

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 3rd December 2018

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



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

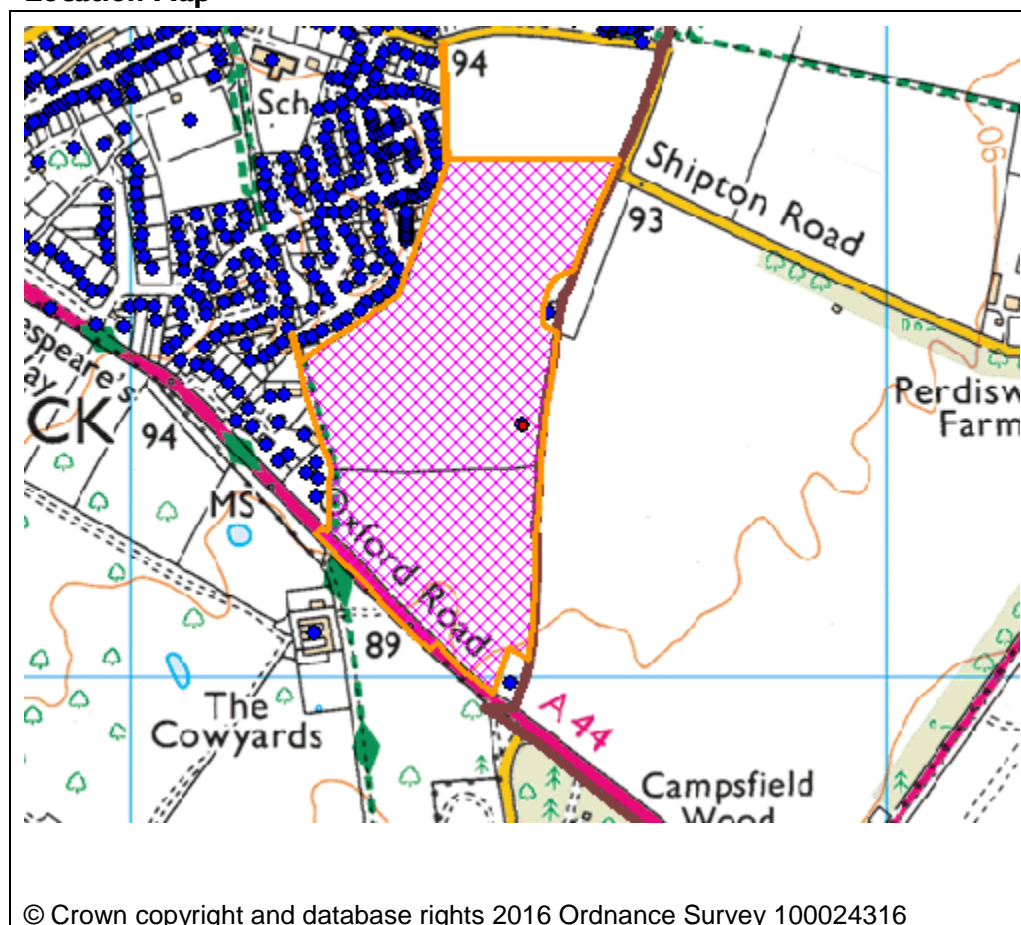
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
18/02484/S73	<u>Land East of Woodstock, Oxford Road, Woodstock</u>	3
18/02387/FUL	<u>Milton Service Station, Shipton Road, Milton under Wychwood</u>	40
18/02459/HHD	<u>36 Bear Close, Woodstock</u>	48
18/02611/FUL	<u>Outwood Cottage, Over Kiddington, Woodstock</u>	51
18/02660/FUL	<u>Forest Edge, 93 Lower End, Leafield</u>	62
18/02738/FUL	<u>Land East of 26 The Slade, Charlbury</u>	70
18/02911/FUL	<u>18 High Street, Woodstock</u>	84
18/02912/LBC	<u>18 High Street, Woodstock</u>	87
18/02834/FUL	<u>The Unicorn, High Street, Great Rollright</u>	90
18/02835/LBC	<u>The Unicorn, High Street, Great Rollright</u>	106

Application Number	18/02484/S73
Site Address	Land East of Woodstock Oxford Road Woodstock Oxfordshire
Date	21st November 2018
Officer	Catherine Tetlow
Officer Recommendations	Approve subject to Legal Agreement
Parish	Woodstock Town Council
Grid Reference	445519 E 216334 N
Committee Date	3rd December 2018

Location Map



Application Details:

Variation of Conditions 4 (approved plans), 19 (LEMP), 22 (tree protection) and 23 (landscaping), as well as minor changes to 28 (Design Code) of planning permission 16/01364/OUT to allow amended plans to Outline planning application (all matters reserved except for means of access in respect of new junction arrangements) comprising up to a maximum of 300 residential dwellings, up to 1100sqm of A1/A2/B1/D1 floorspace; associated infrastructure, engineering and ancillary works; provision of public open space; formation of vehicular accesses; and Full Planning Application for the development of phase

I comprising 46 residential dwellings (46 of the 300 described above) with associated infrastructure and engineering works.

Applicant Details:

Trustees Of The Vanbrugh Unit Trust And J A Pye Ltd, C/O Agent

I CONSULTATIONS

- | | | |
|-----|-------------------------------------|---|
| I.1 | Major Planning Applications Team | <p>Highways - This application seeks approval for minor amendments to Phase I development which was approved under outline planning ref: 16/01364/OUT. Officers raised a number of issues in relation to the previous consultation, and I am pleased to see these addressed.</p> <ol style="list-style-type: none">1. The design code has been revised to match the specified dimensions of spine road with those illustrated on site layout plans. The HA officers find this acceptable.2. The spine road has also been tracked to show its suitability for buses to use it and also to connect to the adjacent parcel should the site ever come forward for development.3. On the issue of pedestrian and cycle connectivity with the adjacent site, I am pleased to see a commitment from the applicant that would allow for links to be established in the event of the adjacent site coming forward for development. Links are now provided and safeguarded that would ensure connectivity would be deliverable at the appropriate time. The links are shown to go right up to the eastern site boundary which I feel is sufficient for this development. With the above revisions and clarifications, OCC do not wish to object to the minor amendments sought to phase I of the development which was approved under outline planning ref: 16/01364/OUT. |
| I.2 | Biodiversity Officer | No Comment Received. |
| I.3 | Town Council | No Comment Received. |
| I.4 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.5 | Town Council | <p>Woodstock Town Council opposes the new layout on the grounds of safety, traffic flow, aesthetic and cost so puts forward alternative proposals.</p> <ol style="list-style-type: none">1. It is proposed that there will be one traffic light on each side of the road. When a bus is stationary at the proposed northbound bus stop, it will block the view of southbound traffic of the traffic light on the right hand side of the road. If they miss the left hand light they may collide with pedestrians correctly on the crossing.2. Passengers alighting from buses stationary at the bus stop will cross the road behind the bus with restricted visibility of traffic coming from the north.3. Both the northbound and southbound bus stops are on the main carriageway with no provision for a layby to allow other traffic to |

pass on the busy A44.

Whilst the Council accepts that most passengers will be alighting from northbound buses so causing a minimal delay to other traffic, it is anticipated that most passengers at the southbound stop will be boarding the bus. In the peak morning rush hour passengers will be paying for tickets or having them checked so each bus may be stationary for 90-120 seconds blocking following traffic. There are six buses to Oxford an hour and two to Witney. Using the lower 90 second delay this means the road will be blocked for 12 minutes each hour.

4. Historic England and the body responsible for the World Heritage site did not object to the initial development proposals for the site provided that the rural approach to Blenheim Palace was maintained. The Council believes that the introduction of traffic lights urbanizes the approach to the World Heritage Site.

5. The maintenance of traffic lights will be an ongoing cost for Oxfordshire County Council's already stretched finances.

Woodstock Town Council agreed the following alternative proposals to mitigate these problems:

A refuge for pedestrians should be put in the middle of the road replacing the traffic lights. The refuge will be cheaper to build and maintain and pedestrians will have to negotiate traffic from one direction at a time when crossing the road.

The money saved from the erection of traffic lights can be used to create a layby for the southbound bus stop thereby easing traffic flow. A footpath runs from the development up the north-east side of the A44 to link with Hensington Gate.

Consideration for a controlled pedestrian crossing at Hensington Gate.

Woodstock Town Council also wish to register that they oppose the intended removal of 50% of the original car parking spaces.

Woodstock Sewerage System

Woodstock Town Council are aware and raises concern of the immediate problems with the town sewage system that have been unresolved over many years, despite the continuous complaints, particularly apparent by the ever reoccurring stench from the Brook Hill plant and the constant tankering of foul waste.

This alone is unacceptable but the potential huge amount of development to be foisted on Woodstock gives great cause of concern to address the unquestionable need for the upgrade of Woodstock's sewage system to accommodate not only the present demand but also to eliminate the overload of the existing system that cannot cope now let alone any additional pressure from many more households.

- | | | |
|-----|-------------------------|----------------------|
| I.6 | Adjacent Parish Council | No Comment Received. |
| I.7 | Adjacent Parish Council | No Comment Received. |

I.8	Major Planning Applications Team	<p>Highways - No objection subject to conditions but some detailed observations made.</p> <p>Archaeology - No objection. All archaeological investigation has been completed. As such there are no archaeological constraints to this application.</p>
I.9	WODC - Arts	No Comment Received.
I.10	Wildlife Trust	No Comment Received.
I.11	Biodiversity Officer	<p>A Landscape and Ecology Management Plan (LEMP) has been submitted with both the S73 and the RES applications, but I consider that it is insufficient, as it is not based on the current set of landscaping plans and therefore does not contain sufficient information on the creation of habitats and their management, particularly with regard to bats, dormouse, hedgehogs, badgers, nesting birds and other species that were recorded on or close to the site.</p> <p>Section 3.1 of both LEMP reports submitted with these applications (dated 19 July 2018 by BSG Ecology) refers to the landscape drawing 6037/002 by Adam Architecture, Figure 2 Habitat Creation and Enhancement Features refers to "indicative areas" of species-rich grassland and other habitats, and Appendix 2 provides a species-rich grassland species list based on Emorsgate Seeds EM5 meadow mixture. However, these only demonstrate that the LEMP is not based on the current soft landscaping proposals drawings D2621 L_0101, 0102, 0103, 0104, 0105, 0106 and 0107, revision PL01 by Fabrik Landscape Architects. It is therefore not apparent that the proposed landscaping details have been reviewed by BSG Ecology to ensure that they are fit for purpose in terms of ecological mitigation and enhancements, and to ensure that the LEMP is also fit for purpose with regard to the long-term management of the detailed landscaping scheme.</p> <p>I therefore recommend that the LEMP and the landscaping proposals shown on the drawings submitted with the RES application must be reviewed by the applicant's ecological consultants to ensure that all the required ecological mitigation and biodiversity enhancements are incorporated to their satisfaction, and in order to ensure that the LEMP is a true representation of the management requirements of the soft landscaping scheme.</p>
I.12	Cherwell District Council	<p>The application site lies immediately to the west of land allocated for development in the Cherwell Local Plan 2011-2031 (Part 1) Submission Plan (known as site PR10). One of the key delivery requirements of the proposed development of PR10 is to ensure public vehicular, cycle and pedestrian connectivity to Woodstock, including with the site to its west (the application site). Development that fully integrates with the application site is a fundamental place-shaping principle of the proposed allocation to ensure that the</p>

development is integrated with the expanding town. The approved plans for Phase I of the development showed the provision of two pedestrian connection points up to the boundary with PR10. At least one of these connections (to the north) was shown to be hardsurfaced up to the site boundary. The other was shown as hardsurfaced in large part.

The proposed amended plans however have removed this hardsurfacing and both connections are proposed as grassed links. In addition, due to the introduction of the gas governor and the parking bay, the useability and desirability of the southern link is questioned. There may be better alternatives for the positioning of this link if the parking bay has to be provided; this could involve moving the link further south beyond the pumping station for example.

In the interests of securing connectivity between the sites for the benefit of all future residents, Cherwell District Council would like to see the provision of two connection points within phase I.

At least one of the two connections should be hardsurfaced up to the eastern site boundary (not least to facilitate wheelchair access between the sites). The Council would also ideally like to see at least one of the connections being able to provide a cycle connection up to the site boundary.

West Oxfordshire Council is also advised that the adjoining Parish Council of Shipton-on-Cherwell and Thrupp has been consulted by Cherwell District Council. However, due to the timescales for responding set out in your letter of 22 August 2018 it has not been possible to receive comments before issuing the District's Council's response. Therefore Cherwell District Council will forward on any response received under separate cover.

- | | | |
|------|-----------------------|--|
| I.13 | WODC Community Safety | No Comment Received. |
| I.14 | Conservation Officer | No Comment Received. |
| I.15 | Environment Agency | <p>Thank you for contacting us regarding the proposed development noted above. We have reviewed the information submitted with regards to our remit and have the following comments to make Environment Agency position</p> <p>We have no objection to the variation of conditions 4, 19, 22, 23 and 38.</p> <p>Final comments</p> <p>Once again, thank you for contacting us. Our comments are based on our available records and the information as submitted to us. Please provide us with a URL of the decision notice, or an electronic copy of the decision notice or outcome.</p> <p>If I can be of any further assistance, please contact me directly.</p> |
| I.16 | Historic England | Thank you for your letter of 22 August 2018 regarding the above application for planning permission. On the basis of the information |

available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

- | | | |
|------|-------------------------------------|--|
| I.17 | ERS Air Quality | No Comment Received. |
| I.18 | ERS Env. Consultation Sites | I note the changes but do not believe that they should need me to revise my previous comments and so I will not be requesting any revision to planning conditions. |
| I.19 | ERS Env Health - Uplands | <p>I understand a s73 application is being made to cover minor amendments to Phase I of the approved development. However, the nature of these changes is such that I understand they would not affect the conclusions of the Noise Assessment Report (April 2016).</p> <p>I therefore have No objection or adverse comment.</p> |
| I.20 | WODC Housing Enabler | No Comment Received. |
| I.21 | WODC Landscape And Forestry Officer | No Comment Received. |
| I.22 | Natural England | <p>Natural England currently has no comment to make on the variation of condition 19.</p> <p>We have not assessed this application and associated documents for impacts on protected species.</p> <p>Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.</p> <p>The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.</p> <p>If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any</p> |

further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

I.23 TV Police - Crime Prevention Design Advisor

Thank you for consulting me on the planning application above. I have liaised with Police colleagues, analysed crime data, reviewed the submitted documents and visited the site.

I do not wish to object to the proposals at this time. However, I consider some aspects the design and layout approved at the outline application stage to be problematic in crime prevention design terms and therefore feel that the development does not meet the requirements of;

The National Planning Policy Framework 2018, Section 12 Achieving well-designed places',

Point 127 (part f), which states that; 'Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being... and where crime and disorder, and the fear of crime, do not

undermine the quality of life or community cohesion and resilience'.

HMCLG's Planning Practice Guidance on 'Design', which states that; 'Although design is only part of the planning process it can affect a range of economic, social and environmental objectives... Planning policies and decisions should seek to ensure the physical environment supports these objectives. The following issues should be considered: safe, connected and efficient streets... crime prevention... security measures... access and inclusion... cohesive and vibrant neighbourhoods.'

This being the case, I strongly recommend that the dwellings, their associated features and other elements of the proposals incorporate the principles and standards of crime prevention design contained within the Secured by Design (SBD) guidance for new homes (2014). In particular, the physical security of the homes, but also in relation to the following;

The landscaping scheme should ensure that natural surveillance throughout the development and to/from dwellings is not compromised. I am also concerned that trees may impinge upon street lighting in future; tree positions, habit and final growth height/spread should be considered to avoid this. A holistic approach should be taken in relation to landscape and lighting and SBD guidance on both should be followed.

The design of public open spaces and play areas require careful consideration in relation to equipment selection (to define user group age etc.), boundary treatment, lighting and landscaping etc. The designs should promote the ownership and enjoyment of all users as well as child safety, but they should also deter anti-social behaviour. Measures to prevent vehicle intrusion along any segregated pedestrian routes and on to public open spaces should also be provided.

Some of the parking spaces adjacent to dwellings are not overlooked from windows of ground floor active rooms in side elevations.

Windows should be provided where possible to enhance natural surveillance. For reference, active rooms include living rooms, kitchens and hall ways not studies, bedrooms, bathrooms/toilets etc. Where boundary treatments of private rear gardens abut public or semi-private space they should incorporate features that make them more difficult to climb; trellis on fences, angled or rounded copings on walls for example. And, all access gates to rear gardens (including communal ones) should be robust, self-closing, be key operated from both sides and have antilift hinges.

Some gates to rear gardens are not provided as close to the front building line as possible. This should be rectified where possible, including where properties share an access (where practical).

The 'private' parking courts and 'private' drives are not secured in any way, so should be lit to SBD standards and, preferably made secure by the provision of visually permeable, accessed controlled gates so that only residents can gain entry.

The bin and cycle stores for plots 16-21 should be secure to SBD standards if they are not to be contained within a secured area.

Finally, and again in relation to the physical security of dwellings, I would like to remind the applicants at this time that Part Q of Schedule 1 of the Building Regulations 2010 places upon them a requirement to provide doors and windows that 'Resist unauthorised access to... new dwellings'. Advice on how to achieve this can be found in Building Regulations Approved Document Q and also in Secured by Design's (SBD) New Homes Guide 2014.

The comments above are made on behalf of Thames Valley Police and relate to CPTED only. You may receive additional comments from TVP with regard to the impact of the development upon policing and a request for the provision of infrastructure to mitigate against this impact.

- | | | |
|------|-----------------------------------|----------------------|
| I.24 | Oxford London Airport | No Comment Received. |
| I.25 | WODC Planning Policy Manager | No Comment Received. |
| I.26 | WODC - Sports | No Comment Received. |
| I.27 | Thames Water | No Comment Received. |
| I.28 | WODC Env Services - Waste Officer | No Comment Received. |

2 REPRESENTATIONS

WUFA

- 2.1 I write on behalf of the committee of WUFA CIO ("WUFA") - operator of the existing Pre-School, Under 5s and Wrap Around Care facility located on the site of Woodstock Primary

School. We are aware of the existing planning consent and understand the process through which this application was subjected to before approval.

- 2.2 In response to planning application 18/02484/S73 we have no negative or opposing comments but wish for it to be firmly noted that as the operator of the existing facility at Woodstock Primary School and potential occupant of the proposed 'new nursery' compromised in Woodstock East we have received no recent communications from the Applicant or Oxfordshire County Council (OCC). This is particularly concerning when, as we understand it, the existing WUFA building might be affected and in the worst case, displaced, by the expansion of the Primary School which is, as far as we are aware, as direct consequence of Woodstock East. We appreciate that, as consequence of the completed Section 106 agreement, funds may well have already been paid over to Oxfordshire County Council by the Applicant to discharge their financial responsibilities for the provision of Primary Education facilities and responsibility for communications WUFA and the Primary School may therefore fall to OCC.
- 2.3 For the record, we have spoken to Woodstock Primary School and they have not received any communications from OCC about the proposed expansion.
- 2.4 In its current location, WUFA provides a vital facility to the children and parents of Woodstock. We do not know for certain whether the provision of the new nursery facility as part of Woodstock East is intended as an alternative or potentially an additional facility for WUFA. If it is intended as an additional location, then we would be very happy to open discussions with OCC and we understand there is a process to go through in this respect. However, if the new nursery compromised within Woodstock East is intended as an alternative to WUFA because the existing facility at the Primary School is to be displaced, then the effect of a move to the new nursery could be detrimental to the service WUFA currently provides to the community.
- 2.5 Since WUFA is situated within the grounds of the Primary School we can provide a wide and flexible range of services to our local community. These services might be detrimentally affected if we do not have a facility on the Primary School site - in short, there is demand for WUFA because children can be easily transferred between school and the existing WUFA building.
- 2.6 We understand that the intentions set out in the completed Section 106 can be altered if needs be and we would welcome open discussions with whomever the appropriate parties are.

Stagecoach

- 2.7 We note that these two applications have been submitted in parallel in respect of this important site, now allocated very recently in the Local Plan. As you will be aware we have supported the release of this land to meet the objectively assessed needs for housing in the District, and owing to its location directly on frequent bus routes to the City and other employment to the south around Begbroke and the Langford Lane area, we believe that it makes a significant short term contribution to meeting needs arising within the City housing market that cannot be met within the City's boundary, though clearly this is not the basis of the allocation in your Council's Plan.
- 2.8 These arguments do nevertheless evidently apply at least as much to the adjacent land to the East within Cherwell District, and the applicants have as you know been promoting this as a part of an holistic vision for the area as far as the A4095 south of Shipston Road. The suitability, achievability and deliverability of this adjacent land is at this time accepted to warrant allocation by CDC officers, and the land forms a significant proposed allocation within the Cherwell Local

Plan Part 2, to meet unmet requirements arising from the City. This is subject to independent Examination and this is imminent. Whilst the allocation is of course yet to be confirmed as sound by the Planning Inspectorate, it is certainly quite reasonable to state that at some stage in the foreseeable future, the adjoining land is a credible one to be brought forward for development.

- 2.9 While to date we have not felt comfortable committing to penetrating this or the wider possible site with our trunk S3 route, we currently have services 233 and 7 serving Woodstock. Our longer-term pattern of services in this area is far from "set in stone" and there is now considered to be a stronger likelihood one or more of our commercial services would indeed look to route through both this site, and potentially any land that were to be released in Cherwell District to the east.
- 2.10 Accordingly we are of the strong view that at the very least, passive provision needs to be made to allow a bus route to penetrate the site, not only along the link between the Oxford Road access and Shipton Road, but also to facilitate a connection able to facilitate a bus route into land to the east at any point in future that it might be required.
- 2.11 Our own advice on the specification and alignment of residential streets to serve this purpose is set out within the document found at the following link:
<https://www.stagecoach.com/~media/Files/S/Stagecoach-Group/Attachments/pdf/bus-servicesand-new-residential-dev.pdf>
- 2.12 This advice is referred to in the latest CIHT Guidance, and is entirely compatible with the standards sought by the vast majority of County Highways Authorities in England.
- 2.13 Notwithstanding this, we positively note that the applicant is proposing a 6.75m wide spine road, and we confirm that the alignment and tracking of the north south link proposed between Oxford Road and Shipston Road would be quite sufficient to accommodate a bus route in both directions if required, subject to parking on-street being limited in the central and southern parts of the development. We note that on the northern portion of this link off-street bays seem to be being proposed, which we especially welcome. Elsewhere, relatively low density development, open space, and the use of double garages and double-width drives ought to mitigate pressure to park on the street.
- 2.14 However we are quite concerned about the overall front-front distances in the central core of the site south of the main square, where frontages sit within 500mm of the back of the footway, and within 3.5m of the kerblineline. Whilst we recognise that this is similar to dimensions found within many historic contexts in the UK, it means that buses pass exceptionally close to habitable windows. This is seen as a problem with double deck operations in particular. Typically this kind of built form would occur within town centres, where it would be generally the case that the use of first floors for residential accommodation would be just one of a number of possible uses, and usually not the dominant one. On-street parking would also probably need to be controlled along this stretch were a bus route to operate satisfactorily and efficiently, though some on-street bays on one side would certainly be acceptable.
- 2.15 We also would stress that suitable locations for bus stops need to be identified and provided, if only passively, by the applicant. We would advise strongly that a pair is provide at and opposite the Nursery in the north; at the Central Square, and a third and final pair to the south near the entrance, especially if stops are not being proposed on the Oxford Road in this location. I forget

what was agreed with the original outline. In this case, the obvious positions would be southbound adjoining the flank wall of plot 27, and northbound adjoining the POS opposite the apartment block plots 16-21. I am somewhat concerned that southbound at the central square, we are likely to potentially have buses stopped outside and in very close proximity to habitable windows. It's possible that some minor amendments might be considered to fenestration to that block (is a "dummy window" possible, in a position that then would drive the exact location of the stop?)

- 2.16 We note a link towards the eastern boundary is indicated near plot 123. We see that there is scope to provide a 6.5m or 6.75m width street, extended to the eastern boundary to "future-proof" for bus service access to adjacent land. We would also advise that the junction corner radii on both north and south sides of the junction of this with the main street is a minimum of 6m, to ensure that buses can safely and appropriately make turning movements, and also to assist in legibility of the layout in future. I recognise that this is likely to need apartment block plots 106-110 to be somehow adjusted to accommodate this, and by extension, some of the other plots nearby might need to be eased slightly, depending on how far the apartment block is a bespoke building that might be able to suffer some adjustment within its current footprint. We do not take this for granted but we think its sufficiently important an issue to urge for it strongly.
- 2.17 We are aware of the response of County Council officers and this response supports and adds added detail to their observations made on 18th September. I trust that you can therefore consider that the County is acting far from speculatively in making the points it does.
- 2.18 I trust that the foregoing assists you and the Council as you consider the two applications to allow the developments to progress in a satisfactory manner, at the earliest reasonable point.

3 APPLICANT'S CASE

- 3.1 This Planning Statement is submitted in support of a s73 application to vary conditions attached to hybrid planning permission granted under application reference 16/01364/OUT.
- 3.2 The variations proposed to condition 4 (Approved Plans), and the related variations to conditions 22 (Tree Protection), 23 (Landscaping) and 28 (Design Code) are to accommodate changes to the development comprising:
- (i) Minor alterations to the design, alignment and layout of the road through the site, resulting in associated changes to landscaping and alterations to parking layout on the site, and delivery as part of Phase I;
 - (ii) Provision of a gas governor at the south east part of the site adjacent to the proposed pumping station;
 - (iii) Relocation of the electrical substation from adjacent to Plots 16-21 to a more central position within the site adjacent to the spine road and refuse and cycle store to be delivered as part of Phase I;
 - (iv) Minor changes to layout of plots and dwellings following the detailed design process; and
 - (v) Update to the Design Code to review hard surfacing materials and planting species.
- 3.3 These minor amendments do not alter the overall nature of what is proposed for the site, and are minor in nature and are not significant in terms of their magnitude, scale or impact.

