

WEST OXFORDSHIRE DISTRICT COUNCIL

LANDS AREA PLANNING SUB-COMMITTEE

Date: 1st April 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

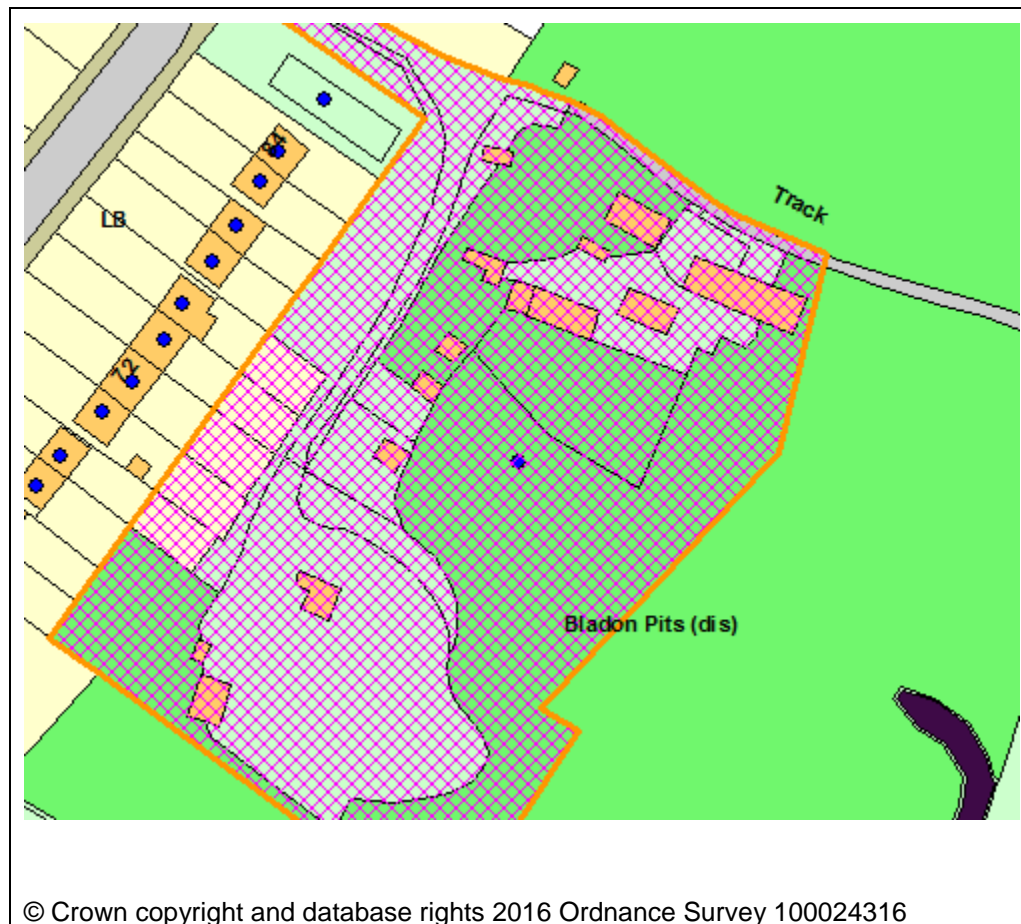
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
18/02841/FUL	Land South East Of 84 - 86 Grove Road, Bladon	3
18/03651/FUL	Bowerham Ascott Road, Shipton Under Wychwood	16
19/00288/FUL	Flat 8 Sanders House, Churchfields, Stonesfield	22

Application Number	18/02841/FUL
Site Address	Land South East Of 84 - 86 Grove Road Bladon Oxfordshire
Date	20th March 2019
Officer	Phil Shaw
Officer Recommendations	Approve subject to Legal Agreement
Parish	Bladon Parish Council
Grid Reference	445238 E 215256 N
Committee Date	1st April 2019

Location Map



Application Details:

Erection of ten dwellings, access road, parking and associated works.

Applicant Details:

Mr Vanbrugh Unit Trust
C/O Agent

I CONSULTATIONS

- I.1 WODC - Sports $\pounds 1,723 \times 10 = \pounds 17,230$ off-site contribution towards sport/recreation facilities within the catchment. This is index-linked to second quarter 2018 using the BCIS All in Tender Price Index published by RICS.
- $\pounds 818 \times 10 = \pounds 8,180$ for the enhancement and maintenance of play/recreation areas within the catchment. This is index-linked to first quarter 2014 using the BCIS All in Tender Price Index published by RICS.
- I.2 ERS Env. Consultation Sites
The application concerns a partially infilled quarry, which has received a variety of wastes over a number of years. The applicant has supplied a technical report that describes ground investigations carried out during 2017.
Although these investigations are reasonably detailed the technical report makes reference to data apparently not included within the application documents: 'Ground gas monitoring is active, to be completed by 23 August 2017, the data and assessment will be presented as a separate report due to be issued in August 2017'. I believe that some form of land contamination remediation will be required as part of this development. However, as soil gas investigations are an essential part of assessment of risk posed by infilled ground in new development, I will need to see the above gas information before I can give a recommendation as to the need for, and requirements of, contaminated land planning conditions.
NB Subsequent to these comments a full report covering Radon and other gasses was submitted which identifies no issues with gasses from former tipping but a need to protect against the potential for naturally occurring Radon.
- I.3 WODC Planning Policy Manager
Bladon is classified in the Local Plan 2031 as a Village. Policy OS2 of the Local Plan - Locating Development in the Right Places - sets out the overall spatial strategy for the District including the distribution of new development over the plan period to 2031, focusing the majority of new homes, jobs and supporting services in the main service centres, with development in villages limited to that which respects village character and local distinctiveness and helps maintain the vitality of the local community.
The application site is not allocated in the Local Plan but was considered as part of the SHELAA, published in 2016. The overall conclusion of the SHELAA was that the site was not suitable for development for either housing or employment uses due to the role of the trees and woodland on the site. 'The loss of many trees and the development in depth would have a significant effect on the ribbon character of the village. It would also result in an unacceptable impact on the landscape setting and character of this part of Bladon and the wider landscape. Access concerns and potential adverse biodiversity impacts.'

