted are difficult to interpret particularly in relation to the size and location of the windows and further clarification would be appreciated.

3. The amendments to the side boundary are welcomed in so far as they go, but the Parish Council remains of the view that the character of the local (conservation) area would be more properly protected and enhanced by hedging running the full length of the border with the private lane, from the front to the rear of the plot, in keeping with the property to the other side of the lane. Similarly a boundary hedge at the front of the plot would be in keeping with the other nearby properties.

4. We would like clarification of what is meant by the phrase "Landscaping to the rear land can be agreed." By whom would it be agreed? What would the process for this be - would nearby residents and/or the Parish Council be consulted or be party to any agreement?

5. Construction work will be difficult given the narrow site and lack of public accessway for construction vehicles other than directly into it across the pavement and into the area designated to become the parking zone. Traffic travelling on the busy A4095 will also be affected. We would like to see the Construction Management Plan please. One has not apparently been filed despite our previous request.

6. Several of the inaccuracies in the application form, as raised in point 6 of our previous objections, have not been addressed.

7. We would respectfully request that the above concerns be addressed and ask that it be noted that the Parish Council's objection to planning permission being granted remains pending the same.

- 1.3 WODC Drainage Engineers No objection subject to condition.
- 1.4 OCC Highways No objection subject to conditions.
- 1.5 Biodiversity Officer No objection subject to conditions.

## **2 REPRESENTATIONS**

2.1 21 letters of objections have been received. These include those received before and after amended plans were submitted. These can be read in full on the Council's website. The representation received raised the following issues which have been summarised below:

- More traditional materials are more in keeping
- Dwelling is too large for the site
- Driveway along 34 is not a track but a private driveway
- Dwelling will be built very close to boundary which will overshadow the neighbouring property
- Dwelling will overlook neighbouring property
- Works will cause a disruption
- Will increase drainage and flooding issues
- Plans are inaccurate
- Landscaping does not go far enough
- Overall square footage is much larger than the existing dwelling

## **3 APPLICANT'S CASE**

3.1 A design and access statement has been provided as part of the application which states:

The existing site sits at the entrance to a disused stone quarry which now has two detached houses situated within the old quarry workings. There is a single track which accesses these houses from Grove Road.

There is an existing, utilitarian designed, and built, bungalow on the site, built in the 1950's. This building has a simple rectangular plan with gable elevations to front and rear, and is sat back from the road, between No. 36 and the track leading to Diamond Quarry House and Plas Dowel, with No.32 beyond the track to the west.

The front garden of the existing house is covered in concrete paving slabs and the rear garden is largely covered in dense under growth on a slope of approx 4 metres from east to west which was the east side of the quarry entrance.

The whole effect is dreary and utilitarian.

There is no vehicular access to the site; pedestrian access is via a footpath adjacent to the driveway.

### The proposed design

The planning officer and conservation officer have visited site and suggested amendments. The Parish Council have objected to the scheme and their comments have been taken into account.

The following amendments have been made in response to the above.

The parking and turning area have been increased in area.

The frontage of the building has been set back by 1.5m.

The floor area has been reduced by 16M<sup>2</sup>.

The front door location has been moved to the front of the property.

All elevations have been amended both with regard to size and location of fenestration to achieve a domestic look.

The materials proposed will be traditional natural blue slates and natural stonework on all elevations.

The windows will remain powder coated aluminium of a colour to be agreed as some are large in size and timber will only warp and become leaky.

The side boundary treatment to the access track has been amended - there will be a simple timber fence consisting of simple uprights with a single top post set at 45 degrees, as others in the village. This will change to a hedge alongside the building with a sloping ground to the trackway, with the fence continuing from the rear of the house to the end of the plot. This creates a soft, rural aesthetic.

The general massing, use of levels and overall layout is considered to be a good resolution of the site difficulties, which is supported by the planning officers.

### Access

A new vehicular access will be formed to Grove Road, with a drive leading to a car parking area. This drive and parking area will be lower than the adjacent front garden area which will help reduce the visual effect that parked cars will have on the street scene.

Following public comments this parking area has been increased to allow for three parked cars in a row, with generous turning areas.

A bin and recycling store will be provided within the parking area.

### Drainage

The drive and parking areas will be self-draining with any surplus storm water being dealt with by a SuDS drainage system to avoid water run-off from going onto the track.

Foul water drains will be connected to the existing system which discharges to a public sewer in Grove Road.

### Landscaping

The front concrete paving will be removed and this area will have a beech hedge to give further visual protection from parked cars, plus an apple orchard.

Landscaping to the rear land can be agreed.

Boundary proposals are covered in design section above, consisting of simple timber fence and hedge.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
NE13 Biodiversity Conservation  
NE5 Oxford Green Belt  
OS2NEW Locating development in the right places  
H6NEW Existing housing  
OS4NEW High quality design  
EH2NEW Biodiversity  
EH7NEW Historic Environment  
EH8 Conservation Areas

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

#### **5 PLANNING ASSESSMENT**

- 5.1 The application seeks planning permission for a replacement dwelling with associated parking. The application site is located within the built up limits of Bladon, within Bladon Conservation Area and within the Oxford Green Belt.
- 5.2 A number of concerns were raised with the initial application and following comments from officers, neighbours and the Parish Council. The application has been amended to address concerns.
- 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 Policy H2 of the adopted local plan and policy H6 of the emerging local plan refers to replacement dwellings. In principle a one for one replacement is considered acceptable as long as the existing dwelling is not of historic or architectural merit and providing that the character and appearance of the surrounding area is not eroded, and the dwelling is not materially larger than the existing.
- 5.5 Policy NE5 of the adopted plan also allows for replacement dwellings in the Green Belt provided that the proposals do not result in a dwelling that is materially larger than the original dwelling. Paragraph 145 of the NPPF 2018 is also permissive of replacement dwellings as long as the dwelling is not materially larger than the one it replaces.
- 5.6 The existing dwelling is a bungalow therefore the proposed dwelling will be larger than the existing house. Given the design of the dwelling and the site constraints officers are of the

opinion that the proposed dwelling would not be materially larger than refusal on this basis could be justified. The dwelling will be located broadly in the same place as the existing dwelling and will feature a ridge height that would be in line with the neighbouring two storey dwellings.

#### Siting, Design and Form

- 5.7 The application site is located in a highly visible location on the street scene. The site currently comprises a low key bungalow. The road comprises a variety of different house types with the immediate neighbouring properties benefiting from large houses set back in the plot with spacious frontages. Across the road there is a relatively new housing development which is located on an old farm complex.
- 5.8 The application site is somewhat constrained due to the site levels and the private access road that runs alongside the boundary. The dwelling is proposed to sit gable on to the street using the site levels to create the levels for the dwelling, elements of the dwelling will be set in to the site.
- 5.9 The dwelling will be set back in the site allowing for parking and landscaping to the front. This will follow the pattern of development in the street scene. Officers are of the opinion that the overall form, height and scale of the dwelling would sit comfortably between the neighbouring properties.
- 5.10 The design has a more contemporary appearance due to the orientation and fenestration details. Officers are of the opinion that the use of the modern details along with more traditional materials would form a visually appropriate relationship with the street scene and neighbouring properties. The side element has been set back from the frontage reducing the massing on the side elevation which will be highly visible due to the private access road. The boundary treatment along the access will be minimal with hedging and a simple low lying fence allowing for the rural character to remain in this location whilst allow the curtilage of the dwelling to benefit from some privacy.
- 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 16 'Conserving and enhancing the historic environment ' of the NPPF 2018 are relevant to consideration of the application.
- 5.12 In this regard the proposed dwelling would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset. The dwelling would read as a logical addition to the pattern of development in the area and would not be overly dominant given its relationship with the neighbouring properties and the materials proposed. The dwelling is therefore considered to preserve this part of the Conservation Area.
- 5.13 There is a mix of housing along Grove Road and officers are of the opinion that the proposed dwelling would not be out of keeping with the development in the area and has been designed for the site specific circumstances. The proposal is not considered to have an adverse impact on the street scene or wider Conservation Area.