- 3.4 Further they do not materially change the conclusions reached in granting the hybrid planning permission under application reference 16/01364/OUT.
- 3.5 As discussed at section 5, the development as amended continues to comply with relevant considerations, including with regard to relevant national and local planning policy, and do not materially change the conclusions reached in granting hybrid planning permission under application reference 16/01364/OUT.
- 3.6 In addition, the variations proposed do not affect the conclusions of the ES submitted and approved as part of the hybrid permission, and do not materially change the relevant planning considerations in relation to the development of the site.
- 3.7 The changes are required to enable delivery of the development and the associated significant benefits that it would provide. They will improve the development serving to further enhance its layout and relationship and thus its deliverability as a sustainable extension to Woodstock.
- 3.8 As such, the application continues to deliver a sustainable and high quality extension to Woodstock that will provide for improved connections between the town and wider countryside, will enhance sustainability through infrastructure provision, and will provide new recreation opportunities. In addition to the significant benefits to WHS funding, the delivery of 300 dwellings including affordable housing will contribute significantly to meeting the identified need for new homes within West Oxfordshire. Furthermore, the inclusion of small-scale commercial and community use within the development will support the local community.
- 3.9 The amendments to the plans as proposed should therefore be approved. Together with the additional detail submitted to satisfy the requirements of conditions on the hybrid permission, this will enable development of the Phase I area, with subsequent phases to come forward through Reserved Matters applications to be determined in accordance with the hybrid permission.

4 PLANNING POLICIES

DESGUI West Oxfordshire Design Guide
 E6NEW Town centres
 EH10 Conservation Areas
 EH11 Listed Buildings
 EH14 Registered historic parks and gardens
 EH15 Scheduled ancient monuments
 EH16 Non designated heritage assets
 EH2 Landscape character
 EH3 Biodiversity and Geodiversity
 EH4 Public realm and green infrastructure
 EH5 Sport, recreation and childrens play
 EH7 Flood risk
 EH8 Conservation Areas
 EH9 Listed Buildings
 EW10 Eynsham- Woodstock sub area
 EW3 Land east of Woodstock
 EW9 Blenheim World Heritage Site
 H1NEW Amount and distribution of housing

H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
OS5NEW Supporting infrastructure
T1NEW Sustainable transport
T3NEW Public transport, walking and cycling
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 The proposal is submitted under S73 of the Planning Act which allows variation or removal of planning conditions imposed on a previously approved application. The variation relates to permission 16/01364/OUT which was an outline planning application (all matters reserved except for means of access in respect of new junction arrangements) comprising up to a maximum of 300 residential dwellings, up to 1100sqm of A1/A2/B1/D1 floorspace; associated infrastructure, engineering and ancillary works; provision of public open space; formation of vehicular accesses; and Full Planning Application for the development of phase I comprising 46 residential dwellings (46 of the 300 described above) with associated infrastructure and engineering works.
- 5.2 The variations concern amendments to: the approved detailed plans for Phase I and the phasing of the development under Condition 4; and consequent changes to the Landscape and Ecological Management Plan (Condition 19, Tree protection (Condition 22), landscaping (Condition 23) and Design Code (Condition 28).
- 5.3 In common with the previous application, the proposal represents development requiring an Environmental Statement and this has been provided, with a large volume of supporting information and documentation. The relevant statutory consultations have been carried out.
- 5.4 The application was registered on 01.08.2018 and subsequently re-consulted upon on 26.10.2018 after receipt of amended details. This was mainly in response to consultation responses received in the first instance.
- 5.5 The site as a whole is approximately 16.67ha in size. It is agricultural land under arable production and lies between the eastern edge of the existing settlement of Woodstock and a mature hedgerow boundary running in a north-south alignment between Shipton Road and the A44. This hedgerow marks the boundary with Cherwell District.
- 5.6 The site is divided by a hedgerow running east-west, splitting the site into two field parcels.
- 5.7 There is an existing dwelling adjoining the site to the east at the Pest Houses which is accessed down a track from the Shipton Road. Littlecote is a detached house in separate ownership that lies to the south east corner of the site on the A44. There are residential properties abutting the length of the western boundary of the site. To the north, on the opposite side of the Shipton Road is the Marlborough School and Perdiswell Farm. There are some residential properties on the east side of the A4095 and beyond this is the London Oxford Airport. To the

south of the A44 is Grade I registered parkland to Blenheim Palace, converted listed buildings in commercial use at The Cowyards, a caravan site and woodland.

- 5.8 The application site is not within the AONB, or Green Belt, and is outside the Woodstock and Bladon Conservation Areas. It is not currently covered by any landscape or nature conservation designation. However, there is a Scheduled Ancient Monument (SAM) on the adjoining land to the east which is below ground remains of a Roman villa. The site is located close to the Blenheim Palace World Heritage Site.

Background

- 5.9 A previous application for "outline planning permission (all matters reserved except for means of access) for a mixed use development comprising: up to 1,200 dwellings, including affordable housing and up to a 120 unit care village (C2) with associated publicly accessible ancillary facilities; site for a new primary school; up to 930sqm of retail space; up to 13,800sqm of locally led employment (B1/B2/B8) including transport interchange; site for a Football Association step 5 football facility with publicly accessible ancillary facilities; public open space; associated infrastructure, engineering and ancillary works" was refused on 25th September 2015 for 10 reasons (see 14/02063/OUT). This was on a large area of land extending from the eastern edge of Woodstock to the A4095. The current application deals with a portion of this site.
- 5.10 As referred to and described above the current application seeks amendments to permission 16/01364/OUT.
- 5.11 Following adoption of the Local Plan 2031 the site is allocated for housing development under Policy EW3.
- 5.12 Land to the east that lies in Cherwell District, and formed part of the refused 14/02063/OUT, is being promoted under a review of Cherwell's Local Plan as a housing allocation. WODC has submitted objections to this but at the time of writing the Cherwell Plan was not sufficiently progressed to provide certainty on the future of this land. Nevertheless OCC has had regard to its potential to be developed and this was a factor in their representations.
- 5.13 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
Highways/Transport
Heritage
Trees and landscape impact
Siting, design and form
Ecology
Employment
Retail
Social Infrastructure, Sport and Leisure
Drainage
Residential amenity
Pollution
S106 Matters

Principle

- 5.14 In light of the Local Plan allocation and permission 16/01364/OUT the principle of the development proposed in this site has been established. However, because this application is for a new permission as an alternative to that already approved it is necessary to give it careful and full consideration. Therefore, whilst the changes, compared to permission 16/01364/OUT, are relatively limited it is necessary to appropriately set out the relevant policy considerations and come to a view as to the merits of the application as if it were a completely new submission. In this context Members will no doubt recognise much of the Officer advice below as repeating that set out in the report on 16/01364/OUT.

Highways and Transport

- 5.15 The means of access from the A44 and Shipton Road, and arrangements for off-site highway works were approved previously. The application does not propose to re-open consideration of these access arrangements, but there have been some material changes on which OCC Highways Officers have commented. At the first consultation a number of issues were raised. The revised details address the concerns as follows:
1. The design code has been revised to match the specified dimensions of spine road with those illustrated on site layout plans.
 2. The spine road has also been tracked to show its suitability for buses to use it and also to connect to the adjacent parcel should the site ever come forward for development.
 3. On the issue of pedestrian and cycle connectivity with the adjacent site, OCC welcome a commitment from the applicant that would allow for links to be established in the event of the adjacent site coming forward for development. Links are now provided and safeguarded that would ensure connectivity would be deliverable at the appropriate time. The links are shown to go right up to the eastern site boundary which OCC feel is sufficient for this development.
- 5.16 As the scale of development remains the same there are no further implications in terms of traffic generation and impact this might have on the surrounding transport network. Requirements for contributions to transport and specific works are dealt with under the existing legal agreement which will be subject to a Deed of Variation reflecting any new permission. Off-site highways works will be the subject of a S278 agreement with OCC.

Heritage

- 5.17 This section will deal with the impact of the proposal on heritage assets and the historic environment. In this case these are considered to be: Blenheim Palace (Grade I listed building, Grade I registered park and garden, and World Heritage Site), Woodstock Conservation Area, Bladon Conservation Area, The Cowyards, Scheduled Ancient Monument (Blenheim Villa), unlisted Pest House, and "Heh Straet" (medieval ridgeway).
- 5.18 All the heritage assets lie outside the red line site area. Therefore the impacts are not considered to be direct, but are rather concerned with setting, visual impact, perception and experience.
- 5.19 The consideration of application 16/01364/OUT had regard to relevant legislation, policy and guidance. However, as this current application would represent a new consent, it is necessary to revisit the matter.

- 5.20 In relation to listed buildings, the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66(1) states that the local planning authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Therefore, aside from local planning policy and the NPPF, listed buildings and their settings attract statutory protection and great weight needs to be attached to them in planning decisions.
- 5.21 Local Plan Policy EH9 requires that all development proposals should conserve or enhance the special character and distinctiveness of West Oxfordshire's historic environment, and preserve or enhance the District's heritage assets, and their significance and settings. It is noted that harm to heritage assets will only be accepted where there is clear and convincing justification in relation to public benefits arising from a scheme. It is further highlighted that considerable weight and importance will be given to the conservation of the universal value of the Blenheim WHS. Policy EH10 deals with Conservation Areas, EH11 deals with Listed Buildings, EH14 addresses historic parks and gardens, and EH15 Scheduled Ancient Monuments. Policy EW9 deals specifically with the Blenheim World Heritage Site.
- 5.22 Section 16 of the NPPF deals with the conservation and enhancement of the historic environment.
- 5.23 Historic England has produced a number of good practice advice notes. Note 3 deals with "The Setting of Heritage Assets".

Blenheim

- 5.24 Blenheim Palace and its Park are statutorily designated as a Grade I listed building (listed 27/08/57) and Grade I registered park and garden (registered 01/06/84). In addition, the Palace and Park were inscribed by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) as a World Heritage Site (WHS) in 1987. There are therefore 3 overlapping nationally important designations that need to be considered. The boundaries of the registered Park and WHS are not identical, but this is not considered material to the overall assessment. Throughout the report the three designations will be referred to collectively as the "Park".
- 5.25 The WHS statement of significance reads as follows: "Blenheim Palace near Oxford was inscribed as a World Heritage Site in 1987 for its architectural importance, as the design and building of the Palace between 1705 and 1722 represented the beginning of a new style of architecture and for its landscaped Park designed by Lancelot 'Capability' Brown which is considered as "a naturalistic Versailles". In tangible form Blenheim is an outstanding example of the work of John Vanbrugh and Nicholas Hawksmoor, two of England's most notable architects. Blenheim represents a unique architectural achievement celebrating the triumph of the English armies over the French. Blenheim and its associated Park has exerted great influence on the English Romantic movement which was characterised by the eclecticism of its inspiration, its return to national sources and its love of nature. The original landscape set out by John Vanbrugh who regulated the course of the River Glyme was later modified by Lancelot 'Capability' Brown who created two lakes seen as one of the greatest examples of naturalistic landscape design. Blenheim Palace was built by the nation to honour one of its heroes the first Duke of Marlborough and is also closely associated with Sir Winston Churchill. By their refusal of the French models of classicism, the Palace and Park illustrate the beginnings of the English Romantic movement which was characterised by the eclecticism of its inspiration, its return to national sources and its love of nature. The influence of Blenheim on the architecture and

organisation of space in the 18th and 19th centuries was greatly felt in both England and abroad. Built by the nation to honour one of its heroes, Blenheim is, above all, the home of an English aristocrat, the 1st Duke of Marlborough, who was also Prince of the Germanic Holy Roman Empire, as we are reminded in the decoration of the Great Drawing Room by Louis Laguerre (1719-20). In virtue of this criterion, just like the Residence of Wurzburg (included in 1981) and the Castles of Augustusburg and Falkenlust in Bruhl (included in 1984), Blenheim is typical of 18th century European princely residences, a category which is still under-represented on the World Heritage List."

- 5.26 At its closest point on the southern boundary of the site, the Park is approximately 35m away on the south side of the A44. The Palace itself is approximately 1,000m away, and although acknowledged to be some distance from the site, its scale and relationship with the surrounding landscape is of relevance to the overall consideration of setting. The site is therefore considered to be located within the setting of the 3 designations associated with the Palace.
- 5.27 Historic England has been consulted on the application. They did not wish offer any comments on this occasion.
- 5.28 The topography of this part of Woodstock is relatively flat. The site is made up of large open fields with some sub-division with hedgerow, and some tree cover. The presence of the A44, footways, a public footpath through part of the south west of the site, and public access to the Park allows public views across the landscape in this location and inter-visibility of the site and Park. The development would be a significant change in this very visible location which provides an approach to the Park and Palace for existing residents of Woodstock and large numbers of visitors.
- 5.29 The proposal seeks to introduce substantial planting along the frontage with the A44 and around the eastern boundary. This is located and designed to help screen the development rather than simply being incidental landscaping, and signals a recognition on the part of the applicant that the development would need to be at least partially obscured from view. The inter-visibility and visual permeability of the area between the site and the Park would be significantly reduced and the visual relationship of the Park and agricultural landscape beyond would be materially affected. However, the degree of set-back of the built form and its loose layout on the periphery of the site would be helpful in reducing the visual impact.
- 5.30 Notwithstanding the intention to screen the development, its siting and scale would still be perceived as a result of the height and layout of built form, physical features and sensory factors. It would have an effect in terms of light pollution, noise, vehicle movements, general activity from a large resident population and additional street furniture/signage/road markings, all of which are cues as to an urban environment. The main proposed access to the A44 is located opposite the Park, but relatively close to the existing development on the north side of the road. This position is considered to be less harmful than providing access further east where street furniture, road markings, etc. would have a greater impact on the setting of the Cowyards and the rural character of the approach to the town. An urbanising effect and influence of the scheme on the character and appearance of the area cannot be completely mitigated, but on balance the location of the proposed access and substantial landscaped belt along the frontage would largely off-set the harm in terms of these urbanising effects.
- 5.31 WODC has acknowledged previously that there would remain some residual harm to the settings of the Grade I Registered Park and Garden and World Heritage Site.

- 5.32 Paragraph 196 of the NPPF establishes that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". In this regard and with reference to Condition 33 of permission 16/01364/OUT, a Deed of Covenant has been completed which is the mechanism by which it can be ensured that funds arising from the development would be used to facilitate the conservation of the WHS. This, and other public benefits, including provision of open market and affordable housing are relevant to the decision making process.

Scheduled Ancient Monument/Archaeology

- 5.33 Blenheim Villa was built on the low lying land between the Thames tributaries, the Rivers Glyme and Cherwell, about 2km from both, and about 6km north of the Thames. It was first identified by aerial photography in the summer of 1971, when the buried stone walls and surrounding enclosure ditches showed clearly as cropmarks. The outline and internal arrangement of rooms were clearly visible, and the plan and dimensions were subsequently confirmed by limited excavation in 1985, when the walls were traced by trial trenching.
- 5.34 The "Setting of Heritage Assets" paragraph 9 makes clear that buried remains can have a setting, "Heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting".
- 5.35 Roman villas were a predominantly rural phenomenon, and this villa falls into that category. The word 'villa' itself is often taken as synonymous with 'farm', but perhaps 'Romanised farmstead' would be a better definition. As an economic entity, the villa drew its wealth from agricultural activity in the countryside which surrounded it, from its estate. Villas represented a rural lifestyle to which wealthier Romans, and those who wished to be associated with Rome, aspired.
- 5.36 The buried archaeological remains have a setting which is currently rural, and that contributes to the significance of the monument. The villa was clearly designed to enjoy an aspect over the surrounding countryside predominantly towards the south east. As the proposed development is to the west, this aspect would be retained.
- 5.37 Historic England has made no observations about this application. They previously noted on application 16/01364/OUT that "The proposals would undoubtedly have some impact on the setting of the Blenheim Villa SAM, as the edge of the town of Woodstock would be brought much closer and there would be some harm through the loss of a sense of rurality which is key to understanding the significance of the villa. However, the key vista that the villa once enjoyed looking ESE would be preserved. The effect on the setting would be moderate adverse and could be partially mitigated by better management of the site. The immediate rural setting would be protected by keeping new development at least 30m from the monument and partially screened by landscaping".
- 5.38 The harm to the setting is judged less than substantial and the harm needs to be balanced with public benefits in terms of paragraph 196 of the NPPF. In this regard and with reference to Condition 33 of permission 16/01364/OUT, a Deed of Covenant has been completed which is the mechanism by which it can be ensured that funds arising from the development would be used to facilitate the conservation of the WHS. This, and other public benefits, including provision of open market and affordable housing are relevant to the decision making process.

Conservation Areas

- 5.39 Woodstock is a market town, within which a Conservation Area was designated in 1975. The historic core around the Market Place, Park Street and High Street is predominantly made up of listed buildings fronting the streets. The west and south edges of the town adjoin the registered park around Blenheim Palace which is marked by a substantial stone wall.
- 5.40 The site is located approximately 600m from the Woodstock Conservation Area along the A44. It is considered that the development would not have a direct impact on the immediate setting of the Conservation Area, given the distance between the two and the intervening development to the north side of the A44. The Bladon Conservation Area is approximately 740m away along the A4095. Likewise, it is not considered that there would be a direct impact on this Conservation Area. However, the development has the potential to have a significant adverse impact on the approach to, and wider setting of, both Woodstock and Bladon Conservation Areas.
- 5.41 Travelling along the A4095 in an easterly direction, leaving Long Hanborough, a real perception of the Blenheim Park becomes apparent around the Hanborough Bridge over the River Evenlode. A few yards beyond this the estate wall then begins and continues into the village of Bladon. On passing through the village, the presence of the more formal part of the park is announced by the wide landscaped verge and gatehouse at Eagle Lodge on the west side of the road. The estate wall then continues around to the left and past the caravan site onto the A44 and then proceeds to the Hensington Gate to the park on the edge of the Woodstock Conservation Area. In this regard the park provides a continuous visual and physical link between Bladon and Woodstock and connects the Conservation Areas of both. The perception and experience of these heritage assets along this route would be affected by the substantial new development envisaged.
- 5.42 The land around the route between Bladon and Woodstock has been subject to limited development, and an agricultural setting for both settlements is retained. The development proposed would be substantial and visible, and the appearance of the area would be altered significantly. The perception of a transition from one historic settlement to another, through an agricultural landscape which is clearly influenced by the presence of the Park and its setting would be affected. However, Historic England noted under the previous application 16/01364/OUT that as Woodstock has already been greatly expanded from its historic core, it is considered that further expansion onto the application site would not necessarily be harmful to the Conservation Area. The proposals set out Phase I should be adequate to ensure that the impact on the setting of the Conservation Area is low.
- 5.43 The wider setting of Bladon and Woodstock Conservation Areas would be affected, although any harm would be less than substantial, and on Historic England's previous assessment judged "low". This harm is considered to be outweighed by the benefits of the proposal.

Cowyards

- 5.44 The Cowyards and Cowyards Cottage are Grade II listed and lie to the south of the A44 opposite the application site. They were designated in 27/07/88 and comprise a range of buildings c.1860 in date consisting of natural stone, former agricultural buildings with slate roofs. The cottage is of similar materials.

- 5.45 The buildings lie within the registered park and garden and the WHS and represent part of the evolution of the estate. Being on the edge of the park and close to the agricultural land beyond it, they have an affinity with the wider rural landscape. The site is considered to be within the setting of these buildings and the full application component of the scheme, Phase I, indicates that buildings would be sited along the southern edge of the site albeit somewhat set back behind landscaping.
- 5.46 The listed buildings are readily visible from the A44 and from within the park and there is intervisibility between the listed buildings and the site, albeit that the view is significantly filtered by existing hedgerow and trees in the summer.
- 5.47 This group of buildings forms part of the Park and WHS and therefore an impact on one would necessarily suggest an impact on the other. The findings on the setting of the Park and WHS are expressed above. However, since the Cowyards is separately listed, it is reasonable to reach a separate conclusion about the effect of the development in relation to these buildings.
- 5.48 The Cowyards are unusual in this context, being buildings of a more utilitarian nature, although it is notable that this is a model farm group, and that considerable care was nonetheless taken with the architecture, which is of some quality, and which even included a cottage for the cowman, in addition to the animal ranges. The buildings were converted for office use in 1999, although the original form was carefully preserved. It is important to note that these were agricultural buildings, for stock, and that they were deliberately set in a less manicured part of the Park, hard by the eastern boundary, in fairly open countryside, well away from other development, and in a setting which survives to this day.
- 5.49 The applicant has located the site access closer to the town than that shown in the previous iterations of the plan and it is set way from the entrance to the Cowyards by approximately 70m. Opposite the Cowyards there would be a landscaped strip approximately 16m wide and built form set back from this. The overall distance between proposed dwellings and the Cowyards buildings would be approximately 95m at its closest point. Although there would be some urbanising effect from new road markings and street furniture, the set-back and loose form of the frontage within the application site would, on balance, lead to less than substantial harm. This harm is considered to be outweighed by the benefits of the proposal.

Pest House

- 5.50 A small building is shown on historic maps from at least 1750 on the border between West Oxfordshire and Cherwell District. On historic maps from the 1880s onwards it is identified as a "Pest House" (a colloquial term for infectious diseases). There is a building on the site still in existence which is constructed in local vernacular style and materials. It is unclear how rare this form of structure was nor how many such buildings remain.
- 5.51 The house is considered to be an undesignated heritage asset and the setting of this asset would need to be carefully considered at reserved matters, should outline planning permission be forthcoming. As currently illustrated, the building would remain but it would have development to its west side.
- 5.52 The reserved matters submission will address appropriate siting of development in relation to it. It is not considered to be a significant constraint.

Heh Straet

- 5.53 The ancient routeway of the ridgeway appears to survive along the east side of the site. This is identified on the Historic Environment Record as "Witney Branch Ridgeway" and is identified as early medieval to medieval in date. The route is aligned along the boundary between West Oxfordshire and Cherwell and also runs alongside the villa site.
- 5.54 The alignment is shown on historic OS maps as being a defined earthwork. The route incorporates part of the Shipton Road and passes alongside the Pest House. The masterplan shows that the route would be retained as part of the layout and would fall to the east of the landscaped area on the eastern boundary of the site. It is not considered to be an impediment to the scheme. Subject to sufficient buffering with landscaping it is not considered that this heritage asset would be materially affected.

Trees/ Landscape Impact

- 5.55 The application site is agricultural land in open countryside to the east of Woodstock. The boundaries to the site are predominantly marked with hedgerow and trees.
- 5.56 Some loss of trees and hedgerow will be required to provide the main points of access from the highway and pedestrian/cycle connections within the site, and to the highway network around it. However, taking the site as a whole, trees and hedgerow would be substantially retained and development would be set back from these features, allowing appropriate tree protection measures to be employed.
- 5.57 Around the periphery of the site, it is proposed to introduce new planting, particularly on the east and south sides. A detailed planting plan has been provided for Phase I (full application) and is acceptable to the Landscape and Forestry Officer. Landscaping details for the rest of the site are provided under the reserved matters submission to show tree species, size and planting density.
- 5.58 In the context of landscape matters Local Plan Policy OS2 requires that all development should:
- 1) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - 2) Form a logical complement to the existing scale and pattern of development and/or the character of the area;
 - 3) Avoid the coalescence and loss of identity of separate settlements;
 - 4) As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
 - 5) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
 - 6) Conserve and enhance the natural, historic and built environment
- 5.59 Local Plan Policy EH2 states that "New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds".
- 5.60 At present the site is quite visually contained by mature hedgerows to the south and east boundaries. The boundary to the north with the school playing field has less screening and

allows views across the site from the north. The western boundary follows the existing urban edge and the site can be viewed publically from the west at the corner of Flemings Road and Hedge End. Public views can also be readily gained from a short stretch of public footpath that emerges into the site from Hedge End and joins the A44 at the south west corner. A large number of private views from neighbouring houses is gained across the site from the west, and there are also private views from Littlecote and the Pest House.

- 5.61 The A44 is the main route into the town and the site forms part of the approach, thereby being experienced by walkers, cyclists and those in vehicles. Tourists in particular travelling by coach would have an elevated view towards the site. The visual amenity of the site and how it is experienced by people is very important, as this part of the A44 is where there is perhaps the greatest degree of anticipation of reaching Blenheim and the town. This combined with the location of public rights of way here heightens the sensitivity, requiring a carefully considered approach to layout and design.
- 5.62 Views would be dramatically altered by the proposed development. At the moment the relatively flat agricultural field is not prominent and forms part of a patchwork of fields in this location. Notwithstanding the introduction of new landscaping, the development would rise above existing hedgerows and be clearly visible from most directions, albeit that some views would be more filtered than others. The layout proposed seeks to ameliorate the impact, particularly on the frontage to the A44. This would feature a wide landscaped belt with a mix of trees and hedgerow. At the south east corner there would be a large triangular area including a detention basin which would mean that the public's first view of the site from the A44 would be across a substantial green space.
- 5.63 The applicant has sought to reflect the degree of set-back of houses found along the north side of the A44. The existing frontage development is well established and although visible is not prominent or especially intrusive from the road. The relationship with the Park is very similar to what is now proposed, with variable amounts of tree cover within the Park boundary.
- 5.64 The magnitude of change is high because of the drastic change from the open to the built environment, resulting in harm to the receptor's experience of the approach to Woodstock's historic core and the Palace. Therefore the significance of effect result is obviously going to be substantial. However, in view of the existing modern built form in this location and its layout and character, it is considered that on balance the layout and form of the proposal would not be so harmful in visual terms as to warrant refusal.

Siting, design and form

- 5.65 The application is principally in outline, with Phase I for 46 dwellings being submitted in full. The layout is to a large extent driven by the main access through the site from the A44 to Shipton Road.
- 5.66 The submissions include a Design Code document. This seeks to set out the design and layout parameters in terms of: land use; unit type and mix; building heights; hierarchy of streets; open spaces; landscaping; design influences; use of materials; surfacing, etc.
- 5.67 The Design Code addresses the rationale for the evolution of the scheme, the influences on its design, and a vision for the future of the development.

