

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 4th March 2019**

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



**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**Purpose:**

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

**Recommendations:**

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

***List of Background Papers***

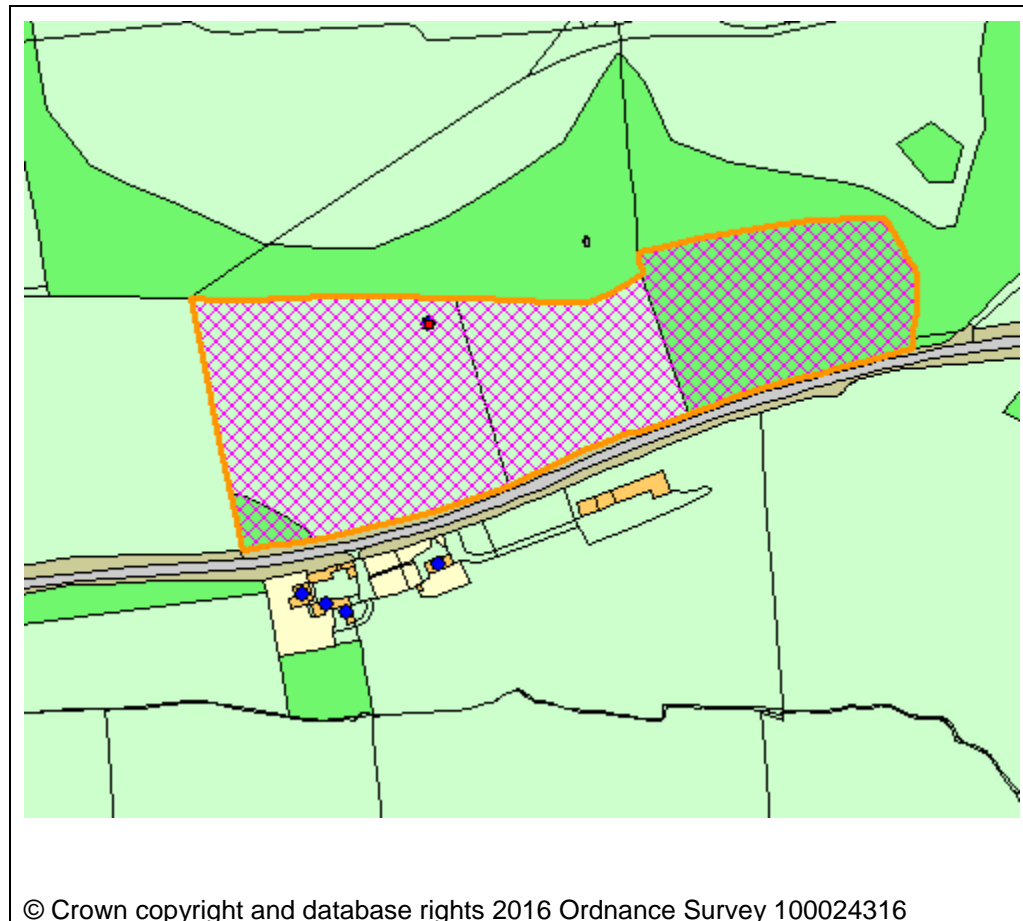
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

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Application Number	18/03198/FUL
Site Address	Land North of Pomfret Castle Farm Banbury Road Swerford Chipping Norton Oxfordshire
Date	20th February 2019
Officer	Declan Jermy
Officer Recommendations	Approve
Parish	Swerford Parish Council
Grid Reference	436741 E 230466 N
Committee Date	4th March 2019

### Location Map



#### Application Details:

Siting of caravan for use as mess facility during lambing and turkey season, and erection of polytunnel both in association with existing agricultural use of land. (Retrospective).

#### Applicant Details:

Mr Stephen Holmes, Netherby Farming, 11 Warneford Place, Moreton-in-Marsh, Glos, GL56 0CR

## I CONSULTATIONS

### I.1 Parish Council

This is to advise that Swerford Parish Council objects to the above application. It not only rejects the items formally detailed in the application but asks that the Council fully examines the site and reject also the items NOT detailed such as the access and glamping. Their comments are as follows:

The site referred to consists of three small fields which when sold to the present owners some two years ago was described as being a total of 15 acres including 4 acres of woodland. These fields had been used for low density grazing as a part of a larger holding. At the time of sale and for at least some 30 years previously there was NO vehicular access from these fields onto the A361. We understand that the new owners rent a number of fields around the district in which, primarily, sheep are grazed.

It is the Swerford Parish Council's opinion that the above numbered application should be rejected for the following reasons:

1. The plans as submitted are inadequate in detail, quality and completeness to accurately assess what is proposed
2. The proposal, such as it is, completely ignores a number of what we believe to be infractions of the Planning process that have already taken place.
3. In addition to the already erected polytunnel and a caravan the applicants have built on the 15 acres a "glamping" site with a Yurt and what they advertise as a cooking/washing/toilet "block" - try Googling Woodland Glamping in Swerford.
4. The owners have erected "Lorry -Sized" gates onto the A361 without we believe any permission from the Highways Authorities. These gates are on a low vision bend and, as is well known, the A361 is a highly dangerous road and any new access is overseen with concern by the Highways Authorities.
5. The fields are too small to support the 260 ewes plus presumably the 400 or so lambs and therefore a considerable amount of feed and straw will be needed all of which requires slow moving trucks to draw off the A361 into the unapproved entrance. Around 75% of the ewes that they intend to lamb will also have to be trucked in and out via these gates.
6. The Applicants further intend to use the polytunnel, presumably in the Autumn, to fatten up turkeys - again a commercial-sized operation requiring feed, bedding and young birds to be shipped in and finished stock to be shipped out - all onto the A361 through the newly created, dangerous and unapproved entrance.

In summary the site and in particular its legal access is entirely unsuited to the scope of the lambing, turkey-raising and holidaying activities that the owners have launched themselves into without seeking any prior approval. We ask that WODC not only reject

the items formally detailed in this application but fully examine the site and reject also the items NOT detailed such as the access and glamping operation.

## **2 REPRESENTATIONS**

No representations.

## **3 APPLICANT'S CASE**

- When we first realised we would need the tunnel we called WODC planning and enquired would we need any form of planning agreement. We were told no none were needed so we built the tunnel which is essential for lambing and turkey rearing.
- The tunnel is only used for these purposes and is kept in good order, it is not visible from the castle and is completely screened by trees and hedging and by the fall of the land.
- We simply cannot run our business and would lead to serious animal welfare issues at lambing over 260 ewes.
- Secondly, the lambing/ turkey caravan, again, this is essential for our business and ha it there saved 20 lambs.
- It is also used 3 to 4 weeks before the turkeys are slaughtered as security due to the number of thefts at this time of year.
- The caravan needs to be big enough to sleep two and have a shower, facilities to cook, wash, store animal drugs i.e. a fridge. We also have 2 lamb boxes to revive lambs which are kept in the rear portion of the caravan. If it was any smaller it would be useless. The caravan has now been moved out of site and cannot be seen now.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

EH2 Landscape character

E2NEW Supporting the rural economy

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

## **5 PLANNING ASSESSMENT**

- 5.1 The application seeks retrospective planning approval for the erection of a poly tunnel and a caravan as a mess facility in association with the agricultural use of the land for seasonal rearing of livestock. It came to light following receipt of a complaint that both the polytunnel and mess facility require express planning permission.

### Background Information

- 5.2 Consideration of this application was deferred at the January Committee meeting in order to allow for a site visit to take place to further assess the character of the unauthorised mess facility and other alleged breaches on the land prior to determination.
- 5.3 Since the concern was raised officers contacted the applicant, conducted a site visit and now report the use acceptable for the operation at the site.

### Planning History

- 5.4 16/00644/FUL- Planning permission was granted for an access onto the A361. A condition of the consent was that the former access onto the A361 serving the land be closed.
- 5.5 The site is not within the AONB or Conservation Area.
- 5.6 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:
- Evidence of need for the polytunnel and mess facility;
  - Impact on visual amenity;
  - Impact on residential amenity ;
  - Impact of Highway Safety.

### Evidence of Need

- 5.7 The land is used for seasonal rearing of livestock, both lambs and turkeys. The polytunnel is used to provide shelter for the animals as well as storage of feed and bedding.
- 5.8 The applicant has provided evidence to suggest why the caravan is needed. The caravan is used as a mess facility for overnight stays when lambing is taking place in the interests of animal welfare and as a security presence for the last 3 to 4 weeks before the turkeys are slaughtered.
- 5.9 Officers advised the applicant additional information is required to determine the use of the caravan. Information provided suggests the need of continuous presence on the land during turkey rearing between August 29th and the 23rd of December for the need of watering, feeding, and management. Officers do not consider the full time presence for the rearing of turkeys acceptable on its merit and recommend limiting occupation of the mess facility in respect of turkey welfare during a limited period prior to slaughter only.
- 5.10 In light of the above Officers consider that both the polytunnel and mess facility can be justified on the basis of agricultural need. A condition will be attached limiting the use of the mess facility for overnight stays to when lambing is taking place on the land and prior to the slaughter of fattened turkeys.

### Impact on Visual Amenity

- 5.11 The poly tunnel is constructed with clear polythene sheeting. It measures 9.2 meters in width, 5.6 meters to ridge and 18.4 meters in length. In terms of its design and scale Officers consider that the polytunnel is a relatively modest addition on land and given its agricultural character does not appear as an alien feature in the rural landscape.
- 5.12 The juniper green coloured caravan measures 3.6 meters in width, 2.5 meters in height and 11 meters in length. It is well screened by existing planting and cannot be seen from the A361 or the public right of way to the West.
- 5.13 In light of the above the retrospective development is not considered to result in material harm to the rural character and appearance of the area.