### Residential Amenities

- 5.14 The nearest neighbours are 32 and 36 Grove Road. No.32 is separated by the private road and benefits from screening on the boundary. The proposed dwelling is considered to be sufficiently separated to not be considered overbearing or impact the light available to the property. No. 36 is closer to the development site and is separated by a boundary fence with hedging and trees on the boundary. The dwelling will be set away from the boundary and the neighbouring access runs alongside the boundary. The relationship between the properties are considered acceptable given that No.36 doesn't benefit from habitable rooms on the closest elevation. The new dwelling is therefore not considered overbearing or considered to adversely impact the light to the neighbouring property given the distance between the properties and the circulation space around the dwellings and room layout.
- 5.15 The primary windows in the proposed windows will face out to the front and rear of the site. The front windows will have views on to the street and over the frontage of the neighbouring property. The rear windows have the potential to have views to the rear of the neighbouring properties. Given that the dwelling is located within the built up limits of Bladon where it is common to have these types of relationships between dwellings and where mutual overlooking is part of living in a residential area, the proposed openings are not considered to give rise to unacceptable level of overlooking and will not adversely impact on neighbouring privacy. In addition the existing bungalow benefits from rear openings and a raised rear garden area which will not be dissimilar to the proposed arrangement in terms of the potential for overlooking. The dwelling proposes a number of windows and roof lights on the side elevations. The windows facing on to the access road are not considered to give rise to unacceptable levels of overlooking given the position of the access road. The windows that are proposed to face on to no.36 are mostly proposed to serve non habitable rooms at first floor level and therefore are not considered to give rise to overlooking. Notwithstanding this, a condition will be added to ensure the windows are obscurely glazed to reduce the level of perceived overlooking.

### Highways

- 5.16 Oxfordshire County Council Highways have been consulted on the application and raise no objection.

### Conclusion

- 5.17 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers consider that the proposed development is acceptable on its planning merits, would preserve this area of the Conservation Area and Green Belt and would be in compliance with paragraph 145 of the NPPF 2018. The dwelling would not have an adverse impact on neighbouring amenity and therefore are recommending that the application is approved.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 2 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on \*\*\*\*\* .  
REASON: The application details have been amended by the submission of revised details.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
- 5 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 7 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 8 The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.  
REASON: To ensure a safe and adequate access.
- 9 No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.  
REASON: In the interest of road safety.
- 10 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).

- 11 Before development takes place, details of the provision of bat roosting feature(s) and/or nesting opportunities for birds into the new buildings and/or boxes in trees shall be submitted to the local planning authority for approval, including a drawing showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the dwelling hereby approved is first occupied, and thereafter permanently retained

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework, Policy NE13 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 12 Prior to occupation, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bat species using their territory or having access to any roosts.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved details, and these shall be maintained thereafter in accordance with these details. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, the National Planning Policy Framework (in particular section 15), policy NE15 of the West Oxfordshire District Local Plan 2011, policy EH2 of the emerging Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road or footpath shall be constructed or erected, other than those expressly authorised by this permission.

REASON: To safeguard the open plan character of the development/ to safeguard the character and appearance of the area.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.

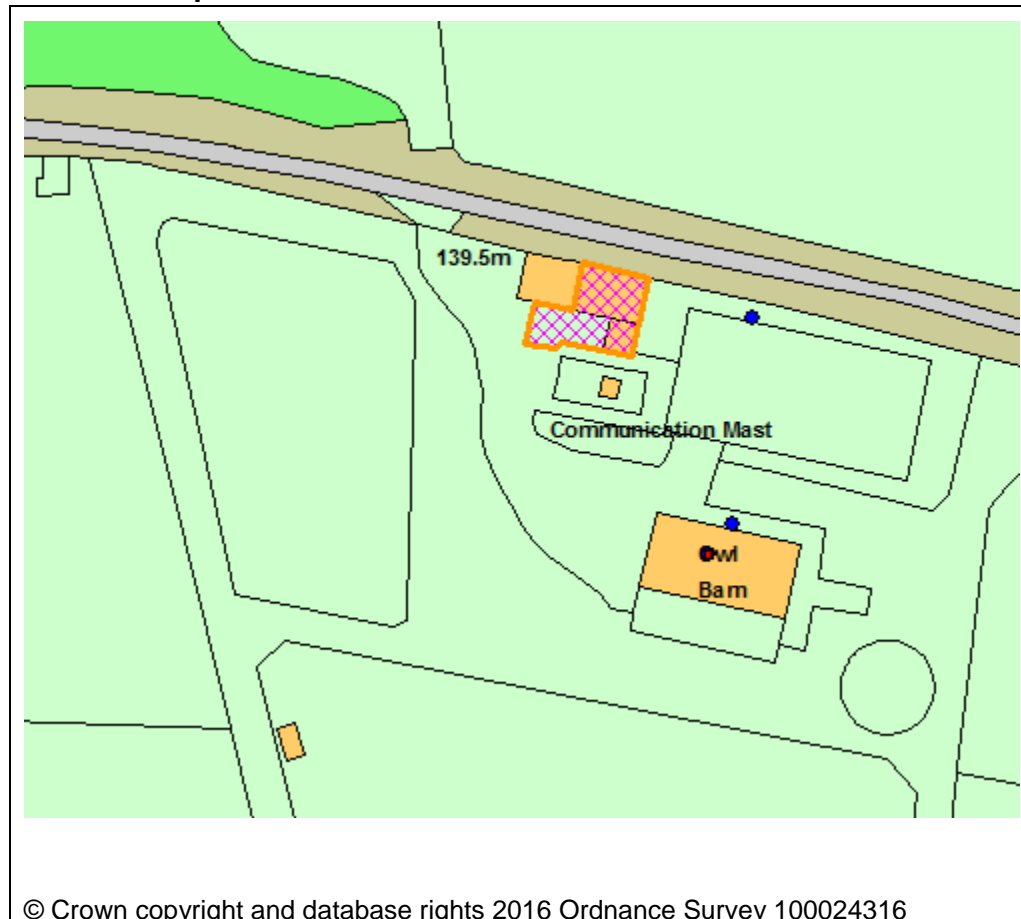
REASON: Control is needed to preserve the character and appearance of the area and neighbouring amenity.

