

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 30th May 2022**

### 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.

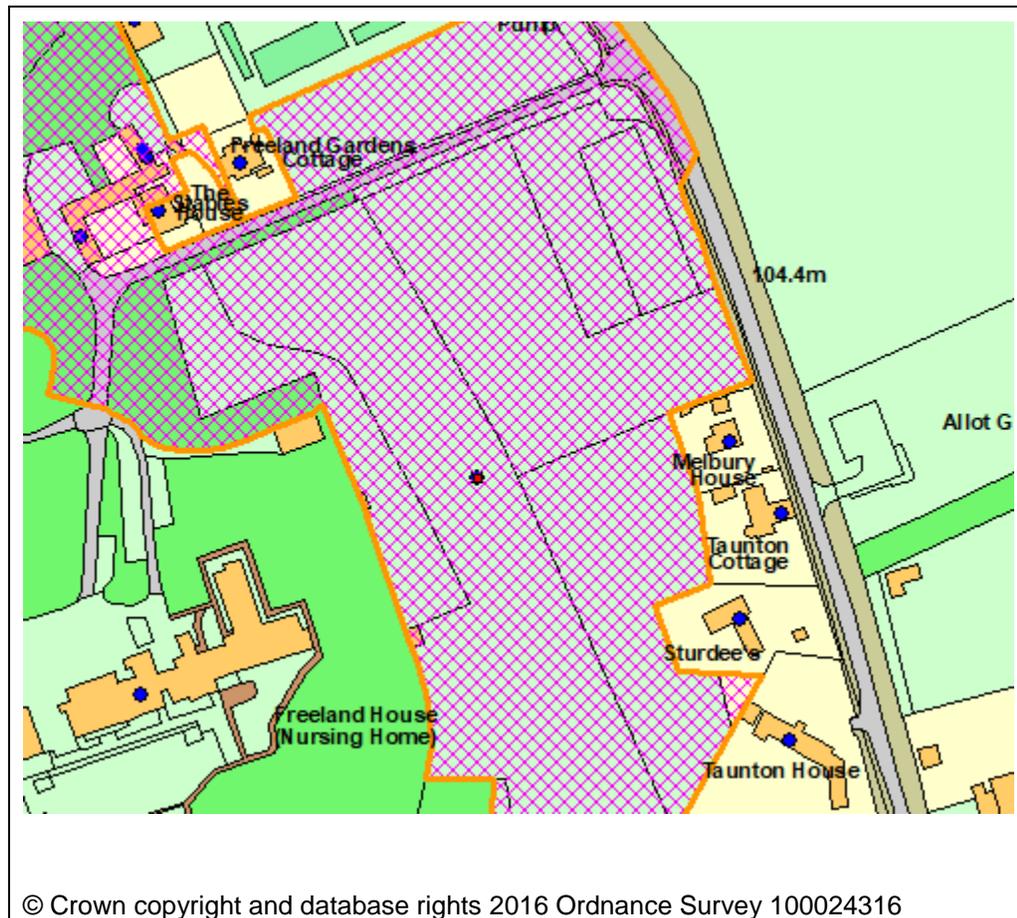
Please note that:

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](http://www.westoxon.gov.uk/meetings)

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Application Number	21/02627/OUT
Site Address	Land Of The West Side Of Wroslyn Road Freeland Oxfordshire
Date	18th May 2022
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Freeland Parish Council
Grid Reference	441496 E 212392 N
Committee Date	30th May 2022

### Location Map



## Application Details:

Outline planning application for the erection of a retirement community of up to 160 extra care units (C2 use class) with associated communal facilities and open space, with access from Wroslyn Road, (all matters reserved except access) and retention of veterinary practice in the coach house.

## Applicant Details:

C/O Agent

## I CONSULTATIONS

Parish Council

Freeland Parish Council is unanimous in its objection to application 21/02627/OUT.

The proposed development in this location is wholly unsustainable and unacceptable for the following reasons:

1. Inappropriate development for the site and village: The scale, location and type of development are inappropriate and entirely out of keeping with the existing scale and character of the village.
2. Poor access to amenities and public transport: The site has very few amenities and no public transport within reasonable walking distance.
3. Transport planning: The plans proposed to improve the site's accessibility are unrealistic and so will not make the scheme any more sustainable.