### Impact on Residential Amenity

- 5.14 Officers are of the opinion that by virtue of its siting some distance away from residential uses that the development does not harm the residential amenity of those occupiers.

### Highways

- 5.15 OCC Highways has advised your Officers that it has no objection to the application as it cannot demonstrate that the siting of the polytunnel and mess facility results in harm to highway safety and convenience.

### Conclusion

- 5.16 In light of the above assessment and that a condition is attached to any grant of planning permission limiting the use of the caravan to a 'mess' facility only during lambing season and for 28 days prior to the slaughter of turkeys, Officers consider that the retrospective development is acceptable on its merits and is compliant with policies E2 ,OS2 and EH2 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

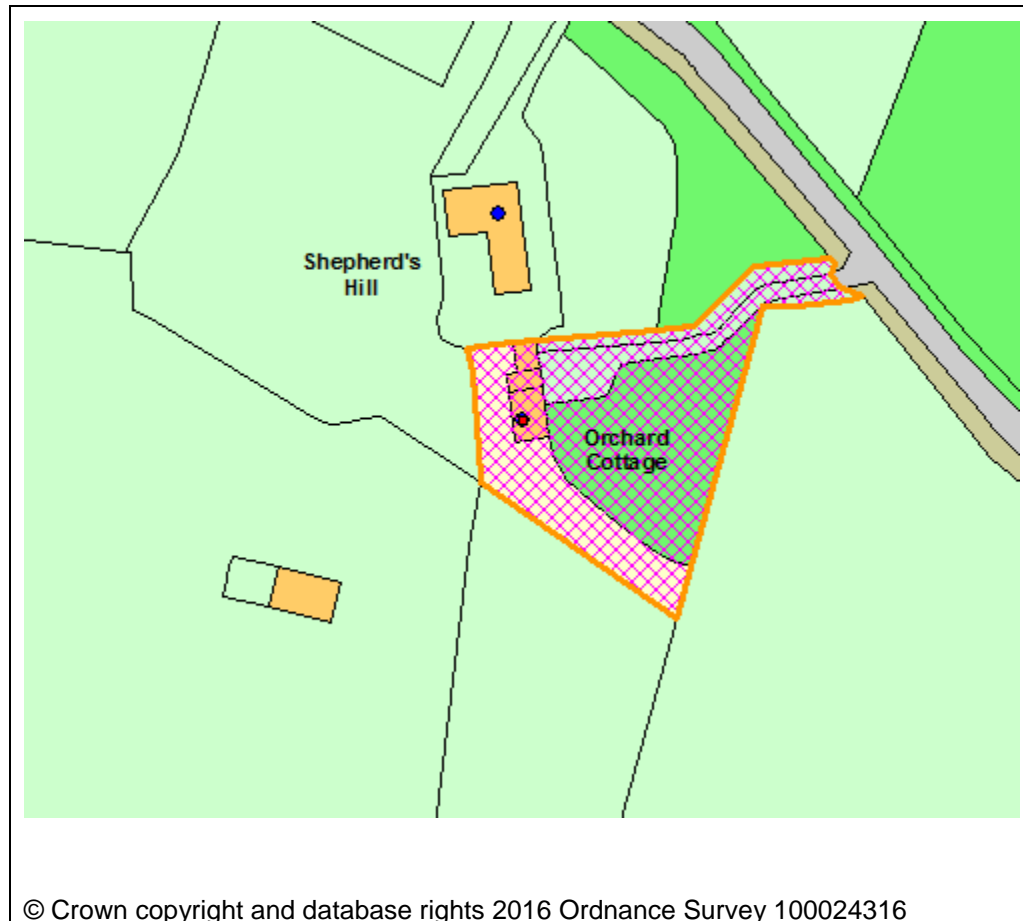
## **6 CONDITION**

- I Overnight stays in the mess facility shall be limited to times when lambing is taking place on the land and in addition for no more than 28 nights in any calendar year prior to the slaughter of turkeys.

REASON: The mess facility is unsuitable for occupation beyond the scope of this application and permanent residential use would be contrary to the housing policies of the West Oxfordshire Local Plan 2031 and relevant paragraphs of the NPPF.

Application Number	I8/03491/FUL
Site Address	Orchard Cottage Old London Road Chipping Norton Oxfordshire OX7 5UX
Date	20th February 2019
Officer	Kelly Murray
Officer Recommendations	Approve subject to Legal Agreement
Parish	Churchill Parish Council
Grid Reference	431344 E 224943 N
Committee Date	4th March 2019

### Location Map



#### Application Details:

Change of use of land for the sitting of mobile home for occupation by Mrs Jane Lambert.  
(Retrospective)

#### Applicant Details:

Mrs Jane Lambert, Orchard Cottage, Old London Road, Chipping Norton, OX7 5UX



## **I CONSULTATIONS**

- 1.1 Parish Council No response received.
- 1.2 OCC Highways No objection.
- 1.3 ERS Env Health - Uplands The proposal is not situated on 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.

## **2 REPRESENTATIONS**

- 2.1 A neighbour has made a representation in favour of the application, as follows:-

We are writing in support of our neighbour Jane Lambert who is seeking permission to occupy the mobile home known as Orchard Cottage on Old London Road, as above. We have been neighbours of Jane Lambert since 1997 and we strongly support her application to continue to live there quietly and unobtrusively in retirement after her career as a public key worker, as she has done up until now. She looks after her property and land and we would be very concerned if she were required to leave and if the property were to be abandoned and the land left untended. This would be very unsatisfactory state and would potentially leave the land unsightly and the mobile home open to squatters. We hope she is granted this permission.

## **3 APPLICANT'S CASE**

- 3.1 The applicant has, through her agent, submitted a statement setting out why she should be granted a personal permission to occupy the site. The statement has been provided separately to Members. The applicant cites "exceptional circumstances" which she says constitute "substantial material considerations" in support of her application. The "exceptional circumstances" would appear to be the number of years the mobile home has been on site (46 years) and the applicant's own connection with the site. It should be noted that some of the facts that are presented in the statement are in contention between the applicant and the Council and were not able to be tested in the context of the appeal against the enforcement notices due to the notices being declared nullities by the Planning Inspector.

## **4 PLANNING POLICIES**

EH1 Cotswolds AONB  
EH2 Landscape character  
OS2NEW Locating development in the right places  
H2NEW Delivery of new homes  
OS4NEW High quality design  
OS4NEW High quality design  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 Members will be aware that there is a long and complicated history to this site arising from the longstanding unauthorised occupation of a mobile home and other structures on the land known as Orchard Cottage in Churchill.
- 5.2 The site is situated in the Cotswolds AONB, in open countryside approximately 4 km from the village of Churchill to the west and 2.5 km from the centre of the town of Chipping Norton to the north. The village of Chadlington, around 3km to the southeast is the only other settlement of any size in the wider area. The residential mobile home currently occupied by the applicant is of some age. It is located facing east near the north western corner of the site, around 1.5m from the site's western boundary. It has single storey additions to its northern face and appears to be a standard single width 1-2 bedroom residential mobile home of the type found at many mobile home parks across the UK.

### Planning and enforcement history

- 5.3 In summary, a planning permission was granted in 1972 for a mobile home at Orchard Cottage. Exceptionally, this was granted subject to a personal condition in favour of the applicant's mother who was a district nurse. In 1984 the applicant's mother moved out of the mobile home and the applicant took up or remained in occupation in breach of the condition of the 1972 planning permission. Subsequently, the applicant attempted to have the personal occupancy condition removed and to seek permission for her own use but the Council refused on policy grounds as the site is located in open countryside in the AONB.
- 5.4 There followed over a number of years, service of several enforcement notices which were appealed unsuccessfully however in each case, planning inspectors gave the applicant further time to occupy the site and a date on which the mobile home had to be vacated and the site cleared. On each occasion the applicant overstayed in breach of the permissions granted. In 2005 the Council's Uplands Area planning sub-committee resolved to seek an injunction to prohibit the applicant's continued occupation of the land. Proceedings were prepared but not issued because the contravener ceased occupation of the mobile home in early October 2006.
- 5.5 In July 2009 Members resolved to take no further action in respect of non-compliance with an enforcement notice requiring removal of the mobile home and associated structures and allowed these to be retained on the land to be used as a 'mess' facility whilst the applicant tended the land. This was subject to bi-annual monitoring of the site to ensure that the mobile home and associated structures were not being used for residential purposes.
- 5.6 In 2014 it was alleged that the mobile home was again being occupied in breach of the terms of an extant enforcement notice. There followed a period of monitoring and correspondence with the applicant, in which she initially agreed to occupy the mobile home solely as a mess facility. On that basis, the Council decided to under-enforce by not requiring removal of the mobile home. The applicant initially complied but then recommenced residential occupation.
- 5.7 In 2017 the Council's Uplands Area planning sub-committee accepted Officers' recommendation to issue new enforcement notices requiring the applicant to cease living on the site and to remove the mobile home, ancillary buildings and any chattels. It was considered that for various

reasons including the applicant's human rights, prosecution for breach of the terms of one of the 1997 enforcement notices would not be in the public interest, but that it would not be appropriate to take no further action in respect of the flagrant breach of planning control and of the extant enforcement notices.

- 5.8 As reported by Officers at the Uplands Area planning sub-committee meeting in October 2018, the enforcement notices served in 2017 were considered to be technically invalid on appeal. The reason for this was that a set time period for ceasing residential use of the site and removing all structures had not been specified in the notices.
- 5.9 At the December meeting of the Uplands Area planning sub-committee, Officers reported that the applicant had submitted a planning application for a personal permission to occupy the site. Members resolved to prepare further enforcement notices rectifying the procedural faults but to take no further action pending the outcome of the planning application.
- 5.10 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:
- (i) the principle of development;
  - (ii) the history of the applicant's occupation, including the Council's past dealings with applications submitted by the applicant and the issue of the enforcement notices in 2017; and
  - (iii) the applicant's personal circumstances, including consideration of her human rights.

