

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 15th November 2021

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



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.

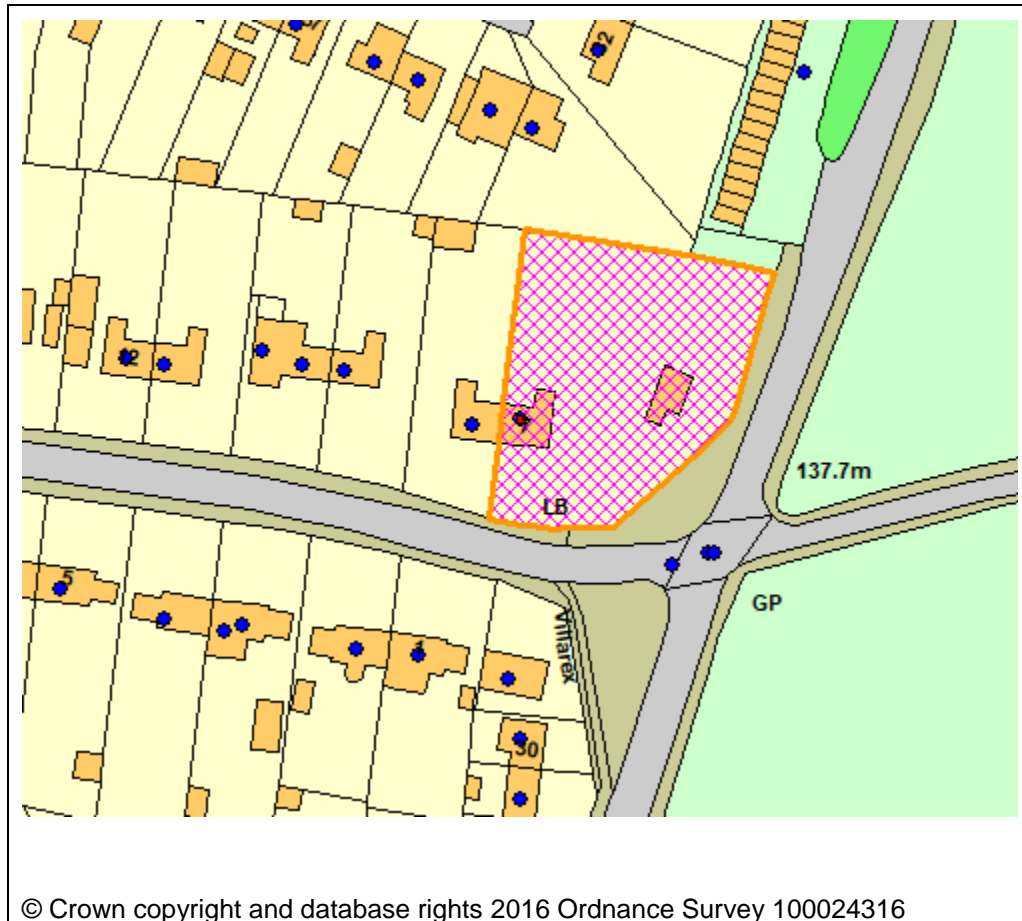
Please note that:

1. 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

Page	Application Number	Address	Officer
11 – 18	21/02573/OUT	7 Cleveley Road Enstone	Joan Desmond
19 - 25	21/02872/FUL	Land East Of The Drive	James Nelson

Application Number	21/02573/OUT
Site Address	7 Cleveley Road Enstone Chipping Norton Oxfordshire OX7 4LL
Date	3rd November 2021
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	438084 E 224152 N
Committee Date	15th November 2021

Location Map



Application Details:

Outline Planning Application for the erection of 4 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme (with some matters reserved) (Amended Plans)

Applicant Details:

Mr and Mr David And Robert Stevens
7 Cleveley Road
Enstone
Oxon
OX7 4LL

I CONSULTATIONS

OCC Highways

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

Note a 6.0m manoeuvring space is required at parking spaces in order that vehicles may enter/leave parking spaces.

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:

- G11 access specification
- G25 drive etc specification
- G13 close ex access and reinstate public highway
- G32 turning facility

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council

WODC Drainage Engineers

No objection subject to drainage condition.

ERS Env. Consultation Sites

Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

Please consider adding the following condition to any grant of permission.

1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance

with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Env Health - Uplands

Mr ERS Pollution Consultation I have No Objection in principle to this outline application.

Thames Water

Waste Comments - Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

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.

With regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water Comments - On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

Parish Council

Although Enstone Parish Council supports the application, it is very concerned regarding the parking and safety issues and requests that double yellow lines and bollards are placed around the area.