Whilst the SHELAA has no formal status as such, its merits were discussed as part of the Local Plan examination hearing sessions held in 2017 and importantly in his final report published in August 2018, the Inspector raised no concerns regarding the Council's approach or conclusions.

Policy OS1 and Policy OS2 refer to the presumption in favour of sustainable development which includes the general principles of avoiding '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' and 'in the Green Belt, comply with national policies for the Green Belt.' When assessing the acceptability of a development proposal, the current situation should be borne in mind of a newly adopted local plan, a robust 5-year housing land supply position (which is made even more robust by the Government's bespoke 3-year arrangement in Oxfordshire) and a village which lies within the Oxford Green Belt, where national planning policy (NPPF) states that: 'a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.'

If the principle of developing this site for housing is considered acceptable, two of the key local plan policy considerations in terms of housing are:

- a) Policy H2, in particular the four circumstances in relation to 'villages'. The fourth circumstance is the consideration relevant to this site which is undeveloped land adjoining the built up area (I do not consider that the woodland comprises part of the built-up area of Bladon. In addition, re NPPF, is this an infill site e) of para 145?); and
- b) Policy H3 on affordable housing. As the proposed scheme lies outside the Cotswolds AONB and is for 10 dwellings, the requirements of this policy are avoided and no affordable homes are to be provided. Paragraph 5.51 of the Local Plan refers to the possibility of 'threshold dodging'. Are we satisfied that 10 dwellings on this site is an effective use of the site?

Importantly, in respect of Policy H2, I can see no convincing evidence in support of the application to demonstrate that the proposal is necessary to meet identified housing needs. The Council is currently able to robustly demonstrate a five year housing land supply with a number of small and large schemes currently under construction or about to get underway.

Under the bespoke 3-year housing land supply requirement introduced as part of the Oxfordshire Housing and Growth Deal, the Council is in an even stronger position and development on sensitive sites such as this within the Green Belt are simply not required at this time or in the foreseeable future.

Only if the Council's assumed housing trajectory starts to deviate from required levels, might there then be a need to re-consider the potential merits of sites such as this.

I.4	Thames Water	With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
I.5	WODC Env Services - Waste Officer	No Comment Received.
I.6	WODC Housing Enabler	No Comment Received.
I.7	WODC - Arts	Should this proposal be granted planning permission then the Council would favour the following approach: An S106 A contribution of a minimum of £2100 towards creative projects with young people in the village.
I.8	Major Planning Applications Team	No Objections subject to 106 contributions of 12180 towards public transport infrastructure, to the applicant entering into an agreements to carry out works to improve the access and to conditions regarding access, layout, surface water drainage, construction traffic and cycle parking. As the site has been quarried they advise that they have no archaeological objections.
I.9	Conservation Officer	No Comment Received.
I.10	Biodiversity Officer	Boundary Treatments Plan to be formally submitted as a drawing by the applicant. Woodland Compensation Scheme and Management Plan to be submitted by the applicant (or as a pre-commencement condition).
I.11	ERS Air Quality	No Comment Received.
I.12	Parish Council	The Parish Council is supportive of the application but would seek a s.106 contribution to assist in the provision of traffic calming measures/speed restrictions and/or the installation of a pedestrian crossing over the main A4095 in the vicinity of Eagle Lodge, to offset the impact on the community of the increased traffic in and through Bladon; and/or to assist in the provision of additional facilities in the Recreation Ground.

2 REPRESENTATIONS

No neighbour representations have been received in respect of the application

3 APPLICANT'S CASE

- 3.1 Writing in support of their proposals the agents have tabled a suite of supporting information which may be viewed in full on line. The summary of the planning statement is reported in full below:
- 3.2 The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In meeting the requirements of the policies of the Development Plan, the proposal will deliver Sustainable Development.
- 3.3 The proposed development will contribute to building a strong, responsive and competitive economy, through the effective use of land and the delivery of new housing. It will support a strong, vibrant and healthy community, by delivering housing to meet the needs of present and future generations, by providing a high quality built environment and by supporting the well-being of the local community. It will contribute to protecting our natural, historic and built environment, by conserving heritage, making effective use of land and helping a move towards a low carbon economy.
- 3.4 The provision of ten new attractive, modern, high quality dwellings will help to support activities, services and facilities, serving to sustain the successful future of the village.
- 3.5 Through sensitive design, the proposed development reflects distinctive features that make the village special, whilst providing for living accommodation to meet 21st Century standards and adding to the choice and availability of homes in Bladon.
- 3.6 The new homes will add vitality and interest to Bladon and make a positive contribution to local character. The proposal will remove unattractive features which appear out of keeping with their surroundings and to a lesser degree, detract from the setting of the Bladon Conservation Area.
- 3.7 The site is in a highly sustainable location, with excellent public transport, dedicated cycle-ways, good access to the trunk road and motorway network; and an extensive local footpath network. It is within a reasonable level walk of a railway station with direct trains to London and Oxford.
- 3.8 The Bladon Pits site is in one ownership and the site is readily deliverable. Its delivery will, in line with national and local planning policy, contribute towards the achievement of sustainable development.
- 3.9 Writing in response to concerns raised by officers regarding the extent of development in the Green Belt they advise:
As discussed, we have prepared a schedule of areas of the current buildings on site, and included the areas of a couple of buildings that collapsed in recent years. The current area is 742sqm vs a proposed 919sqm. In addition, but not included in these calculations is the significant quantity of materials and debris remaining on the property. I expect if we were to include the footprint of this material, this would bring the current and proposed areas in line (although hopefully that work won't be needed but we can arrange if required). In addition to what still remains on the site, we have been clearing the site since at least 2016 in part to facilitate safe access to carry out the necessary surveys to bring forward this application but also to prevent any further