- 5.68 The reason for proposing the first phase as a full application was that it would be the most visible part of the site for most people visiting Woodstock and would set the tone for the whole scheme in terms of the quality of design, landscaping and use of space. This phase incorporates a strong main street with balanced form announcing the entrance to the development. The southernmost buildings will be arranged in a loose form behind a wide landscape belt. Most plots are two storey, with the exception being an apartment building at 3 storey, albeit that the upper storey is in the roof space.
- 5.69 Close attention has been paid to house types and street scene, and the plans for each plot were subject to significant revision under 16/01364/OUT to ensure a high quality of form is maintained throughout. The current application seeks consent for a number of relatively minor changes to the approved design of certain plots and layouts in Phase I. The reason for the changes as put forward by the applicant is as follows:
- 1) Minor alterations to the design, alignment and layout of the road through the site which are required to meet Oxfordshire County Council Highways design requirements for access design and to provide tracking for larger refuse and tanker vehicles for highway safety reasons, together with associated changes to landscaping and parking layout on the site, and delivery of the road as part of Phase I;
 - 2) Provision of a gas governor at the south east part of the site adjacent to the proposed pumping station;
 - 3) Relocation of the electrical substation which was previously indicated to be adjacent to Plots 16-21 to a more central location adjacent to the spine road and refuse and cycle store with these to be delivered as part of the first phase of development;
 - 4) Minor changes to the layout and detailed design of some individual dwellings and plots to reflect the road layout changes; to improve access to properties from parking areas; and to improve residential quality, the amenity of individual dwellings and their relationship aiding the deliverability of development; and
 - 5) Update to the Design Code to review hard surfacing materials which are to be simplified providing a more legible and coherent public realm, and to revise the planting palette to include more species that are prevalent within the Blenheim Estate in order to strengthen the site's association with the Estate.
- 5.70 Early planting of the landscaping around Phase I will be important to ensure that this becomes established as soon as possible. The detailed changes proposed are not objected to and the proposal is considered to comply with Local Plan Policy OS4.

Ecology

- 5.71 The bulk of the site is made up of arable land under cultivation. The margins of the parcels of land that make up the site are categorised as semi-improved grassland and the boundaries are largely marked with hedges and woodland belts.
- 5.72 Appropriate ecological surveys have been carried out including, assessments in relation to protected species and designated ecological sites nearby. The assessment and mitigation is very comprehensive for each of the habitats and the identified species.
- 5.73 The masterplan has been developed so as to avoid and minimise the loss of important habitats and features within the site. It is intended that field margins and hedgerow would be largely

retained and enhanced by the provisions of a network of green infrastructure creating functional ecological corridors.

- 5.74 The vehicular and pedestrian routes proposed will necessitate the removal of some hedgerow and trees, but it is considered that this loss would be compensated for by the introduction of significant new planting and extensive areas of landscaped open space. The network of green spaces envisaged, combined with mitigation measures, should result in overall gains for biodiversity which would be policy compliant.
- 5.75 The pressures that all the retained habitats and created habitats will be under as a result of the proposed land uses and their scale is noted. An on-going Management Plan would be required which would detail appropriate future management of planting and open spaces to ensure that their habitat value is maintained.
- 5.76 No objection in relation to ecology matters is raised by the WODC Biodiversity Advisor or Natural England. Subject to condition, further details as part of the reserved matters application and implementation of the mitigation and enhancement measures envisaged, the proposal would comply with Local Plan Policy EH3.

Retail/Employment

- 5.77 Woodstock is a thriving town with a population at the last census of 3,100. It has a good mix of commercial uses that provide employment opportunities. The area has low unemployment.
- 5.78 The scheme would incorporate up to 1,100sqm of A1/A2/B1/D1 floorspace, envisaged to be provided towards the middle of the site as part of a later phase of development in connection with a public square. The nature of uses falling within these use classes is shops, financial and professional services, offices, light industry and public facilities such as halls, galleries and day nurseries. None of these uses would be incompatible with residential in principle.
- 5.79 Woodstock is a small market town with a town centre that provides services for the existing local population of around 3,000 and the nearby villages, together with the high number of visitors that are attracted to the area, in particular the Blenheim World Heritage Site.
- 5.80 Whilst Woodstock Town Centre can be considered "healthy," this is heavily influenced by the town's heritage and leisure role. Although identified as a secondary order service centre, most convenience shopping done by residents takes place outside of Woodstock in other nearby towns. The nearest supermarket is in Kidlington. Nevertheless, the small Co-op supermarket appears to thrive in catering for day to day shopping. Alongside this there are other small independent shops that attract both residents and visitors.
- 5.81 In your Officers' view there is no reason to believe that a modest commercial offer at the application site would be detrimental to the vitality and viability of the town centre. The centre would remain the focus of commercial activity and its attraction to visitors would not be diminished.
- 5.82 The increase in population as a result of the proposed development could make other types of convenience and comparison retail and service provision more sustainable by providing a larger background population to support independent retailers and by growing the expenditure catchment for the Town Centre for service and day to day shopping.

- 5.83 The exact amount of retail, leisure and office space to be provided as part of the 1,100sqm of floorspace is not defined, but the total amount exceeds the now adopted threshold of 500sqm expressed in Local Plan Policy E6 which would require an impact assessment. Nevertheless, as permission has been granted for 1,100sqm under the extant consent it would not be reasonable to require a new assessment in the light of E6.
- 5.84 On balance, it is considered that there would be likely to be significant demand for local shopping provision should the development proceed as envisaged. Officers consider that such provision on the site would be likely to complement rather than compete with the existing offer in the town.

Social Infrastructure, Sport and Leisure

- 5.85 The application seeks variations to the existing consent 16/01364/OUT. Education, sport and leisure provision were addressed under the S106 agreements that accompany that consent. There is no need to re-open consideration of the terms of the agreements given the subject matter of the current application. There will, however, need to be a Deed of Variation to the agreements to reflect that a new permission is to be granted.
- 5.86 Changes to the phasing of the development reflect the need to provide for early delivery of the on-site children's nursery.

Drainage

- 5.87 The site is in Flood Zone 1 and therefore at low risk of flooding.
- 5.88 Foul drainage and surface water drainage are the subject of conditions on the existing consent and these will be repeated as part of a new consent. Subject to satisfactory compliance with the conditions, Officers are satisfied that the development would comply with Local Plan Policy EH7.

Residential Amenity

- 5.89 On Phase 1, all proposed buildings are set well back from the boundaries and there would be no unacceptable loss of privacy or light to existing residents.
- 5.90 There could be some disturbance during construction as a result of construction traffic movements, construction noise, dust and general activity on the site. The development is expected to be on-going for a number of years and therefore existing residents could be affected by construction for an extended period. In this regard, a condition requiring a full construction method statement and construction management plan were imposed on the existing consent and would be repeated on a new permission.
- 5.91 The proposed commercial/community uses on the site are not of a type that would be likely to give rise to excessive noise or disturbance and they are therefore compatible with a residential environment.

Pollution

- 5.92 The effect of noise was considered under the previous application and a condition was imposed requiring appropriate noise levels in dwellings to be achieved. WODC Environmental Health

Officer has no objection to the amendments to the scheme now proposed and the same condition can be re-imposed.

- 5.93 As regards air quality the site is not located within a designated AQMA, or near to one.
- 5.94 A quantitative assessment of the impacts during the operational phase was previously undertaken to predict the impacts on annual mean NO_x concentrations and nitrogen deposition rates at Blenheim Park SSSI and the Oxford Meadows SAC. In all cases the impacts would be below significance thresholds. The impacts of the Proposed Development on annual mean NO_x concentrations and nitrogen deposition rates at Blenheim Park SSSI and the Oxford Meadows SAC are therefore negligible.
- 5.95 The potential for light pollution is addressed by a condition dealing with lighting specifications attached to the previous consent which would be repeated on any new consent.
- 5.96 A ground investigation report has been submitted and considers ground conditions and potential sources of contamination. No mitigation or remedial measures are considered necessary but the applicant will need to adopt a precautionary approach as regards unexpected contamination being found in the course of development.

SI06 matters

- 5.97 The provision of affordable housing is a key objective of the Council and is dealt with in Local Plan Policy H3 which identifies Woodstock as a high value location and the requirement is 50% affordable.
- 5.98 The previous application considered the viability of the scheme and there was considerable disagreement between the applicant and Officers as to the appropriate level of provision. Officers required the full 50% in the light of independent assessment, but the applicant offered 37%. Ultimately a condition was imposed as follows:
- ""The development hereby approved shall provide 50% of the dwellings as affordable housing unless a lower percentage is agreed in writing by the local planning authority following a review of development viability after the completion of Phase I and prior to the commencement of any subsequent phases delivering dwellings. The review shall include robust and detailed benchmarking data for values and construction costs on Phase I that has been verified by external independent audit. Notwithstanding the outcome of this review the affordable housing percentage shall be not less than 37%".
- 5.99 This condition will be re-imposed on any new consent.
- 5.100 In the context of the extant permission, with its attached legal agreements, it is not warranted or necessary to revisit financial contributions or other provisions set out in those agreements given the subject matter of the current application. However, it will be necessary to complete a Deed of Variation to connect a new permission to the existing agreements.

Conclusion

- 5.101 Permission has been granted for the development under consent 16/01364/OUT. Therefore the principle has been established as well as full consent for Phase I. The current application seeks

variations to this permission which are various amendments to Phase I details and consequent changes to the wording of conditions, namely Landscape and Ecological Management Plan (Condition 19), Tree protection (Condition 22), landscaping (Condition 23) and Design Code (Condition 28).

- 5.102 The new points of access to the highway, provision of pedestrian and cycle linkages, ability to access public transport, and predicted vehicle movements remain acceptable and no objection on these matters is raised by OCC Highways in connection with the revised plans. A S278 agreement will be required to secure the highways works and improvements that are necessary to facilitate the scheme. In addition, S106 financial contributions have previously been secured to off-set or mitigate the highways impacts of the development and improve public transport. A number of conditions have also been imposed to address highways matters. Subject to compliance with such agreements and conditions the proposal, insofar as those elements listed, would comply with adopted and emerging policy. Relevant conditions will be repeated on any new permission.
- 5.103 There would be no unacceptable impact on the residential amenity of neighbouring properties as regards privacy and loss of light, based on the details of Phase I.
- 5.104 As regards impacts on heritage assets, there would be less than substantial harm to the WHS/Listed Park and Garden, the Villa Scheduled Ancient Monument, and Cowyards. There is limited harm to the Conservation Areas of Bladon and Woodstock. This harm, under paragraph 196 of the NPPF, would need to be outweighed by public benefits. Whilst there remains a question mark about the eventual level of affordable housing provision, the provision of market and affordable housing on an allocated site to meet housing strategic delivery requirements is a significant benefit of the scheme. In addition, a Deed of Covenant has been completed to ensure that proceeds of the development are put towards the conservation and restoration of the WHS. These factors are considered to outweigh the less than substantial harm.
- 5.105 Impacts of the development as regards social infrastructure have been addressed through a legal agreement, which will be updated by way of a Deed of Variation.
- 5.106 There would be no direct impact on protected species and appropriate mitigation and enhancements for wildlife can be secured by condition. The overall ecological value of the site would be enhanced compared to the current arable cultivation.
- 5.107 Existing trees and hedgerows would be retained for the most part and considerable new landscaping would be introduced. Overall the plans for landscaping are acceptable.
- 5.108 The effect on Woodstock town centre as regards vitality and viability were assessed under the previous consent and the policy applied at that time. Whilst the adopted Policy E6 would now require an impact assessment for town centre uses in excess of 500sqm, it is not considered reasonable to require that this is re-assessed.
- 5.109 The site is in Flood Zone I and suitable drainage of the site can be addressed by condition.
- 5.110 There is no reason to believe that the site would be materially affected by any form of pollution. Effects on existing properties during construction can be addressed by a suitable condition regarding site management.

5.111 Given the subject matter of the application and the extant consent, the amendments are acceptable and do not raise any new matters that would warrant refusal. When assessed against the Local Plan as a whole the proposal is acceptable. Subject to completion of Deeds of Variation to legal agreements with WODC and OCC, and the imposition of conditions, the application is recommended for approval.

6 CONDITIONS

- 1 (a) Application for approval of the reserved matters (remainder of site not in Phase I) shall be made to the Local Planning Authority before 21/05/2021;
and
(b) The development, other than Phase I, hereby permitted shall be begun either before 21/05/2023, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 Details of the layout, appearance, scale and landscaping (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins on any part of the site outside Phase I and the development shall be carried out as approved.
REASON: The application is not accompanied by such details.
- 3 The Phase I development (full planning permission) hereby permitted shall be begun before 21/05/2021.
REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004
- 4 The development shall be carried out in accordance with: all of the plans listed on the Drawing Register and Issue Sheet - Project Reference 5903U dated 19/11/2018; Fabrik Drawing/Document Issue Sheet reference D2621-FAB-01-00 dated 19/11/2018; and phasing plan 5903/** (unless an alternative phasing subsequent to Phase I is agreed in writing by the Local Planning Authority).
REASON: For the avoidance of doubt as to what is permitted.
- 5 Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on the A44 and the land and the highway onto the Shipton Road, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. The submission for the A44 access shall include details of:
 - (i) signal controlled pedestrian/cycle crossing on the A44 to the north west of the site access
 - (ii) footway connection from the site access road to the crossing and beyond to the existing footway on the north east side of the A44
 - (iii) pedestrian/cycle connection from the site to the A44 as close as possible to the south east site boundary serving a refuge island crossing on the A44
 - (iv) relocated 30mph speed limit and village entry feature to a point south east of the site access and access to the CowyardsThereafter, and prior to the occupation of any dwelling, the means of access onto (i) the A44 including the crossings, footway connections, and speed limit and village entry feature relocation and (ii) the Shipton Road, shall be constructed and retained in accordance with the approved

details. Prior to the occupation of the 47th dwelling, the means of access onto Shipton Road shall be constructed and retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 No dwelling or other buildings shall be occupied until car parking spaces to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. Car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
REASON: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 7 Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided for each phase of the development prior to first occupation of that phase of the development. The cycle parking shall be permanently retained and maintained for the parking of cycles in connection with the development.
REASON: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.
- 8 Prior to the commencement of the development hereby approved, full details of surface improvements to the public right of way footpath 413/8 as it runs through the site, including the connection to Hedge End, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to first occupation of the development, these surface improvements and connection to Hedge End shall be constructed and retained in accordance with the approved details.
REASON: To ensure safe and suitable access to the development for all persons.
- 9 Prior to the commencement of the development hereby approved, full details (including phasing) of the pedestrian/cycle connections along the boundaries of the site, as shown on the Access and Movement Parameter Plan drawing 5903/05A, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the approved details and phasing plan, and shall be retained thereafter.
REASON: To ensure safe and suitable access to the development for all people.
- 10 Prior to commencement of development, a Framework Travel Plan that complies with Oxfordshire County Council's travel planning guidance document "Transport for New Developments: Transport Assessments and Travel Plans" for the whole site shall be submitted to and approved in writing by the local planning authority. Prior to occupation of any dwellings hereby approved, an updated travel plan for the residential element shall be submitted to and approved in writing by the local planning authority. Prior to occupation of any commercial land use hereby approved, exceeding the thresholds set out in "Transport for New Developments: Transport Assessments and Travel Plans", an updated workplace travel plan for that commercial element shall be submitted to and approved in writing by the local planning authority. The travel plans shall incorporate details of:
(i) the means of regulating the use of private cars at the development in favour of other modes of transport ; and

(ii) the means of implementation and methods of monitoring site related travel.

Thereafter, the approved Travel Plans shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

11 Travel information packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development, shall be provided to every resident on first occupation.

REASON: In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.

12 Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of highway safety and the residential amenities of neighbouring occupiers.

13 No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

(i) Discharge Rates

(ii) Discharge Volumes

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

(iv) Sizing of features - attenuation volume

(v) Infiltration tests to be undertaken in accordance with BRE365

(vi) Detailed drainage layout with pipe numbers

(vii) SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)

(viii) Network drainage calculations

(ix) Phasing plans

(x) Flood Risk Assessment

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

14 No development, including any works of site clearance, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

(i) The parking of vehicles for site operatives and visitors

(ii) The loading and unloading of plant and materials

(iii) The storage of plant and materials used in constructing the development

(iv) The erection and maintenance of security fencing and hoarding including decorative displays

- (v) Wheel washing facilities
- (vi) Measures to control the emission of dust and dirt during construction
- (vii) A scheme for recycling/disposing of waste resulting from demolition and construction works.
- (viii) Hours of operation

REASON: To safeguard the means to ensure that the character and appearance of the area, living conditions and public safety are in place before work starts.

- 15 Prior to any site clearance and the commencement of the development the applicant, or their agents or successors in title shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation, relating to the application site area, which has been submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.
- 16 Following the approval of the Written Scheme of Investigation referred to in Condition 15, and prior to any site clearance on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority by a date to be agreed with the Local Planning Authority.
REASON: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF.
- 17 Each phase of development shall not commence until a foul drainage strategy for that phase, detailing on and/or off site works, is submitted to and approved in writing by the Local Planning Authority, in consultation with sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the necessary drainage works referred to in the strategy have been completed for that phase. If required, the approved works identified in the strategy shall be completed prior to occupation of any dwelling within the relevant phase of development
REASON: The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact.
- 18 The development hereby approved shall conform with BS8233/2014 and all new habitable dwelling spaces shall be designed and constructed to ensure internal noise levels in living rooms of 35dB LAeq 16-hour (07.00-23.00 hours) and bedrooms 30dB LAeq 8-hour (23.00-07.00 hours). Details of appropriate attenuation measures to meet those standards shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out in accordance with the scheme so approved, and such measures shall be in place before dwellings so affected are occupied and retained thereafter.
REASON: To ensure satisfactory living conditions in the dwellings.

- 19 The development shall be carried out fully in accordance with the Landscape and Ecological Management Plan (LEMP) as updated and reviewed dated 24/10/18 by BSG Ecology. All approved measures shall be retained thereafter in accordance with the provisions of the LEMP. REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 15), policy EH3 the West Oxfordshire Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 20 Site Characterisation - No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
 - (ii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems.
2. Submission of Remediation Scheme - No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. Implementation of Approved Remediation Scheme - 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 a Verification Report confirming that all works were completed in accordance with the agreed details. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
4. Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of part A, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of part B. The measures in the approved remediation scheme must then be implemented in

accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with part C. REASON: To ensure satisfactory development in the interests of the environment and human health.

- 21 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 22 The development shall be carried out in accordance with the Arboricultural Impact Assessment by Aspect Arboriculture dated July 2018 and referenced 9215_AIA.001 Rev E, Arboricultural Method Statement - Phase I and Access by Aspect Arboriculture dated July 2018 and referenced 9215_AMS.001 Rev A (Phase I) and Arboricultural Method Statement - Wider Site (Excluding Phase I) by Aspect Arboriculture dated July 2018 referenced 9215_AMS.002 Rev A (wider site), including tree retention and protection shown on drawings:
9215 TPP 01 Rev D (Central)
9215 TPP 01 Rev D (South)
9215 TPP 01 Rev D (Phase I)
9215 TPP 01 Rev D (Cycleway)
9215 TPP 02 (Phase I) Rev A
9215 TPP 02 (Cycleway) Rev A
9215 TPP 03 (Wider Site) - North Rev A
9215 TPP 03 (Wider Site) - South Rev B
Prior to commencement of the development (including site clearance) all trees and hedgerows to be retained shall be protected in accordance with the above details. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To safeguard features that contribute to the character and landscape of the area.
- 23 The planting for Phase I shall be implemented fully in accordance with the drawings listed on Fabrik Drawing/Document Issue Sheet reference D2621-FAB-01-00 dated 19/11/2018. In addition, all trees shown on drawing DR-L-0304 PL01 and within the "Area of tree planting in first planting season (November to March) following commencement of development on the site" on drawing 5903/23 shall be planted on the first planting season (November to March) following commencement of development on the site. All trees so planted shall be protected in accordance with a scheme complying with BS 5837:2012: 'Trees in Relation to design, demolition and construction', which shall have first been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection areas. All the remaining planting shown on the drawings listed above shall have been completed by the end of the first planting season following the completion of Phase I. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the

completion of Phase I, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter maintained.

REASON: To ensure that trees become established at the earliest opportunity and to safeguard the character and landscape of the area during and post development.

- 24 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and public open space, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority before occupation of any dwelling. The landscape management plan shall be carried out as approved.
REASON: To ensure proper management of the landscape of the site which is important to the character and appearance of the site and the surrounding area.
- 25 Before above ground building work commences, samples of all walling and roofing materials to be used throughout Phase I of the development shall be submitted to and approved in writing by the Local Planning Authority.
REASON: To safeguard the character and appearance of the area.
- 26 Before above ground building work commences, sample panels of the stone walling, brick walling, and render (including details, junctions and treatment of corners) to be used in the elevations of the development shall be erected on site and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials and panels. For the avoidance of doubt, all stone walling shall be natural local rubble stone with lime mortar, and stone details such as quoins shall be in natural stone ashlar.
REASON: To safeguard the character and appearance of the area.
- 27 Notwithstanding details contained in the application, detailed specifications and drawings of all dormers, porches, canopies, chimneys, flues, eaves, verge, ridge and full joinery details for windows, roof lights and external doors at a scale of not less than 1:20, including details of external finishes and colours, shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 28 The development shall be carried out in accordance with the submitted Design Code dated October 2018. However, notwithstanding this document, all buildings shall be constructed in accordance with the approved plans, materials and details.
REASON: To ensure an appropriate form of development that properly reflects the character and appearance of the area.
- 29 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A, B and C shall be carried out other than that expressly authorised by this permission. On elevations fronting a highway (whether or not this is the principal elevation of the building), no development permitted under Schedule 2, Part 1, Class H, and Schedule 2, Part 2, Class F shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to maintain the character and appearance of the approved buildings, and the site in general, and because of the site's location adjacent to an historic town and in relation to heritage assets.

- 30 Prior to commencement of the development, a scheme which specifies the provisions to be made for the illumination of the site and control of light pollution shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained thereafter.
REASON: To prevent light pollution and in the interests of maintaining the character and appearance of the area.
- 31 Prior to the commencement of any residential development, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a superfast broadband service (>24mbs) to that dwelling from a site-wide network, is in place and provided as part of the initial highway works, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a superfast broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.
REASON: In the interest of improving connectivity in rural areas.
- 32 The development hereby approved shall provide 50% of the dwellings as affordable housing unless a lower percentage is agreed in writing by the local planning authority following a review of development viability after the completion of Phase I and prior to the commencement of any subsequent phases delivering dwellings. The review shall include robust and detailed benchmarking data for values and construction costs on Phase I that has been verified by external independent audit. Notwithstanding the outcome of this review the affordable housing percentage shall be not less than 37%.
REASON: To ensure the delivery of a wide choice of quality homes and to create sustainable, mixed and inclusive communities in accordance with Local Plan Policy H3.
- 33 Prior to the commencement of the development hereby approved, details of the legally binding mechanism to secure the contribution of relevant proceeds from the development to the conservation, maintenance and restoration of the Blenheim Palace World Heritage Site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.
REASON: To ensure that the benefit attached to the transfer of these funds in the planning balance is delivered.

NOTES TO APPLICANT

- I Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. For guidance and information on road adoptions etc. please contact the County's Road Agreements Team on 01865 815700 or email roadagreements@oxfordshire.gov.uk

- 2

Access for Firefighting: Oxfordshire Fire & Rescue Service (OFRS) assumes that access to the proposed sites and to the premises will be in accordance with the guidance in the current edition of Approved Document B to the Building Regulations volumes 1 and 2.

Water Supplies for Fire fighting: OFRS strongly recommend the provision of adequate and appropriate water supplies (fire hydrants) in accordance with the guidance in the current edition of Approved Document B to the Building Regulations volumes 1 and 2. OFRS would also recommend that the development conforms to British Standards BS 9999:2008 (Code of practice for fire safety in the design, management and use of buildings - Section 23 Water supplies for fire and rescue service use - 23.2 Location and access to external water supply) & BS 9990 (Code of practice for non-automatic fire-fighting systems in buildings - Section 5, Private fire hydrants - 5.2 Provision and Siting)

Automatic Water Suppression Systems: Oxfordshire Fire and Rescue Service also believe that fitting of Automatic Water Suppression Systems (AWSS) will materially assist in the protection of life, property and fire fighter safety. AWSS such as sprinklers and water mist systems do save lives; therefore OFRS strongly recommend the provision of such systems particularly in new build properties for the proposed sites.
- 3

Noise - Ground borne noise is assessed separately and is not included as part of the recommended condition, as human response to ground borne noise varies with many factors such as level, character, timing, occupant expectation and sensitivity. If relying on closed windows to meet the guide values, there needs to be an appropriate alternative ventilation that does not compromise the facade insulation or resulting noise level. Commercial plant noise at existing and new residencies shall be assessed and rated according to BS. 4142 (2014) 'Methods for rating and assessing industrial and commercial sound'. Where the assessment indicates a likelihood of impact which could be significant, plant shall be designed to a minimum 5 dB below the measured background noise level. In the instances of very low background noise and depending upon the context, it is not considered reasonable to design plant noise levels to 5dB beneath the LA90 background. A minimum plant noise emission limit in absolute terms of 30 dB(A) would then apply.
- 4

The Environment Agency recommends that in accordance with the foul waste water drainage hierarchy the proposed development should connect to the public sewer and include proposals for upgrading of the existing foul drainage system (or provide a new drainage network) and sewage treatment plan following consultations with Thames Water Utilities Ltd.

Any development in the area should take water quality into account and must ensure no deterioration in Water Framework Directive status.
- 5

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. They can be contacted on 0800 009 3921.