Please can the applicants also consider some kind of sustainable renewable energy at the properties?

OCC Highways

Manoeuvring areas now acceptable. No further comments.

We remain willing to provide more information, but feel for the purposes of an outline that might lead to a conditional consent, this must now be sufficient information.

4 PLANNING POLICIES

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

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

NPPF 2021

NATDES National Design Guide

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

PLANNING ASSESSMENT

5.1 The applicant seeks outline planning permission for the erection of 4 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme. All matters are unreserved apart from appearance.

5.2 The site lies at the eastern edge of the village of Enstone. The site comprises No 7 Cleveley Road, a semi-detached property which is located at the junction of Cleveley Road and Banbury Road. The site is enclosed by a low stone boundary wall along the roadsides.

5.3 The application is to be heard before the Committee as the views of the Parish Council are contrary to the proposed recommendation. The application was deferred for a site inspection at the September Uplands Planning Sub-Committee.

Planning History

5.4 An outline application for the erection of 6 dwellings, closure of existing access, and creation of separate access for No. 7 Cleveley Road and new access for the proposed dwellings, with parking layout and landscaping scheme (with some matters reserved) was withdrawn in July 2021 (Ref: 21/01689/OUT).

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
- Layout and scale
- Highway Issues
- Residential Amenity Impact
- Biodiversity Issues

Principle

5.6 Enstone is classified in the Local Plan 2031 as a village, which is suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of the community (policy OS2). Housing Policy H2 states that new dwellings will be permitted in certain circumstances including on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles set out in Policy OS2.

5.7 Policy OS2 states that villages such as Enstone are suitable for limited development, which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state, inter alia, that development should form a logical complement to the existing scale and pattern of development and/or character of the area; be of a proportionate and appropriate scale to its context; not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area and conserve and enhance the natural, historic and built environment.

5.8 As such, the proposal is assessed against the general principles of Policy OS2 in more detail below.

Layout and Scale

5.9 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history including the surrounding built environment and landscape setting and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflects this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.10 This application seeks outline permission, with all matters unreserved, except for appearance.

5.11 In terms of layout, the site plan indicates 2 pairs of semi-detached properties fronting onto Banbury Road with parking in front. The pair of units at the northern end of the site would be larger in size and scale. The scale details submitted indicate that the 2 bed units would be 7.2m height and the 3 bed units 7.95m high. Given the change in land levels, ridge heights would not however exceed that of No7 Cleveley Road (7.45m). The existing access off Cleveley Road is to be closed with two new accesses created off Cleveley Road to serve the proposed development and the existing property. The creation of the new accesses will involve the removal of part of the existing stone boundary wall. The site occupies a prominent corner location, at the junction of Cleveley Road and Banbury Road. Open countryside adjoins the site to the East. On the opposite corner, development is set back from the main road and separated by an open green area. Similarly, development on the western side of the road is separated by a wide grass verge. The site principally comprises the side garden area of No 7 which has an open context with some low single story outbuildings. All the trees within the site are to be removed including a mature Beech tree in the north eastern corner of the site. The agent has advised that the tree has been fire damaged and is not worthy of retention but no tree survey or arboricultural report has been submitted with the application. The land slopes down to the north with a range of single story flat roofed garage buildings located on the opposite side of a small open grassed area. Given the topography of the site the garages cannot be seen from the junction or views from the south.

The development will project further east, beyond the existing build line of existing housing and would not form a logical complement to the existing character and pattern of development. The development including the new access road and parking areas would harm the open context of the site and would appear visually intrusive and would be harmful to the sensitive rural edge of village setting which adjoins open landscape to the east.

Highway Issues

5.12 The existing access off Cleveley Road is to be closed with two new accesses created off Cleveley Road to serve the proposed development and the existing property. OCC Highways has commented that the proposal, if permitted, would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. The latest revised plans also ensure that adequate manoeuvring areas are provided.

Residential Amenity Impact

5.13 Adopted Local Plan Policy OS2 states that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. An objection has been received from No 33 Cleveley Road, a property located to the rear of the site, raising concerns relating to overlooking and overbearing impact. Given however, the proposed orientation of the dwellings and separation distances, it is considered that the detailed design of the dwellings could ensure that there are no amenity issues resulting from the development.

Biodiversity Issues

5.14 Whilst a Biodiversity Plan has been submitted which indicates that the clearance of vegetation will be compensated for through a number of measures such as the creation of wildflower areas, native hedgerows and new native tree planting, the features proposed to be created and planted would be within the rear gardens of the dwellings meaning that the management of these features could not be secured in the long-term and as such would not sufficiently compensate for the vegetation lost.