contamination to the property - as part of the removal works, a significant amount of asbestos, abandoned vehicles and other materials have been removed from the property. The extent of this previous use is evidenced in the comprehensive contamination report submitted with this application and approval of this application would facilitate the remediation of the ground as suggested in the report as well as removing the remaining materials and buildings and replacing them with something carefully designed taking on board the design lead provided to us in the pre-app response.

- 3.10 A further set of amended plans reducing the incursion of the garden areas into the woodland/undeveloped areas has also been received

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

EH4 Public realm and green infrastructure

EH9 Historic environment

EH10 Conservation Areas

EW9 Blenheim World Heritage Site

EW10 Eynsham- Woodstock sub area

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks consent for the erection of ten dwellings, access road, parking and associated works. It relates to a site set behind the main frontage development and which was formally a quarry and more latterly has been used for a series of unsightly uses. A footpath runs up the northern boundary of the site which lies within the Bladon Conservation Area and also within the Oxford Green Belt. It is proposed by way of the application to clear away the former buildings and scrap material located on the site and to replace these with two clusters of development in the form of a courtyard and a terrace of dwellings. Key trees have been retained as part of the scheme and the whole of the woodland (including the elements not directly affected by development) will be brought under ecological management. A new permissive path will be created to facilitate access along the eastern boundary on land also owned by the applicant

- 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:

Principle

- 5.3 The key issue here is compliance or otherwise with Green Belt policy. Green Belt policy is very restrictive upon new development and in that context housing development is generally considered 'inappropriate development' within Green Belts and as such should not be approved except in 'very special circumstances'. Members are required to ensure substantial weight is

given to any harm to the Green Belt by reason of inappropriateness and if consent is to be given the harms must be clearly outweighed by other considerations.

- 5.4 The NPPF does however set out that whilst new buildings are generally "inappropriate" there are exceptions such as limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.... Members are advised to refer to Paragraphs 143- 147 of the NPPF for the full text.
- 5.5 The key tests are thus whether this can be considered a one for one redevelopment of the extant buildings on site and whether the redevelopment would have a greater impact on the openness of the Green Belt. Members will note the response of the agent as regards the request for information as to the quantum of built form before and after the proposed development. They advise that "the current development area is 742sqm vs a proposed 919sqm. In addition, but not included in these calculations is the significant quantity of materials and debris remaining on the property. The site has been cleared since at least 2016 in part to facilitate safe access to carry out the necessary surveys to bring forward this application but also to prevent any further contamination to the property - as part of the removal works, a significant amount of asbestos, abandoned vehicles and other materials have been removed from the property. The extent of this previous use is evidenced in the comprehensive contamination report submitted with this application and approval of this application would facilitate the remediation of the ground as suggested in the report as well as removing the remaining materials and buildings and replacing them with something carefully designed" Thus a case can be made that the extent of developed vs undeveloped areas will be broadly similar.
- 5.6 Given that the site is located within woodland the equation of "openness" is somewhat more theoretical than when applied to an open field. However taking footprint/visual impact as a proxy in these circumstances it is clear that the scheme post development will be more visually contained than the former quarry area or the spill of later uses into that area, albeit that the extent of built form might be slightly greater . In that the built form is predominantly single storey in form your officer's assessment is that it will have no more impact than the extant/previous use on the openness of the Green Belt.
- 5.7 As set out below there are also a series of measures proposed in terms of the ecological management, the new footpath, the decontamination and the offer of key worker dwellings that represent substantial planning benefits over and above the status quo position of ongoing largely uncontrolled use of the site with long established non-conforming uses.
- 5.8 Taking all of this in the round your officers have, on balance, concluded that the redevelopment of the site is not "inappropriate development" and that even were that not to be the case that there are sufficient special circumstances that could make a case that it could meet the hurdle of "very special circumstances" such that the development is not precluded by Green Belt policy.
- 5.9 In terms of Housing policy adopted policy H2 allows for new housing development within or adjoining villages such as Bladon on previously developed land provided there is no conflict with other policies such as OS2 which sets out that developments should be a logical compliment, proportionate in scale, not coalesce settlements, respect amenity, comply with Green Belt policy etc. These matters are discussed more fully in the following sections of the report.

5.10 The scheme is of a size where affordable housing is not required. This is not a case of threshold dodging as to increase the numbers would render the scheme out of conformity with Green Belt policy. However when seeking to secure positive benefits of the proposals to assess whether the "very special circumstances "test could be made out the agent has advised in response to officer requests for benefits that might amount to a special circumstances case that "we discussed giving key workers first choice on a couple of the properties. Through Blenheim Estate's work affordable housing in the district you will know we are keen to support provision of housing for key workers and as such we would be amenable to this suggestion, subject to suitable wording being agreed." Thus there will be an element of specialist housing provided (even though this is not a policy requirement) and this aspect is clearly a positive factor in assessing the merits of the scheme.