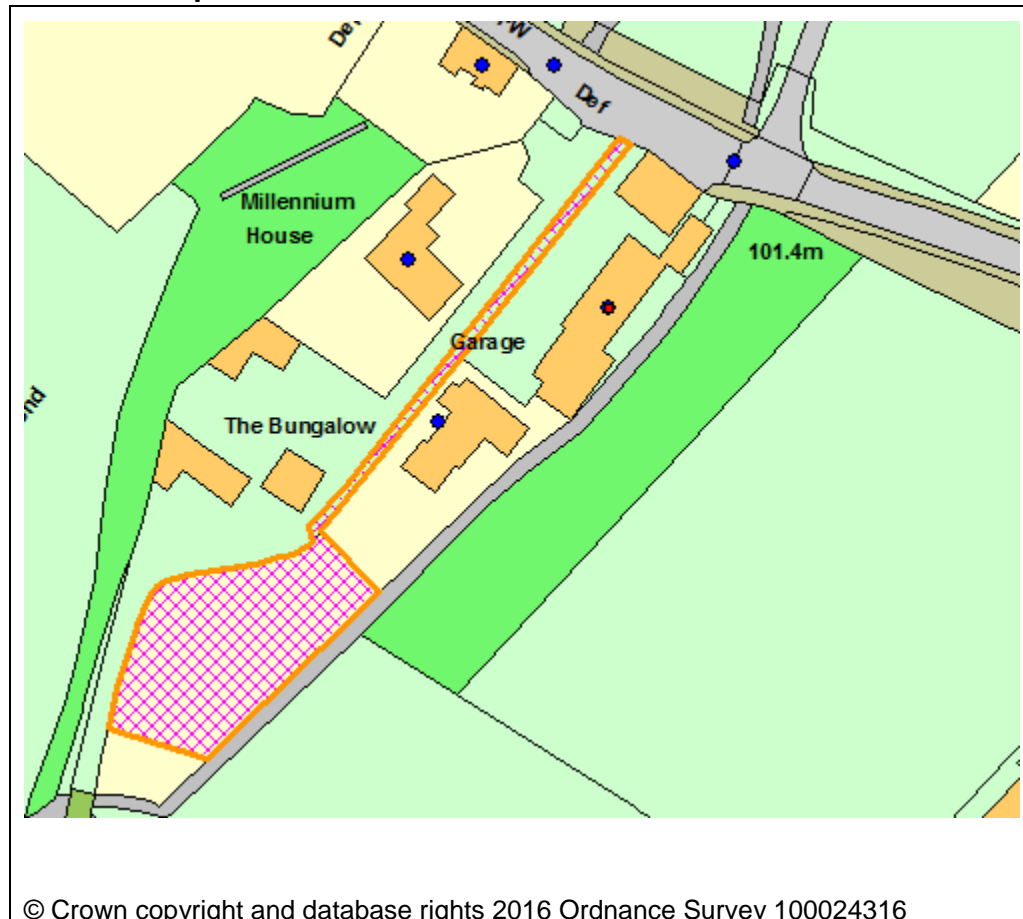
Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed

development.

- 6 For the purposes of compliance with the above conditions, please refer to application 18/02335/CND and other subsequent condition compliance applications as may be relevant.

Application Number	I8/02387/FUL
Site Address	Milton Service Station Shipton Road Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JS
Date	21st November 2018
Officer	Phil Shaw
Officer Recommendations	Defer
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427194 E 218083 N
Committee Date	3rd December 2018

Location Map



Application Details:

Erection of dwelling with associated works.

Applicant Details:

Mr Andrew Prew, C/O Agent

I CONSULTATIONS

- | | | |
|-----|------------------------------|--|
| 1.1 | Environment Agency | No Comment Received. |
| 1.2 | WODC Drainage Engineers | No objection subject to conditions |
| 1.3 | OCC Highways | No objection subject to condition |
| 1.4 | Parish Council | Shipton PC fully supports this planning application. |
| 1.5 | WODC Planning Policy Manager | No Comment Received. |
| 1.6 | Adjacent Parish Council | No Comment Received. |
| 1.7 | Parish Council | No Comment Received. |
| 1.8 | Adjacent Parish Council | No Comment Received. |

2 REPRESENTATIONS

- 2.1 No letters of representation have been received in respect of this application.

3 APPLICANT'S CASE

- 3.1 The Design and Access Statement submitted with the application is concluded as follows:

The proposed development is required to enable Andrew Prew to live on site and so ensure Milton Service Station will continue to serve the local community with a shop and other facilities and provide local employment opportunities. These are significant social and economic benefits.

The proposed dwelling will not be seen from Shipton Road and will nestle amongst the existing buildings and activities on the Milton Service Station site. The proposal, therefore, will not harm the visual amenity or character of the area. It will also not give rise to any flood risk problems.

In accordance with paragraph 11 of the new National Planning Policy Framework, therefore, planning permission should be granted as there are no adverse impacts which would "significantly and demonstrably" outweigh the benefits of granting permission and no harm would be caused by permitting the development.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS4NEW High quality design
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
EH1 Cotswolds AONB
EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH10 Conservation Areas

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

5 PLANNING ASSESSMENT

Site description

- 5.1 The application relates to garden land of The Bungalow, located directly to the rear of Milton Service Station, a car garage and petrol filling station in Milton Under Wychwood, hereto referred to as the 'Milton Garage site'. The Milton Garage site is located on the eastern edge of the village at the end of a row of houses on Shipton Road. To the rear of the garage exist two detached dwellings, Millennium House and The Bungalow, along with ancillary outbuildings, storage and yard area used in connection with the garage and within the applicant's ownership.
- 5.2 The rear garden of The Bungalow is currently lawn with landscaped border, enclosed by close boarded fencing and mature vegetation. A stream runs along the south-eastern boundary of the site located behind existing mature vegetation. The existing garage buildings and dwellings prevent any visibility between this garden land and Shipton Road itself, whilst the means of enclosure prevent any direct views of open agricultural land beyond to the southwest albeit that that the openness of the site can be appreciated. The site is not within a Conservation Area, however it abuts the western boundary of the Shipton Under-Wychwood Conservation Area. The site is also within the Cotswolds Area of Outstanding Natural Beauty.
- 5.3 Whilst commonly referred to as part of Milton Under-Wychwood, the Milton Garage site is only a short distance from the western edge of Shipton Under-Wychwood, separated by the playing fields of Wychwood Primary School. To the southeast of the site, a new development of 44 dwellings has recently been permitted (16/02851/OUT) resulting in development extending into open countryside to the south of the primary school but with an area of open space adjoining the school playing fields and this site thereby seeking to maintain the openness of the green wedge that currently exists in this part of the settlement(s).

Proposal

- 5.4 The proposal seeks permission to construct a 3 bedroom detached dwelling on garden land to the rear of The Bungalow. Access will be via the existing driveway serving Milton Service Station, The Bungalow and Millennium House. The existing garden of The Bungalow is 70m deep and will be reduced to accommodate the new dwelling.

Principle of development

- 5.5 West Oxfordshire District Council adopted its Local Plan 2031 following resolution at a full Council meeting on 27th September 2018. The Local Plan 2031 is therefore the statutory development plan for the District. In accordance with S38(6) of the Planning and Compulsory Planning Act 2004 and Paragraphs 2 and 12 of the Revised NPPF, this plan is the starting point for decision making. The Revised NPPF is a material consideration in any assessment. Paragraph 12 of the NPPF is clear that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

- 5.6 Policy OS2 of the Local Plan 2031 states that villages such as Milton Under-Wychwood are "suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities." There are also a series of criteria that need to be met. Policy H2 supports new dwellings in locations where it meets one of the identified circumstances.
- 5.7 The application site consists of the extended garden to the rear of an existing dwelling. This dwelling and the adjoining dwelling of Millennium House and their respective curtilage form the easternmost extent of the occupied frontage of Shipton Road. The Milton Garage site is enclosed and distinctly separate from the open agricultural land and paddocks which surrounds it to the north and south, separating the two villages.
- 5.8 In considering this proposal which involves the subdivision of a domestic garden Policy OS2 is the starting point and as set out above does not preclude development subject to a series of safeguards. These will be addressed more fully later in this report. Separately a decision also needs to be made under the terms of policy H2 as to whether the site (which is essentially a detached outlier from the main body of the village, forms part of the village and even if that is considered to be the case whether it is beyond the built up part of the village such that its development would appear incongruous. Should the site be considered to fall within the built up area of Milton Under-Wychwood, the development could be considered to potentially qualify for development under Part 1 (iii) of Policy H2 of the Local Plan 2031 which states that new dwellings will be permitted in villages "on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2". Alternatively, if the site was not reasonably considered to fall within, but rather was considered to be outside or adjoining the built up area of Milton Under-Wychwood, the proposal could only be considered to qualify under Part 1 (ii) of Policy H2 if this extended open area were considered to be previously developed land and provided the loss of any existing use would not conflict with other plan policies.
- 5.9 In considering this matter, due regard must be had to dismissed appeal APP/D3125/A/07/2041556 for refusal of 3 dwelling on garden land at Hoplands to the west along Shipton Road in 2007 (hereto referred as the Hoplands Appeal), and application 16/02851/OUT approved in Dec 2017 to the southeast of the site. Whilst both decisions relate to different scales of development on different sites (and in the case of the Hoplands Appeal over 11 years ago), they provide a useful insight into the factors which determined the value and function of the gap between both villages.
- 5.10 The Hoplands Appeal relates to three detached dwellings constructed in garden land between Hoplands and Mill Cottage directly fronting onto Shipton Road to the northeast of the application site. The Inspector reasoned that whether approaching from either village, there is the "clear impression" that the appeal site along Shipton Road (in addition to the school playing fields) performs as a distinct gap and important space "essential to the separation of the villages, to maintain their distinctiveness". The Inspector reasoned that by infilling this undeveloped part of the gap, the appeal scheme would "harm the spacious feel that presently characterises the area".
- 5.11 In light of the above, the Hoplands Appeal contains the following principles that continue to be of relevance in the assessment of this current application:

- Existing gaps along Shipton Road between the villages perform a distinct role in maintaining the separation of the villages.
 - Development should be resisted which harms the spacious feel that presently characterises the area.
- 5.12 As the Hoplands Appeal was made in 2007, it pre-dates the NPPF (2012) and considerably pre-dates the recent adoption of the NPPF compliant Local Plan (2018), therefore based upon the specific nature of the appeal scheme and policy framework applicable at the time, great weight cannot be given to the actual outcome of this appeal, but rather the above principles it helpfully establishes through the Inspector's decision.
- 5.13 Application 16/02851/OUT saw permission granted in 2017 for up to 44 dwellings and a school car park with associated access and landscaping. The report notes that the site lies within the vicinity of where both these villages "sit alongside one another". Whilst of a considerably larger scale of development, the report goes on to specifically make reference to the location at which the 'meeting' of these two villages takes place; specifically "the minor valley to the west of the school". The bottom of this 'minor valley' is considered to reasonably relate to the stream which runs to the southeast side of the Milton Garage site for which this current application relates. Also of consequence is that this decision is more up-to-date with due regard had to the 'Emerging local Plan 2031', and any matters of equivalence are hereby afforded greater weight in this assessment.
- 5.14 Therefore, with due regard to the principles established by the Hoplands Appeal, the Milton Garage site itself is considered to be a developed site along Shipton Road within the gap between both villages, but directly adjoins the residential curtilage of Mill Cottage and Hoplands to the west. The site lies outside of the Shipton Under-Wychwood Conservation Area, and to the west of what the Council itself defines as the 'minor valley' between both villages, and officers consider that for policy purposes the application site 'adjoins' the built up area of Milton Under-Wychwood rather than being 'within' the built up area of the village itself.
- 5.15 In returning to Policy OS2, this proposal seeks consent for a single dwelling. This is considered to reasonably qualify as 'limited development' as defined by the policy. The dwelling would occupy land to the rear of an existing garage, and next to school playing fields and an area of public open space provided for the new residential development.
- 5.16 The Milton Garage site constitutes an already heavily developed site along the south side of the Shipton Road, which is reflective of its mixed commercial and residential use. Consequently it already extends further southwest away from Shipton Road than many of the single residential plots to the west. As such, a new dwelling to the rear of but within this site would not be widely visible but its loss would in your officers view not maintain the existing east/west gaps which exist along Shipton Road which perform an important role as identified by the 2007 appeal. Furthermore, the loss of part of the existing rear garden within the site would result in extending the built form and encroaching into existing open (albeit not agricultural land or paddocks) thereby effectively reducing the openness of the existing physical separation of both villages.
- 5.17 The new dwelling would not be widely or prominently visible from the Shipton Road, any Public Rights of Way, or have any discernible impact on the existing character of this part of Milton under Wychwood. Thus the levels of visual harm are very much at the lower end of the scale of harm. However the space is considered important per se when tested against the bullet points

of Policy OS2 and as such on balance your officers consider the scheme is not considered to satisfy Policy OS2 and in particular that element aimed at avoiding the coalescence of settlements.

- 5.18 The proposal is therefore considered to fail the aims of Policy OS2 and H2 of the Local Plan (2031). Whilst the principle of development is considered potentially acceptable the detailed assessment against wider policy considerations means that its development is considered contrary to policy.

Design and visual impact

- 5.19 With regard to the proposed design and fenestration, the new dwelling would be constructed of rendered walls on a brick plinth with concrete tiles on the roof. Whilst consistent with surrounding buildings and not viewed as part of a defined street scene this is not particularly characteristic of the AONB.
- 5.20 With regard to scale, the eaves and ridge height of the proposed dwelling would be relative to those of The Bungalow and Millennium House which already exist on site. Given the distance involved and the presence of the intervening buildings, the proposed dwelling will not be widely seen from Shipton Road and the new dwelling would be largely screened from any views by the existing mature tree belts along both the north-west and south-east boundaries of the Milton Garage site. However again the design does not exhibit any particular design characteristics that identify it as having a Cotswolds AONB design basis.
- 5.21 In terms of siting, the existing garden of The Bungalow to the rear of the site would be reduced from an overall depth of 70m to 30m, with the southwestern remaining portion of garden would continue to be enclosed and serve the new dwelling.
- 5.22 As described above, it is recognised that the site falls within the existing gap between the villages of Shipton and Milton Under-Wychwood. As established under application 16/02851/OUT, the point at which these two villages meet, takes place in the 'minor valley' to the west of the Primary School. The existing undeveloped parts of this valley are characterised by rough mown paddocks and open agricultural land running either side of the stream. Given its existing level of commercial and residential development, the Milton Garage frontage site is distinctly separate from these open areas, and as such any additional built form within the confines of this site would encroach upon the undeveloped nature of the land between either village. In respect to the sites unique circumstances the development would not visually contribute to greater level of coalescence between these two settlements and as such erode the openness of the existing gap.
- 5.23 The property is located within the Cotswold AONB. Paragraph 172 of the NPPF (2018) has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. The NPPF requires great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas, which have the highest status of protection in relation to these issues. For the same reasons described above and based on the site's circumstances, notwithstanding that this site has limited intervisibility to surrounding land and would not interrupt any view of specific amenity or landscape value officers consider that its development would have a harmful impact on the landscape and scenic beauty of the wider Cotswolds Area of Outstanding Natural Beauty.

Heritage assets

- 5.24 The new dwelling would be located behind existing buildings off the Shipton Road. Existing buildings largely prevent any views of this part of the site from this road. There are no footpaths in close proximity within the Conservation Area, and whilst the roof of the new house may be partially visible from the school playing fields between existing trees to the east, any such view would be of limited value and read against the existing built form already on the Milton Garage site.
- 5.25 In these circumstances the proposal is not considered to have any negative effect of the setting of the Conservation Area, thereby preserving the established character of the neighbouring village. The proposal is therefore considered to comply with the requirements of the Local Plan and the NPPF.

Residential Amenity

- 5.26 The nearest neighbour is The Bungalow. At its closest point, the new house would be situated approximately 23.5m from the rear elevation of this property. The boundary between the two sites can be secured via an appropriate means of enclosure condition. Given the distance, siting, and orientation of windows, the proposal would not cause any harmful overbearing, overshadowing or loss of outlook to the occupiers of The Bungalow. With regard to privacy, views would be attainable from the upstairs windows into parts of the neighbour's garden, but this would not be an unconventional residential relationship.
- 5.27 With regard to amenity, future occupants of the dwelling would be served by private rear garden (30m depth), whilst the new dwelling would be served by a garden of 15m depth. Both are deemed appropriate for the size of each respective dwelling and are not substantially out of keeping with surrounding plot sizes.
- 5.28 In summary, the proposal is not considered to cause any substantial harm to existing levels of privacy, and would provide future and existing occupiers with usable private amenity space in accordance with the design objectives of the Local Plan 2031 and revised NPPF.

Highways and Access

- 5.29 Following an assessment of parking provision and access arrangements, Oxfordshire County Council (OCC) have confirmed that the proposal would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjoining highway network, and raise no objection.

Flood Risk

- 5.30 According to the Environment Agency's Flood Maps, the application site is situated within Flood Zone 1 but part of the access to the site off Shipton Road lies within Flood Zone 3. Policy EH5 of the Local plan 2031 requires any flood risk to be managed to avoid risk to people and property.
- 5.31 Flood Risk Assessment has been prepared and submitted with this application. It concludes that the site is well above the predicted long-term flood level of 101.63m AOD. In addition, no

evidence of any historic flooding at the development site has been identified and the immediate area is at low risk of surface water flooding.

- 5.32 The Council's Drainage Officer has considered this information and raises no objections to this scheme subject to a surface water drainage condition being attached and discharged in full prior to commencement of development.

Outstanding Consultation response

- 5.33 As outlined above Officers have concerns regarding the development of the site. However due to an administrative error the adjoining Parish Council were not consulted until late in the process and as such it is not considered appropriate to make a formal recommendation until such time as they have had a chance to comment. It is hoped that this will be in good time for the meeting whereby a verbal update and formal recommendation can be made.

Conclusion

- 5.34 This proposed development seeks permission for a single dwelling on land to the rear of an existing developed mixed-use site. The site is outside the built up area of Milton Under-Wychwood under Policy H2 of the Local Plan (2031). The scheme would result in development within the existing gap that exists between both Milton and Shipton Under-Wychwood. The value, purpose, and characteristics of this gap has been informed by a nearby appeal decisions along with an assessment of the site specific circumstances presented by this proposal. It is concluded that the development at the rear of this site would result in built form encroaching or occupying land that contributes to the gap between the villages and which contributes in its undeveloped state to preventing coalescence of the existing settlements. With regard to heritage assets, amenity, highways /access, and flood risk, no objections are raised.
- 5.35 A verbal update and formal recommendation will be made at the meeting.

6 RECOMMENDATION

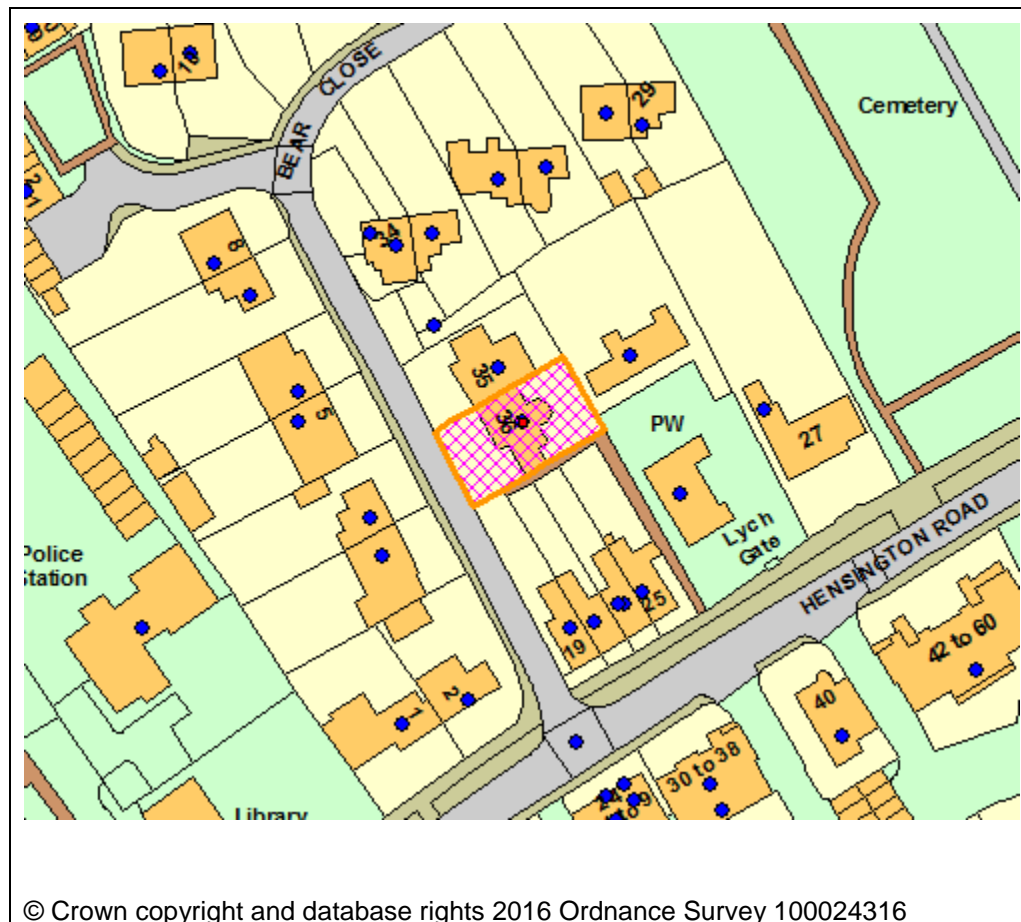
Defer.

NOTE TO APPLICANT

- I 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	18/02459/HHD
Site Address	36 Bear Close Woodstock Oxfordshire OX20 1JU
Date	21st November 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444793 E 216862 N
Committee Date	3rd December 2018

Location Map



Application Details:

Conversion of existing garage to create study. (Part Retrospective).

Applicant Details:

Mrs Elizabeth Kirtby, 36, Bear Close, Woodstock, Oxon, OX20 1JU

I CONSULTATIONS

- 1.1 OCC Highways OCC Highways raise no objections. Noting if there wasn't any parking provisions at all the application would still not be refused due to town centre location.
- 1.2 Town Council No Comment Received.

2 REPRESENTATIONS

No Representations to date.

3 PLANNING POLICIES

H6NEW Existing housing
OS4NEW High quality design
T4NEW Parking provision
The National Planning Policy framework (NPPF) is also a material planning consideration.

4 PLANNING ASSESSMENT

- 4.1 The application is for 36 Bear Close, a modern two storey dwelling near the Centre of Woodstock. This application seeks planning permission for the conversion of garage space for use as a habitable study.

Background Information

- 4.2 This application is before Committee for consideration as it has been 'called in' by the Local Member because of concerns over highway safety.
- 4.3 The application requires planning permission as the enabling consent 97/0006 has a condition attached which precludes the adaptation of the garage for living purposes. The reason for the imposition of the condition being to ensure that adequate provision of off street parking is retained.
- 4.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Impact on off street parking provision - Highways
Impact on character and appearance of the area - Design
Impact on neighbour amenity - Amenity

Highways

- 4.5 In terms of highway issues 36 Bear Close has a large drive way for off street parking and as such the loss of the garage space does not result in material harm in highway safety terms. OCC Highways has confirmed that it has no objections to the loss of the garage for off street parking.

Design

- 4.6 The external changes are minimal, comprising the replacement of the garage door to windows to match existing, insertion of Velux roof light on the rear elevation and the removal of a rear door with new opening to create an insertion for 2 pane sliding door, coupled with internal alterations to convert the garage to a study. It is not considered that these changes have a detrimental impact on the appearance of the dwelling or on the character and appearance of the area.

Residential Amenity

- 4.7 The changes to the rear elevation would not be seen from the street scene and in addition would not be particularly visible from any neighbouring property. Given that there would be no increase in volume to the existing building or introduction of new fenestration facing directly towards adjoining neighbours, it is not considered that there is a harmful impact on amenity of any of the neighbours.

Conclusion

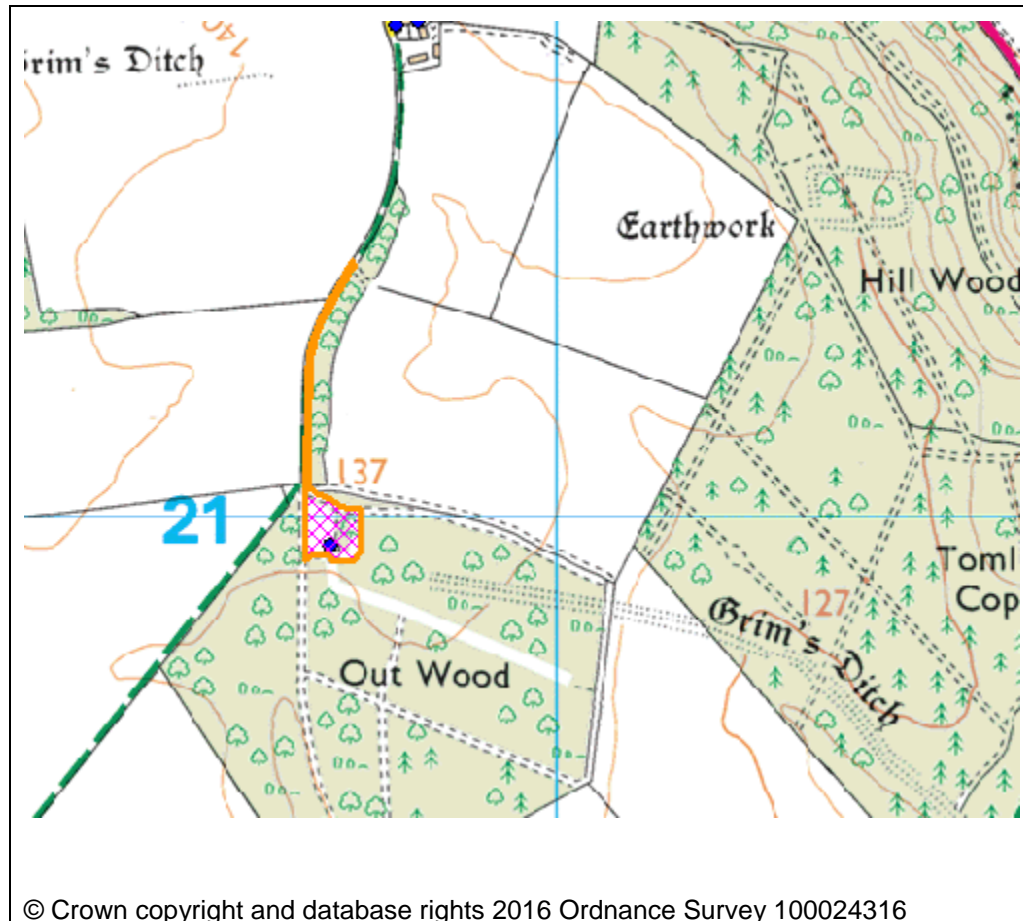
- 4.8 In light of these observations the proposal would be in accordance with Policies H6, OS4, T4 of the Adopted Local Plan and the relevant provisions of the 2018 NPPF. Permission is therefore recommended.