## NOTES TO APPLICANT

- 1 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.
- 2 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Version 2.1 of Oxfordshire County Council's SuDS Design Guide (August 2013)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))  
(Follow link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf> ).
  - CIRIA C753 SuDS Manual 2015.
- 3 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

Application Number	I8/01364/FUL
Site Address	Owl Barn Beech Grove Fulbrook Burford Oxfordshire OX18 4DE
Date	21st August 2018
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Fulbrook Parish Council
Grid Reference	426333 E 212901 N
Committee Date	3rd September 2018

### Location Map



### Application Details:

Conversion of attached stable/storage room to enlarge dwelling

### Applicant Details:

J Boucher, Owl Barn, Beech Grove, Fulbrook, Burford, Oxfordshire, OX18 4DE

## **I CONSULTATIONS**

- 1.1 Parish Council Fulbrook Parish Council objects to this planning application. The original application for this site provided for no living accommodation at the site and the development is outside the village envelope. W2008/1271/P/FP.

## **2 REPRESENTATIONS**

- 2.1 No representations received at the time of writing.

## **3 APPLICANT'S CASE**

- 3.1 A planning statement was submitted with the application states as follows:

- The current dwelling is small in size being only one bedroom. It is therefore proposed to extend the dwelling further into the adjacent stable/storage building.
- The extension will create an additional en-suite bedroom. The only external changes will be to be southern elevation which will require the additional of a window as the east/west elevations are internal and the northern elevation will remain unchanged. Roof material will also remain unchanged, being corrugated sheeting. The southern elevation will be clad in dark stained timber cladding.
- The extension of the dwelling is modest and will enable the applicant to have family and friends to stay overnight.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
NE4 Cotswolds Area of Outstanding Natural Beauty  
T4NEW Parking provision  
H2 General residential development standards  
H2 General residential development standards  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH1A AONB  
EH1NEW Landscape character  
H6NEW Existing housing  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 The application relates to the change of use of an existing stable building that is currently used for storage to allow for the applicant to extend their dwelling. Owl barn is not located within the Conservation area but is situated within the Cotswold Area of Outstanding Natural Beauty.

- 5.2 Owl Barn, previously known as Ruslyn (Barns) lies to the east of Fulbrook and extends to about 9.2 acres of equine grazing land. Located on the site are a range of single storey barns and a purpose built stable block that was constructed in 2008/2009.
- 5.3 The current dwelling is of a relatively small size and houses one bedroom. The application therefore proposes to extend the existing dwelling into the existing stable/storage room that is located adjacent to the property. This additional space will then be utilised to create an additional en-suite bedroom.
- 5.4 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as Fulbrook Parish Council have objected to this application.
- 5.5 Taking into account planning policy, material considerations and the representations of the interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, Design and Form  
Impact on the Cotswold AONB  
Residential Amenity  
Highways Safety

Background Information

- 5.6 The application site is located on a plot of land which comprises of a stable building, a stable/storage room and a residential unit.

The stable:

08/1271/P/FP: Planning permission granted for the erection of stables/tack room approved subject to conditions  
13/0767/P/S73: Application to vary condition 7 of 08/1271 to include 'rest room' within the stables/tack room.

The now residential unit:

17/02380/CLE: A certificate of Lawfulness was obtained for the change of use of an agricultural building to light industrial use in 2017.

17/03183/PN56: Following which permitted development was approved for the change of use from Light Industrial (Class B1(c)) to a dwellinghouse (Class C3) as stated by the provisions of Class PA of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

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

### Principle

- 5.8 The application site was granted planning permission in 2017 through the prior approval process. This allowed for the change of use of from light industrial use to residential use. As part of the officer's report it was concluded that the introduction of a residential use at Owl Barn would not have an adverse impact on the sustainability of the provision of industrial services.
- 5.9 The permission has been implemented and the building is occupied. Therefore, the principle of using the building for residential use has already been established. The application for the change of use of the stable/storage room is incorporating part of a larger space which is currently under utilised.
- 5.10 The change of use does not affect the external character of the building, it simply utilises part of the stable/storage room to provide additional living accommodation on site.
- 5.11 In light of the above, the principle of the change of use is considered to be acceptable.

### Siting, Design and Form

- 5.12 The application site is located to the east of Fulbrook within the open countryside. Owl Barn is made up of a variety of buildings including barns, a purpose built stable block and a dwelling. The application for change of use relates specifically to a stable/storage building which is located to the north of the site. This building is situated adjacent to the highway known as Beech Grove.
- 5.13 The application site fronts the highway and in relation to this, the stable/storage building is visible on the street scene. However, given that there are no proposed external changes to the northern elevation which fronts Beech Grove, the proposed development is not considered to be a prominent feature on the street scene. The only external change will be to the southern elevation of the building which will require the addition of a window that is to face into the applicant's residential curtilage.
- 5.14 The materials and design of the stable/store room are not proposed to change. The external walls of the stable/storage building are constructed out of a combination of concrete blocks and tin sheeting. Officers note that the tin sheeted part of the building is not part of the application. The section of the stable/storage room in question is the part comprised of concrete blocks which makes up ... of the whole building. As there are no proposed changes to the external materials, the design is considered to be appropriate as it would not have an adverse impact on the appearance of the application site or the surrounding area.
- 5.15 As such, the application is considered to be acceptable in these terms.

### Impacts on the Cotswold AONB

- 5.16 In terms of the impact on the Cotswold AONB, the provisions of paragraph 172 of the NPPF 2018 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. The proposed change of use of the stable/store room to allow for the existing dwelling to be extended into this space will only be viewed in its immediate context and will therefore conserve the wider Cotswold AONB. It is not therefore considered that the development will be of material harm to the AONB given its design form and setting is not to change.



### Highways

- 5.17 Oxfordshire County Council Highways has raised no objections. The site has an existing access close to an established and adopted highway known as Beech Grove.
- 5.18 The existing site access will be used as part of the application. This access consists of a concrete visibility splay which leads to an off road security gate and then progresses onto a yard and access track. There is room for a number of parking spaces located to the fore of the existing dwelling and sufficient turning space. The access and drive do not require any alterations as part of this application.
- 5.19 As such, the application is considered to be acceptable in these terms.

### Residential Amenities

- 5.20 In terms of neighbouring amenity, the proposed change of use to allow for the existing dwelling to be extended into the existing stable/store room is not considered to give rise to any harm. Owl Barn is located in the open countryside where there are no neighbouring properties within the immediate vicinity. Given that there is a sufficient separation distance between the stable/storage building and the nearest property over 100 metres away, the proposed change of use is not considered to have an impact on neighbouring amenity.