5.10 Your Officers have concluded that the scheme is not precluded by policy objections

Siting, Design and Form

5.11 This has been the subject of much discussion between officers and the agent. The frontage development comprises modern bungalows that do not give many design references and the wooded site in a former quarry- along with the very utilitarian built form, offer few clues upon which to base a new design. The agent has in discussion with officers settled on a formal courtyard set in the largest clearing in the woodland and a more open courtyard where one side of the court is comprised in a series of trees set on a prominent bank. The overall design character is of barns and stables.

5.12 Your officer's assessment is that whilst these may appear slightly incongruous in a wooded setting they have generally been well handled architecturally and their low slung forms will assist in ensuring that the scheme has a neutral visual impact in most public views. Where seen at closer range from the footpath network the existing buildings and use are very unsightly. That impact will be replaced with a series of new buildings and their associated gardens and set within a much better managed woodland. This impact is considered to be neutral/positive. Officers did have concerns regarding the new curtilages proposed for the units and the propensity for visual clutter associated with domestic use to undermine some of the benefits that clearing the existing unsightly operations and buildings would deliver. However amended plans have been secured seeking to rebalance the private amenity space vs the retention of open land. Coupled with the reduction in amenity areas is the opportunity to improve and enhance the appearance and management of the woodland that as shown in the ecology report actually supports very little ecology at present. With a suitable condition relating to landscaping design and management included with the grant of planning permission to ensure the detailed design is implemented along with the future management of the woodland it is anticipated that residents of the proposed development will be able to enjoy the woodland through trails and other suitable amenity spaces within the woodland (in addition to ecological enhancements outlined in the ecology report, which could additionally include log piles and hibernaculum) whilst at the same time limiting the visual impacts of residential use

5.13 In this regard your officers are satisfied that the proposed development satisfies the legal and policy requirements as regards developments in Conservation Areas in that it enhances the character and appearance of the CA.

Highways

- 5.14 Members will note that as part of their consultation response OCC has raised no objections subject to funding of public transport and to junction improvements. The levels of traffic are likely to be similar to when the site was in full operation and as such these represent a positive factor in favour of the development. Additionally as part of the scheme the applicants are proposing to formalise the informal parking arrangements that have existed on site for residents of the existing frontage bungalows. By providing this additional parking the scheme will assist in reducing pressure on the roadside layby that currently serves those units and will reduce the visual impact of parked cars along the main road to the benefit of both highway safety and the appearance of the Conservation Area.

Residential Amenities

- 5.15 The proposed units will be located within a wooded setting and as such opportunities for sunny outside space may be more limited than with other more open sites. However each has some private garden space and the ability to informally use the wider woodland is a benefit to the occupiers. Parking is to be provided close to each plot. Whilst different to many properties the standards of residential amenity are considered acceptable and the unusual nature of the site will be readily discernible to potential occupiers before they occupy the site.

Benefits package

- 5.16 It will be necessary if consent is forthcoming for the applicants to enter into a legal agreement to ensure a number of the stated benefits are delivered. Thus issues such as ongoing woodland management, delivery of the ecological benefits and provision of the new footpath will need to be secured. The arrangements for provision and use of the existing residents car parking spaces needs to be clarified as does the arrangements for the 2 key worker units. Additionally the agreed financial contributions towards public art, leisure and highways will need to be secured.

Conclusion

- 5.17 This application has been under consideration for some time whilst Officers have wrestled with whether it is precluded by Green Belt policy or not. It has been concluded that on balance it is not and that even were it to be considered inappropriate that the benefits package delivering a series of ecological, woodland management, public access, resident car parking and key worker housing benefits along with the decontamination of the site that can be secured by condition represents sufficient of a case. This opinion is strengthened by the very limited visual impacts of the scheme such that when considered in the round the development could be justified by those reasons also - as in the absence of the development none of these are likely to be secured.
- 5.18 The scheme is considered to have adequate access and will be making financial contributions towards public transport, arts and leisure improvements in the village. The amenity of the occupiers will be somewhat unusual given the woodland context but not harmful such as would justify refusal. The character and appearance of the Conservation Area will be preserved/enhanced.
- 5.19 Having weighed all the above in the round your officers have concluded that approval can be justified with the proviso that the benefits are secured by way of a legal agreement.

6 CONDITIONS

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

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

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

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

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

REASON: Control is needed to protect the green belt.

- 4 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.

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

- 5 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.

- 6 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

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

- 7 No part of the development shall be occupied until the facilities for the storage of refuse at the site have been approved in accordance with details first approved by the Local Planning Authority and thereafter the facilities shall be permanently retained.

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

- 8 Prior to the commencement of development above ground level, the developer must submit details for agreement in writing by the Local Planning Authority of evidence that every premise in the development will be able to connect to and receive a superfast broadband service (>24Mbps). The connection will be to either an existing service in the vicinity (in which case evidence must be provided from the supplier that the network has sufficient capacity to serve the new premises as well as the means of connection being provided) or a new service (in which case full specification of the network, means of connection, and supplier details must be provided). The development shall only be undertaken in accordance with the said agreed details which shall be in place prior to first use of the development premises and retained in place thereafter.
REASON: In the interest of improving connectivity in the District.
NB Council will be able to advise developers of known network operators in the area.
- 9 No ground invasive development (including site works and demolition) shall commence until all existing trees which are shown to be retained as part of the approved plans have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.
REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.
- 10 No dwelling shall be occupied until a plan indicating the positions, design, materials, type and timing of provision of boundary treatment to be erected has been agreed in writing by the Local Planning Authority. The boundary treatment shall include provision for hedgehog highways, and shall be completed in accordance with the approved details and retained thereafter.
REASON: To safeguard the character and appearance of the area, and improve opportunities for biodiversity.
- 11 No ground invasive part of the development shall be commenced until:-
A scheme showing appropriate measures to prevent the pollution of the water environment, to ensure the integrity of the residential development hereby approved and to ensure an adequate quality of residential environment for future occupiers has been agreed by the LPA in the light of the results of the submitted contamination reports.
Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to.
REASON: To ensure the means to prevent pollution and secure a safe environment for the development of and future occupiers of the site.
- 12 No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall then be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area.
- 13 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 in accordance with the National Planning Policy Framework

- 14 No dwelling shall be occupied until the vehicular accesses, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling has been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of road safety

- 15 Development shall not 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:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing
- No private drainage into the public highway drainage system.