6 CONDITION

- I 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	18/02611/FUL
Site Address	Outwood Cottage Over Kiddington Woodstock Oxfordshire OX20 1BH
Date	21st November 2018
Officer	Sarah Hegerty
Officer Recommendations	Refuse
Parish	Kiddington With Asterleigh Parish Council
Grid Reference	440702 E 220961 N
Committee Date	3rd December 2018

Location Map



Application Details:

Erection of a replacement agricultural workers dwelling

Applicant Details:

Juxon Farms Ltd, Juxon Farms Ltd, Grimsdyke Estate Office, UK

I CONSULTATIONS

I.1 Natural England

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Out Wood Site of Special Scientific Interest has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

- Measures to avoid harm to the SSSI interest features including: protecting the SSSI including track sides during construction, avoiding inappropriate planting or management and avoiding impacts on the hydrology of the SSSI.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Further advice on mitigation

Natural England advise that the following measures should be secured through planning condition or obligation:

- No encroachment onto the SSSI boundary from the development itself or from machinery or materials during or after construction

- Some of the rare plant species are associated with the track and ride sides, so particular care while accessing the property with large machinery along those woodland tracks, stick to a designated track for all vehicles, utilising shortest distance within the SSSI and least sensitive tracks (scope for ancient woodland ground flora), only use tracks in dry ground conditions where possible or consider matting if necessary.

- The proposal should ensure that Waste water/sewage should not impact on the SSSI.

- There should be no impacts on the natural drainage/hydrology of the SSSI as the variety of woodland stand types present are dependent on a range of ground conditions (wet and dry woodland stand types).

- Any landscaping/planting within the development area should where possible reflect the native flora within the wood and be of local provenance, specifically planting of non-native/invasive species should be avoided and plants that may hybridise with ancient woodland species - no planting of hybrid or Spanish bluebells.

- The SSSI should in no way be seen as an extension of the garden of the extended property, there should be no planting within the SSSI boundary of plants, shrubs or trees and no intensive 'gardening'/management within the SSSI surrounding the property, i.e. regular mowing/tree cutting.

- The only woodland management that should take place is that outlined within a woodland management plan or other consent as agreed in writing with the SSSI owner and Natural England.

- Residents/owners and contractors/builders should all be made aware of sensitivities of the site and precautionary measures outlines

above.

The whole site (including within the application boundary and the area where the new dwelling is proposed) is mapped as Ancient Woodland on the Ancient Woodland Inventory. Natural England only provides bespoke advice on ancient woodland/veteran trees in exceptional circumstances. You should consider the impact on the ancient woodland and any veteran trees in line with paragraph 175 of the NPPF. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence. Further general advice on consideration of protected species and other natural environment issues is provided at Annex A. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our Discretionary Advice Service.

I.2 ERS Env. Consultation Sites

Thank you for consulting our team.

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.

However I advise that the proposed development is situated in an area where radon protection is required as a precaution.

I.3 OCC Highways

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

I.4 WODC Rural Development

No Comment Received.

I.5 WODC Drainage Engineers

The planning application form proposes the use of a soakaway to manage surface water however, no further information has been provided to clarify this.

It is accepted that soakaways are likely to be viable on site, given the geology of the postcode. However, this must first be proven by

soakage tests in accordance with BRE 365. If there is evidence of good infiltration and acceptable groundwater levels, soakaways must be designed in accordance with the new Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013).

A low risk of surface water pooling on the site has been identified at a depth of <300m. Consideration of this must be given to ensure appropriate threshold levels of the property.

Soakaway Guidance Notes:

- Soakaways must be >5m from any structure and >2m from the boundary.
- If soakaways are viable it is important that they are positioned at a lower elevation to the property or neighbouring property, in case of exceedance. If this is not possible due to site restrictions, it is vital that they are located at a depth whereby the invert level of the inlet pipe is lower than the threshold level of the property. Landscaping must then be considered to route water away from any vulnerable property in an exceedance event.
- Individual, geocellular soakaways are recommended for ease of maintenance and reduced footprint, and are particularly effective if the groundwater level is found to be within 1m of the soakaway inlet pipe.
- During the construction phase it is important not to compact ground where soakaways are proposed.
- A minimum clearance of 1m from the soakaway base to the water table must be maintained.

If soakaways do prove viable, then we expect to see either cellular or perforated manhole chamber ring soakaways, as opposed to rubble filled. This is to enable ease of access for maintenance, whilst ensuring the longer term efficiency of the soakaway.

If infiltration is proven not to be viable due to poor permeability, onsite attenuation (storage) will be required prior to controlled discharge not exceeding the greenfield runoff rate/ 5l/s or less as agreed with asset owner. Confirmation of consent from the relevant water company would be required.

The onsite surface water drainage system must be designed to accommodate up to and including, either a:

- o 1 in 100 year storm event plus 40% climate change (C.C).; or
- o 1 in 30 year event plus 40% C.C. but any volume above this must be kept on site for all return periods up to and including the 1 in 100 year event + 40% C.C. and must not cause a risk to any existing property or land beyond the site.

We highly recommend that infiltration tests are undertaken at the earliest opportunity in order to determine the most appropriate surface water drainage system.

- | | | |
|------|-------------------------------------|----------------------|
| 1.6 | Conservation Officer | No Comment Received. |
| 1.7 | WODC Landscape And Forestry Officer | No Comment Received. |
| 1.8 | WODC Planning Policy Manager | No Comment Received. |
| 1.9 | OCC Rights Of Way Field Officer | No Comment Received. |
| 1.10 | Parish Council | No Comment Received. |

2 REPRESENTATIONS

No representations received.

3 APPLICANT'S CASE

- 3.1 The application seeks planning permission for the erection of a replacement agricultural workers dwelling with associated works.
- 3.2 The principle of residential development in this location is established by planning permission 17/02987/FUL which identifies an operational need for an agricultural workers dwelling to support the JFL Estate in accordance with paragraph 79 of the NPPF and policy H4 of the adopted Local Plan.
- 3.3 The provision of a larger dwelling is considered appropriate in relation to the scale of the estate and the intended occupier.
- 3.4 The development provides an opportunity to enhance the setting of the immediate and wider landscape and is considered to accord with policy BE2 of the Local Plan 2011 and policies OS4 and H6 of the emerging Local Plan 2031. Furthermore, its provision will aid the future development and diversification of JFL's operation in accordance with paragraph 83(b) of the NPPF.
- 3.5 With regard to the other material considerations, the design, size and massing of the proposed dwelling are appropriate to the appearance and character of the area; and, the proposal offers potential for a net gain of biodiversity while having minimal impact on SSSI, Ancient Woodland and TPO designations, all in accordance with the relevant policy.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH2 Landscape character

H4NEW Type and mix of new homes

EH3 Biodiversity and Geodiversity

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

5 PLANNING ASSESSMENT

5.1 This application is presented as "a replacement agricultural worker's dwelling". However, as there is no dwelling currently on the site it would be more correctly described as a new dwelling. The building would be two storey and comprise 4 bedrooms (3 of which are doubles) with a two car garage with studio above.

5.2 The site is located in "Outwood" which is an area of ancient woodland and designated a Site of Special Scientific Interest (SSSI) notified under Section 28 of the Wildlife and Countryside Act 1981. The listing describes the wood as follows:

"Out Wood is an isolated fragment of the ancient Royal Forest of Wychwood which was disafforested during the Middle Ages. Unlike most of the outlying woods of Wychwood it retains its semi-natural character and exhibits a variety of stand types characteristic of base-rich clay soils. The soils are derived partly from the underlying oolite and the field and shrub layers are rich and varied."

5.3 Part of the red line site area is occupied by an uninhabitable ruined cottage.

5.4 The relevant planning history is as follows:

14/0029/2014- Rebuild cottage to provide 2 bedroom dwelling - This was refused on the following grounds:

1. That the proposed development would constitute a new build dwelling in an unsustainable open countryside location where no information has been submitted to demonstrate that there is an essential need for a full time worker to live on site. As such, the development is contrary to policies BE2, H2 and H4 of the West Oxfordshire Local Plan 2011 and the guidance of the National Planning Policy Framework.

2. That it has not been demonstrated that the development would not have an adverse impact upon protected species present in the existing structure. In the absence of adequate surveys to identify which protected species are present and appropriate mitigation measures being identified the development is contrary to the guidance of Natural England and policy NE15 of the West Oxfordshire Local Plan 2011.

17/02987/FUL - Re- use of abandoned dwelling for residential use including extensions and alterations - This was approved 01.12.2017. The plans showed a modest 1.5 storey dwelling providing 2 bedrooms. The Officer was of the view that parts of the existing structure could be retained as part of the new dwelling. In addition the Officer noted that the building would be occupied by members of staff associated with Juxon Farm Ltd who manage the land associated with the Kiddington Estate. It was considered that an essential operational need had been demonstrated and an agricultural tie condition was imposed.

5.5 In consideration of the current application, the following key issues will be set out:

Principle
Siting, Design and Form
Impact on the character of the area
Impact on the SSSI.

Principle

- 5.6 The extant approval 17/02987/FUL was justified on the grounds of the re-use of an existing structure (claimed to be sound and capable of re-use) and essential operational need for an agricultural worker to live on the site.
- 5.7 In the current application the applicant states the following:
- "Whilst the previous approval referred to the 're-use' of the existing dwelling, it was clear from the structural report that a level of rebuilding would be required in order to ensure structural soundness of the existing building, a point acknowledged by the officer's report. As a further point the decision notice does not have a condition which prevents the demolition and re-build of any of the elements of the building, nor does the approved plans condition refer to the drawings provided as part of the structural report. As such, should it be discovered on site that more of the building needed to be re-built to ensure structural soundness of the proposed dwelling, this could not be controlled by the LPA."
- 5.8 The suggestion to be inferred is that in reality the existing structure would not be retained. The lack of a condition requiring that certain existing elements are retained as part of any new construction is acknowledged. However, this does not affect the description of the development and the assessment of the Officer at the time that re-use was a key component of the material matters under consideration. This had a clear bearing on the extent to which the proposal complied with policy dealing with conversions and dwellings in the countryside.
- 5.9 The footprint of the ruin and the layout of the proposed new dwelling are significantly different and they only intersect tenuously at the north west corner of the ruin and the south east corner of the proposed house.
- 5.10 The existing structure is uninhabitable and abandoned. It is not a dwelling. Irrespective of permission 17/02987/FUL the current proposal cannot qualify as a replacement dwelling. It is a new build proposal in the countryside.
- 5.11 New dwellings in the countryside are required to meet the tests of Local Plan policy H2 and will be allowed in certain circumstances. In considering the criteria of H2 the assessment is as follows with reference to the text of the policy:
- a) "Where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings"
- Despite a specific request, the applicant has not submitted a justification for a new agricultural worker's dwelling. They simply refer to permission 17/02987/FUL and its occupancy condition. This is not considered sufficient and does not demonstrate need for the current proposal. This is substantially larger and on a different footprint than the previous consent for a modest 2 bedroom unit. Importantly, even if a need does still exist that need can be met by the existing permission.
- b) "Where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset"

This is not applicable.

c) "Residential development of exceptional quality or innovative design"

The applicant has not sought to justify the proposal in these terms and Officers do not consider the proposal to represent exceptional quality or innovative design in any event.

d) "New accommodation proposed in accordance with policies specifically for travelling communities"

This is not applicable.

e) "Accommodation which will remain ancillary to existing dwellings"

This is not applicable.

f) "Replacement dwellings on a one for one basis"

As there is currently no dwelling on the site, this is not applicable.

g) "Re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met"

None of these circumstances apply.

h) "On sites that have been allocated for housing development within an adopted (made) neighbourhood plan"

This is not applicable.

5.12 On the basis of this assessment, the proposal is contrary to H2.

Siting, Design and Impact on the character of the area

5.13 The building would be mainly two storey with one and a half storey elements providing the garage and studio above and rear projecting wing. The walls are proposed to be constructed of natural stone and the roof of artificial stone slate. Windows and doors are proposed to be uPVC. In isolation the design is inspired by vernacular precedents and inoffensive, but certainly not exceptional or innovative.

5.14 The site is in the countryside and surrounded by SSSI woodland.

5.15 The principle of development has been assessed above in the context of Policy H2. In terms of general principles, the terms of Policy OS2 need to be considered.

5.16 The abandoned cottage on the site would have been typical of small, simple, rural, estate dwellings, and many examples can be found across the District. However, the large dwelling now proposed is more akin in scale and appearance to a high status farmhouse or rectory. In this remote woodland setting such a building is disproportionate and inappropriate in scale to its context.

5.17 The isolated nature of the site means that the development would not form a logical complement to the existing scale and pattern of development in the area.

5.18 The remote agricultural, rural location and woodland setting are unspoilt. There are no significant settlements nearby and buildings are sparse. The imposition of a new building of this size in this location, with its attendant vehicle movements, domestic paraphernalia and associated activity would be substantially harmful to the landscape character and the tranquillity of the countryside. This is contrary to OS2, OS4 and also EH2 which states:

"New development should conserve and, where possible, enhance the intrinsic character, quality and distinctive natural and man-made features of the local landscape, including individual or groups of features and their settings, such as stone walls, trees, hedges, woodlands, rivers, streams and ponds".

5.19 The proposal would fail to conserve the intrinsic character of this location and the setting of the woodland as a landscape feature. The impact is materially worse than the previously approved dwelling.

Impact on the SSSI

5.20 There is potential for significant effects on the priority habitat of the SSSI.

5.21 Natural England has been consulted and raises no objection. However, this is subject to suitable mitigation being secured either by condition or legal agreement.

5.22 Their first observation is that there should be "no encroachment onto the SSSI boundary from the development itself or from machinery or materials during or after construction". The red line site area includes parts of the SSSI. Although the footprint of the building would be away from the site boundary, clearly domestic activity would extend across the curtilage area. Therefore, without significant reduction in the site area, this objective is not capable of being met.

5.23 Rare plant species are associated with the track and ride sides, so particular care while accessing the property with large machinery along those woodland tracks would be required. Natural England recommends that all vehicles are confined to a designated track, utilising the shortest distance within the SSSI and least sensitive tracks. The designated track should only be used in dry ground conditions where possible or matting used. Whilst a valid aim, in such a remote location with no natural surveillance from near residents, this would be very difficult to enforce.

5.24 A suitable waste water/sewage system would be required to avoid impact on the SSSI. Natural drainage of the area should be maintained.

5.25 Any landscaping/planting within the development area should where possible reflect the native flora within the wood and be of local provenance, specifically planting of non-native/invasive species should be avoided and plants that may hybridise with ancient woodland species. There should be no planting of hybrid or Spanish bluebells. Whilst it would be possible to condition a landscaping scheme in the first instance, and require that the approved landscaping was maintained, it would be impossible to prevent future occupiers from planting the garden in the way they chose. The red line, unless amended, extends into the SSSI and there is clearly potential for direct effects from garden planting or management of garden areas, such as mowing, tree pruning, use of herbicides, etc. Even if the red line curtilage area were reduced, the prospect of garden plants colonising surrounding areas is of concern.

- 5.26 Any works within the SSSI would need to be subject of a woodland management plan or other consent as agreed in writing with the SSSI owner and Natural England.
- 5.27 Although some measures to protect the SSSI could be the subject of condition or legal agreement, there remain some requirements of Natural England that Officers consider incapable of being effectively controlled because they would not meet the tests for the imposition of conditions expressed in paragraph 55 of the NPPF, namely that they should be enforceable, precise and reasonable.
- 5.28 Local Plan Policy EH3 includes the following considerations of relevance to this proposal:
- "The biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by:
- giving sites and species of international nature conservation importance and nationally important sites of special scientific interest the highest level of protection from any development that will have an adverse impact;
 - protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network;
 - avoiding loss, deterioration or harm to locally important wildlife and geological sites and sites supporting irreplaceable habitats (including ancient woodland, Plantations on Ancient Woodland Sites and aged or veteran trees), UK priority habitats and priority species, except in exceptional circumstances where the importance of the development significantly and demonstrably outweighs the harm and the harm can be mitigated through appropriate measures and a net gain in biodiversity is secured"
- 5.29 Officers are of the view that potential impacts on the SSSI cannot be appropriately mitigated and therefore the proposal is contrary to EH3.

Conclusion

- 5.30 The applicant has not justified the erection of a new dwelling in this location and the proposal is contrary to Policy H2 as a matter of principle.
- 5.31 The siting, scale, form and design are inappropriate in this location and would be harmful in landscape terms to this tranquil rural environment and the woodland setting in particular. The proposal is therefore contrary to Policies OS2, OS4 and EH2.
- 5.32 The proposal would be potentially significantly harmful to the SSSI and this harm cannot be acceptably mitigated through the imposition of conditions. It is therefore contrary to Policy EH3 and NPPF paragraphs 54 and 55.

6 REASONS FOR REFUSAL

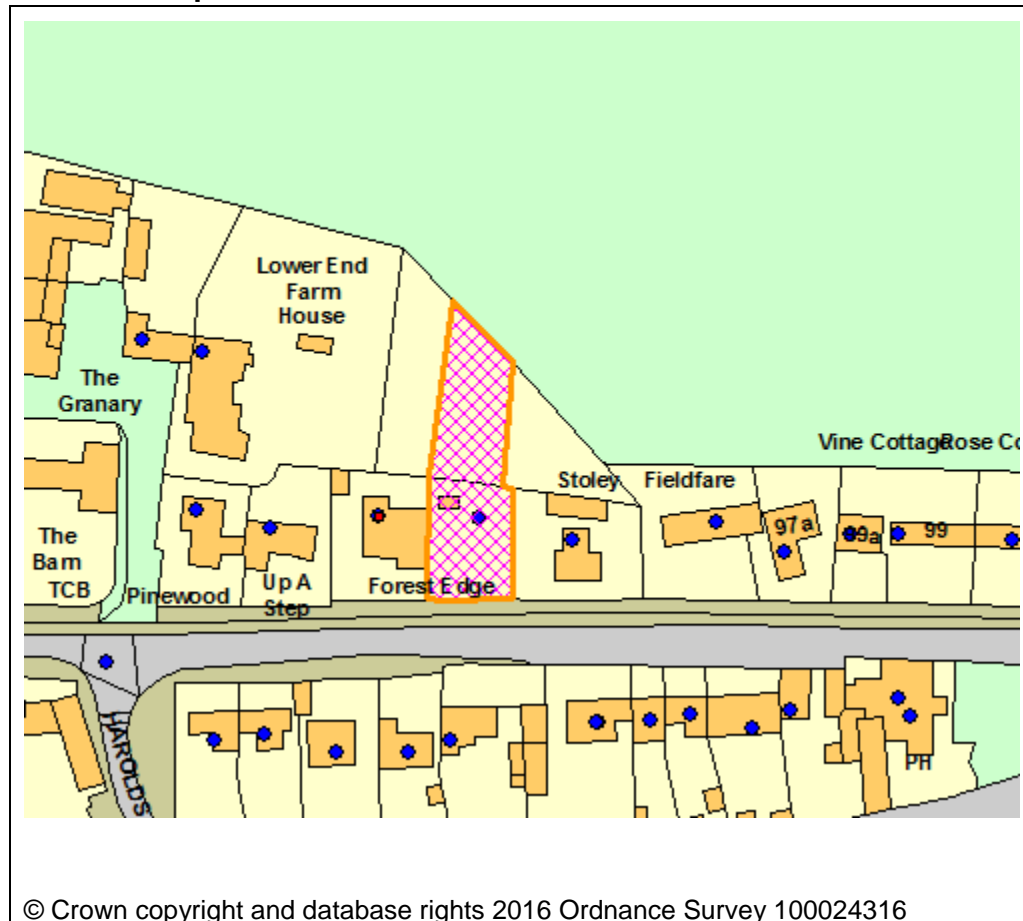
- I The applicant has provided insufficient information to demonstrate that an agricultural worker's dwelling of this size and in this rural location is justified. Whilst described as a replacement dwelling, the extant consent for a dwelling on the site (17/02987/FUL) has not been implemented. The proposal would therefore more accurately be described as an alternative proposal. The current proposal is a significantly larger dwelling than that previously approved. The local planning authority cannot be satisfied that the development is required to meet an

essential operational need for a rural worker to live at or near their place of work in the countryside. The proposal does not meet any of the tests for the appropriateness of new dwellings in the countryside, as set out in West Oxfordshire Local Plan 2031 Policy H2 and paragraph 79 of the NPPF and is therefore contrary to these provisions.

- 2 The proposed red line site area is surrounded by, and partly encroaches into, the Outwood Site of Special Scientific Interest. The special interest lies in its being an isolated fragment of the ancient Royal Forest of Wychwood which was disafforested during the Middle Ages. Unlike most of the outlying woods of Wychwood it retains its semi-natural character and exhibits a variety of stand types characteristic of base-rich clay soils. The residential use proposed, as well as the scale, siting, extent of development and garden area would be harmful to the character of the landscape and natural environment in this location. It is considered that mitigation of the effects of the development on the SSSI could not be appropriately controlled by condition. The character and distinctiveness of the woodland would be compromised and therefore not conserved. The proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS2, OS4, EH2, and EH3, together with paragraphs 54, 55, 127, 170 and 175 of the NPPF.

Application Number	18/02660/FUL
Site Address	Forest Edge 93 Lower End Leaffield Witney Oxfordshire OX29 9QG
Date	21st November 2018
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Leaffield Parish Council
Grid Reference	432406 E 215500 N
Committee Date	3rd December 2018

Location Map



Application Details:

Demolition of existing greenhouse and shed. Erection of detached dwelling and partial demolition of stone walling to form vehicular access (Amended plans)

Applicant Details:

Mr D Cooper, C/O Agent

I CONSULTATIONS

- 1.1 Parish Council No Comment Received.
- 1.2 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- 1.3 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, subject to conditions.

2 REPRESENTATIONS

- 2.1 One letter of objection from the neighbours at Stoley. The letter objects to the proposed development in its current form, stating that:

'The site would be overdeveloped as the proposed development is overbearing and out of scale for the plot of land. The development is proposed to be built approximately 1 metre from both east and west boundaries and extends behind our rear garden western boundary. The back of the proposed development extends north into the garden, significantly beyond the rear line of existing houses to the east. It would therefore overshadow our property leading to a loss of light, particularly evening sunshine to our patio area.

Our main concern however, is a loss of privacy. Our property and its surrounding gardens are not currently overlooked and they offer a relaxed and private space. The proposed development is intrusive and would ruin the enjoyment of our property. Along Lower End it is common to see no windows on side-facing walls, and where they do exist they do not look directly into another property. The Planning Statement states that Stoley 'is some distance away and there are a limited number of windows and limited outdoor amenity on this side' and 'it is not considered that this would be harmful to the amenity of the occupiers of Stoley'. We strongly disagree with these statements. The proposed development has 4 windows and a door facing east towards our property. The two upstairs windows of the new development would look directly into two of our bedrooms and would also provide a view into our kitchen and living room. They would also overlook our much-used large patio area which has hitherto been entirely private. We request the removal of windows on the east side of the proposed development that look into the habitable rooms in our property and overlook our private outdoor patio area. The design of the proposed development has made significant consideration to avoid overlooking Forest Edge (a property also owned by the applicant). The number of windows on the east side of the proposed development is disproportionate to those on the west side. We are not completely against a new development but it should be proportionate to the size of the plot and should not reduce the privacy enjoyed by existing neighbouring properties. A single storey or smaller development would be more respectful and in keeping with the surrounding area'.

- 2.2 Further to this, one letter of support was also received:

'New houses may bring in young families to help keep the village going school shop and pub having lived in the village there was nowhere suitable when I needed a home'.

3 APPLICANT'S CASE

- 3.1 In support of the proposal the agent has provided a design and access statement as part of the application which concludes:

This Planning and Design and Access Statement relates to the full planning application for the "demolition of greenhouse and shed and erection of detached dwelling. Partial demolition of stone wall to form access" at land adjacent to Forest Edge, Leafield. The principle of infill residential development in this location is considered acceptable in accordance with local planning policy. The dwelling has been designed so that it is in keeping with the character and appearance of the Conservation Area and will not harm the significance of the Grade II Listed Spring Cottage opposite. There is therefore no harm to designated heritage assets as a result of the proposal. Appropriate access and vehicular parking is provided, and there will be no harm to the amenity of the occupiers of neighbouring properties. Overall the proposed development is in accordance with local and national planning policy and it is therefore respectfully requested that planning permission is granted.

- 3.2 The full text is available online.

4 PLANNING POLICIES

EH1 Cotswolds AONB
BD2 Chipping Norton Neighbourhood Plan
EH11 Listed Buildings
EH10 Conservation Areas
EH13 Historic landscape character
EH2 Landscape character
EH9 Listed Buildings
H2NEW Delivery of new homes
H6NEW Existing housing
T4NEW Parking provision
OS2NEW Locating development in the right places
OS4NEW High quality design
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

- 5.1 This application seeks planning permission for the erection of a four bedroom detached dwelling along Lower End in Leafield. The proposed new dwelling will be situated on what is currently garden for Forest Edge. The dwelling would be sited between Forest Edge and the neighbouring property to the east, Stoley.
- 5.2 The site is situated within the Cotswold Area of Outstanding Natural Beauty and Leafield Conservation Area. It is also opposite a Grade II Listed Building.
- 5.3 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as the applicant is related to a member of staff.

Background Information

- 5.4 The application site is currently an open space which is used as part of the garden space for Forest Edge. Lower End is a street comprised of mixed type developments including bungalows and vernacular style buildings.
- 5.5 There is no relevant planning history associated with the site.
- 5.6 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
Residential Amenity
Impact on Heritage
Impact on Landscape
Highways Safety

Principle

- 5.7 The Local Plan provides for a 5 year supply of housing. In the light of a recent Written Ministerial Statement the requirement has been reduced to 3 years.
- 5.8 Leafield is classified as a village in the Local Plan 2031. Policy H2 of the Local Plan is permissive in principle of the residential development of sites within an existing settlement. The proposal would be considered a windfall in the context of housing requirements.
- 5.9 All development must meet the general provisions of Policy OS2 of the Local Plan. Officers consider that the site would represent a reasonably sustainable location for residential development in terms of its proximity to existing services and facilities in Leafield and would constitute infill.
- 5.10 In light of the above, the principle of the development is considered to be acceptable.