#### Principle

- 5.11 The policy context has not changed in the intervening period since the original applications were made on behalf of the applicant's mother and the applicant herself. New residential development in the open countryside that does not form a logical complement to the existing pattern of development and does not conserve and enhance the natural environment, or satisfy certain tests set out in policy H2 is contrary to policies in the adopted West Oxfordshire Local Plan 2031. Moreover, paragraph 172 of the 2018 NPPF sets out the need to avoid isolated dwellings in the countryside and harm to AONBs.
- 5.12 In view of the policy considerations, therefore, the principle of the retention of a mobile home in this unsustainable location within the open countryside and the Cotswolds AONB is not acceptable.

#### The history of the applicant's occupation and the applicant's human rights

- 5.13 Members will recall that when they resolved to issue new enforcement notices in 2017, the terms of the notices allowed the applicant to remain on site until she no longer needed to live there. If permission is granted for the application currently under consideration, this will essentially achieve the same effect.
- 5.14 The applicant has lived most of her life at Orchard Cottage and therefore has a long-term association with the site having lived with her mother as a child there. Given the appellant's age

and connection with the site, coupled with the way in which the 2017 enforcement notices were framed to allow her to remain on a personal basis for as long as she wished/was able, Officers consider that a personal planning consent can be granted subject to a section 106 agreement. The reason for recommending approval subject to a legal agreement as opposed to the imposition of planning conditions is for the following reason: the Council has won a number of appeals in respect of the use of the site as an unfettered dwelling. The Council is willing to allow the use of the site by Mrs Lambert despite this, because of her long-term connection with the land and the consequent human rights considerations in respect of her personal circumstances. These human rights considerations do not extend in the same way to her family. Bearing this in mind a legal agreement which is binding in perpetuity will ensure that Mrs Lambert's human rights are respected whilst ensuring that when she ceases to occupy the land it will revert back to a non-residential use consistent with the outcome of the preceding planning appeal decisions.

### Conclusion

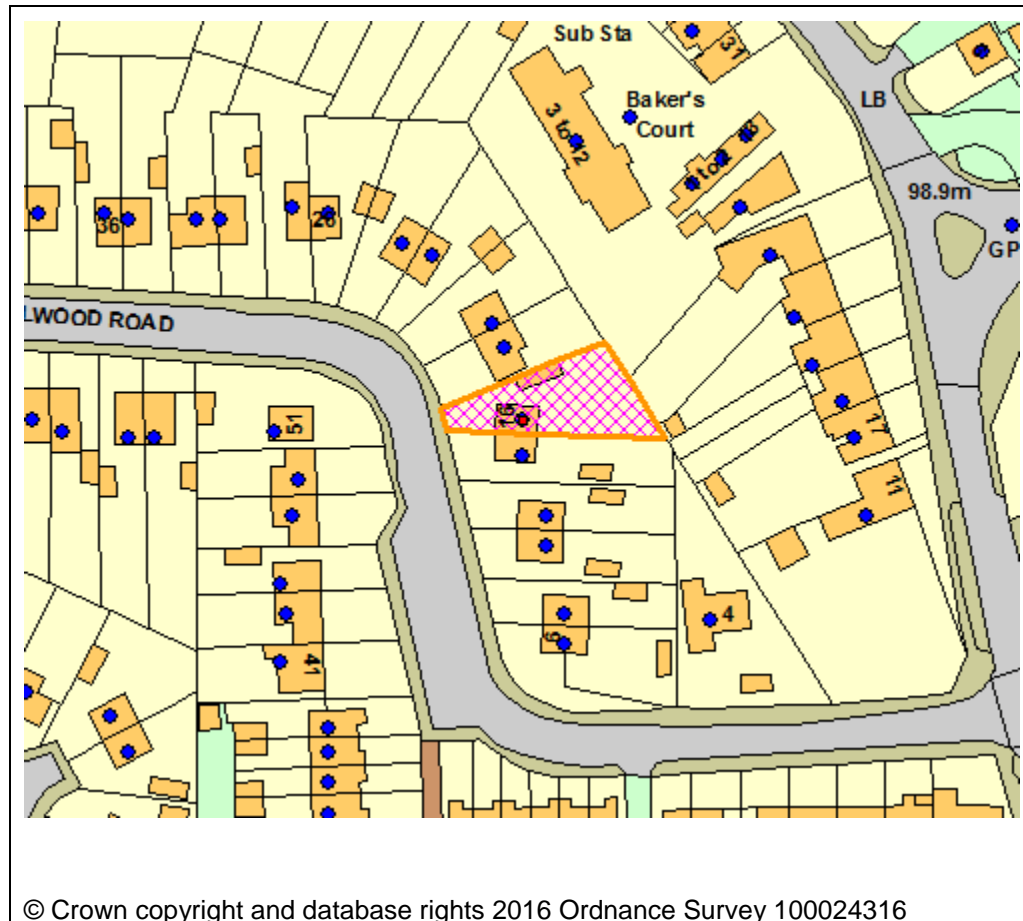
- 5.15 In Officers' view, the applicant's particular circumstances are a material consideration which justify an exceptional departure from the policies and history cited above, provided that any permission is limited to the applicant's own personal occupation of the site. Any permission should be made subject to a legal agreement, ensuring that once the applicant ceases to live on the site, it is restored to agricultural use and the mobile home and all structures on site are promptly removed. If Members agree with this approach, Officers would ensure, with input from Legal if necessary, that all mechanisms were in place on grant of the permission to achieve this end.
- 5.16 Further, it is recommended that if Members are minded to approve the application subject to a legal agreement, on completion of the legal agreement and issue of the planning permission, the December 2018 Member resolution to take enforcement action should be rescinded.

## **6 CONDITION**

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

Application Number	I8/03634/HHD
Site Address	16 Abelwood Road Long Hanborough Witney Oxfordshire OX29 8DD
Date	20th February 2019
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	441548 E 214335 N
Committee Date	4th March 2019

### Location Map



### Application Details:

Demolition of existing garage. Erection of single storey and two storey side and rear extensions.  
(Amended)

### Applicant Details:

Clare Martin And Richard Hall, 16, Abelwood Road, Long Hanborough, Oxon, OX29 8DD

## **I CONSULTATIONS**

- 1.1 Parish Council Hanborough Parish Council does not have any comments to make on the above application but does ask that the officer checks that the two-storey extension does not infringe the 45 degree rule for light to 18 Abelwood Road.

## **2 REPRESENTATIONS**

No representations received.

## **3 APPLICANT'S CASE**

No supporting statement was required with this application.

## **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application is for demolition of existing garage and erection of a single and two storey side and rear extension.
- 5.2 The property is not in the Conservation Area or the AONB, and is of no special architectural interest.
- 5.3 The application is before the sub-committee because the applicant is a member of staff.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Siting, Design and Form

Residential Amenities

### Principle

- 5.5 The property is a modern dwelling constructed of buff bricks and concrete roof tiles.
- 5.6 The neighbouring property (No.18) has completed a similar development to the proposals in this application.

### **Siting, Design and Form**

- 5.7 In terms of design, the proposal is for two storey extension to the side with single storey to the side and rear. The materials proposed are matching to the existing dwelling and the built form is in keeping with this property and within the street scene. The side extension ridge height is subservient to the existing dwelling roof and front wall is clearly stepped back away from the front elevation of the existing.
- 5.8 Therefore the proposals are considered acceptable and in accordance with policy.

### **Residential Amenities**

- 5.9 It is noted in the Parish Councils response, they mention the 45 degree angle for light regarding the two storey element of the proposal. However upon checking the plans, officers conclude that this proposal does not impinge on the 45 degree angle and therefore would not cause loss of light to the property to the north (no 18).
- 5.10 Due to the varied build line (this property is located on a corner) in relation to the neighbouring property to the north, officers consider that there would no feeling of overbearing. Also the single storey nature of the rear extension would not cause any loss of light or overbearing to the adjoining property to the south (no 14).
- 5.11 Proposals are not considered to be detrimental to residential amenity.