5.15 In addition, inadequate ecological information has been submitted and the Biodiversity Officer has requested the submission of a Preliminary Ecological Appraisal. No such appraisal has been submitted and as such the potential impact on protected and priority species is unknown.

Conclusion

5.16 In light of the above assessment, the proposed development, by reason of its layout and scale would not form a logical complement to the existing scale and pattern of development and character of the area and would be harmful to the rural edge setting of the village by reason of its visual intrusion and projection of development further to the east. In addition, inadequate ecological information has been submitted and the Biodiversity Plan does not sufficiently compensate for vegetation lost. As such, the proposed development is considered to be contrary to the provisions of policies OS2, OS4, EH3 and H2 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

6 REASONS FOR REFUSAL

1. The proposed development, by reason of its layout and scale would not form a logical complement to the existing scale and pattern of development and character of the area and would be harmful to the sensitive rural edge setting of the village by reason of its visual intrusion and projection of development

further to the east. As such, the proposed development is considered to be contrary to the provisions of policies OS2, OS4 and H2 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

2. Inadequate ecological information has been submitted to assess the potential impact on protected and priority species and the submitted Biodiversity Plan does not sufficiently compensate for vegetation lost. As such, the proposed development is considered to be contrary to the provisions of Policy EH3 of the adopted West Oxfordshire Local Plan 2031 as well as the relevant paragraphs of the NPPF 2021.

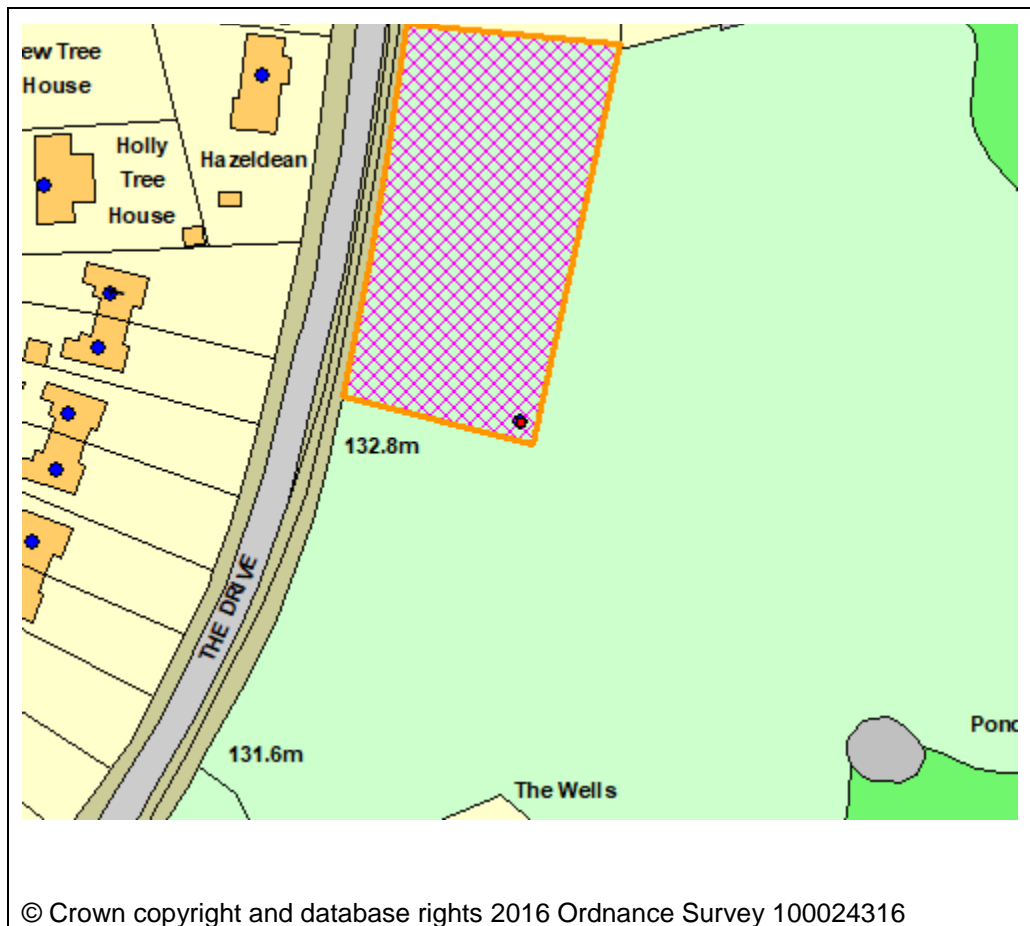
Contact Officer: Joan Desmond

Telephone Number: 01993 861655

Date: 3rd November 2021

Application Number	21/02872/FUL
Site Address	Land East Of The Drive Enstone Oxfordshire
Date	3rd November 2021
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	437660 E 224693 N
Committee Date	15th November 2021

Location Map



Application Details:

Construction of two detached self-build custom-build carbon-neutral houses together with associated works and formation of vehicular access.