### I. Inappropriate development for the site and village

- 1.1 Scale: A development of up to 160 dwellings for over 65s imposed on a village of approximately 570 houses (i.e. a 28% increase in the number of dwellings) would severely skew the overall age structure of the village and so damage its vitality.
- 1.2 Unacceptable site: The West Oxfordshire Local Plan identifies suitable sites for development up to 2031. Part of this site was offered for development whilst the Local Plan was being prepared throughout 2016-2018, but it was considered unsuitable due to its sensitivity both in terms of its landscape setting and its contribution to the rural approach into Freeland. The site remains sensitive and is no more suitable for development now than it was then.
- 1.3 The proposed development clearly does not meet an identified local need: Local Plan Policy H2 states that

undeveloped land adjoining the built-up area of villages can be considered for development where convincing evidence is presented that it meets identified housing needs. In addition Policy EW10 governing the Eynsham-Woodstock sub-area states that the focus for new development will be in the Rural Service Centres of Eynsham, Woodstock, Salt Cross and Long Hanborough. Outside of these areas, development will be limited to meeting local housing needs, and will be steered towards the larger villages. Freeland is not a large village, and it has no local need for 160 retirement homes. The proposal, therefore, contravenes these policies.

- 1.4 The proposal will affect community viability and cohesion: Policy OS2 states that villages are only suitable for limited development which "respects the village character and local distinctiveness and would help to maintain the viability of these communities." This development is contrary to this policy by virtue of being:
- a. an enclosed (albeit ungated) community with an aspiration of self-sufficiency, which 'ghettoises' those within it and prevents integration with the local community - an issue raised by Thames Valley Police in its response.
  - b. aimed at over-65s when the 2011 census confirms that over 40% of Freeland's population was already over 60. The outcome is that, by those figures, the addition of this development would swell the over-60 population of Freeland to 55%, which is more than twice the national average. This would place enormous pressure on local healthcare services and impact the whole viability and vitality of the village, its scant amenities and the school in particular.
- 1.5 Does not fit village character: Freeland is a ribbon development of individual dwellings, including bungalows, detached, semi-detached and terraced houses. These are densest on either side of Wroslyn Road between the church and the school. The application site, just beyond the church, comprises a major section of one of two strategic gaps in the otherwise continuous development along Wroslyn Road. These strategic gaps help to define the character of the village. Building on this site would remove one of these important landscape features which are much valued by villagers. Beyond these open landscape sections the settlement pattern is much less dense and more loose-knit. At its most dense, there are only 15-16 dwellings per hectare in Freeland, yet this development proposes a density of 45 dwellings per hectare. This is three times more than the existing higher densities in the village and can only be accommodated in the scheme by the inclusion of five wholly inappropriate three storey

buildings. The development would also increase housing in the village by about 28%.

- 1.6 Does not fit housing character: The proposal includes large three storey blocks of housing which are completely anomalous in Freeland. Such large and high buildings would be visually intrusive from Wroslyn Road and completely incongruous.
- 1.7 Lighting an unlit village: Freeland is characterised by its absence of street lighting, a facet Freeland residents have fought hard to preserve. The darkness supports large numbers of wildlife species in the village, not least barn owl and bat colonies. Whilst external lighting has not been included in this outline planning application, all best practice design guidance for retirement living communities (for example RIBA's "Guide for Assisted Living" or Newcastle University/Churchill Retirement Living's "Retirement Living Explained: A Guide for Planning & Design Professionals") underlines the need for well-lit external areas, entrances and vestibules 24 hours a day. It is unimaginable that any retirement community could be built without such extensive lighting, yet such lighting is entirely at odds with the character of Freeland and would permanently damage the ecological value of the area.
- 1.8 Damage to local ecology: The Parish Council accepts that the applicant has submitted plans to mitigate damage to wildlife populations; however, the Parish Council is of the opinion that the damage done could not be mitigated for the following reasons:
  - c. Both the construction period and the ongoing operation of the site, including lighting and vehicle movements, would result in permanent loss of thriving bat, owl and rook colonies on the application site.
  - d. The current use of the site for horse grazing stimulates a healthy insect population which helps to support bat populations as well as a number of swallow pairs returning to local sites annually to breed; there is concern over not just the site but other bordering fields which would no longer be used for grazing due to the loss of the livery stables.
  - e. The site together with Chapel Field forms an important wildlife corridor between the estate woodlands of Eynsham Hall and the wildlife rich farmland to the east.