### **Conclusion**

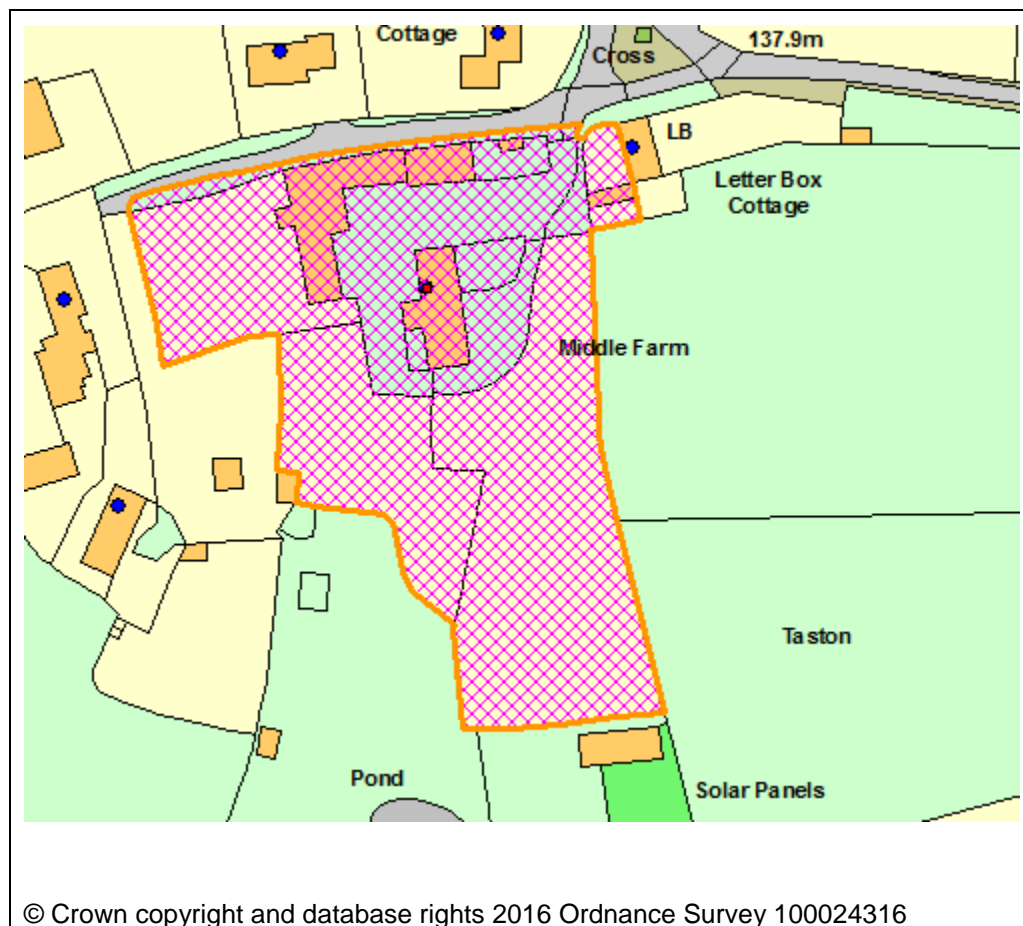
- 5.12 In light of the above observations, the proposal is not considered to have any adverse impacts in relation to neighbouring amenity nor the street scene. Therefore by virtue of its siting design and scale it is considered acceptable and in accordance with policies OS2, OS4 and H6 of the adopted Local Plan 2031.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 The development shall be 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.
- 3 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 11.02.2019.  
REASON: The application details have been amended by the submission of revised details.

Application Number	I9/00059/LBC
Site Address	Middle Farm Taston Chipping Norton Oxfordshire OX7 3JL
Date	20th February 2019
Officer	Peter Morgan
Officer Recommendations	Refuse
Parish	Spelsbury Parish Council
Grid Reference	435899 E 222021 N
Committee Date	4th March 2019

**Location Map**



**Application Details:**

Replace Stonesfield roof slates with Cardinal reconstituted slates

**Applicant Details:**

Mr Hugh Sherbrooke, Middle Farm, Taston, Chipping Norton, Oxfordshire, OX7 3JL



## **I CONSULTATIONS**

I.1 Parish Council No Comment Received.

I.2 Conservation Officer The Barn is a grade II listed building (List Entry Number: 1251433). Historic England's listing description says the Barn dates from Early 18th century and 1884, and its construction is Limestone rubble with wooden lintels, with Stonesfield-slate roof. The Barn is part of a farm complex, situated approximately 15 metres south east of Middle Farmhouse, grade II listed building (List Entry Number: 1262715). The Farmhouse, now house dates from the 17th and early 18th century.

The proposal comprises of removing the Stonesfield Slates from the roof of the Grade II Listed barn, and replacing these with reconstituted cardinal slates. The site falls within the Spelsbury, Taston and Dean Conservation Area and the Cotswold AONB. I note that the applicant refers to a previous consent for the replacement of the blue welsh slates on the Grade II Listed Farmhouse with similar cardinal slates. Legislation and policy has moved on since this consent was given; as well as the understanding of what makes a listed building characterful and what constitutes significance. Stonefield Slates are part of the significance and character of this listed Barn, and therefore, replacing with an alternative material will cause harm to this listed building. Furthermore, the fact that Stonefield slates have been retained on this Barn, make a stronger case for the protection this material on this roof, and therefore only like-for-like repair is acceptable.

The replacement reconstituted slates would fail to preserve the character of the heritage asset(s), and the public benefits of the proposal would not outweigh the harm caused by the replacement material for this roof. Therefore, I raise an objection to this proposal because it has a deleterious on the character and significance of the listed building(s) and wider conservation area.

It is contrary to national and local policies including, Section 16 of the NPPF, and policies EH9, EH10 and EH11 of the Local Plan 2031.

I.3 Historic England No Comment Received.

## **2 REPRESENTATIONS**

Representations have been received from 8no local residents who each express support for the application proposal on the grounds:

- Perceived difficulty acquiring 'Stonesfield' slate as it is no longer quarried.
- Unlikely that using Stonesfield Slate will be a long-lasting and effective approach to re-roofing what is a much admired barn.

- A wide variety of different material roofing the variety of homes in Taston, so the argument that it would diminish the visual appearance of the barn is neither consistent nor comprehensive.
- The owners have offered to donate useable slate to the church.
- The use of Cardinal reconstituted slates would have no negative impact on the appearance of this listed barn.
- This is evidenced by past precedent, in that the listed farmhouse at Middle Farm (adjacent to the barn) was re-roofed using Cardinal tiles 10 years ago with no detriment to the appearance of the farmhouse at that time.

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

- 3.1 The application relates to a grade II listed barn comprising two parts, an early 18th century part that is roofed with Stonesfield -slate and a later section built in 1884 that is covered using Welsh-blue slate. The oldest part of the roof, probably in its original state, is now deteriorated and in need of replacement for which the applicant proposes to strip and replace the Stonesfield covered sections with reconstituted slates manufactured locally by Cardinal Slates Ltd.
- 3.2 The applicant contends that the appearance of the Cardinal Slate is frequently recommended by West Oxfordshire District Council to replicate, as far as possible, a like for like appearance for Stonesfield Slate. Indeed portions of the farmhouse, which is an individually grade II listed building, contains roof covering of Cardinal Slate. Details submitted by the applicant outlines the case in support of the proposal for use an alternative material, the main reason being the roofing materials used originally is no longer manufactured since the Stonesfield slate quarry ceased production over 100 years ago. Furthermore, securing the estimated 200 sq m that would be required would not be possible.
- 3.3 WODC Conservation Officer have in the past accepted the partial re-roofing of the main farm house with the use of cardinal slates. The farmhouse is also listed and prior to the authorised works comprised a roof covering of 60% Welsh blues and only 40 % Stonesfield slates. Furthermore, the roof slopes are visible to the public from the adjacent lane and they have also weathered well.
- 3.4 It is the view of the applicant that suitable reconstituted slates are readily available, permits the character and appearance of scheduled buildings to be preserved and maintained in keeping with council policy, and that the alternative, on account of there being a steadily diminishing amount of original quarried slates available, is the prospect of an ongoing programme of patch repairs with salvaged slates.
- 3.5 Finally, temporary repairs to the roof of All Saint's Church, Spelsbury have failed to arrest ongoing decline and urgency of repairs are now critical. Should list building consent be granted the applicant would gift the remaining salvaged slates to All Saints Church.
- 3.6 The use of a recognised " heritage " modern replacement material will not only match the adjoining fabric on the main farm house but also secure the long term condition of the barn and enable the preservation of a nearby grade II \* list building which might otherwise be exposed to irreplaceable damage.
- 3.7 Finally, the Applicant suggests that no harm was caused to Middle Farm ten years ago when it was re-roofed using cardinal slates and any suggestion to the contrary is inconsistent with the

clear evidence shown of the successful reroofing, and the subjective opinion of a Planning Officer.

#### **4 PLANNING POLICIES**

OS4NEW High quality design

H6NEW Existing housing

EHI1 Cotswolds AONB

EH9 Historic environment

EHI0 Conservation Areas

EHI1 Listed Buildings

DESGUI West Oxfordshire Design Guide

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

#### **5 PLANNING ASSESSMENT**

##### Planning Assessment

##### Background Information

- 5.1 This application relates to former agricultural barn located at Middle Farm, a large residential plot comprising the host dwelling, former stable block and a detached barn. The property is located centrally within the hamlet of Taston, a Conservation area located within the Cotswolds AONB. Middle Farmhouse and its barn are individually listed, grade II listed buildings. The farmhouse is dated C17/C18, and was extended and altered during the C20. Materials of construction include limestone rubble with wooden lintels, Stonesfield-slate and Welsh-slates where the building has been extended forming an "L-Plan". Middle Farm Barn is dated C18 and 1884, constructed of Limestone rubble with wooden lintels and Stonesfield Slate roof and a Welsh Slate roof where the building was extended in 1884.
- 5.2 A recent site visit observed that much of the original roof materials Stonesfield slate is now deteriorated and in urgent need of replacement. Due to a lack of supply of available Stonesfield slate the application is seeking Listed Building Consent to re-roof the barn using a "Cardinal Slate", an artificial slate manufactured from reconstituted stone.
- 5.3 Officer's wrote to the applicant in April 2018, in response to a pre-application enquiry and noted at the time that Stonesfield slate roof is specifically referenced in the Statutory List Description. As such, the Council's Conservation Officer was of the view that the replacement reconstituted slates would fail to preserve the character of the heritage asset, and that the public benefits of the proposal would not outweigh the harm caused by the development. Therefore, Officers would be unable to support an application for Listed Building Consent.
- 5.4 This current application provides no additional reasoning or justification for your Officer's to support this application, contrary to that advice, as it is not considered to be in the interest of preserving a heritage asset. Officers welcome the re-roofing the barn but require that the roof be restored using genuine materials i.e. "Stonesfield" slate.
- 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: the impact of the application proposal on the historical significance of grade II list heritage

asset, its setting which includes a second grade II listed building, and the wider context within the Spelsbury, Taston and Dean Conservation Area and the Cotswold AONB.