Applicant Details:

Ms Kelly Fannon
58 Long Meadow
Torriano Avenue
London
NW5 2SU

I CONSULTATIONS

Parish Council	<p>Mrs B Sinclair Enstone Parish Council has no objection to this planning application but wishes to raise the following points:-</p> <ol style="list-style-type: none">1. A review of parking arrangements is required so that vehicles are parked on site and not along The Drive.2. It is recommended that construction vehicles are also parked on site.3. There will be an infringement of the public right of way and clearer clarification is required regarding this and the current boundary.
OCC Highways	No objection subject to conditions.
Conservation Officer	No response received.
Sustainability Checklist Officer	Additional information required, please see the Council's website for full comments.
WODC Drainage Engineers	No objection subject to conditions.
WODC Env Health - Uplands	Mr ERS Pollution Consultation No objection.
ERS Env. Consultation Sites	<p>Mr ERS Pollution Consultation Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>I have no major concerns in relation to the development but given the proposed residential use please consider adding the following condition to any grant of permission.</p> <ol style="list-style-type: none">1. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures

for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

It is also noted that full radon protection measures are required at the site, discussions should be held with building control to ensure these measures are incorporated into any design.

Biodiversity Officer

Additional information required, please see the Council's website for full comments.

2 REPRESENTATIONS

2.1 Three letters of representation have been received from members of the public, two in opposition to the scheme and one general comment. The following matters are raised:

- The precedent set by the refusal of applications 16/01776/OUT and 15/01937/OUT is a relevant consideration and the refusal reasons cited in these decisions remain relevant.
- The development would set an unwanted precedent.
- Embodied carbon in the construction of the homes.
- Lack of identified local housing need.
- Negative impact upon the site's ecology.
- Disruption during construction.
- The scheme should not be considered infill development.
- Increased traffic, highways safety concerns.

The full comments are available on the Council's website.

3 APPLICANTS'S CASE

3.1 A Planning Statement has been submitted by the applicant in support of their case, the key points are summarised in the following section.

3.2 It is intended that this application should meet the emerging carbon neutral design targets and will therefore be one of similar projects underway in West Oxfordshire District.

3.3 The aim is to construct the two houses to a high environmental level aiming for a carbon neutral outcome with a primary energy consumption of less than 50kwh/m2a. This will mean adopting the Passive House design standard for insulation, air tightness and the avoidance of cold bridging all of which are achievable through careful detailing and the selection of off-site manufacturing.

3.4 The development of the design has been driven by the sustainable aspects of the project and the relationship of the new buildings to the site. In order to secure the maximum advantage from passive energy, the new buildings will be orientated to allow for the maximum exposure for solar gain for both passive and active purposes. The two houses are therefore purposely orientated to face the principal elevations to a south easterly direction to maximise the advantages that the site has to offer.

3.5 There should be no loss of amenity to adjoining residents, either visually or physically by these proposals.

3.6 The principal of self-build or custom-build schemes is supported throughout the country and specifically by WODC who since 2018 have had a policy to give consideration to all potential self-build or custom build groups.

3.7 There is a clear need for additional housing in the district within which there is a specific demand for self-build or custom build housing.

3.8 The full statement is available on the Council's website.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

H5NEW Custom and self-build housing

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 This application seeks consent for the construction of two detached self-build custom-build carbon-neutral houses together with associated works and formation of vehicular access at Land East of the Drive, Enstone. The site lies adjacent to the built up area of Enstone and does not lie within any areas of specially designated planning significance.

Relevant Planning History

- 21/00087/FUL- Withdrawn on Officer advice
- 16/01776/OUT (Neighbouring Site)- Refused

5.2 The existing site is undeveloped grass/scrub land that is partially enclosed by hedging. It is located adjacent to a footpath that runs north to south along the eastern edge of the site. To the north and west the site is bordered by existing dwelling houses with an open area of land to the south and east that separates the development along Bicester Road and The drive from Neat Enstone to the south east. The visual and landscape significance of this separation between the settlements was recognised by officers under application 16/01776/OUT which was refused and dismissed at appeal in 2017.

5.3 The proposed units are one and a half storeys in height and oriented at 45 degrees to 'The Drive'. They would be constructed of untreated horizontal larch boarding under a steel sheet roof with triple glazed casement windows. Each dwelling would be set in a substantial but undelineated garden area with on-site parking and the existing hedgerows predominantly retained.