1.9 Damage to landscape and heritage value: The site lies on the edge of the Estate Farmland Landscape Character Area as defined in the "West Oxfordshire Landscape Assessment". As outlined in 1.4 above, the character of Freeland is defined by the two strategic gaps in the development along Wroslyn Road. These are either fields with well-developed hedgerows or, in the case of the application site, typical Estate Farmland landscape, which gives a strong sense of place to the village. The walled garden and stables to Freeland House within the site in turn enhance the Victorian Gothic revival set piece by the celebrated Architect, John Pearson, comprising St Mary's Church, the old village school and the Parsonage. The distinctive character of this historic core of the village would be severely compromised by the proposed development.

1.10 Impact on mature trees: The proposal includes widening the existing 3m wide access drive and improvements to the site entrance visibility splays, as well as the creation of a new construction access track. These works would all impact on the tree Root Protection Areas of most of the mature trees in the northern part of the site. The proposed use of 'no dig' construction methods in these locations is difficult to enforce and, therefore, would be ineffective. The long term viability of the mature trees on the site could also be compromised since it is likely that future residents of the proposed "village" would require them to be cut back or removed to avoid leaf fall / shading to their dwellings.

## 2. Access to amenities and transport

2.1. Ability to access local amenities through walking: Newcastle University/Churchill Retirement Living's "Retirement Living Explained: A Guide for Planning & Design Professionals" states that:

"Ideally retirement schemes should be within easy walking distance of the town centre or nearest high street... Sites that are more than half a mile from local facilities are not considered."

The proposed site for this development is over a mile (1.6km) from the nearest bus stop or any essential services such as a shop and a doctors' surgery. As a result, future residents would be almost totally reliant on their cars for all journeys.

The applicants appear to justify their proposal at Freeland by comparing it to its other sites which are either adjacent to bus stops or - at most - 900m away from a bus stop.

However, the distances from the application site in Freeland to local services are:

- Nearest bus stop - 1.9km
- Doctor's surgery - 2.4km
- Shops - 3.1 km (Co-op at Long Hanborough)

2.2. Lack of local shops and services: Freeland has scant amenities to support a retirement population. Existing Freeland residents who no longer have a car are reliant on friends, neighbours or the Volunteer Link Up scheme based in Witney to take them to shops, local doctors, and the Oxford hospitals. As it stands, many struggle to obtain transport slots, especially at short notice. This is even to get to the nearest doctors' surgery in Long Hanborough.

2.3. Lack of access to public transport: With a 1.9km walking distance to the nearest bus stop, it is worth noting the ILC-UK/Age UK report "The Future of Transport in an Ageing Society" which points out that two thirds of respondents do not use public transport because it is either not convenient, does not go where they want, their health prevents them, or they have difficulties with mobility.

### 3. Transport Planning

3.1. Shuttle bus provision: The proposed 'solution' to the lack of public transport as detailed in section 2 is proposed as a shuttle bus service. This is idealistic and completely unworkable. In reality, new residents will rely on their own cars because of the lack of autonomous public transport. Shuttle bus transfer is unsustainable and adds further vehicle movements. Such an 'on-demand' service would provide no benefit over use of the residents' own vehicles.

3.2. Cycling routes: The provision of cycling routes in this part of West Oxfordshire is patchy and paths are not well finished. There are no dedicated cycle paths in Freeland and if residents cycled to a bus stop, they could have nowhere to leave their bicycle. Again, reference to this in the application is a work of fiction.

3.3. Use of residents' cars: Freeland Parish Council finds the applicant's assessment of likely car ownership among residents as unrealistic due to it being based on statistics for sites which are far closer to public transport facilities. In addition, staff will find it difficult and time consuming to use public transport to get to work - having a 20min+ walk from the nearest bus stop, so are far more likely to commute by car. Therefore, the additional traffic movements from the proposed development have been under-estimated. Notwithstanding this, the 523 estimated additional traffic movements per 12-hour day, as set out in Table 8 of the Transport Statement, is significant in itself.