Siting, Design and Form

- 5.11 The application proposes the retention of the existing dwelling, along with the erection of a new dwelling to the east of this. In terms of locational siting, Officers consider that the development would form a logical complement to the existing pattern of development in continuing the line of properties fronting the road.
- 5.12 Officers consider that the dwelling would be well designed and would form an appropriate visual relationship with the street scene and wider area, being inspired by vernacular forms. Given the range of materials, including materials that reflect the local vernacular, within Leafield the artificial stone and a stone slate roof are considered to be in keeping. A garage is proposed to the rear of the site. Officers are of the opinion that the location is acceptable in this scheme given that it will be screened, be subservient in scale to the main dwelling and would not extend beyond the existing built form.

- 5.13 The dwelling will be located in close proximity to the boundary the dwelling shares with the neighbouring property Stoley. Given that the dwelling will be two-storey, it will be more prominent from the neighbouring property. Having looked at the property history for the neighbour it can be seen that the windows at first floor which site adjacent to the boundary would serve a hallway or ensuite area and therefore the proximity is not considered to give rise to unacceptable levels of overlooking. Stoley benefits from a terrace garden area to the rear and the new dwelling would have oblique views across this area. Officers are of the opinion that such a relationship is not unusual within settlements and is considered acceptable. The other neighbouring properties are considered sufficiently distanced so not to be impacted.
- 5.14 The proposal is considered compliant with Policies OS2 and OS4 of the Local Plan.

Residential Amenities

- 5.15 The proposal will be adjacent to properties at Forest Edge and 'Stoley' and is proposed to be set back from the road so that it is in line with the existing building line along the street.
- 5.16 As it currently stands, Forest Edge benefits from a large garden space in comparison to other properties along Lower End. The proposed new dwelling is to be sited within this garden space and will consequently lead to the reduction in the amount of residential land associated with Forest Edge. However as both Forest Edge and the proposed property will have extensive gardens to the rear of the properties, this is not considered to harm the amenity of the occupiers of Forest Edge or future occupiers of the proposed dwelling.
- 5.17 The dwelling will be of 1.5 storey which is similar height to 'Stoley' and other dwellings located along the street scene. The proposed dwelling is considered to be sufficiently separated away from the property 'Stoley' whilst being of a smaller distance between the proposed dwelling and Forest Edge. Small gaps between dwellings is not uncommon on Lower End and it is not considered that the proposed dwelling will appear overbearing in relation to neighbouring properties, which both have their primary outdoor amenity areas to the rear.
- 5.18 One letter of objection was received by the neighbours at 'Stoley' in regards to the proposed development being an overdevelopment of the site and issues regarding lack of privacy and overlooking. Therefore, amended plans were submitted, reducing the scale of the development so that it is no longer considered to be an over development of the site. As well as this the amended plans reduced the number of windows along the east elevation facing towards 'Stoley' to reduce the impact of overlooking and loss of privacy on the neighbouring property and their garden.
- 5.19 In terms of overlooking on the western elevation, the proposed dwelling provides two windows which will face Forest Edge, neither of which are considered to be habitable rooms. The ground floor window is to serve the hall way looking out to a blank wall and one window serving the living room which is not the primary window for this space. There are also two roof lights proposed within this elevation which are not considered to give rise to any undue harm. Given the separation distance and the addition of a 1.8m high close boarded fence the new dwelling is considered to be sufficiently separated from the neighbouring property and will accommodate for sufficient residential amenity space for both neighbouring properties.
- 5.20 Overall, it is not considered that the proposed development will have an undue overbearing or loss of light impact on the adjacent properties. There will be a change in outlook from Forest

Edge and 'Stoley', however, the provision of the additional dwelling would not have such an impact as to justify the refusal of Planning Permission.

Impact on Heritage

- 5.21 In terms of the impact of the development on the Leafield 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. In addition regard needs to be had to section 66 of the Act in terms of the effect on the setting of Listed Buildings. Special regard 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.
- 5.22 The site is not considered to be an important open space in the Conservation Area. The new development including the new vehicular access would respect the character and appearance of the area and would not be materially harmful. It therefore complies with policies EH9 and EH10 of the Local Plan and relevant paragraphs of the NPPF.
- 5.23 As the proposed dwelling lies within the setting of a listed building opposite, due weight must be given to the subsequent impact of the development on the setting and significance of the building.
- 5.24 Whilst the application site currently provides an open aspect to the north of the listed building, Officers are of the opinion this does not contribute materially to the significance of the asset. An understanding and appreciation of the listed building would remain given the separation of the buildings across the road. It is considered that there would be no harm to the building itself, and no material harm to its significance as a result of development within its setting. Therefore the proposal complies with policies EH9 and EH11 of the emerging Local Plan and relevant paragraphs of the NPPF.

Impact on Landscape

- 5.25 In terms of the impact on the Cotswolds 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 site although currently relatively open, is not considered to offer an important public viewpoint from the road. The proposed dwelling represents infill of a modest gap in the frontage, however, it should be noted that space to the west side of Stoley would remain. The development would only be readily appreciated in its immediate context and would conserve the Cotswolds AONB.

Highways

- 5.26 A garage will provide for an integral car parking space alongside an additional driveway parking for a vehicle. The parking will therefore be in accordance with the Oxfordshire County Council parking standards for a four-bedroom property which is a maximum of two car parking spaces.
- 5.27 A new vehicular access will be formed by removing part of the front boundary wall and hedge. Officers consider that the proposed parking arrangements and the new means of vehicular access will not have a significant detrimental impact in regards to highway safety and convenience on the adjacent highway network

5.28 Overall the access and parking will be in accordance with Policies T1 and T4 of the Local Plan.
Conclusion

5.29 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. It would preserve this area of the Leafield Conservation Area and Cotswold AONB whilst also being of no material harm to the nearby listed building. The dwelling would not have an unacceptable impact on neighbouring amenity and Officers are therefore 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 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, and G shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed because of the location of the site within the Cotswolds AONB and Leafield Conservation Area and in the interests of residential amenity.

4 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.

5 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

REASON: To safeguard the character and appearance of the area.

6 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.

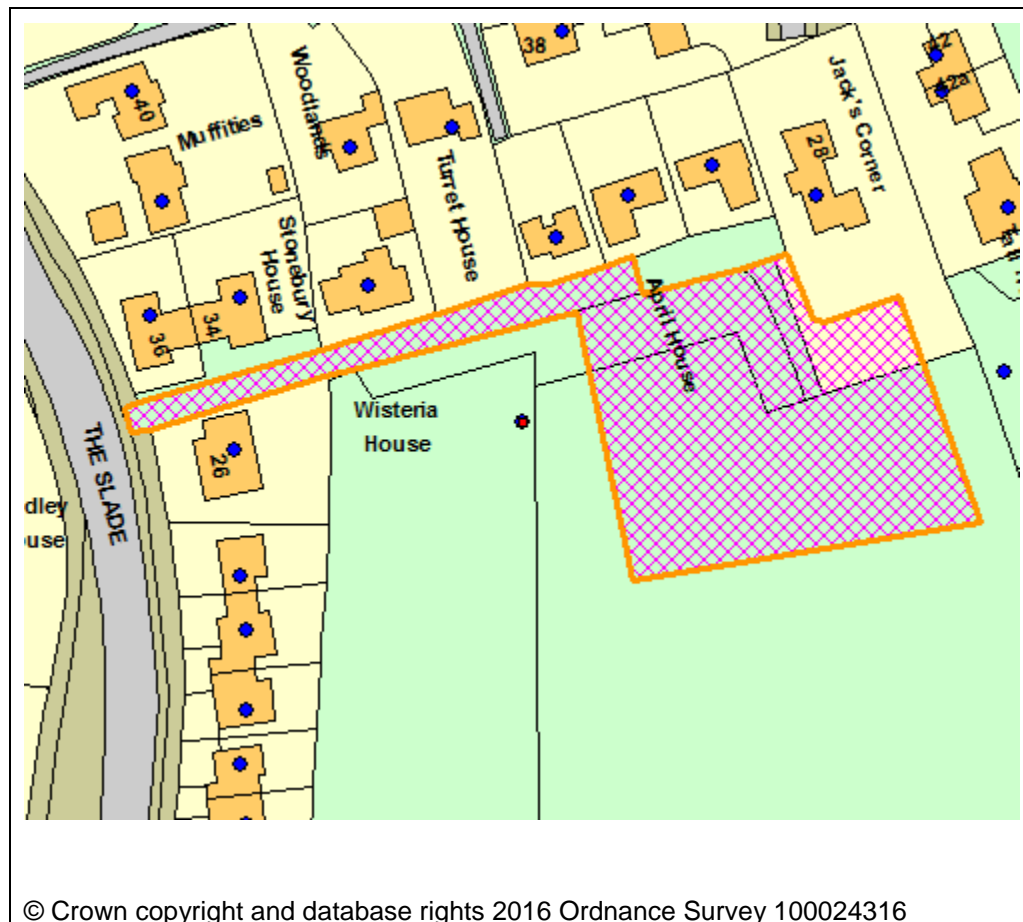
7 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

- 8 Before first occupation of the dwelling hereby permitted the ground floor windows in the west elevation shall be fitted with obscure glazing and shall be fixed shut (without any opening mechanism) and shall be retained in that condition thereafter.
REASON: To safeguard privacy in the adjacent property.

Application Number	18/02738/FUL
Site Address	Land East Of 26 The Slade Charlbury Oxfordshire
Date	21st November 2018
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436264 E 219537 N
Committee Date	3rd December 2018

Location Map



Application Details:

Erection of three dwellings and associated works
Erection of three dwellings with associated works.

Applicant Details:

Mr Gomm, C/O Agent,

I CONSULTATIONS

- I.1 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.2 Conservation Officer No additional comments
- I.3 OCC Highways No Comment Received.
- I.4 WODC Landscape And Forestry Officer No Comment Received.
- I.5 Biodiversity Officer As this application is for an amended site layout to a previous approval (17/00832/FUL), I recommend that the Updated Phase I Habitat Survey Report dated 19th February 2017 prepared by Windrush Ecology is still valid and no further ecological surveys are required.

As construction works have already commenced on site, it is unlikely that site clearance works need to take account of the likelihood that protected and priority species might be present, such as nesting birds. I therefore recommend that a CEMP Biodiversity condition is not required for these additional 3 dwellings.

I recommend that the native hedgerow planting mix is increased to at least 6 woody species. It currently comprises hawthorn, dog rose, hazel and field maple. I recommend that it should also include an additional two species such from spindle, holly, wayfaring tree, guelder rose or small leaved lime (from the list provided in the Windrush Ecology report). An amended landscaping scheme is therefore required and could be submitted for approval as a condition of planning consent.

I therefore recommend the following conditions are attached to planning consent, if minded to approve.

- I.6 ERS Env. Consultation Sites I have No Objection in principle. And no conditions to recommend.
- I.7 Town Council We object to this application on the following grounds:
- I. a. Access to and exit from the site is at a difficult point with sight lines often obstructed and is opposite the entrance to the primary school.
- b. The development does not reflect local housing need as evidenced by the emerging Neighbourhood Plan and therefore does not meet policies CO4, CO5 and CO6 of the adopted local plan.

c. The private, unadopted road is inadequate to serve the additional units.

d. The precedent for further development will surely follow (policy 9.26.9 of the local plan applies)

e. We believe that this proposal will impact on the privacy of adjacent dwellings. Previously a reason for refusal.

2. The current consent removed permitted development rights (para. 5 of the decision notice) "Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area:

3. We would ask that this go to committee and be subject to a site visit.

4. If permitted there should be section 106 or CIL contributions to community infrastructure (school, community buildings, play areas) and a significant contribution to improve the traffic safety on The Slade and in particular the school approaches.

2 REPRESENTATIONS

2.1 13 letters of objection have been received highlighting concerns over:

- The application for 5 dwellings was refused once and so should be refused again.
- Overlooking gardens
- Issues with incorrect plans
- Increase in traffic movements
- Overlooking on property at no. 28
- Increased pressure on the community
- No passing bays along the private road
- Once refused so why should it be approved again
- Greenfield site and shouldn't be developed on
- Dangerous for children living down the road who play outside

2.2 The Charlbury Conservation Area Advisory Committee have stated:

The Committee had welcomed the reduction in the number of houses from five to four in the approved scheme (17/00832/FUL) and had opposed the subsequent application to increase the number to five again (18/01466/FUL) because the revised layout was less satisfactory than the approved scheme with a greater impact on the character of this part of the Conservation Area and the increase could not be justified on grounds of housing need. Both sets of comments are at Annexe A.

The current proposal increased the size of the site to the east to accommodate a further revised layout of five houses. While this gave a slightly improved arrangement within the site, it created a denser wall of buildings along the southern edge of the site when viewed across the valley from the south and from the access road. Any permeability to open country at the

eastern end of the site was closed off by a relocated garage and by the houses on plots 4 and 5 moving further east. It was noted that no legible copy of the proposed landscape masterplan was provided with the application and the proposed treatment of the site boundary on the eastern side and the boundary between the plots was unclear. Members considered the new proposal to be less satisfactory than the approved scheme in terms of its impact on the Conservation Area and AONB.

No evidence of specific local (housing) need as set out in paras 5.34a(ii) and 9.6.29b of the adopted Local Plan 2031 was provided. The housing figure of 774 to 2031 for the Burford-Charlbury sub-area had already been met. The additional house could not be justified in terms of Charlbury's housing needs which, as the emerging Neighbourhood Plan would demonstrate, were for affordable housing, described in the Local Plan (9.6.5) as a 'key issue' for the area.

The Committee therefore reiterated its previous opposition to the additional house and urged refusal of the application.

3 APPLICANT'S CASE

3.1 In support of this application, the agent has submitted a design and access statement that concludes the following. The full text can be found on the WODC website.

This Planning and Design Statement has been prepared on behalf of Mr Gomm in support of an application for full planning permission at Land East of 26 The Slade, Charlbury, OX7 3SJ for the Erection of three dwellings with associated works. The proposal is an amended submission following the withdrawal of application 18/01466/FUL to address officers concerns with regard the development layout. Following further pre-application discussions with officers, the proposed development has been amended in accordance with officer advice to achieve appropriate levels of residential amenity and landscaping.

This statement considers that the proposal can be supported both in terms of compliance with the adopted and emerging development plans and in accordance with the presumption in favour of sustainable development. The below summary demonstrates how the development complies with the relevant policies:

- The proposal is for a residential development, sited within a Rural Service Centre that is suitable for modest housing development. The site is bounded to the north, east and west by built form and as such the proposal comprises infilling/development of undeveloped land within the built-up area, in accordance with Policy H7 and Draft Policies OS2 and H2;
- The proposal is for a small, high-quality development, resulting in a net gain of one dwelling. The scheme forms a logical complement to the settlement pattern and, through the introduction of landscaping will enhance the setting of the town in accordance with the objectives Policies BE2 and H2 and Draft Policies OS2, H2 and BC1.
- The amended scheme proposes improved landscaping and a similar layout and design to application 16/00939/FUL (which was supported in relation to the impact on the Conservation Area and the AONB). As such, it is considered to at least equally conserve the landscape and scenic beauty of the AONB in accordance with Policies BE2, NE3 and NE4, Draft Policies OS2, EH1a and EH1 and NPPF chapter 15.

- By reason of the above, the appeal scheme and its inclusion of building designs and a materials palette based on the local vernacular, equally preserves the character and appearance of the Conservation Area in accordance with Policies BE2 and BE5, Draft Policies OS2 and EH8 and NPPF chapter 16.
- As a result of the amended layout (including the loose grouping of dwellings with space for planting), the proposal delivers a high standard of amenity for existing and future residents in accordance with Policies BE2 and H2, Draft Policy OS2 and NPPF chapter 12.
- The provision of native hedge and tree groups to the south of the development will soften the built form presence and will filter views from across the minor valley, providing a positive contribution to the character of the area, setting of the settlement, Conservation Area and AONB in accordance with Policies NE6 and NE13 and Draft Policy EH1;
- Through the recommendations of the ecology survey, the proposal accords with Policy NE13, Draft Policy EH2 and NPPF chapter 15; and
- As the scheme is sited within a sustainable location, provides adequate levels of parking and achieves safe and suitable access, it complies with Policies BE3, H2 and T1, Draft Policies OS2 T1 and T4 and NPPF chapter 9.

Planning Balance

The Local Plan 2011 is out of date with regard the provision of housing and until the Local Plan 2031 is adopted, the Council is unable to demonstrate a 5-year housing land supply. In such circumstances, NPPF paragraph 11 dictates that permission be granted unless any adverse impacts of the development significantly and demonstrably outweigh the benefits.

NPPF paragraph 7 identifies three objectives to sustainable development comprising economic, social and environmental objectives. The benefits and adverse impacts of the proposal are summarised under these headings, below:

An Economic Objective

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

A Social Objective

The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The proposal has been amended to deliver a high standard of amenity for existing and future residents. The proposal has social benefits with no significant and demonstrable adverse impacts.

An Environmental Objective

Particular regard has been given to the setting of the town within the Conservation Area and AONB. Existing mature trees of significance will be retained and the proposal will not be

prominent in the street scene. In views from across the minor valley to the south, the development will be seen in the context of existing housing and will not harm the character or visual amenity of the settlement edge. The development has been designed to allow filtered views between buildings and the native hedge and tree planting on the southern boundary will in time soften and screen the existing and proposed development - leading to an overall enhancement. The proposal will lead to environmental

4 PLANNING POLICIES

EHI Cotswolds AONB
EH10 Conservation Areas
EH13 Historic landscape character
H2NEW Delivery of new homes
H6NEW Existing housing
OS2NEW Locating development in the right places
OS4NEW High quality design
T4NEW Parking provision

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

5 PLANNING ASSESSMENT

- 5.1 The application site is part of a parcel of agricultural land which lies to the east of existing housing at The Slade, and south of other housing accessed off The Slade. Whilst the land ownership extends to the bottom of the minor valley to the south, and east into open countryside, only the upper part of the land is proposed to be developed. At present 2 detached dwellings which were granted permission in 2017 as part of the approved application for 4 dwellings (17/00832/FUL) are under construction.
- 5.2 The site is within the Cotswolds Area of Outstanding Natural Beauty and Charlbury Conservation Area.

Background Information

- 5.3 A planning application relating to a similar development of five dwellings was refused on this site by members of the Uplands Committee in 2016 (16/00939/FUL). The application was refused for the following reasons:
1. The site is located within the Charlbury Conservation Area and Cotswolds Area of Outstanding Natural Beauty. The location, siting, and scale of development would fail to respect or enhance the character of the area and its landscape, and would be harmful to visual amenity. Further, it would erode the character and appearance of the surrounding area as a result of encroachment into open countryside which makes an important contribution to the setting of the settlement. In addition, it would set an undesirable precedent for similar, further development in this sensitive location. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4, BE5, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, H2, EHI and BCI, and the relevant policies of the NPPF.
 2. By reason of the location, siting, design and scale of the proposed development, and land levels within and adjoining the site, it would give rise to unacceptable impacts on residential

amenity with regard to privacy and the overbearing appearance of the development, particularly as regards the relationship with existing residential properties which adjoin the site at The Slade. The proposal is therefore contrary to West Oxfordshire Local Plan Policies BE2, and H2, emerging Local Plan Policies OS2, and H2, and the relevant policies of the NPPF.

- 5.4 The applicants appealed the Council's refusal decision for the above application. The subsequent appeal (APP/D3125/W/16/3155795) was dismissed by the Planning Inspector on amenity grounds consistent with refusal reason 2, whilst the Inspector concluded that there would not be adverse harm caused to either the Conservation Area character or the character of the Cotswolds AONB. The Inspector concluded that harm would be caused to the amenity of the occupants of the nearby properties in The Slade, namely Nos. 24 and 26 by reason of overlooking and the overbearing appearance of the dwellings, owing significantly to the raised topography of the site in relation to the properties in The Slade, which sit at a notably lower level.
- 5.5 In attempt to address refusal reason two of planning application 16/00939/FUL, the applicants reduced the number of dwellings to four and set the proposed dwellings further back into the site increasing the separation distance between the proposed dwellings and the existing properties fronting The Slade. This application (17/00832/FUL) was approved and remains extant.
- 5.6 The current application seeks permission for 3 new dwellings occupying a different red line area further east that overlaps the previously approved site. In terms of siting, and in conjunction with the 2 dwellings under construction, there would be a net increase of 1 dwelling.
- 5.7 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as Charlbury Parish Council have objected to this application.
- 5.8 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
Siting, design, form and impact on the character of the area
Residential amenities
Highways
Open space and Ecology
SI06 contributions
- Principle
- 5.9 The site is located immediately adjacent to the existing urban edge of Charlbury. The town has a wide range of local amenities, including primary school, shops, post office, doctor's surgery, community facilities, employment and railway station. It is accordingly one of the more sustainable settlements in the District.
- 5.10 Charlbury is recognised as an appropriate place for some new development under Local Plan policy H2. Under the terms of the policy it is acceptable to develop new dwellings on undeveloped land within the built up area. In this context, the proposal would infill between

permitted development under construction to the west and existing development to the north and east. In the view of Officers the proposal would not represent an extension into open countryside. It would be considered windfall development in the context of Local Plan housing requirements expressed in policy H1.

- 5.11 The site is significantly visually contained by established housing and landscape features, although it would be visible from the public footpath approximately 150m to the south and in longer range views where another footpath further south crosses higher ground. The site is not considered to be particularly prominent in the wider landscape of the area, and the development would be seen in the context of existing housing in this part of Charlbury.
- 5.12 Given the site's relationship to the settlement, the nature of the locality, and the site's characteristics, it is considered that the proposal is in a sustainable location and development here is acceptable in principle.

Siting, Design and Form

- 5.13 The addition of three dwellings, each with a detached garage is proposed within a small cul-de-sac development. The proposed dwellings would be 1.5 storeys and would be constructed from Cotswold Stone. The general layout and design approach does not greatly differ from the previous application, albeit that the overall number of dwellings proposed has been increased by 1 property.
- 5.14 The general design approach is reflective of the existing dwellings in the immediate area and is broadly in keeping with the local vernacular. The site exists as open space of an agricultural character although public views of the land are relatively limited. Officers note that the Inspector in the previous appeal on the site concluded that the development would be 'set against the backdrop of existing development and would consist of only 5 dwellings of one and a half storey height constructed of sympathetic local materials'. The Inspector considered that the development would not cause harm to the character and appearance of the Conservation Area setting or the setting of the AONB.
- 5.15 To reduce the visual impact of the development, the provision of a landscaping plan can be secured by condition. It is advised that soft landscaping in the form of hedges be provided along the south and east boundaries.

Residential Amenities

- 5.16 The proposed layout of the additional 3 dwellings provides for appropriate privacy distances to be achieved between dwellings within the site. There would therefore be no unacceptable overlooking. Plot 5 would have its gable elevation facing towards the existing properties to the north, with no principal first floor windows. The distance between of approximately 20m is acceptable in this regard. The difference in levels between the site and properties in The Slade is noted. However, the distances achieved between buildings and main windows adequately takes account of this.
- 5.17 An appropriate area of garden would be available for each new unit, and general amenity would therefore be catered for. The space between dwellings and aspect of existing properties is such that there would be no unacceptable loss of light to properties within or adjoining the site. Loss of a private view or reduction in property values are not material planning considerations.

Impact on heritage

- 5.18 In terms of the impact of the development on the Charlbury 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.
- 5.19 In the Planning Inspectorate's appeal decision (APP/D3125/W/16/3155795) for the original planning application for 5 dwellings (16/00939/FUL) there was special consideration given to the impact of the development on the character and appearance on the Charlbury Conservation Area and the Cotswold AONB. However, the Inspector concluded that the proposal would not harm the character and appearance of the Conservation Area.
- 5.20 Consistent with the Inspector's assessment of the site, Officers consider that the current proposed development would preserve the Charlbury Conservation Area, is appropriately designed and would not result in material harm. It is considered to respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed, its scale and its location. The application therefore complies with policies EH9, EH10 and OS4 of the Local Plan and relevant paragraphs of the NPPF.

Impact on Landscape and Ecology

- 5.21 In terms of the impact on the Cotswolds 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 detached dwellings will be viewed in its immediate context whereby it is a somewhat cul-de-sac of existing residential houses. Therefore it is considered that the proposed development would conserve the wider Cotswolds AONB and would not be of material harm to locality given its design form and setting seeks to replicate the development within the immediate vicinity.
- 5.22 There would be no harm to protected species.

Highways

- 5.23 The extant planning permission (17/00832/FUL) provides for access to the development from The Slade. Each of the 3 proposed new dwellings will have 2 car parking space and 2 integral car parking spaces located within the garage which meets the car parking standards set out by OCC Highways. Whilst OCC Highways are yet to comment on this application, it has been noted that Highways officers have not raised any objections and thus the previous scheme for 5 dwellings was not adjudged to be harmful in terms of highways safety.

SI06 contributions

- 5.24 As the proposal is for an additional 3 dwellings, the scheme would not attract a requirement for financial contributions or affordable housing.
- 5.25 There has been suggestion locally that this is a deliberate ploy by the applicant to avoid making contributions, and that a proposal for additional development may come forward in the future.

However, Officers consider that the number of dwellings is constrained by the shortcomings of the access, and a requirement for a low density of development with gaps between buildings in the interest of reducing visual impact and protecting the landscape context and character of the area. Any future proposals would be considered on their merits.

Conclusion

- 5.26 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. It would preserve this part of the Conservation Area and Cotswolds AONB. The dwellings would not have an unacceptable impact on neighbouring amenity and Officers are therefore recommending that the application is approved.

6 CONDITIONS

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by 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 and in accordance with the materials and samples approved under permissions 17/00832/FUL and 17/03772/CND unless otherwise agreed in writing with the local planning authority.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.
REASON: Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity 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 details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance).