REASON: To ensure a safe and adequate access in accordance with the National Planning Policy Framework

- 16 Prior to the first occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

- 17 No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

REASON: To ensure the public right of way remains available and convenient for public use.

- 18 No construction / demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by Oxfordshire County Council.

REASON: To ensure the public right of way remains available and convenient for public use.

- 19 No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior written permission and appropriate safety and surfacing measures approved by Oxfordshire County Council.

REASON: To ensure the public right of way remains available and convenient for public use.

- 20 Any gates provided in association with the development shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

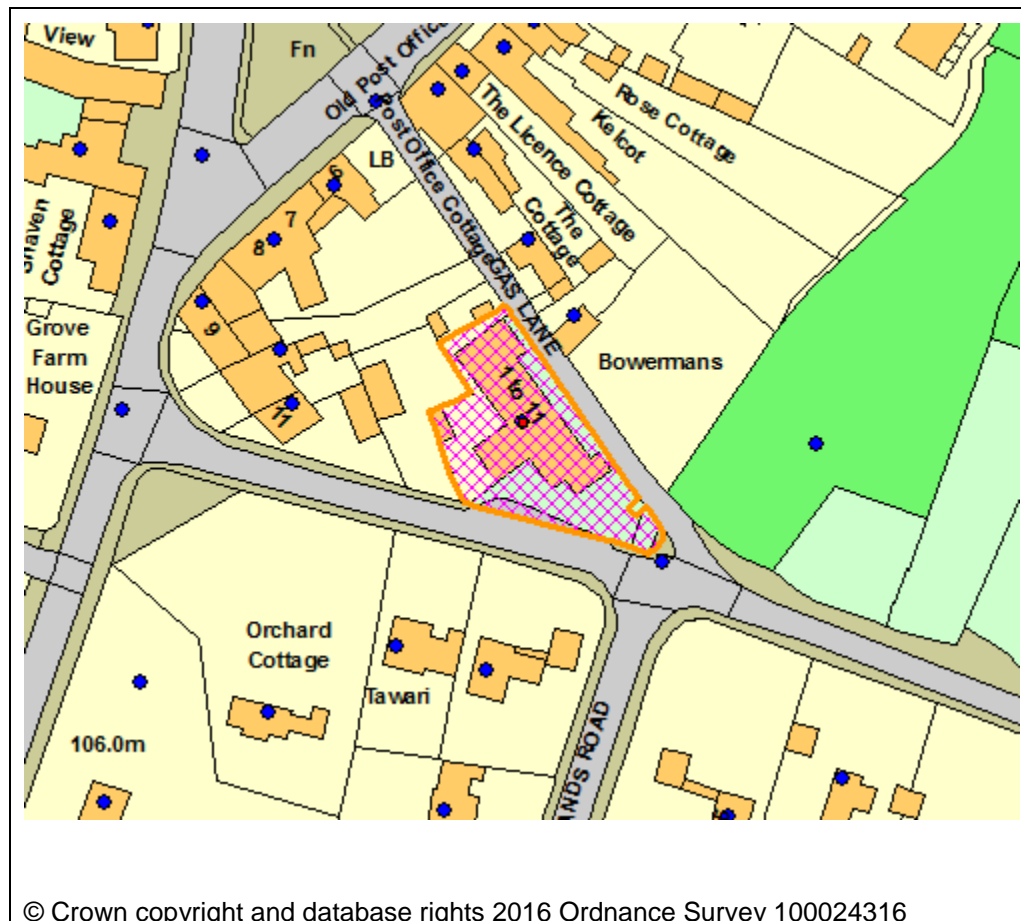
REASON: To ensure that gates are opened or closed in the interests of public right of way user safety.

NOTE TO APPLICANT

You are reminded of the terms of the parallel legal agreement pertaining to this development.

Application Number	I8/03651/FUL
Site Address	Bowerham Ascott Road Shipton Under Wychwood Oxfordshire OX7 6DE
Date	20th March 2019
Officer	Kim Smith
Officer Recommendations	Approve
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427910 E 217800 N
Committee Date	1st April 2019

Location Map



Application Details:

Alterations to fenestration previously approved under I7/02904/FUL and insertion of rooflights (four to the rear roof). (Part Retrospective).

Applicant Details:

MCO Marylebone C/O Agent

I CONSULTATIONS

- I.1 Parish Council The PC objects to this planning application. The PC accepts that there have been improvements in this ongoing application, namely a reduction in the number of roof lights and removal of proposed balconies. However, there is still an anomaly regarding the French door on the Southern elevation. In the original approved application, this was a window. However, a door was installed and a balustrade proposed on the adjoining garage roof as part of the first retrospective application. This application was rejected. The latest application is still showing a door (which matches the build) but we are concerned about the Health & Safety aspects of this and contravention of building regulations. A reversal to the original proposed (and agreed) window would seem the most appropriate way forward. The PC also notes that no permission has actually been received for the attic room which has already been built and for which the rooflights are being requested. Other inconsistencies have also been highlighted by the objection comments from Ms Kitching. As such, until these inconsistencies are clarified the PC feels it necessary to object to this application.
- I.2 Conservation Officer No reply at the time of writing.
- I.3 OCC Highways Drainage At the time of writing no consultation response has been received from OCC Highways. However, no formal objections were raised to the retrospective application for 7 rooflights which was refused only on the grounds of harm to the character and appearance of the Conservation Area .