#### Principle

- 5.6 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that 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.
- 5.7 The National Planning Policy Framework (2018) provides key guidance in this regard and to that end paragraph 189 requires that the applicant describe the significance of any heritage assets affected, including any contribution made by their setting. Whilst the application contains details in support of the application proposal, the application is not supported by a Heritage Statement that explains the significance of the building, associated buildings such as the listed farm house and the wider setting within Spelsbury, Taston and Dean Conservation Area. From the details submitted it is not considered that the applicant has considered the historical significance of the building and its contribution to the wider setting.
- 5.8 The applicant argues that the barn roof is significantly deteriorated and that the "Cardinal Slate" solution would arrest this deterioration, whereas Stonesfield Slate will result in "... program of patching and repairing with randomly obtained slate". Paragraph 191 of the NPPF provides that the LPA in deciding a planning application should not take into account the "...deteriorated state of the heritage asset..." But, take account of, inter alia, "...the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (paragraph 192)."
- 5.9 The barn falls within the residential curtilage of Middle Farm and is currently in viable use providing storage, a home-office and other miscellaneous use incidental to the enjoyment of the dwelling. Therefore, whilst the council welcomes re-roofing the barn as this will ensure its continued use, the LPA requires that the barn be roofed in the original Stonesfield Slate, as opposes to the use of "Cardinal Slate."
- 5.10 With regard to desirability of sustaining and enhancing the significance of heritage assets, and irrespective of the harm, the NPPF requires "that great weight be given to the assets conservation..."(p,193), and, with regard to less than substantial harm to its significance the harm should be weighed against public benefit (p.196).
- 5.11 With regard to public benefit, submitted details outline the applicant's intention to gift the remaining salvaged Stonesfield slate to All Saints Church, Spelsbury which is to undergo its own programme of restoration. The proposed development would therefore contribute to the restoration of a grade II\* listed church and furthermore, enable the continued use of the proposed barn as an home-office space and for miscellaneous/ancillary storage, ensuring the long term conservation of the barn.

#### Design, Form and Conservation

- 5.12 Paragraph 47 of the NPPF requires that applications be determined in accordance with the Local Development Plan. To that end, policies EH9, EH10, EH11 and EH12 of the Local Plan work together to ensure development conserve and /or enhance the special character and appearance

of the district historical environment including the significance of the district heritage assets. More specifically policy EHI I will permit development proposals affecting a Listed Building where it can be show to:

- conserve or enhance the special architectural or historic interest of the building's fabric, detailed features, appearance or character and setting;
- respect the building's historic curtilage or context or its value within a group
- retain the special interest that justifies its designation through appropriate design that is sympathetic both to the Listed Building and its setting and that of any adjacent heritage assets in terms of ... materials and finishes (including colour and texture), design and form

- 5.13 The proposed application is a grade II listed building and sited within the curtilage of a grade II listed building, it therefore forms part of an important grouping of buildings with regard to their individual and collective contribution to setting of the Spelsbury, Taston and Dean Conservation Area and the Cotswold AONB. Furthermore, the significance of each of the individual buildings is heightened and their conservation more urgent, particularly as the proposal relates to the roof of a large and substantial building that is clearly in view from the adjacent lane and surrounding vantage points within the conservation area and AONB. Policy EH9 requires that "All development proposals should conserve and/ or enhance the special character, appearance and distinctiveness of the West Oxfordshire's historic including the significance of the District's heritage assets."
- 5.14 Natural stone roof slates are an important part of the local character, which even the best reconstituted tiles are not able to replicate fully. In this proposal, the applicant states that the whole roof will be removed of its characterful and significant material and replaced by cardinal slates, i.e. covering the whole roof with an artificial slate, instead of a traditional roofing material. Because this is a listed building there is a duty to protect all of its fabric - internal, external, and whether or not it is in public views or not.
- 5.15 The roof is often the most striking and dramatic feature of any building. The roof structure is also likely to be the oldest and least altered part of a historic building which can yield important information about its age and significance. The fact that this roof has for a significant part survived for centuries is a testimony to the design, materials and skills used on this traditional roofs. As well as the contribution of this roof both to the individual building and the distinctive roofscape that is vital to the unique character of the area. It is not therefore considered that the proposal would 'preserve or enhance' the building's special architectural character'.
- 5.16 Cardinal slates have only been in use since the mid 1990s and there is insufficient evidence to determine that the proposed material weathers in such a way so as to maintain the harmonious elegant appearance of the building. Your officers are not satisfied that the Cardinal slate would necessarily weather in a way that would preserve the complementary relationship between the walls and roof covering so important to the special character of this building.
- 5.17 Stone has an important role historically and visually in the development of the historic parts of West Oxfordshire. Its use in the construction of walls and roofs gives the Conservation Area special local character and is typical of the vernacular buildings of this area. This historic material makes an important contribution towards the significance of the Conservation Area as indicated by the Council's West Oxfordshire Design Guide (WODG), a Supplementary Planning Document, and the Spelsbury, Taston and Dean Conservation Area Appraisal.

- 5.18 In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration.
- 5.19 The exterior of the building contributes to the architectural and historic interest, and an 18th century barn, such as this one, which retains a significant proportion of its original fabric, is regarded to be of special interest; any loss of original fabric is a relevant consideration when considering special interest. Furthermore, apart from their visual qualities, the stone slates add to this building's character and integrity. The proposed cardinal slates would not be the genuine article, the authenticity and integrity of the asset, and thus its significance would be unacceptably eroded. It would materially diminish the historic character of the listed building and would have a harmful impact on its value as a heritage asset.
- 5.20 The significance of this Barn lies in its age, design and materials. As far as its exterior is concerned, this significance is essentially derived from its stone elevations and roof. The proposed works would involve removing and replacing the whole roof, and covering with Cardinal Cotswold reproduction slates. As a result the whole of the roof would comprise reproduction rather than natural stone slates. There is a duty to protect all of the fabric of a listed building, and the loss of all of the traditional roofing material would harm the character, appearance and significance of the listed building. This harm should be given considerable importance and weight.
- 5.21 There is no doubt that the reproduction slates have been used in a built heritage context in some circumstances, including on a number of buildings in the locality. However, reconstituted slates would not sufficiently replicate the characteristics of natural stone slates including their colour, thickness, profile and texture. Their use as proposed would be harmful to the character, appearance and significance of the Barn at Middle Farm.
- 5.22 There is also a statutory duty to consider the effect of the proposed works on the character or appearance of the Taston Conservation Area. The elevation of the barn is such that its roof can be seen quite clearly from the roadside and surrounds; the proposed roofing material contrasts with the colour and texture of the stone it replaces and would be most apparent. For these reasons the proposed works would not preserve the character or appearance of the Conservation Area.
- 5.23 The use of artificial stone slates on this roof would harm the significance of the Grade II listed Barn and the setting of the listed Farmhouse and wider Conservation Area.

#### Scarcity of Materials

- 5.24 It is stated that the roof is in a poor condition and that a full refurbishment is required. However, there is no evidence of any technical assessment by a stone conservation specialist being carried out as part of the application to verify its condition or to identify which, if any, areas of the roof slopes could be retained or otherwise repaired. Therefore, insufficient evidence has been provided to support an assertion that the roof is in such a poor state of repair that the proposed extensive re-roofing works is required.

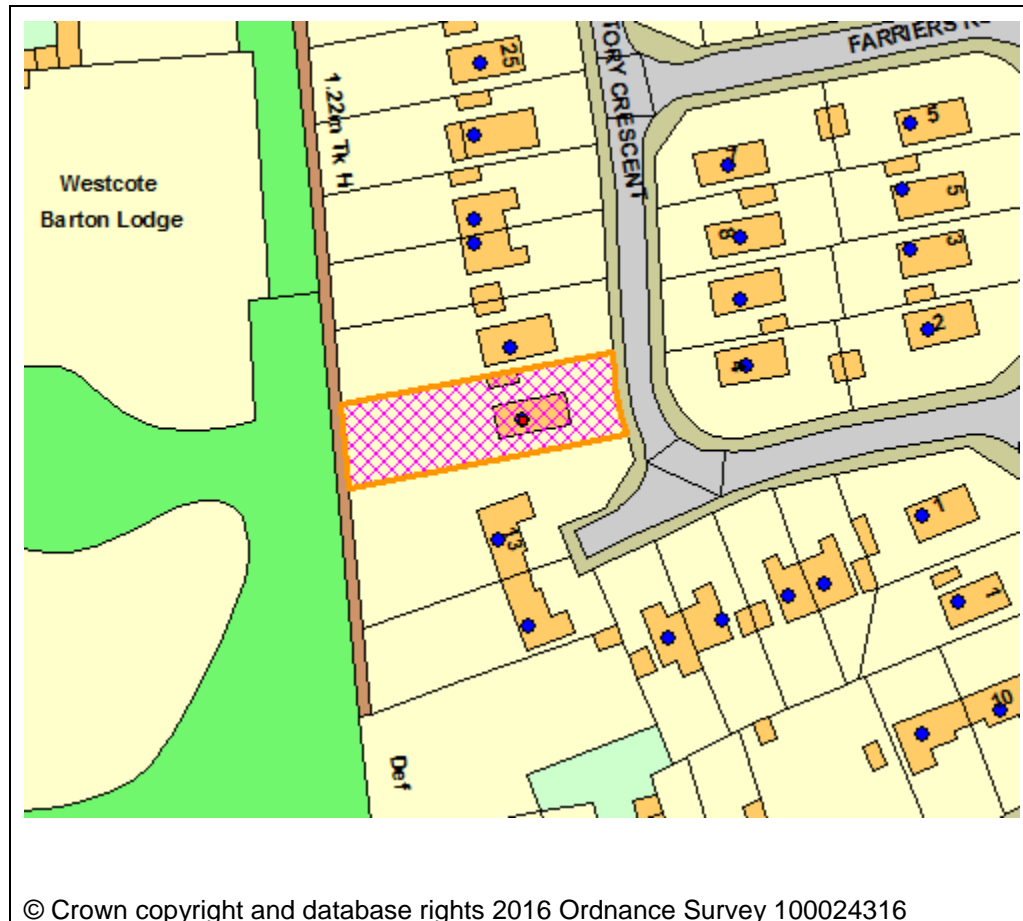
5.25 The Framework acknowledges that there is a demand for scarce materials which can include stone slates. In this regard it indicates in Paragraph 205 that local planning authorities should consider how to meet any demand for small-scale extraction of building and roofing stone at relic quarries needed for the repair of heritage assets. However, in themselves a scarcity of materials would be insufficient to justify the use of inappropriate materials which would harm the character and appearance of a listed building.