- 6 For the avoidance of doubt the applicant is advised that this permission is for the erection of 3 dwellings in addition to Plots 1 and 2 of previously approved scheme 17/00832/FUL. The permission shall be implemented as an alternative to the erection of plots 3 and 4 of 17/00832/FUL and not in addition to these dwellings.
REASON: For the avoidance of doubt as to what is permitted.
- 7 The development shall be completed in accordance with the recommendations in Section 5.2.1 (nesting birds) and 5.2.3 (amphibians) of the Updated Phase 1 Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359_rep_land off The Slade Charlbury_19-02-17). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
REASON: To ensure that precautionary measures for nesting birds and amphibians are implemented in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 8 Prior to the above ground works commencing, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) within the walls of the new buildings shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are 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 2018, 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.
- 9 Before 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 directly illuminate hedgerows and trees likely to be used by foraging/commuting bats and other nocturnal wildlife.

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 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 Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 10 A Hedgerow Management Plan (including hedgerow trees) shall be submitted to, and approved in writing by, the Local Planning Authority before occupation of the development. The content of the Plan shall include, but not necessarily be limited to, the following information:
- i. Aims and objectives of management;
 - ii. Appropriate management options for achieving aims and objectives;
 - iii. Prescriptions for management actions;
 - iv. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5-10 year period);
 - v. Details of the body or organisation responsible for implementation of the plan;
 - vi. Ongoing monitoring and remedial measures;
 - vii. Timeframe for reviewing the plan; and
 - viii. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The Plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The Plan shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 11 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.

- 12 Notwithstanding the submitted details, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The said scheme shall include details of a planting buffer of at least 3m width outside the proposed boundary fences and shall include an increase in the number of woody species in the native hedgerow planting mix to at least 6 with species such as spindle, holly, wayfaring tree, guelder rose or small leaved lime. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To safeguard the character and landscape of the area.

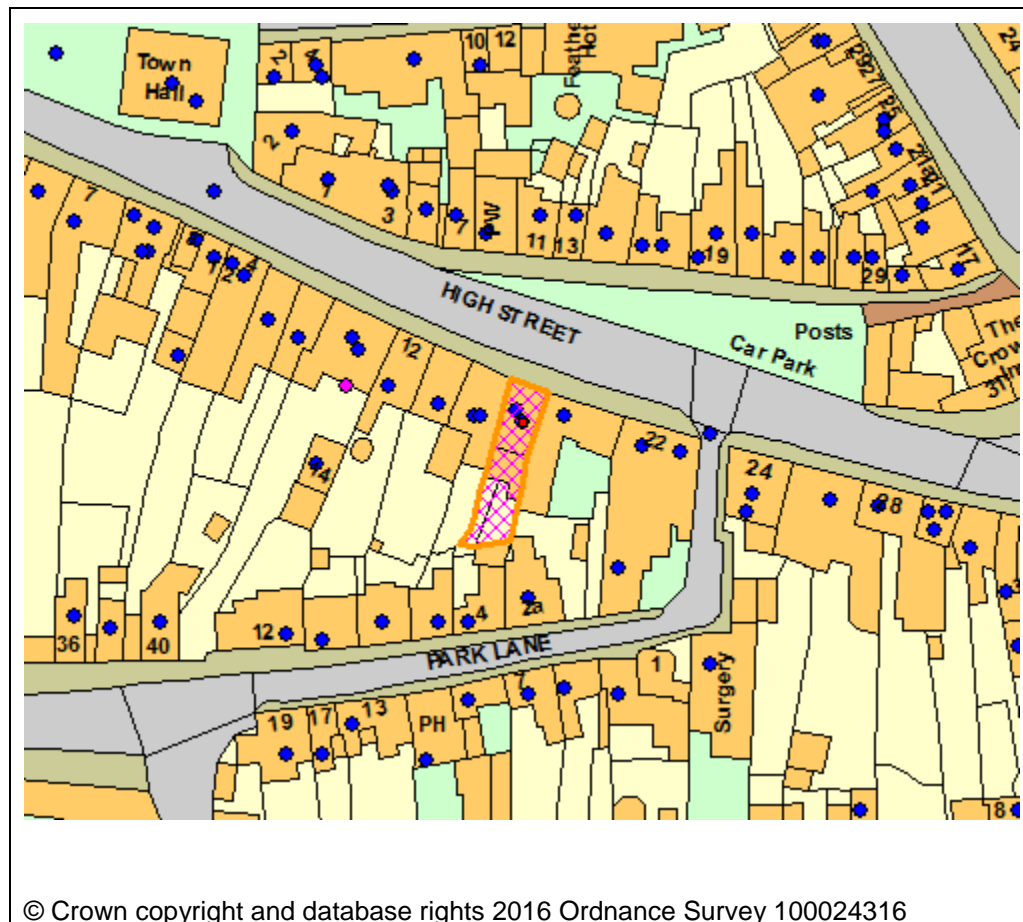
- 13 Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the north boundary of the land shall be retained at a height of not less than 2 metres; and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.
REASON: To safeguard a feature that contributes to the character and landscape of the area.
- 14 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers, rooflights, external doors, chimneys, flues, porches, eaves, verge and garage doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.
REASON: To ensure that the architectural details match the character and appearance of the area
- 15 No dwelling shall be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.
REASON: In the interests of highway safety and amenity
- 16 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 dwelling to which those spaces relate and shall thereafter be retained and used for no other purpose.
REASON: In the interests of highway safety and amenity.
- 17 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
I The parking of vehicles for site operatives and visitors
II The loading and unloading of plant and materials
III The storage of plant and materials used in constructing the development
IV The erection and maintenance of security hoarding including decorative displays
V Wheel washing facilities
VI Measures to control the emission of dust and dirt during construction
VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
VIII Working hours at the site.
REASON: In the interests of highway safety and amenity.
- 18 Before first occupation of any dwelling all bathroom/WC window(s) shall be fitted with obscure glazing and shall be retained in that condition thereafter.
REASON: To protect the privacy of the occupants of the proposed dwellings and the amenity of the adjacent properties.

NOTES TO APPLICANT

- 1 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, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.
- 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))
 - CIRIA C753 SuDS Manual 2015

Application Number	18/02911/FUL
Site Address	18 High Street Woodstock Oxfordshire OX20 1TF
Date	21st November 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444529 E 216683 N
Committee Date	3rd December 2018

Location Map



Application Details:

Conversion of maisonette to form two flats and installation of velux.(Retrospective)

Applicant Details:

Mrs Irene Buckingham, 10 High Street, Woodstock, Oxfordshire, OX20 1TF

I CONSULTATIONS

- 1.1 Town Council WTC object to the application on the basis that there are no parking facilities allocated for residents which would exacerbate the parking problem in the centre of Woodstock even more.
- 1.2 OCC Highways No Comment Received.

2 REPRESENTATIONS

- 2.1 No representations received

3 PLANNING POLICIES

OS4NEW High quality design

T4NEW Parking provision

H6NEW Existing housing

EH9 Listed Buildings

EH10 Conservation Areas

EH11 Listed Buildings

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

4 PLANNING ASSESSMENT

- 4.1 The application refers to 18 High Street, Woodstock located within the Woodstock Conservation Area. The site consists of a Grade II listed building consisting of a shop at ground level with accommodation above, in this instance the existing flat has been subdivided into two.

Background Information

- 4.2 This application is before Committee for consideration as the Town Council has objected because of lack of parking facilities to serve the development.
- 4.3 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:
- Impact on on street parking.
 - Impact on character and appearance of the Woodstock Conservation Area
 - Impact on the Listed Building
 - Impact on neighbour amenity

Highways

- 4.4 In terms of highway issues 18 High Street does not have any private parking. However, given the town centre location OCC Highways has verbally raised no objections to the creation of two flats on the first and second floors of the building.

Impact on Conservation Area

- 4.5 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 are relevant to consideration of the application.
- 4.6 The only external changes to the building resulting from the development is the insertion of a rooflight on a section of the roof that is not highly visible in the public domain. In light of this the development is considered to preserve the character of the Conservation Area and have a neutral affect on the heritage asset.

Impact on the Listed Building

- 4.7 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 regard 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.
- 4.8 In addition policy H11 of the Local Plan 2031 applies. This policy is specific to listed buildings and states that development affecting listed buildings will be permitted where it can be shown that it conserves or enhances the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting.
- 4.9 With regard to the impact on the listed building, the internal works that have taken place to subdivide the first and second floor residential unit to provide two flats consists of changes to internal partitions all affecting fabric of relatively recent origin and no historic interest. The addition of the rooflight to light the first floor bathroom is also considered acceptable in listed building terms.

Neighbouring amenity

- 4.10 In terms of the impact on neighbouring amenity, the implementation of an additional flat is not considered to give rise to any unacceptable neighbouring amenity impacts in terms of loss of privacy, light or outlook nor would it be overbearing.

Conclusion

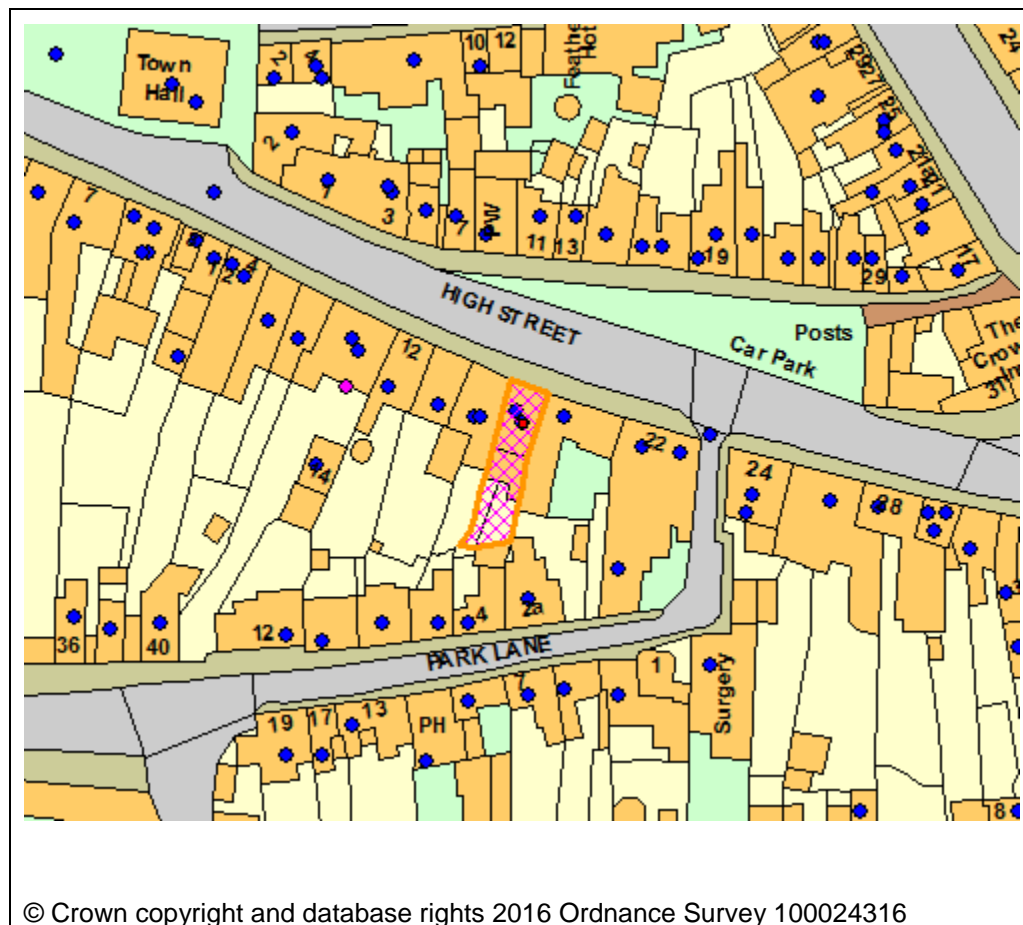
- 4.11 In light of the above observations, this application is recommended for approval as it is considered to comply with policies OS4, T4, H6, EH9, EH10 and EH11 of the Local Plan 2031.

5 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	18/02912/LBC
Site Address	18 High Street Woodstock Oxfordshire OX20 1TF
Date	21st November 2018
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444529 E 216683 N
Committee Date	3rd December 2018

Location Map



Application Details:

Conversion of maisonette to form two flats and installation of velux.

Applicant Details:

Mrs Irene Buckingham, 10 High Street, Woodstock, Oxfordshire, OX20 1TF

I CONSULTATIONS

- 1.1 Conservation Officer No Comment Received.
- 1.2 Town Council WTC object to the application on the basis that there are no parking facilities allocated for residents which would exacerbate the parking problem in the centre of Woodstock even more.

2 REPRESENTATIONS

- 2.1 No representations received.

3 PLANNING POLICIES

EHII Listed Buildings

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

4 PLANNING ASSESSMENT

- 4.1 The application refers to 18 High Street, Woodstock which is Grade II listed.

Background Information

- 4.2 This application is before Committee for consideration because the Town Council has objected because of concerns over parking provisions.
- 4.3 Although a formal response from the Council's architect has not been received at the time of writing he has advised officers verbally that he has no objections to the retrospective works.
- 4.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Impact on the architectural integrity and preservation of the listed building

Impact on the Architectural Integrity and Preservation of the Listed Building

- 4.5 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 regard 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.
- 4.6 In addition policy HII of the Local Plan 2031 applies. This policy is specific to listed buildings and states that development affecting listed buildings will be permitted where it can be shown that it conserves or enhances the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting.
- 4.7 With regard to the impact on the listed building, the internal works that have taken place to subdivide the first and second floor residential unit to provide two flats consists of changes to internal partitions all affecting fabric of relatively recent origin and no historic interest. The

addition of the rooflight to light the first floor bathroom is also considered acceptable in listed building terms.

Conclusion

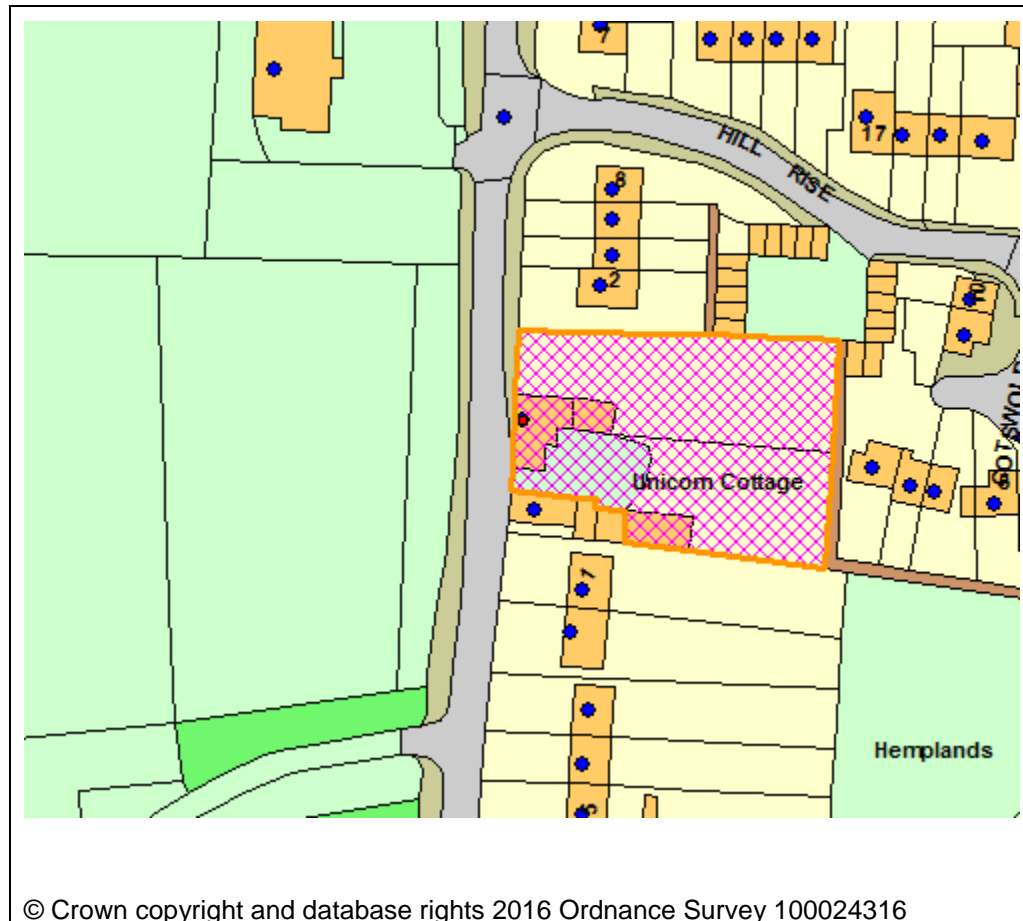
- 4.8 In light of the above assessment, this application is recommended for approval as it is considered to comply with policy EH11 of the Local Plan 2031 and is considered to be in accordance with the legislative requirement under S66(1) of the above noted legislation.

5 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	I8/02834/FUL
Site Address	The Unicorn High Street Great Rollright Oxfordshire OX7 5RH
Date	21st November 2018
Officer	Kim Smith
Officer Recommendations	Defer
Parish	Rollright Parish Council
Grid Reference	432261 E 231380 N
Committee Date	3rd December 2018

Location Map



Application Details:

Conversion of public house to dwelling.

Applicant Details:

Mr A Prindiville, 5 , New Street Square, London, EC4A 3TW

I CONSULTATIONS

I.1 Parish Council

Rollright Parish Council is utterly, unanimously and passionately against change of use being approved for the Unicorn. This reflects the views of the overwhelming majority of the village, as constantly reiterated to the PC over many years.

WODC has resisted change of use for over 25+ years. One of the principles of this resistance being that the Unicorn is the last pub in the village and should therefore be protected for the community. The PC still retains this view and we trust that WODC will continue to stand firm on our behalf.

Since purchasing the property, the owner deliberately wound down the business and used this as his first excuse to apply for residential planning consent. Having been refused change of use, we understand that the owner vowed to let the building fall down as a spiteful attempt to extort planning permission from the Council. WODC has commendably supported the village's wishes but as Councillors know, he has deliberately prevaricated, using every trick possible to lead WODC a merry dance, always promising repairs but delivering minimally. By his actions the owner has proved beyond doubt that he has never had any intention of fulfilling any of WODC's requirements and this is unlikely to change. He now describes the building as derelict, but it is entirely of his own making. It would set a poor precedent if deliberate neglect was to become a valid argument for planning approval.

The village has virtually no amenities as the shop and post office are closed, and the pub offers our last chance to retain and improve facilities for the community. The Parish Council is aware that an offer to purchase was made recently but rejected by the owner. There is no question that there is demand in the village for a licensed premises and there are many successful local examples of where a public house has combined with additional services such as restaurant, shop, cafe and post office. This would bring real benefits to Rollright for social, recreational and cultural facilities and services our community needs.

WODC has spent thousands and thousands of pounds - taxpayers' money - in fighting this case. If WODC capitulates now, all that money will have been wasted and they might just as well have submitted 25+ years ago. We urge WODC to reject the application outright.

I.2 Conservation Officer

Considering first the historic fabric, I note that these are proposals for very minimal physical changes to this late C18 or early C19 public house, which already has a somewhat domestic form.

Externally, there would just be the blocking of a doorway in a rear extension of relatively recent origin. Internally, there would be

changes to partitions, to give a more modern provision of accommodation and sanitary facilities, and there would be new staircases - all affecting fabric of relatively recent origin, or of no great historic interest. From our point of view, there are no obvious objections to any of this. Considering the change of use, it always seems unfortunate when a colourful community use is lost, and settlements that consist mainly of dwellings often seem to lack character and animation. But at least in this case the physical form of the listed building is highly conducive to the proposed change, and it seems likely that the new use may well expedite the repairs that the building so desperately needs.

Full structural details of the repairs to the roof structure and full structural details of the repairs to the floor structures are required.

Attach conditions for demolition only where shown; for matching works; for a sample of the roof slates.

- | | | |
|-----|---------------------------------|---|
| I.3 | WODC Planning Policy Manager | No Comment Received. |
| I.4 | ERS Env Health - Uplands | <p>Thank you for consulting our team.</p> <p>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.</p> |
| I.5 | WODC Building Control Manager | No Comment Received. |
| I.6 | OCC Highways | <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:</p> <p>G28 parking as plan</p> |
| I.7 | OCC Rights Of Way Field Officer | <p>Rollright Public Footpath 12 runs through the grounds of the property. I have no objections to the proposals but suggest that the following conditions are attached if permission is granted.</p> <p>1. Temporary obstructions. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place. Reason: To ensure the public right of way remains available and convenient for public use.</p> |

2. Route alterations. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process. Reason: To ensure the public right of way remains available and convenient for public use.

1.8 WODC Landscape And Forestry Officer No Comment Received.

2 REPRESENTATIONS

2.1 At the time of writing 40 objections have been received in respect of the application which are briefly summarised as follows:

Deliberate Neglect

- This grade II listed building has been deliberately allowed to deteriorate by the present owner in order that he could claim that change of use was the only viable way of retaining the building. The pub is in the Great Rollright Conservation Area which is within the Cotswold AONB. If the owner had performed unauthorised work it would have been a criminal offence subject to prosecution. By allowing it to deteriorate no such prosecution has been pursued.
- The owner has allowed the property to deteriorate and has caused WODC much trouble and expense.
- The building is now dilapidated and I daresay in a dangerous condition and the Council needs to step in and sort it out for the benefit of the people who actually live in the village.
- The saga of the Unicorn pub in the village has been going on far too long, the council have spent large amounts of ratepayers money defending their position that the Unicorn pub should stay as a public house and should not be granted "change of use". To change that position now would be wrong, and giving in to someone who has deliberately let the property deteriorate to the state it is in now to ultimately obtain what he has always been after and that is to develop the site (if this change of use was granted further applications would arrive for more properties on the site).
- I came to live in Great Rollright nearly 18 years ago. The pub was already closed and neglected but for all these years I've cherished the thought that one day it would re-open. Instead it has been allowed to fall further and further into disrepair and it is now a fearful eye-sore. As a grade 2 listed building surely this should never have been allowed to happen.
- The building has been allowed to fall into a state of disrepair and has become an horrendous eyesore with every possibility of collapse and the Council has done nothing. The owner has no interest in the Great Rollright community.
- The owners of this Grade II listed building (who do not live in the village) have wilfully neglected this property for almost 30 years.
- The District Council has been forced to spend very many thousands of tax payer's money (our money) attempting to force the owners to do the work required to keep the building in a safe

and secure manner, they have completely ignored these legal documents. At one stage the DC had to themselves pay to have the building made safe and then pay out even more money to take the owners to Court to attempt to recover the costs.

- Action now needs to be swift, because the building is crumbling. It must be sold and at a reasonable price: it needs a vast sum to restore it, and the owner must not be allowed to extend this 35 year battle to a point where the building is beyond repair (if it hasn't reached that condition already). An added cause for urgent action is that the site is now dangerous.

Last Community Facility

- Local facilities are essential in meeting the day to day needs of residents and refurbishment of the Unicorn as a pub would go a long way to meeting this need as well as providing potential employment opportunities within the village community.
- The nearest pub to the village is around 3 miles away (either Hook Norton, Whichford, Long Compton or Chipping Norton) and it is neither sustainable or desirable to have to drive to get to such places.
- It is the last and only location in the village to have an 'ON' licence and I hope that this will not be lost for the considerable financial benefit of the present owners.
- The village now has no amenities and having this building reopened as its intended purpose will provide a focus and a boon to the village;
- This amazing village needs more locally orientated infrastructure and a village pub would deliver, we need a pub not infill development.
- The continuity of rural village life is a very important factor in today's modern environment. The village pub and more these days pub/restaurant can be the hub of a small village bringing together residents from various different backgrounds etc.
- In my 9 years in the village I have noticed that there are residents who have resided in the village for many years and have found it very difficult to meet other residents from other parts of the village due to not having a village shop or a pub/restaurant to meet up. In the passing years, the village has also lost its shop and post office and, as a consequence, its heart.
- In making your decision, please consider those who live here and do not confound the hope that this will one day open again as a pub/eaterie. There is village support for it.
- The village has a good community but a "local" would provide a real focal point.
- There is certainly demand and having to drive to another village pub really is not ideal, for obvious reasons.
- Great Rollright has no amenities in the village, no shop, no post office (only visits from the Post Office Van) which have been lost since I moved into the village almost 20 years ago. Although there is a Village Hall which is well supported as a venue by the Villagers, it is not the same as having a Public House.

- Object to a change in use from public house to a dwelling. The District Council has a 'last pub in the village cannot be closed' policy which should be maintained. We have lived in Great Rollright for over 15 years with no pub, and the village shop and post office have closed in that time period as well. These are normally the businesses that form the heart of the community. An entire generation has grown up without a pub in the village. Furthermore, the District Council has spent thousands of pounds of taxpayers money on legal fees defending their position and if change of use is granted this money will have been wasted.
- A local pub would also attract not only our existing residents but be sought out by holidaymakers who love our beautiful area plus those who reside in other small villages nearby. A village hostelry always improves harmony and social interaction - great for all of us who live in rural areas. As it stands now The Unicorn is a sad eyesore but nevertheless is a reminder that the pub was once thriving and could easily be so again.
- The demographic of the village has and is changing there has been more younger people, professional couples and families moving in, this is prime time to re-open our pub and make it work.
- If this building is granted a change of use from a pub to a dwelling, then the village will never have a chance of a local public house and as the village no longer has a shop or post office, it is in the interests and importance of the village community that there should be the opportunity of this building once more being operated as a public house.
- I strongly believe that this community would benefit from, and fully support, a pub. The village is a dynamic and social one, and events at the Village Hall are well attended. We would definitely benefit from a regular place to meet and take friends. The pub would also benefit those who come to visit the Rollright Stones and the many walkers and cyclists that come through the village. As the village has no village shop, the pub could provide other valuable (and profitable) services such as basic groceries, pastries/coffee and newspapers, post office facilities etc. There may also be space for the development of rooms or pods allowing for B&B too. I think these potential benefits to the community and the many visitors to this area far outweigh those of the proposal. This stand-off has gone on far too long and we are so saddened by the disrepair of this lovely building which worsens week by week. It has become a sorry eyesore opposite our Village Hall. There are people interested in restoring this building to its former glory - please let them. This has gone on too long.