### Conclusion

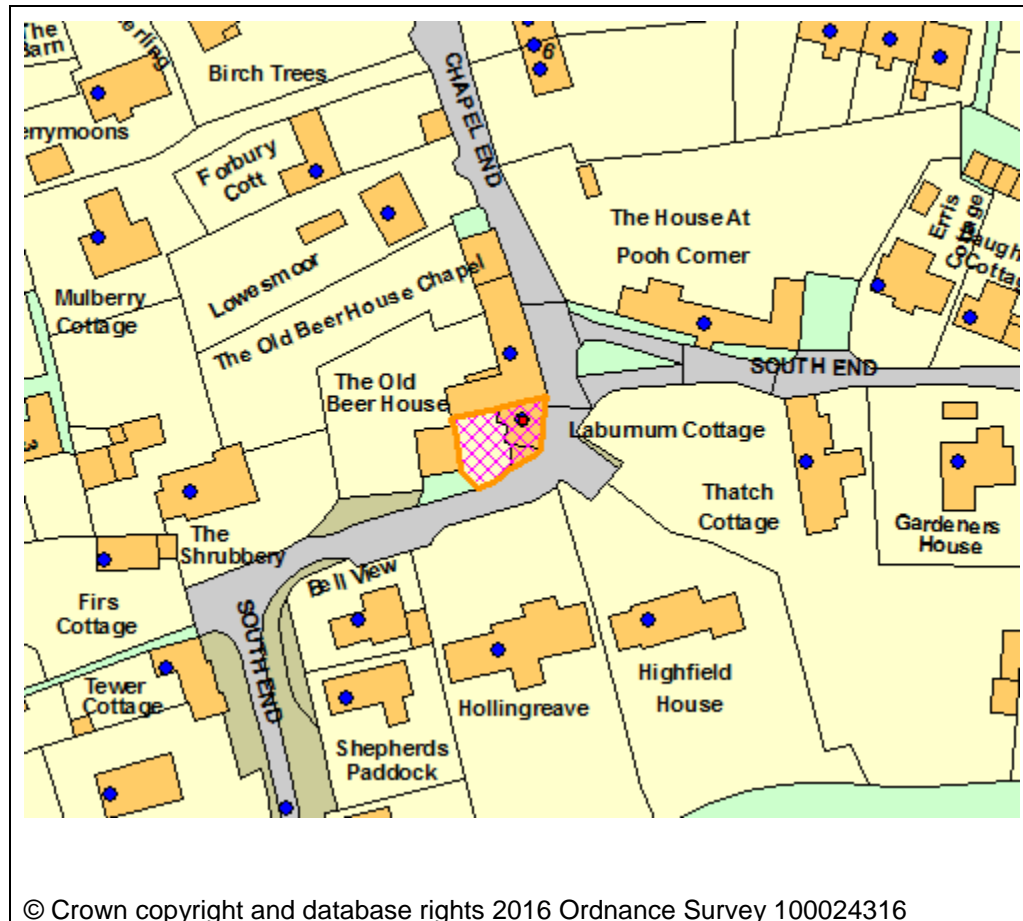
- 5.21 In light of the observations laid out above, having considered the relevant planning policies and all the other material considerations, your officers consider that the proposed development is acceptable on its planning merits. Officers also consider that the proposed change of use would conserve the surrounding AONB and would be compliant with paragraph 172 of the NPPF. The proposed application would not have an adverse impact on neighbouring amenity and therefore, officers are recommending that this application is approved.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

Application Number	18/01370/LBC
Site Address	Laburnum Cottage South End Great Rollright Chipping Norton Oxfordshire OX7 5RR
Date	21st August 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Rollright Parish Council
Grid Reference	432369 E 231085 N
Committee Date	3rd September 2018

**Location Map**



**Application Details:**

Replacement windows and front door. (Retrospective).

**Applicant Details:**

Mr and Mrs Jenkin, Laburnum Cottage, South End, Great Rollright, Oxon, OX7 5RR

## I CONSULTATIONS

- I.1 Conservation Officer
- Dealing first with the replacement front door, and judging from the applicant's photograph of the previous door, and also the 'Streetview' image of December 2009, I think that the new door could be reasonably classed as a like-for-like replacement, not needing Listed Building Consent. The new door does have a natural timber finish, rather than paint, and it does have decorative iron studs, but in my view these changes are not greatly significant, and we would not normally attempt to control such features. Turning to the windows, the picture is somewhat less clear - and a major difficulty in assessing this application is that we can't be entirely sure of what was actually replaced. The statutory listing entry (of 30th August, 1988) notes that some of the windows were leaded, although doesn't specify which, or the nature of the leadwork. The applicant asserts that the removed windows were only around 25 years old, and that the leading on these was applied - which means that the lead was glued on to a single large pane of glass, rather than acting as the jointing medium between multiple smaller panes of glass, in the traditional manner. However, one thing that is clear is that the 'Streetview' image of December 2009, and the applicant's photo of the previous front elevation, and also the applicant's close-up of the previous front ground floor right hand window, all show traditional simple timber flush casement detailing - at least on the front elevation - which has been replicated in the replacement windows, fortunately. So, in my view the window joinery could be reasonably classed as a like-for-like replacement, not needing Listed Building Consent. This leaves the trickiest part - which is the glazing. Bearing in mind the ambiguity in the statutory listing, and bearing in mind the fact that the leadwork does indeed appear to be glued on in all of the images of the previous windows, I am inclined to think that any leadwork that has been lost was not of historical significance - and so I would not advise that we pursue its reinstatement. With respect to the glass itself, I note that 22mm thick double glazed units have been fitted to the new windows. Unfortunately, this gives an uncharacteristic appearance, and we do not usually support such glazing on a listed building. So, as it stands, the application is not supportable. However, I do think we could support the removal of the double-glazed units, and replacement in the existing frames with single glazing. And to preserve the traditional appearance, I suggest that the rear of the glazing rebates should have timber packers, to bring the single sheets of glass nearer to the outside face, reducing the size of the fixing beads.
- I.2 Parish Council
- Rollright Parish Council strongly objects to this application. The property owners were well aware that the property is listed grade 2 and in a conservation village. As such no alterations should have been made without prior permission. The new windows do not look the same and are out of place with the adjacent house, the Old Beer House of which Laburnum Cottage forms a group. Another property in this village applied twice to change their

windows and this was refused twice. It is the Councillor's belief that all applications should be treated equally and in accordance with the same regulations.

It is the view of Rollright Parish Council that these replacement windows should be removed and others installed to reflect the original and complement those in the adjacent property.

## **2 REPRESENTATIONS**

2.1 None received.

## **3 APPLICANT'S CASE**

3.1 The application is accompanied by a planning and heritage impact statement, which concludes as follows:

- This statement has provided a thorough account of the development at Laburnum Cottage. The replacement windows and doors, for which retrospective permission is sought, are considered to have a neutral impact on the significance on the designated heritage asset and preserve the character and appearance of the listed building, its setting and the Great Rollright Conservation Area.
- In conclusion, the alterations to the listed building are considered to comply with all relevant planning policy relating to the protection and conservation of the historic environment, and as such there is no reason why consent should not be granted.

## **4 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings

BE2 General Development Standards

EH7NEW Historic Environment

EH9 Listed Buildings

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

## **5 PLANNING ASSESSMENT**

### Background Information

5.1 This retrospective application for Listed Building Consent was originally submitted in an attempt to regularise unauthorised replacement windows with doubled glazed units and a replacement front door. Following submission and comments from the Conservation Architect, the application has been amended for the alteration of unauthorised double glazed windows to single pain glass windows with secondary glazing on a grade II listed building in Great Rollright, Chipping Norton, Oxfordshire, OX7 5RR.

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 in respect of the application are:

Impact on character , appearance and architectural integrity of the listed building and on the setting of adjacent listed buildings

- 5.3 Given the application is for listed building consent only, the key issue is the impact of the proposed windows and replacement door on the architectural character, appearance and integrity of the listed building (Laburnum Cottage) and on the setting of adjacent listed buildings.