2 REPRESENTATIONS

- 2.1 Ms Carole Kitching of Tawari Ascott Road Shipton Under Wychwood has commented in a precised form as follows:
- 2.2 Firstplan's application letter dated 19th December 2018 is (again) inaccurate and potentially misleading with many drawing references provided not matching those on the associated plans/elevations submitted with the application -
- Proposed ground Floor Plan should read 17.143.03J (not i)
 - Proposed Elevations (rear and side) should read 17.143.09C (not B)
 - Proposed Elevations (front and side) should read 17.143.10C (not B)
 - References to 'existing' in the documentation applied to both
 - (i) the building before any work commenced (floor plan drawings 17.143.01A and 17.143.02A - both dated November 2016) and
 - (ii) the building following the initial planning approval (17.143.07B - August 2017 and 17.143.08D - November 2017). This is far from clear and hampers proper consideration.

- 2.3 The council should be very clear what exactly is being applied for and/or approved, particularly given previous issues in adherence to approved plans.
- 2.4 None of the submitted plans/elevations, either existing or proposed, show the current situation with regard to the first-floor fenestration overlooking the garage where an outward opening door has been installed by the applicant, contrary to any permissions, allowing access to the roof area and possible use as outside space (previous plans had shown railings around the garage to facilitate this). The council should ensure this is brought into line with the current plans, as submitted on this occasion, at the earliest opportunity.
- 2.5 The applicant's reference to the granting of permission for two new properties on the adjacent plot, also in the Conservation Area, are of limited relevance in terms of the appearance of the surrounding area and possible privacy issues. The site in question is in a lower position and surrounded by established vegetation - Bowerhams occupies a far more prominent, raised position with the rear elevation overlooking many older properties in Gas Lane and those facing Church Street.
- 2.6 I remain most concerned about the overall expansion of residential accommodation with the addition of 2 bedrooms. Previous occupants were elderly and had limited car use; even with a like-for-like conversion the current parking would likely be insufficient, as many spaces are tandem in nature and the garage is not in use. The additional rooms will simply exacerbate this situation. As already pointed out by Roger Plater, Transport Planner for Oxfordshire County Council -
"Given the rural nature of the village and property there will be a high degree of car-dependency, so I would expect a higher demand for the very limited amount of parking spaces."
- 2.7 On this basis, the application for rooflights should be refused - without the rooflights, the additional rooms cannot be used as bedrooms and this will at least contain the additional car use.
- 2.8 If the council is minded to approve the application in spite of representations, the proposal for 4 rooflights to the rear appears excessive in itself. In refusing the previous application council officers had indicated that 2-3 may have been acceptable (although the applicant refused to withdraw and resubmit the application in line with this at the time). It would seem perfectly adequate for one window to each bedroom and artificial lighting in the stairwell - i.e. 2 rooflights in total. This would represent a compromise to the various parties involved and limit the impact on the conservation area and neighbours.
- 2.9 If such approval is considered, conditions should stipulate that the developer co-operates with the council / highways and agrees an appropriate proposal for on-site parking with sufficient allocated spaces identified. If this is not done, parking on Ascott Road will undoubtedly become problematic and a potential safety concern, given the approach to the busy A361 junction and numerous access points from other properties with reduced visibility.
- 2.10 I am also concerned over the apparent lax health and safety of the site, which has persisted for some time. Currently, the scaffolding at the rear is not properly secured and allows easy access to the roof for children etc. Open ventilation holes in walls also allow materials (including flammable) into the property. Not direct planning issues maybe but ones the council should be aware of.

- 2.11 Ms Jan Harvey of 10 High Street Shipton-under-Wychwood
 I would like to support the comments made by Ms. Kitchen and the Parish Council.
 I have approached the developer directly and asked him to cease his plans for breaking out of the roof with a balcony and a balcony over the garage. I have his assurance that these will no longer be going ahead. I am concerned that any roof lights (which were fitted without planning permission) give leave to make the roof space habitable in the future. For that reason I think all seven should be removed.
 My further concern is the traffic. During this project I have had my drive blocked by vehicles and I have taken photographs. In order to access or leave my drive it is absolutely essential to have a clear view in both directions. The same applies to Courtlands Road and other neighbouring properties. Any on street parking is dangerous and because it is a country village with no police or traffic agents present people do take liberties.
 The current parking availability is for eight cars which means two have to be on the road at all times, then there will be visitors, services etc. The excess will, no doubt, use the road and/or the already beleaguered Church Street.
 Planning should not have been granted for ten bedsits, it should have been eight in line with vehicle parking. Elsewhere the council is really keen to minimise car parking, but sadly not in this case.

4 PLANNING POLICIES

EH10 Conservation Areas
 EH1 Cotswolds AONB
 OS2NEW Locating development in the right places
 The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

Background Information

- 5.1 This part retrospective application is for fenestration changes to include 4 rooflights on the rear of the building which fronts onto Gas Lane in the heart of the Shipton Conservation Area. The lawful use of the building is as 10 self contained flats. The site is presently being refurbished in order to retain the 10 flats with a better configured layout. The four rooflights serve a staircase and two loft rooms in flat 8.
- 5.2 Planning permission for the retention of 7 retrospective rooflights was refused under 18/02231/FUL because by reason of their number they were considered to appear as visual clutter on the formerly unperforated roof slope fronting onto Gas Lane.