## **6 REASON FOR REFUSAL**

I The replacement reconstituted slates would fail to preserve the character of the heritage asset(s), and the public benefits of the proposal would not outweigh the harm caused by the replacement material for this roof. The replacement reconstituted slates proposed would therefore have a detrimental impact upon the heritage significance, character and appearance of the listed building. Furthermore, the heritage significance of the roof has not been fully illustrated and as a result the loss of these assets has not been clearly justified. As such the proposal would be contrary to Section 16 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, policies OS4, EH9, EH10, EH11, EH12 and EH13 of West Oxfordshire Local Plan (2018) paragraphs 189 - 192 of the National Planning Policy Framework (2018), and the advice of the West Oxfordshire Design Guide.

Application Number	I9/00069/HHD
Site Address	15 Rectory Crescent Middle Barton Chipping Norton Oxfordshire OX7 7BP
Date	20th February 2019
Officer	Jane Fray
Officer Recommendations	Approve
Parish	Steeple Barton Parish Council
Grid Reference	443291 E 225798 N
Committee Date	4th March 2019

### Location Map



### Application Details:

Erection of single storey side and rear extensions.

### Applicant Details:

Mr And Mrs Tim Lockett, 15 Rectory Crescent, Middle Barton, Chipping Norton, Oxfordshire, OX7 7BP



## **I CONSULTATIONS**

Parish Council                      No Comment Received.

## **2 REPRESENTATIONS**

No letters of objection have been received.

## **3 APPLICANT'S CASE**

No supporting statement was required for this application.

## **4 PLANNING POLICIES**

OS4NEW High quality design  
H6NEW Existing housing  
T4NEW Parking provision

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

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks planning permission for removal of the existing detached garage and outbuildings and the erection of a single storey side and rear L-shaped extension to a detached bungalow at 15 Rectory Crescent, Middle Barton. The extension would provide open plan family dining and living space and a re-configured entrance hall, with utility and cloakroom space. There are also other internal changes proposed.
- 5.2 The property is positioned towards the end of a cul-de-sac in an established area of mixed Twentieth Century residential development, being on a generous plot with open aspect to the rear and is not in a protected area such as a Conservation Area or AONB. There is no relevant planning history for this property.
- 5.3 The application has been brought before Members of the Uplands Planning Sub-Committee for consideration as the applicant is a Council employee.

### Background Information

- 5.4 The application site, 15 Rectory Crescent, comprises a rectangular, flat site, occupied by a detached, single storey dwelling, of reconstructed stone, concrete plain tiled roof and Upvc windows. The rear garden is bounded by 1.8 metre high close-boarded fencing and is set back from the road to the front.
- 5.5 Taking into account planning policy, material considerations and the representations of the interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Siting, Design and Form  
Impact on the street scene

Residential Amenity  
Highways Safety

Principle

- 5.6 The current planning application will be considered under Local Plan 2031 policies in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. This requires that such applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Following recent adoption in September 2018, the Local Plan 2031 forms part of the Council's development plan in place of the West Oxfordshire Local Plan (2011).
- 5.7 Policy OS4 of the adopted Local Plan states that proposals should demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and not harm the use or enjoyment of land and buildings nearby including living conditions in residential properties.
- 5.8 Policy H6 of the adopted Local Plan 2031 states that alterations, extensions or sub-division of existing dwellings should respect the character of the surrounding area and not unacceptably affect the environment of people living in or visiting that area.
- 5.9 Policy OS2 states that all development should be of a proportionate and appropriate scale to its context, form a logical complement to the existing scale and pattern of development and/or character of the area, and should not have a harmful impact on the amenity of existing occupants.
- 5.10 In light of the above, the principle of an extension in this location is considered to be acceptable.

Siting, Design and Form

- 5.11 Section 14 of the Council's 2016 Design Guide states that as an overarching principle, the scale, form and character of the original property should be sympathetically reflected in any proposed changes and goes on to say that any extension should remain clearly secondary and subservient to the original property, in terms of footprint, height and volume.
- 5.12 Officers consider the proposed extension to be a subordinate addition. The proposed footprint is significantly smaller than the host dwelling, such that it would not dominate the overall scale and character of the original bungalow. In addition the extension would be set back from the front elevation by 4.7 metres, having the same eaves height as the existing and being 1 metre below the main ridge height. This would result in an addition to the main dwelling which is not overly-dominant.
- 5.13 The approved Design Guide further advises that in relation to the span of extensions, that this should match, or be less than that of the original property.
- 5.14 In relation to overall width of the proposal when viewed from the front, the extension measures 3.2 metres in width, in comparison with a width of 9.7 metres for the main building. In addition, at the rear the extension would measure 6.2 metres wide, in comparison to a width of 6.8

metres of the original dwelling being viewable. Therefore the extension would be less than half the width of the original property.

- 5.15 In terms of character and appearance, it is considered by officers that the extension has been designed to have a pitched gabled roof to the front part, which would reflect the character of the existing property and the local vernacular of development, being of a similar form and scale. Materials are also proposed to match the existing, being a mixture of reconstructed stone and render, with plain concrete tiled roof to the front and fenestration being Upvc windows and doors, which accords with current design advice.
- 5.16 Overall, the massing, scale and design of the proposed extension is therefore considered to be in keeping with the existing property and is not considered to represent over-development of the plot.

#### Impact on the Street Scene

- 5.17 There would be some impact on the street scene, given that part of the extension would be viewable from the front. This has been carefully evaluated by officers. The surrounding area exhibits a mixed character, with a variety of modern designs, ranging from bungalows, dormer bungalows and two storey dwellings in the vicinity. Several nearby properties have undergone extensions and alterations. There is no strong building line in this part of the street scene and it is considered that given the design, scale and set-back of the extension, that the proposed development would be acceptable in its context.

#### Residential Amenities

- 5.18 Officers have carefully assessed potential impact on neighbouring amenity. The Council's Design Guide states that bulky extensions that would block the outlook from, or daylight reaching principal rooms and garden or patio areas of adjacent properties should be avoided. It also advises that the position and nature of windows in relation to potential overlooking should be carefully considered.
- 5.19 In respect of potential overbearing or overshadowing impact, this has been assessed to both sides. The proposed side element of the extension will be adjacent to No. 17, being set off the common boundary by 1 metre, with a separation distance of approximately 2.5 metres between the two properties. It is noted that No. 17 has several secondary windows to its flank side facing towards the proposed extension. However, given that the existing detached garage is closer to the boundary with No. 17 than the proposed extension, a set in of the extension is welcomed in relation to potential impact on neighbouring windows. Furthermore, although the extension would project to the rear by 4.2 metres beyond the original rear elevation, it would not project beyond the existing rear building line for No. 17, which has also been previously extended.
- 5.20 Given the height of the side extension being 2.8 metres along the majority of its length, the 1.8 metre high boundary fence and window positions, it is not considered by officers that there would be a significant overbearing or overshadowing effect to this property.
- 5.21 Overall, the massing, scale and design of the proposed extension is therefore considered to be in keeping with the existing property and is not considered to represent over-development of the plot.

## Highways

- 5.22 Officers note that there would be a net gain of one bedroom and loss of one garage space as a result of the proposal. However, the proposed development would be served by an existing access and there is parking for several cars on the existing driveway to the front and side of the property. Given the scale of the development officers do not consider that this would significantly impact upon highway safety. Oxfordshire County Council Highways officers have raised no objection and the scheme is considered to be acceptable on highway safety grounds.

## Conclusion

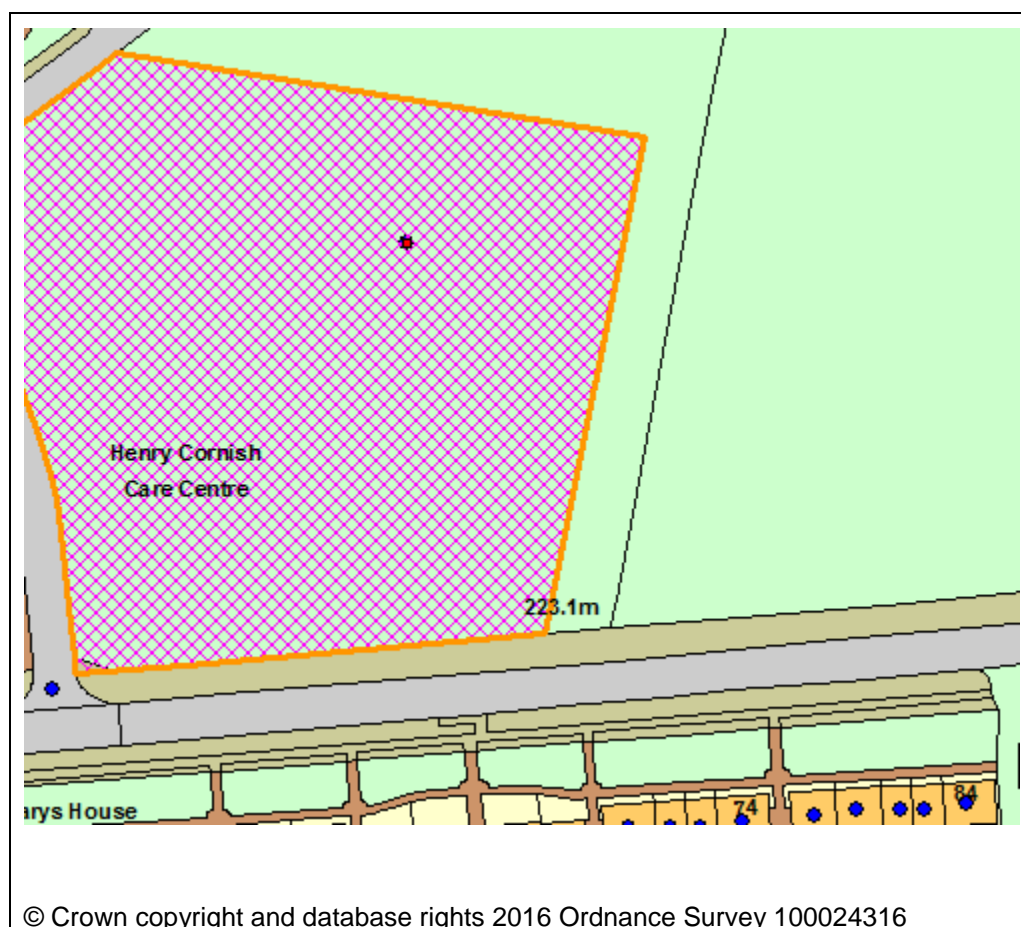
- 5.23 The proposed development is for the provision of a domestic extension which is considered to be of an appropriate design and scale. Officers consider that the development would not have a significant adverse impact on the street scene, residential amenity of existing occupants or highway safety.
- 5.24 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, and would be in compliance with the Local Plan 2031 and the NPPF 2018.