Impact on the character, appearance and architectural integrity

- 5.4 In accordance with section 66(1) of the planning (Listed buildings and Conservation areas) Act 1990, when considering whether to grant listed building consent, special regards should be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 5.5 In addition, Paragraph 193 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, drawing a distinct line between substantial harm and less than substantial harm to such an asset.
- 5.6 Whilst that there is an element of uncertainty regarding the design of the windows that have been replaced, the list description states that the front windows have 2-light casement to both floors; some with leaded casements. The uncertainty noted above is in relation the number of windows with the leaded detailing.
- 5.7 The applicant asserts that the windows were only 25 years old and the leading on them was applied. The councils architect comments that evidence from 'Streetview' images in 2009 and the applicant's photos of the previous front elevation, all shows traditional simple timber flush casement detailing on the front elevation, which is replicated in the replacement windows.
- 5.8 In respect of the leadwork based on the ambiguity in the statutory listing, and the fact the leadwork does appear glued on in all of the images of the previous windows, the leadwork that has been lost was not of any historic significance.
- 5.9 In light of the above, the key issue for consideration is whether or not the replacement of the double glazed units with single glazing as proposed is acceptable in terms of preserving the traditional appearance of the retrospective replacement windows. Amended details have been submitted with the application, with proposed modifications to the windows in order to accommodate single sheets of glass. These modifications are considered to result in replacement windows which preserve the character and appearance of the Grade II listed building and as such are considered compliant with both policy and legislation regarding listed buildings.
- 5.10 The replacement door is not considered significantly different to the front door that it replaces in terms of details and finish and as such is considered to preserve the architectural character and appearance of the building.

Impact on the setting of adjacent listed buildings

- 5.11 Given that the replacement doors and windows are considered to preserve the character and appearance of Laburnum Cottage the proposals are considered to have a neutral impact on the setting of the adjacent and other nearby listed buildings.

Conclusion

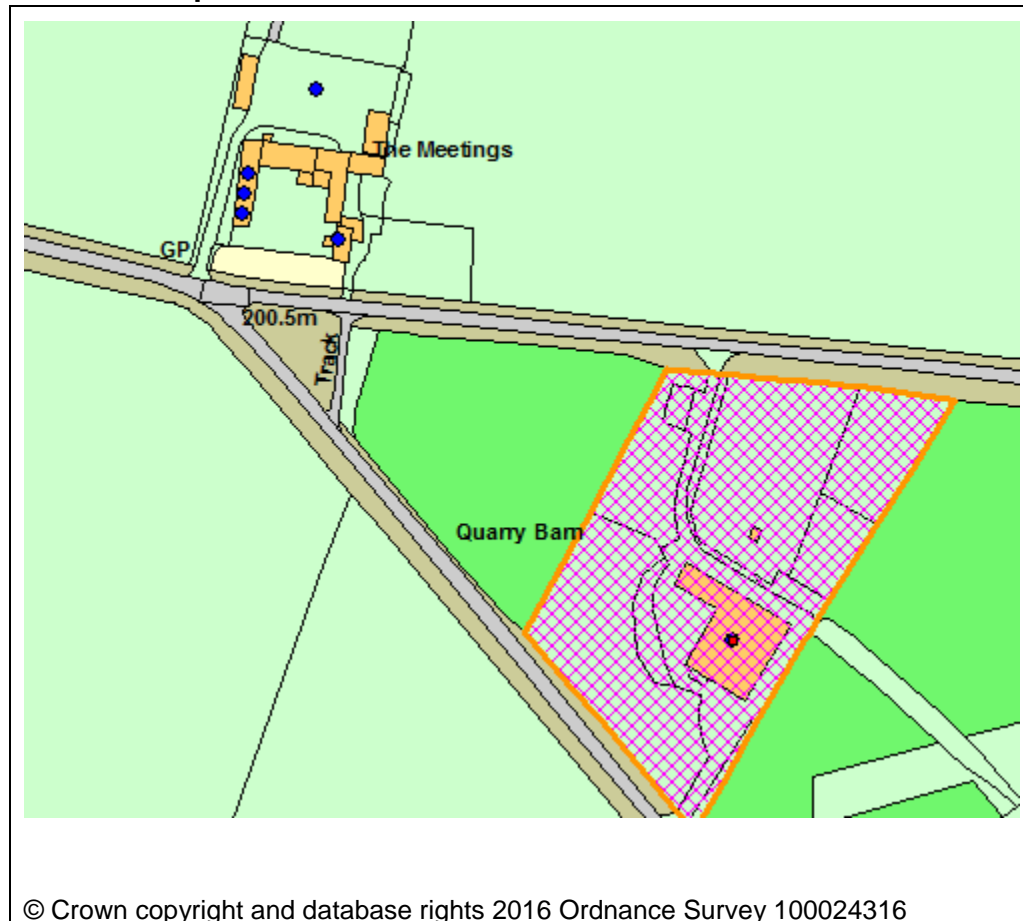
- 5.12 In light of the above assessment the application is recommended for conditional approval.

**6 CONDITION**

- 1 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.

Application Number	I8/01978/FUL
Site Address	Quarry Barn Chipping Norton Road Little Tew Chipping Norton Oxfordshire OX7 4JJ
Date	21st August 2018
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Little Tew Parish Council
Grid Reference	437543 E 229261 N
Committee Date	3rd September 2018

### Location Map



### Application Details:

Conversion of part of barn to dwelling, new external cladding to proposed and existing dwelling.

### Applicant Details:

Mr Stuart Holt, C/O Agent.

## I CONSULTATIONS

- I.1 WODC Drainage Engineers If full planning permission is granted, could you please attach the following condition:-
- That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The 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).  
In these cases the following notes should also be added to the decision notice:
- NOTE TO APPLICANT:
- The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
    - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
    - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
- (Follow link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>).
- CIRIA C753 SuDS Manual 2015.
- I.2 OCC Highways Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.
- I.3 Parish Council I write as Chair of Little Tew Parish Meeting to urge rejection of the application to develop Quarry Barn (Application No: 18/01978/FUL). I was asked to raise this matter at our latest Parish Meeting, where it was agreed that neither the initial change of use nor subsequent changes were right in principle. A large, detached property outside



the village seems to have arrived by a route that has by-passed normal planning considerations.

## **2 REPRESENTATIONS**

2.1 None received at the time of writing.

## **3 APPLICANT'S CASE**

3.1 A full version of the supporting statement is available on the Council's website. It is concluded as follows:

- Planning policy at a national and local level is generally supportive of the re-use of rural buildings to provide new uses, including dwellinghouses. Importantly, that policy aside, there is a fallback position in this case that a dwellinghouse will anyway be provided within this building through the exercise of rights under Class Q of the GDPO. The Council has already confirmed those rights in one decision and there is a current notification which again demonstrates the applicant's desire to develop the site. The only difference here being the applicants still proposes a conversion scheme and not a replacement of the existing structure - thus a closer fit to the fallback than the situation in Mansell above.
- The current proposed scheme differs from the Class Q scheme in that it proposes some minor extensions to the building, to improve its appearance and provide a better living environment as a result. As a result of being better design, this proposal should be considered no more harmful - and in fact less harmful - than the Class Q alternative.
- The Architects have provided the following design statement to accompany this submission:
- Externally the proposal seeks to re-clad all of the elevations with black waney edge timber cladding. Waney edge is a historic means of cladding rural structures as typically it was the cheapest and least technical form of cladding available as the tree trunk is simply sliced, rather than fully machined like other types of contemporary timber cladding. The waney edge appearance will provide a softer and more tactile elevation than the current flat timber cladding. It is proposed to also install the waney edge timber cladding over the existing metal roof to visually improve the appearance of the barn, unifying its surfaces giving the barn a contemporary architectural language, whilst maintaining its agricultural nature. Rainwater goods are concealed, using a hidden gutter detail. New large steel frame windows are located strategically around the barn to maximise of views and solar orientation.
- Internally, the proposal works within the confines of the submitted prior notification application and previously consented swimming pool area, but seeks to provide a clearer architectural language internally. At ground floor level there are 'cut outs' to the north and south which provide a covered entrance to the barn, providing a sheltered area for sitting outside on both principle elevations. The cladding within these 'cut outs' is a machined natural coloured timber cladding which visually contrasts with the black external cladding, providing a warmer and more welcoming feel to the entrance.
- The volume of the barn is exploited by opening up the floor plan and inserting a mezzanine seating area towards the south elevation, with a suspended fire and small balcony providing

elevated views out over the wider landscape. To the north elevation is a further mezzanine that contains a single master suite, again with a large picture window and balcony.