Planning History

- 5.3 17/02903/CLP- Certificate of lawfulness confirming that property is lawful as 10 flats
 17/02904/FUL- External alterations to flats approved.
 18/02231/FUL- Alterations to fenestration previously approved under 17/02904/FUL and insertion of rooflights (seven to rear roof)(Retrospective)- Refused for the following reason:
 By reason of their number, the seven rooflights appear as visual clutter on a formerly unperforated roof slope fronting onto Gas Lane. The rooflights are visible from vantage points around the junction of Gas Lane and Ascott Road and will be particularly prominent in the winter months when planting in the vicinity of the site has shed its leaves and more particularly

at night time when the attic spaces are lit internally. As such, the retrospective development fails to either preserve or enhance the character and appearance of this part of the Shipton upon Wychwood Conservation Area and there are considered no public benefits to weigh against the harm. The development is therefore considered contrary to policies EH9, EH10, OS2 and OS4 of the adopted Local Plan 2031, relevant paragraphs of the NPPF and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to pay special attention to preserving or enhancing the character and appearance of the Conservation Area.

- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Impact on character and appearance of the Conservation Area;
 - Impact on the Cotswold Area of Outstanding Natural Beauty;
 - Impact on Residential Amenity;
 - Impact on Highway Safety.

Impact on character and appearance of the Conservation Area

- 5.5 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. These paragraphs advise that great weight should be given to the conservation of a designated heritage asset and further that where there is any harm, even less than substantial harm, the harm should be weighed against the public benefits of the proposal.
- 5.6 Policy EH10 of the adopted Local Plan states that proposals for development within Conservation Areas will be permitted where it can be shown to conserve or enhance the special interest, character and appearance of the Conservation Area.
- 5.8 In respect of the proposal to retain 4 of the retrospective rooflights along the roofslope fronting onto Gas Lane, having assessed the development from the main vantage points around the junction of Gas Lane and Ascott Road, Officers consider that by virtue of their consistent alignment and that the lights are contained and do not perforate the whole of the length of the roofslope that the retrospective rooflights (4 in number) can be considered to preserve the character and appearance of this part of the Conservation Area.
- 5.9 The rest of the fenestration serving the development is also considered to preserve the character and appearance of the area in light of the former windows and doors that were installed.
- 5.10 In light of the above assessment the development is considered compliant with contrary to policies EH9, EH10, OS2 and OS4 of the adopted Local Plan, relevant paragraphs of the NPPF and S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to pay special attention to preserving or enhancing the character and appearance of the Conservation Area.

Impact on the Cotswold Area of Outstanding Natural Beauty

- 5.11 Policy EHI of the adopted Local Plan 2031 states that in determining development proposals within the AONB great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside including wildlife and heritage. Given the terms of the policy and the supporting text, notwithstanding that the site is located within the AONB, it is part of an urban context located within the heart of the village and as such its impact on the AONB is considered to be a neutral one.

Impact on Residential Amenity

- 5.12 Some concerns have been raised that the rooflights will result in unacceptable overlooking of adjoining residential occupiers. Officers consider that in light of the existing overlooking from first floor windows that a reason for refusal based on unacceptable levels of overlooking cannot be justified.

Impact on Highway Safety

- 5.13 Some concerns have been raised that the additional bedrooms serving flat 8 which are served by the 4 rooflights will increase the demand for parking in association with the flats and that given there is limited off street parking serving the development that this will lead to cars having to park off site. Whilst OCC Highways has not responded to date to the consultation on this application, in respect of this concern County Highways has not raised any objections historically to this issue advising on the earlier application for 7 rooflights that if permitted, the proposal will not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network.

Conclusion

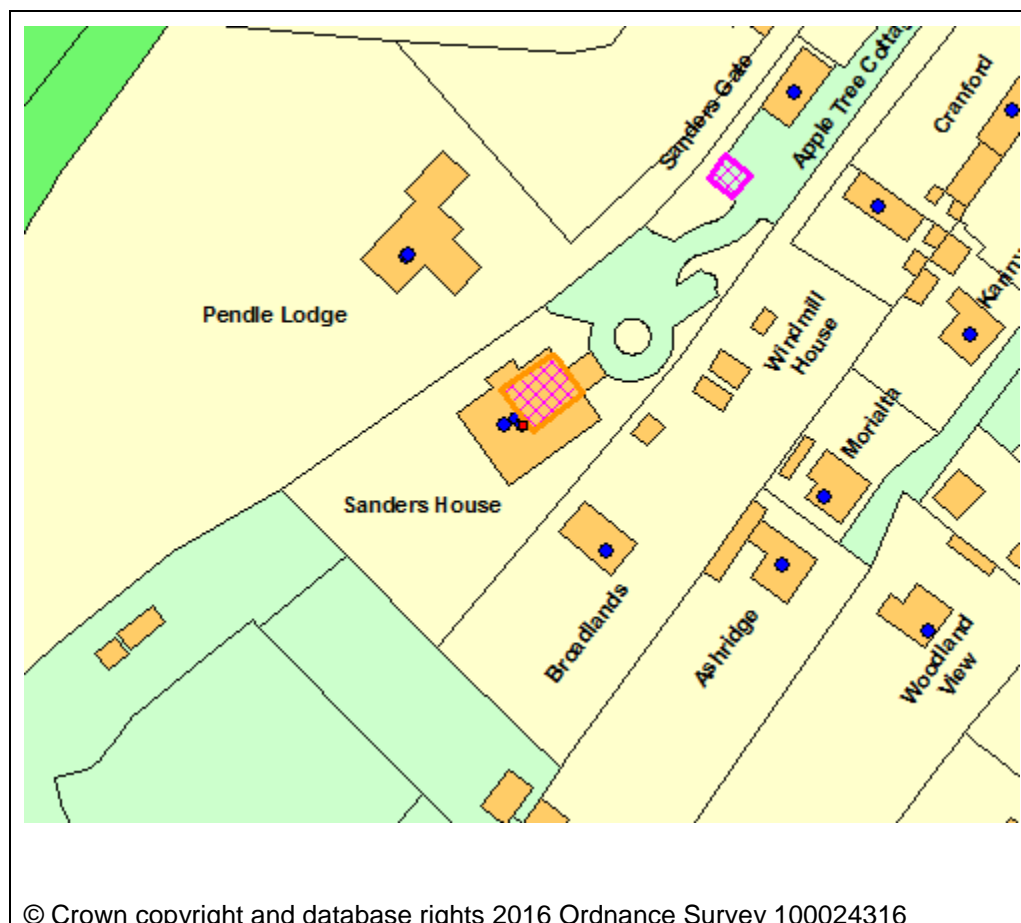
- 5.14 In light of the above assessment the application is recommended for conditional approval.