Compulsory Purchase

- If the property was purchased compulsorily and the developed for the financial benefit of WODC I would no longer object.
- It is now time WODC followed through and forced through a final decision that this property must be used a Public House before the building deteriorates any further and it is unable to be saved, (which is most probably what the owner wants) with the Village not only losing any chance of having this amenity but losing a Grade 2 listed building which is already in a dangerous state of repair and unsightly in a village that is in an area of Outstanding Natural Beauty and Conservation Areas

- The owner's plans MUST be refused, legal action MUST be carried out to order a Compulsory Purchase Order on the building to enable it to be properly sold on as a Licenced Premise.
- It is a disgrace that the building has been allowed to deteriorate to its current state and hence rather than granting a change of use, instead a compulsory purchase order should be issued, permitting sale to one of the parties interested in maintaining it as the Unicorn Public House.
- The pub is not registered as an Asset of Community Value but has the potential to be so if WODC were to compulsorily purchase it (as once mooted), sell it on to those professionals willing to reinstate it as a public house and thereby recover their not insignificant costs of fighting these spurious planning applications.

Marketing Exercise and Viability

- The marketing exercise performed by the owner could not be remotely classified as robust; the pub was marketed for a very short period during the summer (a quiet time in the market and particularly so at this time of Brexit uncertainty), the site was being used for the storage of rubbish (when someone dumping rubbish there was challenged they replied that they had the owner's permission!) which would have been extremely off-putting to any viewer, and the terms of sale (amount and duration of the overage clause) were totally unrealistic.
- It is disappointing to hear that 2 serious offers were made to purchase, refurb and re-open The Unicorn as a public house.
- I am aware that he has recently tried to sell the pub at what is considered a ridiculous price with impossible clauses to ensure the sale could not go through. Nobody should be allowed to manipulate the planning system like this for personal gain at the expense of the village community, particularly when they have no links to the village itself.
- No real serious attempts to sell the building have been made as draconian caveats have been applied.
- I understand that the pub operated profitably until the present owner closed it in 1989. It is clear that the deliberate neglect was motivated by the prospect of financial gain by obtaining permission for redevelopment.
- I have spoken to two respected people who have looked at the Unicorn as a pub/restaurant and both have said that it can be a viable investment and would work in the area.
- When the PH and land was offered for sale, it was heavily restricted with a claw back Clause. Myself and a funding syndicate I have put together as a Chartered Building Surveyor, are interested in buying the site and returning the building to a PH again for the community. Our interest has been totally ignored and not reported to the Council. It is therefore totally wrong to say that there is no interest other from people who want the land for residential use. We do not. We want the site for a PH and have undertaken our funding exercise. The Claw Back Clause in the sale makes it impossible and therefore the Owner has not exercised a free and open market appraisal. We would urge the Council to again

reject the change of use and allow us to return to the Owner for purchase and reinstatement to a PH. Their grounds and reasoning is flawed and untrue. The whole site would be needed to make the PH viable as space will be needed for off road Parking, retention of footpath etc.

- Many people in the village have campaigned for years for the Unicorn to be sold to someone who is prepared to invest in the property and return it to the village as a viable pub/restaurant. I understand that the vendor's application states that they needed to prove that there was no demand from investors to return the Unicorn to a working pub/restaurant. The recent sale in fact attracted two offers for the asking price of £350,000, which proves that there is demand for the Unicorn to be returned to the village as a working pub/restaurant. The village needs a communal place to gather and would benefit greatly from the return of the Unicorn as a pub/restaurant. Not only was the asking price accepted, but Mr McKay was also prepared to accept 30% clawback over a 25 year period, should in future years the pub/restaurant be granted change of use. Based on these facts, I contest the application for a change of use to dwellings.
- The Unicorn has been put on the market a couple of times in recent years and there has been interest in the property to be renovated and developed as a Public House. In every instance only the owner has inserted unreasonable restrictions/demands making it difficult for any purchaser to make it worth their while. The owner is only interested in pushing the council and community to a point where he can convert the property to a dwelling and then develop the site, again this is all part of the cat and mouse game.
- The manner in which the owners have 'marketed' the Unicorn is questionable, to say the least.
- Given their complete contempt of the authority of the District Council over the years I believe that yet again they are out to hood-wink those in power. The owners have always wanted to get change of use for their own profit and greed.
- Whenever the property has been marketed unreasonable clauses have been included in the sale conditions, allowing financial gain to the current owner, should a future owner prove the property through use, to be financially unviable. These conditions have rendered the property unsellable as a public house.
- While the application states that there was an attempt to sell the property it failed to mention a number of key items
 1. The property was advertised by a single agent with limited marketing. Unless you knew the exact name listed it was impossible to find.
 2. The description and photos on the site can only be described as an embarrassment to the estate agent.
 3. The property was listed for a very short time over the summer (when most potential existing publicans would have been focused on increased business driven by the lead up to World Cup) - and removed from the site prior to this application.
 4. The unicorn site was filled with rubbish during the process - meaning any prospective buyers would have been presented with an eyesore beyond anything normally expected. Access to the property was also not possible.

5. The terms of the sale were beyond reasonable. Expecting any buy to sign up to a clause requesting such a large retaining value was unfair and would have negatively impacted the number of offers.
 6. The building has been deliberately left to decay - incurring cost to the council associated with scaffold and endangering local residence. The activity has continued despite repeated requests by the council they have been ignored.
 7. Despite this offers were made on the property which seem to have been rejected. I can only assume that the fact offers were made was a slight inconvenience to the vendor.
 8. No attempt has been made to engage with the local community regarding the building - there are a significant number of parties in the village who have expressed interest in returning the unicorn to the former glorious building and local community hub that it was.
- Like many in the village I was initially very pleased when the pub was offered for sale earlier this year, ostensibly by an agent who specialised in licensed premises. However, this turned to disappointment when I realised that the price being asked was totally unrealistic for the building in its present condition as was the extremely onerous overage clause by which the owner sought to recover 50% of any increase in value should change of use permission subsequently be obtained within a period of 25 years. It was clear from this that he never intended to sell the pub but wanted to use this token attempt at a sale in a cynical effort to demonstrate that it was no longer viable to refurbish the building as a pub.
 - I understand that, contrary to the statement made by the owner's planning consultant in the covering letter to the application, there is a syndicate headed by a village resident who wishes to purchase the building to run it as a public house.
 - Having allowed the property to become derelict ,the market price should clearly have reflected this.3 months is insufficient time to advertise the commercial premises for sale .A lack of interest indicates that a significant reduction in price is overdue. Therefore the argument that the property has been adequately marketed is clearly unproven.
 - While the application states that there was an attempt to Market the property to try and show the lack of demand for its use as a pub, there was interest even in its current condition. The report failed to highlight that this was a limited marketing campaign with restrictions. It was marketed by a single agent for a short period over the summer with poor information on the property.
 - The terms of the sale expecting any buyer to sign up to a clause requesting such an large retaining value for a building that had not traded for a number of years and also in poor disrepair did not reflect the market and would have negatively impacted the number and level of offer for the property.
 - Claims to have advertised the property for sale are a sham and the uplift clause is entirely unacceptable.

Impact on Amenity and Highways

- Over the last few months rubbish has been dumped at the rear of the building causing distress to the near neighbours, no attempt has been made by the owners to get this removed other than a small skip being placed there, vermin abound. A public foot path runs

through this area, what a dreadful site for anyone walking past. An upstairs window of the property is wide open, blowing in the wind, I shudder to think of the consequences if the glass shatters when there could be pedestrians walking past. Yet another example of the complete arrogance of the owners.

- Any traffic from the development would have a blind exit on to High St. due to proximate buildings.
- The owner and his workmen have flouted the law and ignored my access rights to my garage (which is accessible from the owners property) and the rights of the public footpath.
 - 1) Despite the size of the land area, a huge palette of roof tiles was placed outside my garage door and when I politely asked the owner to move it he replied 'no I won't be doing that!'.
 - 2) A couple of people working for the owner turned up at the property and emptied building waste and old furniture all over the site including the public footpath and directly outside my garage. One of the workmen told me it was 'All smoke & mirrors' to give the WODC the illusion that the owner was following doing up the property.
 - 3) Local tradesmen started fly tipping packaging and rubbish on the land, and I managed to confront one of them was told they had permission from the owner (they told me his name). Some of this packaging waste blew across the land, down the High street and into my court yard.
- The recent use of the site by the owner as a site for the illegal burning of business and polluting waste from the property and brought in from outside has also caused frequent injury to footpath users (and their pets) and respiratory illness to local people and neighbours in particular, despite locals having politely requested site labourers for this be stopped and having reported dangerous substances and unlawful waste burning or toxic substances (the remains of which can be still seen on the site) to the authorities.

Policy

- The proposal is contrary to policies E5 and H2 of the Local Plan.
- One letter of support has been received which comments as follows:
- This eyesore building has been unoccupied and derelict for far too long. There is a declining need for village premises selling alcohol and a desperate need for housing so please stop this nonsense and grant change of use.

3 APPLICANT'S CASE

3.1 Submitted with the application are the following documents:

Design and Policy Statement
Heritage Impact Assessment
Letter from Sidney Phillips- specialist estate agent
Ecology appraisal

Full copies of the supporting information can be found on line, however, for the purposes of this report each of the documents concludes as follows:

Design and Policy Statement

- The Unicorn ceased trading as a public house in 1989. For a period of approaching 30 years it has remained vacant. This application represents the opportunity to bring a new lease of life to the building.
- This is a Grade 2 Listed Building and is currently in a state of disrepair.
- The change of use from a public house (A4) to a single dwelling (C3) would provide for the long term maintenance of the building and curtilage.
- The proposed works are considered to be the minimum necessary for the building to function as a single dwelling. Externally, apart from the blocking up of a doorway on the rear ground floor later extension and a new roof covering, the outward appearance of the building would remain be as existing.
- Internally apart from the necessary replacement joists/flooring in part of the building the work proposed is non structural and mainly comprises of new stud partition walling. This is considered to be the minimum amount of work required to turn the premises into a modern home.
- This change of use is compliant to guidance provided within the NPPF (Paragraph 126). This change of use would ensure the long term maintenance and preservation of the building.
- This application is also in accordance with the procedures outlined in the WOLP and forthcoming draft Local Policy Framework concerning securing alternative viable uses for buildings.
- A full marketing exercise has been undertaken. This has established that no demand exists for the continued use of the premises as a public house. The only interest received concerned the change of use of the premises for residential development.
- Satisfactory on site car and cycle parking can be provided within the curtilage of the site.
- An ecological survey has been undertaken and a protected species has been identified to be present within the building. A bat mitigation license has been granted.
- The change of use of these premises represents the opportunity to finally secure the long term maintenance of this building with a compatible use for both the building and immediate neighbours.

Heritage Impact Assessment

This document outlines the proposed works to the building both internally and externally required in association with the proposed change of use from a pub to a dwelling.

Letter from Sidney Phillips- specialist estate agent

- As part of the submission a letter has been provided addressed to the applicant from a company that specialises in the sale of public houses. The letter advises as follows:
- Sidney Phillips were initially instructed to commence marketing on 18 April at an asking price of £350,000. This was subject to a clawback clause whereby over a period of 25 years from the date of sale, the purchasers or their successors in title were to obtain planning permission for a change of use, that the applicant would receive 50 percent of any net uplift in value.
- The property was withdrawn from the open market for sale by the applicant on 7 August 2018.
- During the time period of advertisement the property was extensively advertised by Sidney Phillips appearing in their own circulation of particulars to over 10,000 registered applicants on their database, e-marketing campaigns and appearing permanently on their website. During that period a 'for sale' sign was erected on the front of the premises.
- The Unicorn was also permanently listed on the following five commercial websites:

Businesses for Sale;
Daltons Weekly;
Morning Advertiser;
Rightbiz;
Movehut.
- The advertising campaign resulted in 310 Parties requesting full sale particulars, but as the property is in a dilapidated and dangerous state Sidney Phillips were unable to quantify how many parties have visited the site. From time to time they received direct enquiries regarding the property and have been asked numerous questions by interested parties.
- They received two offers of £350,000 for the property. Whilst neither party were prepared to accept a 50 percent development clawback, one party was prepared to accept an uplift clause, but the maximum he was willing to agree was 30 percent.

Ecology Appraisal

- 'The habitat for bats was considered low potential due to the sub optimal materials of the roof and lack of good, dark shelter. However, a maternity roost of lesser horseshoe bats was present inside the roof. An emergency licence was granted by Natural England to allow the works outlined in the Listed Buildings Repairs Notice to proceed. The client has agreed to install a bat loft with suitable accesses for lesser horseshoe bats as well as other species such as brown long-eared and pipastrelle.
- There are two mature trees on site which will be retained at all times.
- The habitat for nesting birds was good in the boundaries. Whilst the leylandii hedge is not native, it is frequently used by birds such as blackbirds. These are to remain throughout the development. Should any birds gain access and begin nesting within the building, the nest

will be left undisturbed until young have fledged. The site will be enhanced by erecting bird boxes around site post development.

- The method statements provided in this report will be followed, and works will be done at a suitable time of year and according to the bat licence. This will result in their being further ecological constraints to the development.'

4 PLANNING POLICIES

E5NEW Local services and community facilities

EH10 Conservation Areas

EH11 Listed Buildings

EH1 Cotswolds AONB

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application is for a change of use of the Unicorn from a public house to a dwelling and has been submitted following just over three months of marketing with Sidney Phillips, a specialist in the marketing of public houses. An application for Listed Building Consent in respect of the proposed physical works to the building has also been submitted under ref 18/02835/LBC.
- 5.2 The Unicorn has not been in active use as a public house, its lawful use, for nearly 30 years. The building is Grade II listed. The most recent planning application in respect of the premises was in 2010 for a change of use of the pub to a dwelling. The application was refused and dismissed at appeal. The Inspector in the appeal decision letter states that in the absence of regular maintenance and repair, whether by the appellant or his father, the property has fallen into serious disrepair which she concluded amounted to deliberate neglect. Since that time the Council has taken action to seek to improve the physical state of the listed building including the service of a S215 Notice and most recently a Listed Buildings Repairs Notice. The (LBRN) was served on 3 August 2017 and to date no material progress has been made to date in implementing the requirements of the notice.
- 5.3 Other actions include the issuing of a notice requiring the owner to undertake works urgently necessary to ensure the preservation of the building. He did not undertake the works and so the Council undertook those works in default. Essentially these works involved building a scaffolding tower within the building to carry the weight of the roof structure removal of tiles to reduce the weight of the roof and provision of a temporary roof covering to seek to limit the further ingress of water. These works have stabilised the building in the short term but clearly will not offer a long term solution to properly preserve the building.
- 5.4 In light of the above on the 14 November 2018 an update report on progress following the service of the (LBRN) was presented to and noted by Cabinet. This report advises that in the interests of the listed building a report in respect of progressing towards compulsory purchase of the Unicorn will be presented to Council in January 2019.

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

- The key policy in the consideration of this application is, in your officers opinion, Policy E5 (Local services and community facilities) of the adopted Local Plan 2031.
- Policy E5 seeks to protect existing community services and facilities and states that development proposals that would result in the loss of community facilities will only be supported if it can be clearly shown that :

a) appropriate alternative provision of at least equivalent suitability and accessibility, particularly by foot will remain, and:

b) in the case of pubs, the existing use is no longer viable and is incapable of being made viable or adapted to retain a viable service or facility including as a community run enterprise. A robust marketing exercise will be required to demonstrate that the use is unviable.

Accessible and alternative provision

Whilst the Unicorn has been closed for approximately 30 years, this is the only opportunity within Great Rollright for there to be pub/community facility within the village. The closest alternative provision is in Hook Norton, Chipping Norton and Long Compton. As such, your Officers are of the opinion that the proposal does not satisfy the terms of policy E5 of the adopted Local Plan 2031.

Viability

- The explanatory text underpinning policy E5 states that a robust marketing exercise is the most transparent way of demonstrating that facilities such as pubs are no longer viable. In addition it advises that in seeking to justify a change of use applicants will also be required to consider whether existing premises can be adapted to retain a viable community facility.
- As noted earlier in this report the property has been advertised with a specialist in marketing pubs from the 18 April until 7 August 2018 at a price of £350,000 with an uplift clause requiring the purchaser to pay 50 percent of the increase in value following any grant of planning permission for an alternative use.
- During that time frame there was interest from 310 parties with two offers being made. Whilst neither party were willing to accept the 50 percent uplift clause, one party was willing to accept a 30 percent uplift. The latter offer was turned down by the applicant.
- Prior to the submission of the application your Officers advised the applicants agent that if he were minded to submit an application for a change of use that whilst a short marketing exercise may be acceptable it should be accompanied by a structural survey which would inform the cost of repairing the building and to fit it out as a pub together with a financial viability appraisal in respect of retention of the use of the building as a pub. The application

submission does not provide any details to confirm that the sales particulars included any information regarding cost details for repair works required to the building.

- In light of the above at the time of writing, Officers consider that the property has been marketed at a price and with a set of conditions which have not been justified given the state of disrepair of the building. Officers are not convinced that the outcome of the marketing exercise shows a lack of interest in using the building as a pub especially given the lack of detailed information about the likely costs of repair (which officers consider should be provided to any potential purchaser) to give more confidence when considering making an offer.
- In light of the above, given the poor physical state of the building Officers consider that the marketing exercise that has been undertaken to date does not demonstrate that the future use of the building as a pub is not viable and further that the existing buildings and land which are associated with the Unicorn cannot be adapted in some way to retain a viable community facility for the village. As such the proposal as submitted is considered contrary to policy E5 of the adopted Local Plan 2031.
- However, given that this issue of 'viability' needs bottoming out in the immediate interests of the physical well being of the grade II listed building your Officers consider that rather than refuse the application at this time that it is better that it be deferred in order for the applicant to have an opportunity to do the following or explain why he is not going to do it:
 1. Provide cost details for the repairs work to the building;
 2. Re-enact the marketing exercise with the cost details available to any party expressing an interest in the sale;
 3. Not have any unusual 'clawback' provisions;
 4. Market at an appropriate price.

Other Matters- Proposals affecting Heritage Assets NPPF

- Paragraph 191 of the NPPF states that where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
- Paragraph 192 states that in determining applications local authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- In light of the above NPPF guidance and that at the time of writing it has not been demonstrated for the reasons cited in the viability section of this report that the use of the building and associated land as a public house is no longer viable, the use of the building as a public house is considered to be in accordance with the objectives of the Governments planning policies.

Conclusion

Given the above assessment and in the interests of the physical wellbeing of the listed building your Officers are recommending deferring consideration of this application until such time as the applicant has had an opportunity to do further marketing based on the advice in the viability

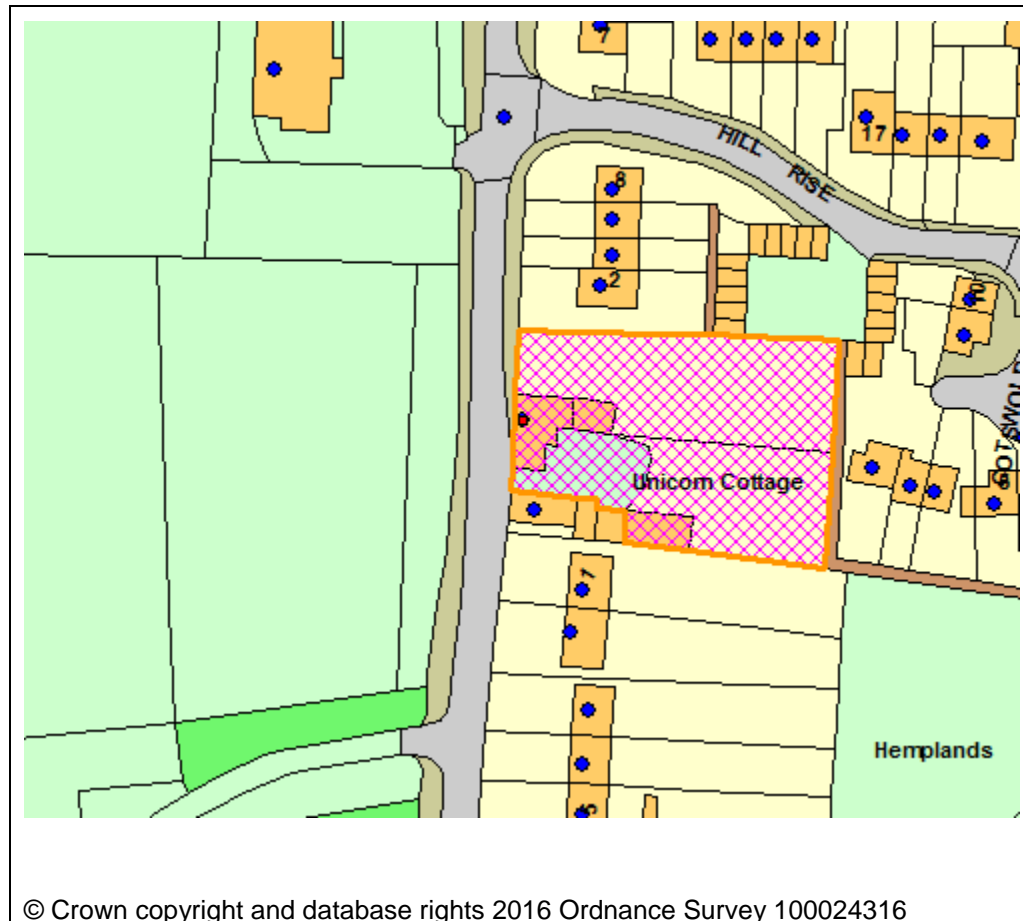
section of this report, such that when any decision is taken it is fully informed by up to date information.

6 RECOMMENDATION

Defer.

Application Number	I8/02835/LBC
Site Address	The Unicorn High Street Great Rollright Oxfordshire OX7 5RH
Date	21st November 2018
Officer	Kim Smith
Officer Recommendations	Defer
Parish	Rollright Parish Council
Grid Reference	432261 E 231380 N
Committee Date	3rd December 2018

Location Map



Application Details:

Internal and external alteration.

Applicant Details:

Mr A Prindiville, 5 , New Street Square, London, EC4A 3TW

I CONSULTATIONS

I.1 Conservation Officer Considering first the historic fabric, I note that these are proposals for very minimal physical changes to this late C18 or early C19 public house, which already has a somewhat domestic form.

Externally, there would just be the blocking of a doorway in a rear extension of relatively recent origin. Internally, there would be changes to partitions, to give a more modern provision of accommodation and sanitary facilities, and there would be new staircases - all affecting fabric of relatively recent origin, or of no great historic interest. From our point of view, there are no obvious objections to any of this. Considering the change of use, it always seems unfortunate when a colourful community use is lost, and settlements that consist mainly of dwellings often seem to lack character and animation. But at least in this case the physical form of the listed building is highly conducive to the proposed change, and it seems likely that the new use may well expedite the repairs that the building so desperately needs.

Full structural details of the repairs to the roof structure and full structural details of the repairs to the floor structures are required.

Attach conditions for demolition only where shown; for matching works; for a sample of the roof slates.

I.2 Parish Council This reflects the views of the overwhelming majority of the village, as constantly reiterated to the PC over many years.

WODC has resisted change of use for over 25+ years. One of the principles of this resistance being that the Unicorn is the last pub in the village and should therefore be protected for the community.

The PC still retains this view and we trust that WODC will continue to stand firm on our behalf.

Since purchasing the property, the owner deliberately wound down the business and used this as his first excuse to apply for residential planning consent. Having been refused change of use, we understand that the owner vowed to let the building fall down as a spiteful attempt to extort planning permission from the Council. WODC has commendably supported the village's wishes but as Councillors know, he has deliberately prevaricated, using every trick possible to lead WODC a merry dance, always promising repairs but delivering minimally. By his actions the owner has proved beyond doubt that he has never had any intention of fulfilling any of WODC's requirements and this is unlikely to change. He now describes the building as derelict, but it is entirely of his own making. It would set a poor precedent if deliberate neglect was to become a valid argument for planning approval.

The village has virtually no amenities as the shop and post office are closed, and the pub offers our last chance to retain and improve facilities for the community. The Parish Council is aware that an offer to purchase was made recently but rejected by the owner. There is no question that there is demand in the village for a licensed premises and there are many successful local examples of where a public house has combined with additional services such as restaurant, shop, cafe and post office. This would bring real benefits to Rollright for social, recreational and cultural facilities and services our community needs.

WODC has spent thousands and thousands of pounds - taxpayers' money - in fighting this case. If WODC capitulates now, all that money will have been wasted and they might just as well have submitted 25+ years ago. We urge WODC to reject the application outright.

2 REPRESENTATIONS

- 2.1 For representations that have been received please see 18/02834/FUL which is also on the Agenda for consideration by the Uplands Area Planning Sub Committee on 3 December.

3 APPLICANT'S CASE

See applicant's case under 18/02834/FUL.

4 PLANNING POLICIES

EHII Listed Buildings

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application has been submitted alongside 18/02834/FUL for a change of use of the pub to a dwelling. The proposals are for minimal physical changes to the early 19th Century Grade II listed public house. Externally the proposal involves blocking of a doorway in a rear extension of relatively recent origin. Internally, there are proposed changes to partitions to give a more modern provision of accommodation and sanitary facilities and there would be new staircases. The roof and floor structures are also to be repaired although no structural details have been submitted with the application.
- 5.2 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Internal and External Works

- 5.3 In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses.
- 5.4 Policy EH11 of the adopted Local Plan 2031 states that alterations to listed buildings will be permitted where it can be shown that the alterations conserve or enhance the buildings fabric, detailed features, appearance or character and setting.
- 5.5 In light of the above in considering this application the merits turn on the impact of the proposed work on the conservation, preservation or enhancement of the special architectural or historic interest of the buildings fabric, detailed features, appearance, character and setting. In that all of the works proposed affect fabric of relatively recent origin, or of no great historic interest your Officers are of the opinion that the proposed works will conserve the historic interest of the building and as such can be supported.
- 5.6 However, given that no structural details of the repairs to the roof structure or repairs to the floor structure have been included as part of the submission, given the listed status of the building your officers are of the opinion that the application be deferred consideration until such details are submitted.

Conclusion

- 5.7 In light of the above planning assessment Officers recommend that a decision on the merits of this application which is for internal and external works to the listed building only, be deferred until the structural details outlined above have been submitted for consideration.

6 RECOMMENDATION

Defer.