- Finally, the proposal includes alterations to the existing dwelling on the site to provide matching waney edge cladding to ensure a unified appearance across both buildings.
- As with any proposal, the success is not only in the design but also its execution. In this instance, as mentioned above, the applicant is experienced in converting more utilitarian structures such as this. Javelin Block describes itself as a building reanimator (not developer) and has been responsible for the re-birth of many of the heritage buildings located in the Jewellery Quarter in Birmingham. Their website holds a disclaimer, "If you are looking for buildings and design based on things such as price per square foot, quotes such as 'luxury living' and words like superior, quality or designer - then we suggest you are wasting your time here. However, if you are looking for building integrity, reanimation, reuse and recycling, ... , then you've come to the right place."
- The company has been awarded 3 RIBA West Midlands awards and was shortlisted alongside five other projects in the Stephen Lawrence Prize which recognises projects with a construction budget of under £1 million. Javelin Block worked with Jewellery Quarter practice BPN Architects (Architects for this application) on the conversion to create The Compound which features a 25-seat cinema, bar, art studio and self-contained living spaces. It is the quality and experience of that team which has now moved onto this conversion project. They currently have 3 further restoration projects shortlisted for The Birmingham Civic Society Centenary Renaissance Award 2018.
- We trust Officers will support these proposals. Please let me know if I can provide you with any further information to assist your early consideration of this application.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

OS2NEW Locating development in the right places

OS4NEW High quality design

T4NEW Parking provision

H6NEW Existing housing

H10 Conversion of existing buildings to residential use in the countryside and

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

#### **5 PLANNING ASSESSMENT**

- 5.1 This application seeks consent for the part conversion of the barn to a dwelling with alterations including new fenestration details and replacement external cladding to both the proposed and existing dwelling on the site. Consent has been granted via the prior approval process for the conversion of the barn to provide two separate residential units on the site. Prior approval 13/0880/P/PD (later confirmed by 16/03921/CLE) for the smaller unit on the site has been fully implemented. The most recent prior approval 18/01326/PN56 has not yet been implemented. This application seeks an amended form of development to that approved under 18/01326/PN56

to make design amendments which fall outside of the provisions of Class Q of the GPDO alongside the re-cladding of the existing dwelling on the site.

- 5.2 The site does not fall within any special designated areas of control.
- 5.3 The application has been brought before Members of the Uplands Planning Sub-committee for consideration as Little Tew Parish meeting have objected to the application.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, Design and Form  
Highways  
Residential Amenities

Principle

- 5.5 In the emerging Local Plan 2031 the 5 year housing land requirement is based on the 660pa midpoint identified in the Oxfordshire SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this is WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011. The emerging Local Plan intends to deliver at least 15,950 over the Plan period 2011 to 2031.
- 5.6 The first sessions of the Examination of the emerging Local Plan (EiP) took place in November 2015, with further sessions in May 2017, and July 2017. Following the latest sessions the Council commissioned independent assessment of landscape and heritage matters in relation to proposed allocated sites in the AONB and Woodstock (the Chris Blandford Associates Report - CBA). In addition a staged housing land supply scenario was put forward for consideration, with the annual delivery increasing over the plan period as the larger strategic sites come on stream. Some further modifications to the Plan text were also proposed.
- 5.7 On 16th January 2018 the EiP Inspector wrote to the Council advising that "there is little case for the plan to provide for more than the already completed/committed 774 dwellings in the Burford-Charlbury sub-area". "Other than in respect of the strategy/site allocations for the Burford - Charlbury sub-area ... subject to further modifications to the effect of those now proposed by the Council, the plan as previously proposed to be modified (doc CD5) is likely to be capable of being found legally-compliant and sound". The removal of allocations in the Burford-Charlbury sub-area, amounting to 175 units, has little bearing on the 5 year supply.
- 5.8 A consolidated version of the Plan, including proposed modifications was published for a 6 week consultation on the 22nd February 2018 until 9th April 2018. Following the outcome of this the Inspector is anticipated to be in a position to produce his final report.
- 5.9 In light of the approach taken in emerging Policy H2, this provides a 6 year supply of housing based on the staged approach, Liverpool calculation and a 20% buffer. Given the progress on the Emerging Plan, officers are of the view that increasing weight can be attached to it and are confident in the supply position. Nevertheless, whilst there is still some degree of uncertainty in advance of adoption of the Plan, it remains appropriate to proceed with a precautionary

approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF. In this context the delivery of housing will continue to attract significant weight in the planning balance until such time as the 5 year supply is confirmed.

- 5.10 The site sits to the North West of the small village of Little Tew and is located within the open countryside. Policy H4 of the Existing Local Plan and Policy H2 of the Emerging Local Plan are highly restrictive of development in the open countryside. Policy H2 is consistent with the provisions of Paragraph 79 of the NPPF which restricts the development of isolated homes in the open countryside. Exceptions are made within the Emerging Policy and the NPPF for the conversion of appropriate buildings.
- 5.11 The default consent allowing for the potential implementation of the Prior Approval scheme (18/01326/PN56) however gives some justification for considering the principle of allowing a dwelling in this location by virtue of the existing fall-back position. This fall back position is a material planning consideration which Officers haven given significant weight to given that this application is not overly different to the Prior Approval scheme; it still proposes the conversion of the existing building on the site. Officers consider that the Prior Approval scheme is mediocre in design terms. In usual circumstances the conversion of a building of this nature would not generally be supported however due to the aforementioned circumstances, officers consider that where there is an existing prior approval for a scheme of a mediocre design, consideration should be given to the opportunity to bring these matters under control and to consider how this can be enhanced. In the context of the recent planning history on the site, officers consider that the principle of development is acceptable subject to the schemes compliance with the wider policy provisions of the Existing and Emerging Local Plans.

#### Siting, Design and Form

- 5.12 Officers consider that the prior approval scheme is of a mediocre design, which involves few alterations to the external fabric of what is a modern utilitarian building. The prior approval largely retained the appearance of a utilitarian building, which given the minimal architectural merit of the building is undesirable.
- 5.13 The proposed conversion is of a contemporary design which is both of a higher architectural quality in terms of fenestration detailing and use of external materials. The proposed balconies feature a frameless glass balustrade which will appear relatively translucent against the building. The result is a dwelling which retains both the form of the existing barn and modern agricultural character of the building, whilst also functioning and having the appearance of a liveable space. Further, the proposed external amendments to the existing dwelling will ensure a unified appearance of the two dwellings together on the site. Paragraph 131 of the NPPF takes a positive approach to applications where opportunities exist to help raise the standard of design more generally in an area. In this instance, in light of the above assessment, Officers consider that the design is an improvement on the prior approval scheme and as such is acceptable.
- 5.14 Officers have included conditions to require the submission of samples of the materials to be used on the walls and roof of the two dwellings, and have removed permitted development rights from the new dwelling, both to ensure that the LPA retain control in order to safeguard the character and appearance of the area given that there are public views into the site.