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 flat roof of the single storey extension adjoining flat 6 shall not be used for ancillary purposes in association with the residential use of flat 6.
REASON: In the interests of both the visual and residential amenities of the area of the

Application Number	I9/00288/FUL
Site Address	Flat 8 Sanders House Churchfields Stonesfield Witney Oxfordshire OX29 8ST
Date	20th March 2019
Officer	Joanna Lishman
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439082 E 217055 N
Committee Date	1st April 2019

Location Map



Application Details:

Replacement of Velux window with a larger unit in development of flats.

Applicant Details:

Mr Steven Holmes
Flat 8 Sanders House
Churchfields
Stonesfield
Witney
OX29 8ST
Oxon

I CONSULTATIONS

Parish Council

Stonesfield Parish Council has no objection to this.

2 REPRESENTATIONS

No third party representations received.

3 APPLICANT'S CASE

The application is accompanied by specification details of the Cabrio style rooflight which can be viewed online.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

EH9 Historic environment

EH10 Conservation Areas

EH1 Cotswolds AONB

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENTBackground Information

- 5.1 The application relates to Flat 8, Sanders House, Stonesfield. The area is residential and characterised by a variety of dwelling styles and ages. The building is set back from the road frontage and benefits from a large communal area to the rear. This application is being brought to Committee as the applicant is a member of staff.
- 5.2 The application site is within the Cotswold AONB and the Stonesfield Conservation Area.
- 5.3 The applicant seeks planning permission for the insertion of a Cabrio style Velux window in the north east roofslope.
- 5.3 In 2005, planning permission was granted for a mezzanine floor to Flat 8 to form the current lounge area (ref: 05/0723/P/FP) and in August 2017 planning permission was granted by

Members at Committee for alterations including a Cabrio style Velux window to the north west roofslope (ref: 17/01460/HHD).

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

Principle

Siting, Design and Form

Impact on the character and appearance of the Conservation Area

Residential Amenity Impact

Principle

- 5.5 Officers consider that a new window opening to this residential building is considered acceptable in principle, subject to meeting criteria defined in Policy OS4, EH1, EH9, EH10 and H6 of the West Oxfordshire Local Plan 2031. These elements are discussed further below.

Siting, Design and Form

- 5.6 The property is within the Conservation Area wherein the Council must have regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. Policies EH9 and EH10 of the adopted West Oxfordshire Local Plan 2031 requires development to conserve or enhance the special interest, character, appearance and setting of a Conservation Area.

- 5.7 The proposed window would be a Cabrio style rooflight to be installed into existing roofslope of Flat 8. The window would measure 1.14m in width and 2.5m in height to match the opposite unit. The window would replace an existing rooflight. Given the design of the building, and variety and style of window and rooflight openings on the building, it is not considered that this addition would be harmful, thereby preserving the special historic, architectural interest, character and appearance of the building and the Conservation Area. No objections have been received from the Parish Council.

Impact on the AONB landscape

- 5.8 The property is within the Cotswold AONB. Paragraph 172 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the proposal is a modest addition to the residential building in a residential area and therefore it is not considered it would be harmful to the AONB.

Residential Amenities

- 5.9 As with the previously approved Cabrio style rooflight, residential amenity issues such as overlooking and noise emission from the window have been carefully considered. It is noted that the garden of the ground floor flat can be overlooked from the staircase to Flats 7 and 8 and the existing rooflight can already be opened in this location, thus no increase in noise emission is envisaged. Whilst the proposed window would enable the occupants to stand on a small balcony when the window is open (the window is flush with the roofslope when closed),

the presence of a flat roof with parapet wall beyond will mean that there would be no significant harm caused by overlooking of the garden below, over and above the existing intervisibility. To the south east, lies the residential curtilage of Broadlands. The proposed rooflight would be some distance from the boundary which is screened by vegetation, beyond which lies the front driveway of the property and not the rear private amenity space. On balance, officers are satisfied that the replacement rooflight with a Cabrio style rooflight window would not be unduly harmful to the occupants of the properties discussed.

Conclusion

- 5.10 In view of the above, officers are of the opinion that the proposed Cabrio style rooflight in place of the existing Velux rooflight is acceptable and would not harm the special interest, character or appearance of the building, Conservation Area or residential amenity and is compliant with the relevant Local Plan policies referred to above and relevant paragraphs of the NPPF.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The development shall be constructed with the materials specified in the application.
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.
- 4 The roof area adjacent to the proposed rooflight shall not be used as a balcony, roof garden or similar amenity area.
REASON: To protect the reasonable privacy of the occupants of adjoining properties.