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 for the application are:

- Principle;
- Visual Impact;
- Neighbourly Amenity;
- Highways Impacts; and
- Ecology Impacts

Principle

5.5 The Town and Country Planning Act 1990 requires that planning application be determined in accordance with the local plan unless material considerations indicate otherwise. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. The Council has an up-to-date local plan and can demonstrate a 5-year housing land supply, though this does not preclude windfall development. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.6 The application site sits adjacent Enstone, which is identified as a village under West Oxfordshire Local Plan Policy OS2 where new dwellings can be permitted where they are of a proportionate and appropriate scale to their context, having regard to the potential cumulative impact of development in the locality, and form a logical complement to the existing scale and pattern of development and/or the character of the area. Policy H2 of the Local Plan states that new dwellings will be permitted on undeveloped land adjacent to the built up area of villages where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs. New dwellings should also be in accordance with the distribution of housing set out in Policy H1.

5.7 Therefore, in order for the scheme to be policy compliant, the applicant must provide convincing evidence to show that the proposed dwellings are necessary to meet identified housing needs. In addition, the scheme must accord with the general principles set out in Policy OS2. The detail of the proposal as assessed against the requirements of policy H2 and the general principles of Policy OS2 are considered in more detail in the relevant sections below.

Justification of Need

5.8 The adopted Local Plan outlines that windfall housing development on undeveloped land adjoining built up areas will require robust justification. These needs may be localised or district-wide. The applicant has submitted generalised figures relating to the demand for self/custom build housing in the district, this may be viewed in the Planning Statement referred to in Section 3 of the Report. Reference is also made to a larger scheme in Charbury. No reference is made to the current level of provision for self/custom build units within the district or comparison made to identify that further allocations are required.

5.9 Your officers consider that the limited data provided in support of this scheme is insufficient to satisfy the requirements of Policy H2 with regard to new dwellings on undeveloped land adjoining the built up area. No convincing evidence has been provided to justify the expansion of the village into

previously undeveloped land and as such, your officers consider that the application is not compliant with the policy requirements of H2.

Visual Impact

5.10 The general principles of Policy OS2 state that new development should form a logical complement to the existing scale and pattern of development and/or the character of the area. Your officers consider that the proposed scheme does not form a logical complement to the existing pattern of development in the area.

5.11 The built form in this part of Enstone lies mainly along Bicester Road as it travels north toward Church Enstone and is contained by The Drive to the east. By extending the pattern of development east in the proposed manner, the physical barrier that The Drive forms to contain the development along Bicester Road would be breached thereby partially intruding into the undeveloped land that distinguishes these two areas of the village. The vegetation along the boundaries of the site would contain the intrusion to an extent however, this should not be relied upon in perpetuity.

5.12 The design of the proposed dwellings does not employ locally characteristic forms or materials however, officers acknowledge the environmental reasoning behind the proposed design and form and therefore do not object to this element of the scheme.

5.13 In summary, the proposed development fails to form a logical complement to the existing pattern of development in the area and is therefore recommended to Members for refusal on these grounds.

Neighbourly Amenity

5.14 In regards to the impact on neighbouring amenity, your officers consider that due to the siting of the units in relation to their neighbours and the proposed massing of the buildings, no significant impact will result upon neighbouring occupiers by way of overlooking, overbearing or loss of light. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity.

Highways Impacts

5.15 The Local Highways Authority have been consulted on the application and concluded that, subject to conditions, the proposed site would be served by safe and adequate access and parking facilities and is therefore considered acceptable by officers on these grounds.

Ecology Impacts

5.16 The application has been furnished with a Preliminary Ecological Appraisal. Upon review of this document by the Council's ecologist, further detail is required prior to a positive determination of the scheme. The full comments may be viewed on the Council's website. In light of this, should Members be minded to approve the application, further information will be sought in this regard to ensure that the application complies with Local Plan Policy EH3.

Conclusion

5.17 In light of the above assessment, the application is considered to conflict with west Oxfordshire Local Plan Policies OS2 and H2, relevant sections of the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended to Members for refusal.

6 REASONS FOR REFUSAL

1. By reason of its siting on undeveloped land adjoining the built up area of the village, the proposed self-build dwelling would read as an illogical urban encroachment into a semi-rural edge of the village, which would have an adverse impact on the settlement character and the character of the immediate and wider landscape setting. In addition to this, no convincing evidence has been presented to demonstrate that the proposed dwelling is necessary to meet an identified housing need. The proposal is therefore contrary to Local Plan Policies OS2, H2 and H5 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF.

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 3rd November 2021