### Highways

- 5.15 The proposal utilises the existing access into the site and the Highway Authority has raised no objections to the scheme. As such, the application is considered to be acceptable in these terms.

### Residential Amenities

- 5.16 In terms of residential amenity, the principle of converting the remainder of the barn to provide a dwelling here has already been established through the approval of 18/01326/PN56. Given that the proposal remains a conversion and does not propose a change in scale or form than that previously approved Officers do not consider that the development will be any more overbearing than that already permitted. Further, given the location of the curtilage associated with the existing dwelling on the site, Officers do not anticipate that the proposed balconies, or amended fenestration details, will result in any direct undue overlooking of the amenity space serving the existing dwelling on the site.
- 5.17 Officers are awaiting the submission of a site plan which confirms the extent of the proposed curtilage to be associated with the new dwelling and will update Members in respect of this matter at the meeting.

### Conclusion

- 5.18 In light of the above, and subject to the submission of an acceptable site plan aforementioned above, the application is considered to be acceptable and compliant with policies BE2, BE3, H10 and H2 of the adopted West Oxfordshire Local Plan 2011, OS2, OS4, T4 and H6 of the emerging West Oxfordshire Local Plan 2031 and any relevant paragraphs of the NPPF.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, G and H shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to safeguard the character and appearance of the area.
- 4 The external walls and roof of the dwelling shall be constructed with black waney edge timber cladding, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.

- 5 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The 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).

In these cases the following notes should also be added to the decision notice:

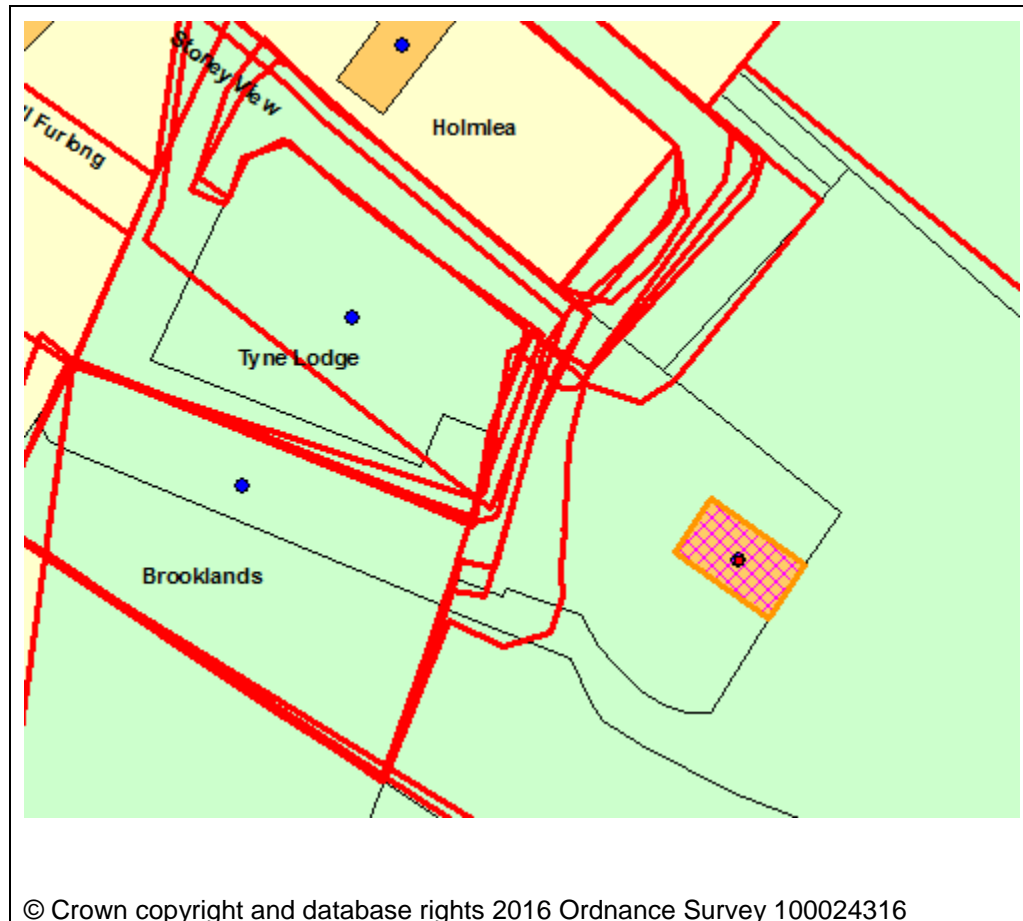
#### NOTE TO APPLICANT

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

- Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
- Code for sustainable homes - A step-change in sustainable home building practice
- Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
- The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1)) (Follow link <https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/FloodStrategyActionPlan.pdf>).
- CIRIA C753 SuDS Manual 2015.

Application Number	18/02225/FUL
Site Address	Stable To The Rear of Valhalla Church Street Stonesfield Oxfordshire
Date	21st August 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439470 E 216874 N
Committee Date	3rd September 2018

### Location Map



### Application Details:

Retrospective application for the change of use of a stable building into basic residential accommodation for a temporary period of 18 months (until the end of December 2019) in connection with the construction works at Valhalla (ref. 15/01198/FUL).

## **Applicant Details:**

Mr Derek Hobbs, c/o Agent.

### **I CONSULTATIONS**

- 1.1 ERS Env Health - Uplands                      The proposal is not situated on or near land that has been identified as being of potential concern with respect to land contamination. Therefore I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.
- 1.2 OCC Highways                      The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission
- 1.3 Parish Council                      No reply at the time of writing.

### **2 REPRESENTATIONS**

- 2.1 I object to the use of the stable block as temporary accommodation by Mr Hobbs. It is my understanding that when permission to construct the stable block was applied for it was strenuously opposed by the Parish Council. Conditions were made and undertakings given that the stable block would 'never be used for accommodation'. For details of conditions and undertakings I ask you to refer to Mr Richard Bishop who was Chairman of the Parish Council at the time.
- 2.2 The reference in the Planning Statement to Schedule 2 Part 5 of the GDPO discusses the use of caravans on building sites. This is a permission normally granted where the site is far from alternative accommodation or where there is a very clear need for a permanent presence on the site.
- 2.3 None of these considerations apply here. There are short and medium term rental properties available within a reasonable travelling distance of the site and there is no clear need for a permanent presence on the site.
- 2.4 Point 5.1 in the Scheme Justification makes the point that because they sold their previous house, the use of the stable block 'ensures that the applicant and his wife have somewhere to live, while also allowing them to fulfil their project management roles in a convenient location'. As I have pointed out above, there are rental properties available, the 'project managers' have no need to be permanently on site and the small convenience it affords them is no reason to undermine a strict condition, even on a temporary basis.
- 2.5 Finally, I would like to point out that Mr Hobbs has quite a lot of 'previous' where retrospective permissions are concerned. Creating 'facts on the ground' has been used to get around normal planning procedures on a number of occasions. Council records bear this out. This latest and



most serious attempt to sidestep due process and obligations must not be allowed to stand, given the strict conditions that apply to the use of this building.