3.4. Existing vehicle movements: The Parish Council finds the applicant's assessment of existing combined vehicle movements (369 per 12 hours) unrealistic, amounting to a vehicle passing approximately every two minutes during the day. Local knowledge indicates strongly that this is not the case and that these numbers are vastly inflated with the result that the percentage increase in traffic movements from the proposed development has been significantly underestimated.

So, in summary, as you can see from the above, this application is the wrong development in the wrong location and is completely unsustainable for the reasons set out in this letter.

The Local Plan was established following a consultation with residents of West Oxfordshire and went through rigorous examination by the Planning Inspector in order to provide security to communities and protect them from speculative development. If this application were to be approved this would make a mockery of the whole Local Plan agenda and undermine the whole process.

Freeland Parish Council strongly urges the WODC Planning Department to remain resolute and to uphold the Local Plan and its objectives.

Oxford Clinical Commissioning Group NHS

NHS Oxfordshire Clinical Commissioning Group (OCCG) objects to this proposal pending confirmed additional investment through developer contributions in expanding local primary medical care capacity. Primary care is at capacity in Eynsham and requires additional infrastructure to provide capacity for population growth. A development of this kind would accommodate residents which much higher health needs than average which would place considerable demands on local primary medical care. In addition, a development of this size in a small village will place considerable demands on the health and social care workforce locally which might impact on existing providers for vulnerable residents.

OCCG would request developer contributions of £86,400 and measures to mitigate the impact on health and social care workforce locally.

OCCG would allocate any developer contribution to increase capacity of existing health facilities in partnership with Eynsham & Witney Primary Care Network and its members, rather than create new standalone provision. This is appropriate to the scale of the development and to supporting sustainable future healthcare.

Major Planning Applications  
Team

Transport - Recommendation:  
No objection subject to:

- S106 Contributions towards public transport services
- Highway Planning Conditions.

LLFA - No objection subject to drainage conditions.

County Archaeological Officer - No objection subject to conditions.

Conservation Officer

The setting - and particularly the approach from Wroslyn Road - will be compromised. Currently, there is mostly open grassy ground between Freeland House and the road, and it is well separated from the existing buildings to the north and to the east. With this scheme, there will be a large mass of new building, with the three storey monolithic blocks in relatively close proximity. And, as ever, you can't rely on trees to screen the new buildings in perpetuity.

And the impact on the wider settlement is similarly regrettable. Firstly, this doesn't look like a natural extension to the settlement from our point of view - in fact it would tend towards the transformational, carrying the centre of gravity somewhat to the south. And whilst it would be set around and amongst some existing structures, they are very widely spaced, with the great majority of the proposed site currently being open or wooded ground. I also note that this is a wide, flat and relatively open landscape, and that the development would thus make a very significant impact on both near and long views - particularly as some of the buildings would be of three storey height, in a land of predominantly two storey buildings. I also note that some of the blocks are of large and monolithic form - again sharply in contrast with the majority of the development in this settlement, which is of decidedly domestic scale. In summary, this doesn't respect the existing morphology in either principle or detail...

WODC Planning Policy  
Manager

I have concerns that the application proposal conflicts with a number of OS2 criteria, in particular that the scale of proposed development is not proportionate or appropriate, would not protect or enhance the local landscape and setting of the village and that development would not form a logical complement to the existing scale and pattern of development and/or character of the area.

Freeland is identified as a linear settlement in the West Oxfordshire Design Guide (2016) and it is evident that development of the scale proposed in this location would extend the existing built form significantly southwards onto a sensitive greenfield site and would not relate well to the existing village.

It is not accepted that the Council does not have an adequate supply of deliverable housing sites or that paragraph 11(d) of the NPPF is subsequently engaged.

In summary, whilst I accept that there is clearly a need for additional housing for older people in West Oxfordshire, I do not accept that the position is quite as stark as has been suggested by the applicant.

Locating a proposed retirement community within or close to a settlement with a wide range of services and facilities, including public transport, not only has benefits for the residents of the community but also benefits their visitors and those working at the care village, especially in terms of minimising the need to travel by private car (Policy T1).