## **6 CONDITIONS**

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

Application Number	I8/03673/FUL
Site Address	Land at London Road and Russell Way Chipping Norton Oxfordshire
Date	20th February 2019
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Chipping Norton Town Council
Grid Reference	432086 E 227478 N
Committee Date	4th March 2019

### Location Map



### Application Details:

Development of 80 extra care apartments comprising 40 no. 1 bedroom apartments and 40 no. 2 bedroom apartments, communal facilities, gardens and parking.

### Applicant Details:

Mr Jason Protheroe, Tricorn House, 51-53 Hagley Road, Birmingham, B16 8TP

## I CONSULTATIONS

- |      |                                     |  |
|------|-------------------------------------|--|
| I.1  | Thames Water                        | No Comment Received.   |
| I.2  | WODC - Arts                         | We have considered the scale and mix of housing in this application and should it be approved we will not be seeking S106 contributions towards public art at this site.   |
| I.3  | Major Planning Applications Team    | No Comment Received.   |
| I.4  | Conservation Officer                | Amendments to the design sought.   |
| I.5  | Environment Agency                  | No Comment Received.   |
| I.6  | ERS Env Health - Uplands            | I have No Objection in principle.  |
| I.7  | ERS Env. Consultation Sites         | <p>SLR Phase I Environmental Assessment Prepared for: Housing &amp; Care 21, SLR Ref: 406.07212.00003, Version No: 01, November 2018.</p> <p>This report does not identify any historical contaminative use at the site itself but notes a number of nearby sites that may have had some impact on the development site. It proposes targeted shallow intrusive site investigation to confirm ground conditions beneath the development land to confirm foundation conditions but with some sampling and testing of soil and groundwater samples for the presence of contamination from the sites in the vicinity.</p> <p>I concur with this view. Given the proposed residential development please consider adding a condition to any grant of permission.</p> |
| I.8  | Biodiversity Officer                | I have no objections to the proposed development, subject to conditions.   |
| I.9  | WODC Landscape And Forestry Officer | No Comment Received.   |
| I.10 | WODC Planning Policy Manager        | No objections.   |
| I.11 | WODC Housing Enabler                | Having examined those who are registered on the Council's Homeseeker Plus System who have indicated a wish to live in Chipping Norton there are at least 60 households and where household members are aged 55 and over. In addition to those households, there are a further 400 on the overall waiting list who could in the future benefit from the development of a facility in this service centre. These numbers include 163 existing social housing tenants, 28 of whom are looking to downsize from an existing housing association family-sized home that would as a consequence  |

be made available to families on the waiting list, and 24 households with a member who uses a wheelchair some or all of the time. The application proposes an Extra- Care scheme which is 100% Affordable Housing and as such exceeds the 35% policy requirement for this type of housing.

- |      |   |  |
|------|---|--|
| I.12 | WODC Env Services - Waste Officer           | No Comment Received.   |
| I.13 | Natural England                             | Natural England has no comments to make on this application.   |
| I.14 | Oxford Clinical Commissioning Group NHS     | No Comment Received.   |
| I.15 | TV Police - Crime Prevention Design Advisor | <p>Although I do not wish to object to the proposals I do feel there are aspects the design and layout that could be problematic in crime prevention design terms and therefore feel that the development may not meet the requirements of;</p> <ul style="list-style-type: none"> <li>- 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 where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.</li> <li>- 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 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... cohesive &amp; vibrant neighbourhoods.'</li> </ul> <p>However, I was pleased to see within the Design and Access Statement (DAS) that the applicants intend to apply for a Secured by Design (SBD) Silver award (physical security). To ensure that this is achieved and that the opportunity to design out crime is not missed I request that the following (or a similarly worded) condition be placed upon any approval for this application;</p> <p>Prior to commencement of development, an application shall be made for Secured by Design accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority. The comments above are made on behalf of Thames Valley Police and relate to crime prevention design only.</p> |
| I.16 | ERS Air Quality                             | No Comment Received.   |
| I.17 | Town Council                                | Chipping Norton TC object:<br>I. design unsightly and out of keeping   |

2. do not approve of flat roof
3. building very close to road
4. too much elderly accommodation, need more affordable homes for younger generation
5. have doctors surgery been consulted?
6. can Doctors surgery cope with additional patients?

## 2 REPRESENTATIONS

2.1 Twelve letters of objection have been received, and are summarised as follows:

### Design and amenity

- Hideous in design, way too modern, it looks like a prison.
- Modern building using inappropriate building materials.
- No character, completely not in keeping with Chipping Norton's Cotswold Character.
- This design will ruin the approach to Chippy down the London Road.
- The hospital site preserved this with a modern Cotswold vernacular which has fitted in very well.
- The last planning application on this site actually preserved the 'Cotswold vernacular' on the London Road with a series of houses being built in front of the proposed extra care home shielding the London Road from the very modern extra care home being built.
- The 3 story building is far too large and would directly overlook the front of our properties, negatively impacting our standard of living and privacy.
- It is far too close to the road.
- It will have an adverse impact on light levels, noise and general outlook for lots of residents.
- This development does not promote or reinforce local distinctiveness and fundamentally does not meet the requirements of the NPPF.
- Instead of a pleasant outlook the residents opposite would be overlooked by a block of flats and the possibility of people looking directly into their homes.
- Please do not destroy this part of the desirable area of Chipping Norton.

### Principle

- Do we really need another care home?
- There are numerous 'beds' available in senior citizen accommodation in Chippy which are unsold/unoccupied etc.
- Perhaps WODC should look at buying up/renting several of these to accommodate some of our older people if the need is really there.
- People who live on the London Road are unaware of this planning application- this will greatly affect all those who live there and WODC should ensure that they all know about this change before considering this new plan.
- Why do we need yet more retirement homes, surely we are trying to get the young people on the housing ladder, who in turn will boost the local economy and hopefully increase the workforce in Chipping Norton, as opposed to turning the town into a giant retirement home which is not affordable except for the elite.
- The timing of this application is suspicious with WODC apparently suggesting that a December application would be a good time to apply for planning - perhaps they hope to



catch everyone half asleep after Christmas ... please please postpone any decision on this application until local residents have had a chance to be consulted.

- Thames Water in the original application raised concerns that existing provision was not sufficient to be expanded.

#### Highways

- Concerned the local road network cannot cope with more cars.
- Development of M&S caused a real stress on local parking and general safety.
- Consideration will need to be given to ensure that this development is adequately provided for with regard to parking.
- The notion of adding a further care type facility with the all the additional supporting traffic movements is overbearing and quite probably unsafe.

#### Landscaping

WODC have just started a consultation about the Tank Farm/East Chippy SDA development and in that documentation it is stated several times that WODC wish to preserve the tree line etc on the main approach roads into Chippy and to maintain the current aspects etc etc - this will ruin the approach into town on the London Road.

#### Local facilities

The Doctors are already at full stretch and another influx of older people which increase their workload considerably - will they able to cope?

#### One general comment received

- I am pleased to see that the proposal includes provision of integrated Swift nest bricks.
- As mentioned in the accompanying documents these are aesthetically pleasing and simple and inexpensive to install.
- I would only like to suggest that in a building of this size a minimum of 12 nest bricks would be more appropriate, and having looked at the plans the buildings seem to offer space for this. Swifts nest socially and so once the bricks are taken up it is likely that more birds will be attracted.
- If the building provides space for a small colony that adds to the attraction of the site from a biodiversity point of view, as well as providing other benefits and pleasures for residents.

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

Several supporting documents have been submitted in support of the application. The Planning Statement is summarised as follows:

This planning statement has been prepared to support an application for full planning permission for:

"Development of 80.no extra care apartments comprising 40.no 1-bedroom apartments and 40.no 2-bedroom apartments, communal facilities, gardens and parking."