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

- 3.1 The site comprises a rectangular stable building, which is approximately 61 square metres in size (inclusive of the front canopy). Prior to the recent change of use the subject of this application, the stable building comprised two stables and a tack room.
- 3.2 The building is located to the rear (east) of the two building plots behind Tyne Lodge in Stonesfield. Each building plot will eventually contain a detached chalet bungalow and accompanying detached garage and construction works on these buildings is currently underway.
- 3.3 The stable building is being used as temporary residential accommodation in connection with the construction of the southern-most new dwelling, to be known as Valhalla, which was granted consent under application 15/01198/FUL.
- 3.4 The building plots and the stable building the subject of this application are accessed via a private drive located off Brook Lane. The stable building is surrounded by woodland to the north and east and agricultural land to the south.
- 3.5 As set out in paragraph 2.2, the stable building is being used as temporary residential accommodation in connection with the construction of the new dwelling to the west, to be known as Valhalla. This temporary change of use has already occurred and, therefore, this application seeks retrospective consent.
- 3.6 The applicant and his wife no longer live in or own Tyne Lodge and, therefore, no habitable property exists for them to live in while the construction works are ongoing.
- 3.7 The stable building has been converted to include a kitchen/dining area, sitting area, bedroom, and store/dog room. There are no bathroom facilities within the building and, as a result, the welfare unit on the adjacent building plot is utilised.
- 3.8 A log burner at the south-eastern end of the building provides heating. No external alterations have been made to the stable building. The change of use can therefore be easily reverted once the construction of Valhalla is completed.
- 3.9 The construction works are expected to take another 12 months from the date of this application. In order to allow for contingencies, this application seeks temporary planning permission for 18 months, i.e. until the end of 2019.
- 3.10 Officers have been advised by the applicant that he is involved with project managing the construction of the dwelling(s) adjacent to the application site and that his son is constructing the development.
- 3.11 In respect of the merits of the proposal the applicants supporting statement advises as follows:
- 3.12 The use of the stable building as residential accommodation reduces the number of temporary buildings/units that need to be in place during the build, by making best use of an existing structure. As a result, the applicant has sought to minimise the impact that the building works

have on the character and appearance of the surrounding area, including the nearby Conservation Area and, in particular, the Cotswolds Area of Outstanding Natural Beauty ("AONB").

- 3.13 While the permanent use of the stable building as an independent dwelling may not be supported by the Council, it is considered that its temporary residential occupation for up to 18 months (i.e. until the end of December 2019) would not cause any adverse impacts and could be adequately controlled/time restricted by the use of a planning condition.
- 3.14 No external changes have been made to the stable building, ensuring that the building retains its semi-rural appearance and can be easily reverted back to its original use upon the completion of the construction works.
- 3.15 The use of the stable building as residential accommodation does not cause disturbance to neighbouring properties and does not result in overlooking or loss of privacy.
- 3.16 The converted stable building provides compact, but sufficient living space for the applicant and his wife. The existing log burner will provide an appropriate heat source over the winter.
- 3.17 While it may not be ideal for the bathroom facilities to be located on Planning Statement On behalf of Mr Derek Hobbs Stable building to rear of Valhalla, Church Street, Stonesfield the adjacent building site, it is manageable for this temporary period. It is therefore considered that acceptable living conditions have been provided in the circumstances.
- 3.18 Adequate car parking and manoeuvring space exists to the front of the stable building to ensure that the applicant and his wife do not need to park on the construction site. This also avoids their vehicles coming into conflict with construction traffic and machinery.
- 3.19 The applicant's case concludes as follows:
- 3.20 The temporary use of the stable building as residential accommodation - in combination with the bathroom facilities in one of the nearby welfare units - ensures that the applicant and his wife have somewhere to live during the build phase, while also allowing them to fulfil their project management roles in a convenient location.
- 3.21 While the permanent use of the stable building as an independent dwelling may not be supported by the Council, it is considered that its temporary residential occupation for up to 18 months (i.e. until the end of December 2019) would not cause any adverse impacts and could be adequately controlled/time restricted by the use of a planning condition.
- 3.22 It is therefore considered that retrospective planning permission should be granted for this planning application, subject to the imposition of an appropriately worded condition.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H5 Villages  
NE4 Cotswolds Area of Outstanding Natural Beauty

NE13 Biodiversity Conservation  
NE15 Protected Species  
BE5 Conservation Areas  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
H2NEW Delivery of new homes  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### Background Information

Planning history:

- 5.1 The building the subject of this application was granted retrospective approval as a stable under ref. 03/1861/P/FP.
- 5.2 This application seeks a temporary residential use of the stable building in association with the construction of a dwelling on land to the East of Tyne Lodge, approved under ref. 15/01198/FUL. The application has been submitted following investigations into a complaint alleging the unauthorised residential use of the stable building.
- 5.3 Whilst the site is not within the conservation area, it is located within the Cotswold Area of Outstanding Natural Beauty.
- 5.4 The building sits in relatively close proximity to existing and proposed residential development, however, its location is considered to be beyond the built up limits of the village, within the open countryside.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.6 The application site is considered to be located within open countryside and as such policy H4 of the Councils adopted plan is key in considering the principle of residential development in this instance. Policy H4 states that proposals of construction of additional new dwellings will only be permitted if essential, agricultural or other operational need for a full time worker to live on the site. None of these exceptional circumstances apply in this instance.
- 5.7 Policy H2 of the councils emerging local plan (2031) is more permissive and states new dwellings will be permitted in small villages, hamlets and the open country side in the following circumstances.
  - Where there is an essential operational or other specific local need
  - Where it would represent the optimal viable use of a heritage asset or would be appropriate enabling development
  - Be of exceptional quality or innovative design
  - Be in accordance with policies specifically for travelling communities

- Will remain as ancillary to existing dwellings
- Be a replacement dwelling on a one for one basis
- On sites that have been allocated within an adopted neighbourhood plan

5.8 Following considerations above, none of the points apply to the proposal.

5.9 Notwithstanding the above, this application is for a temporary consent only whilst the dwelling on the adjoining land is constructed and is not for permanent residential occupation. Bearing this in mind, and the permitted development rights that pertain in respect of temporary uses of land by those involved in the construction of development, officers consider that the temporary occupation of the stable building is acceptable in this instance. A planning condition can be imposed to ensure that the stables use is reinstated post a temporary period of residential occupation.

#### Siting, Design and Form

5.10 The stable is already in situ, the planning merits of which were considered when the building was approved in 2003.

#### Highways

5.11 Highways have raised no objections to the temporary use of the stables as a dwelling.

#### Residential Amenities

5.12 By virtue of its location some distance removed from the adjoining residential properties and its approved use as a stable building potentially generating activity and vehicular movements along the access road, the use of the stable as proposed for a temporary period is not considered to result in material harm to the nearby residential occupiers.

#### Conclusion

5.13 In light of the above assessment, an application for temporary residential use of the stable building by occupants involved in the construction and project management of the dwelling on the adjoining site is considered acceptable. However, a period of 18 months is considered excessive given that the construction of the dwelling is well under way and officers would recommend a temporary period of 8 months.

## **6 CONDITION**

I The use hereby permitted shall be discontinued and the building restored to its former use as a stable with all of the internal residential fittings removed on or before 3rd April 2019.  
REASON: The use is only justified by the special and temporary need for the development.