- The development is proposed on the site at Rockhill Farm, London Road, Chipping Norton, OX7 5FA. The site is to be accessed occupied off Russell Way and will comprise an extra care residential development providing 80 residential units - all of which will be affordable.
- The development will be three storeys in height and arranged in three linked blocks around a central courtyard.
- The development proposes to introduce residential accommodation into Chipping Norton, in accordance with the West Oxfordshire Local Plan (2018) housing policies and the content of the Chipping Norton neighbourhood Plan (2016). It will assist West Oxfordshire District Council in meeting its housing need (across non-standard sectors) in a sustainable location.
- The site has previously benefitted from planning permission for a similar extra-care scheme which was not developed out. The principle of such a use in this location has therefore previously found to be acceptable by the local planning authority.
- The scheme has been designed so as to be appropriate in terms of land use, design, appearance, landscaping and access arrangements so as to be well integrated into its immediate surroundings and to not result in detrimental impact on adjacent land uses, occupiers or users.
- The application is supported by a suite of technical documentation. The content of this technical documentation does not raise any matters which would give rise to this development being found to be unacceptable, and therefore not meriting the granting of planning permission.
- The site is not constrained by any significant environmental issues. The development will not result in the loss of, or significant impact on, habitats or other protected or notable species. The site is not the location of any significant heritage or mineral assets.
- The proposal has been considered against the policies in the West Oxfordshire Local Plan (2018), Chipping Norton Neighbourhood Plan (2016) and the relevant content of the National Planning Policy Framework (NPPF (2018) and associated National Planning Policy Guidance (NPPG). The proposal has been found to be in accord with these documents and as a result planning permission should be granted without delay.
- This section of the report assesses the proposal against the relevant planning policy context in Chipping Norton. It is clear that the proposal is policy compliant. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, in these circumstances this proposal should be granted planning permission.
- Furthermore, Paragraph 11(c) of the NPPF states that:
- "Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay."

This application should be granted planning permission in a timely and expedient manner.

#### **4 PLANNING POLICIES**

BD8 Bicycle and bin storage

BD9 Sustainable drainage systems

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
T4NEW Parking provision  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH8 Environmental protection  
CN2 Chipping Norton sub-area Strategy  
BD4 Housing for the elderly and disabled  
BD3 Affordable housing  
TM5 Chipping Norton Neighbourhood Plan  
TM8 Chipping Norton Neighbourhood Plan  
MP10 Trees

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

## **5 PLANNING ASSESSMENT**

### Background Information

- 5.1 The application seeks permission for an 80 unit (40 no. 1 and 40 no. 2 bed) Extra Care Home with associated parking and landscaping.
- 5.2 The application site is located to the north of the London Road, adjacent to the hospital and care home, and medical centre. Vehicular access to the site is to be gained via Russell Way and the London Road. The site is immediately adjacent to the Strategic Development Area identified in the Local Plan.
- 5.3 The application site is located outside of the Chipping Norton Conservation Area and the Cotswolds Area of Outstanding Natural Beauty. There are no listed buildings within the vicinity of the application site and the proposed development does not impact any of the highway trees that are subject of Tree Preservation Orders on London Road.

### Planning History

- 5.4 I4/0522/P/OP Residential development comprising 80 unit extra care housing and up to 16 dwellings together with associated landscaping, parking and access into site. The scheme was approved subject to a S106 in March 2015.
- 5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

### Principle

- 5.6 Chipping Norton is one of the three main service centres in the District, and Local Plan Policy OS2 notes that these will be the focus of a significant proportion of new homes, jobs and supporting services. The town benefits from services, including primary and secondary schools, community buildings, sports facilities, shops and pubs/restaurants.

- 5.7 Policy H4 states that "Particular support will be given to proposals for specialist housing for older people including but not restricted to, extra-care housing. Opportunities for extra care will be sought in the main and rural service centres and other locations with good access to services and facilities for older people".
- 5.8 Policy BD4 of the Chipping Norton Neighbourhood Plan States that Housing developments that increase the choice of different types of housing available to older and disabled people in the town will be supported, including: specialised housing provision that meets both the housing and care needs of people, and housing that offers people the opportunity to move into more manageable accommodation that better meets their needs as they grown older.
- 5.9 The scheme is 100% affordable housing, with 60 of the units for affordable rent and 20 as shared ownership. There are currently 64 people on the waiting list in Chipping Norton for this type of accommodation and many more in the surrounding parishes who would also be eligible. The likelihood is that people moving into this accommodation will free up other properties for local families on the housing waiting list.
- 5.10 Given that the previous application for an Extra Care scheme was supported within the last four years, that there is significant local need, particularly for affordable rented properties, and that local plan policies support the provision of elderly accommodation especially within the services centres it is considered that the principle of this development is acceptable and in accordance with Local and National policy.

#### Siting, Design and Form

- 5.11 The proposal is for a three storey high building in a horseshoe layout, to be constructed in recon stone, brick, render, and profile sheeting in a modern design. Officers have negotiated design amendments to the scheme to tie in with recent developments in the vicinity of the site, to set it further back from London Road and to reduce the bulk and mass of the building.
- 5.12 The walls are articulated to break up the mass of the building and different materials have been used to further reduce the appearance of the building. However, the predominant material is recon stone to tie in with the houses opposite on London Road, and the care home building opposite on Russell Way. The entrance to the building has been amended so it is clear where you enter, and there is plenty of space around the building, it is set back from the boundaries of the site. The public boundaries will be defined by estate railings.
- 5.13 The building will be read in the context of the partially 3 storey flat roofed medical centre to the rear of the site, and the recently opened two and a half storey flat roofed commercial centre on the opposite side of the road, both of which are of a modern design.
- 5.14 Given that the previous approved application included an 80 unit extra care home in a modern design, and that the applicant has taken on board comments from officers and amended their design to reduce the general scale of the building it is now considered to be in accordance with local and national policy.

### Highways

- 5.15 The proposal includes parking at the rear of the site for residents and visitors. There are 37 parking spaces, 4 disability spaces and cycle parking for 4 bikes. OCC as Highway Authority were consulted and have raised no objection to the proposed scheme subject to conditions.
- 5.16 In terms of public transport, there are existing bus services in Chipping Norton, linking to Oxford and Kingham Station. From the centre of the site it would be approximately 1km to Chipping Norton town centre. This would be a 10-15 minute walk mostly downhill. It is however acknowledged that the return journey back to the site would be a more challenging walk given the gradient on Banbury Road but there is a bus stop on London Road immediately in front of the site and a bus route that runs along the London Road frequently.
- 5.17 Therefore the proposal is considered to accord with policies T3 and T4 of the Local Plan.

### Residential Amenities

- 5.18 The proposal will not impact on the amenities of any of the adjacent uses as it is set back from the boundaries of the site. It will be at least 40m from the windows of the properties fronting London Road, and 35m from the windows in the care home. The Councils minimum distance requirement is 14m front to side elevation or 21m rear to rear elevation and in this situation the distances are double that in a front to front elevation scenario where you would naturally expect some mutual overlooking.
- 5.19 The residential amenities of future residents are considered to be acceptable, there is sufficient amenity space around the building, formal gardens in the centre of the development and some private spaces around the edges of the site.

### Landscape, Trees and ecology

- 5.20 The site lies at the northern edge of the Enstone Uplands character area, as identified in the West Oxfordshire Landscape Assessment. The landscape type is semi-enclosed limestone wolds which has moderate inter-visibility. However, the land to the north of the site forms part of the East Chipping Norton Strategic Development Area and in time the site will be fully surrounded by development.
- 5.21 The site boundary with London Road is demarcated with an avenue of trees in highway land that is a feature of Chipping Norton. As part of the proposal, the conifer trees planted as a field screen will be removed so that the avenue will become more prominent in the street scene again. The scheme has been shifted back 1.5m into the site to increase the gap between the building and the trees in order to protect the trees and reduce the pressure from future residents to have the trees cut back, and also to replicate the set back of the buildings on the other side of London Road. These measures are considered to improve the entrance to the town.
- 5.22 The submitted ecological report was considered by the Council's Biodiversity Officer and no objection is raised, subject to conditions being attached to the permission. At the time of writing the report the conditions are yet to be finalised but will be included in the additional representations report.

5.23 Landscaping within the site will also be key, the plans show the private gardens that front London Road will be screened by low ornamental hedges. Beyond that there will be additional planting along the eastern boundary and this will include wildflowers to improve biodiversity on site.

5.24 The proposal is therefore considered to accord with Local Plan Policies EH2 and EH3.

#### Other matters

5.25 The Town Council asked if the Medical Centre were directly consulted regarding the application. The Medical Centre were not consulted directly (there were site notices posted in the vicinity of the site) however the Oxfordshire Clinical Commissioning Group were consulted and they have not responded to date (consultation period expired 18.1.19).

5.26 OCC have requested £104,040 in contributions towards the provision of a bus stop on London Road, public transport services, strategic highway improvements and travel plan monitoring. On the previous outline application for ECH and market housing the monies were requested as part of the S106. However as this scheme is proposing 100% affordable housing and the scheme is only viable with the addition of grant money it would detrimentally impact on the ability to deliver the scheme if this contribution were to be collected. On these grounds officers are not proposing that the money is collected.

#### Conclusion

5.27 The proposal is providing specialist affordable housing in an appropriate location, of appropriate design and is therefore considered to be in accordance with policies OS2, OS4, EH2, EH3, T4, H2, H3 and H4 of the local plan and BD3, BD4, BD9, MP10 of the Neighbourhood Plan.

## **6 CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3 The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 14.2.19 and 15.2.19.

REASON: The application details have been amended by the submission of revised details.

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

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

5 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all

materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

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

- 6 The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure the architectural detailing of the building reflects the established character of the locality.
- 7
  1. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.
  2. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.
  3. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.  
REASON: To ensure any contamination of the site is identified and appropriately remediated.
- 8 A subsequent standalone travel plan for this site will need to be submitted prior to first occupation of the site and approved by the Local Planning Authority.  
REASON: To encourage the use of sustainable modes as a means of transport.
- 9 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.  
The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.  
REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 10 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation the means of access 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.

NOTE TO APPLICANT

- I Please note the Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners.  
For guidance and information on road adoptions please contact the County's Road Agreements Team on 01865815700 or email [Road.Agreements@oxfordshire.gov.uk](mailto:Road.Agreements@oxfordshire.gov.uk)