It is relevant to note that paragraph 8.14, the SHMA (2014) identified that there will be a notable demand for affordable housing from the ageing population. The ICENI Housing Strategy advice also identifies a total need for around 175 units of specialist accommodation, mainly within the affordable sector (my emphasis). However, despite the relative under-provision of older person's accommodation for rent discussed earlier, affordable housing provision is not being offered through this application on the basis of viability.

Other detailed comments to highlight on specific aspects of the proposal are as follows:

- Consideration of landscape issues are particularly important particularly given the significance of trees and woodland. Policies EH2, EH10-14, 16 of the WOLP 2031. The site lies within the Eynsham Vale Landscape Character Area and has an estate farmland landscape which is identified as having a distinctly well-treed character, with estate features or buildings. Such areas are generally of high scenic quality and sensitive to development. In addition to the wider context, this is a sensitive site, both in terms of its immediate landscape setting (particularly the trees within and nearby) and its contribution to the soft/rural approach to Freeland. The character of this part of Freeland is very different to that of the main village to the north which has developed in depth. Here the built-form is one of limited linear development along Wroslyn Road, all very much part of a rural landscape setting, with views to the countryside and country-estate to the east and west. The development proposed would intrude into this rural setting and, even with the retention of the existing trees on the site, would be out of character. Developing within and in close proximity to a well-established woodland needs special care. Overshadowing and bough and leaf drop may well lead to pressure for tree removal even where these are shown to be retained.
- Policy EH3. The site forms part of an identified Woodland

Habitat Network. Not only does this woodland have value in its own right it provides a wide range of ecosystem services, including providing a soft setting to the village, providing a valuable habitat and forming part of a wider woodland/GI network.

- Policy EH3 requires development to show how a net gain in biodiversity will be achieved in a quantifiable way through the use of a Biodiversity Impact Assessment Calculator.
- Policy OS4 sets out the requirements for high quality design, in particular that the development should demonstrate sustainable design and resilience to climate change. Policy OS3 identifies the need for the prudent use of natural resources.
- As West Oxfordshire is an area of water scarcity, more stringent water efficiencies measures are required. (Policy OS3)
- Policy EH6 relates to de-centralised and renewable/low carbon energy and requires schemes of the scale proposed to undertake a feasibility assessment for de-centralised energy systems. This is especially relevant for this proposal where energy demand will be 24/7.
- The rural nature of this site and the surrounding habitats, including a lake to the south of Freeland House, mean that careful consideration will need to be given to the ecology and natural capital of the site and its wider context. Issues to be addressed should include retaining and enhancing ecological networks, providing sensitive lighting of the site, retaining mature trees, providing new planting of indigenous species, ensuring suitable connections within and through the site for hedgehogs and provision of bat roosting and bird nesting opportunities - NB these need to be located in appropriate locations.

District Ecologist

Before I can proceed to review the application, additional information is required relating to the biodiversity net gain calculations.

Thames Water

Following initial investigations, Thames Water has identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal. Thames Water has contacted the developer in an attempt to agree a position for foul water networks but has been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. "The development shall not be occupied until confirmation has been provided that either: - 1. All wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local

Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan."

Reason - Network reinforcement works are likely to be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

Thames Water would advise that with regard to SURFACE WATER network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Water Comments.

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning permission. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan. Reason - The development may lead to no or low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development"

WODC Env Health - Uplands

Mr ERS Pollution Consultation No objection in principle

ERS Env. Consultation Sites

Mr ERS Pollution Consultation The consultant has completed a site walk over and desk study for the site. Based on the findings of the work completed to date the consultant recommends an intrusive ground investigation should be undertaken to confirm the ground model and quality, the identified pollution linkages, principally the potential for Made Ground within Area 1 of the site. The consultant recommends that the investigation should include soil and groundwater sampling and a hazardous ground gas risk assessment, particularly targeting any Made Ground deposits. The consultant recommends that a asbestos survey should be carried out at the site to determine the status of the roofing materials utilised in Area 1.

In general the findings and conclusions of the report are supported. It is noted that the desk study report is almost four years old and conditions on site may have changed in this time. This should be considered during the next phase of work.

As further investigation is required please consider adding the following condition to any grant of permission.

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.  
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

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

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.

WODC - Sports

No Comment Received.

Sustainability Checklist Officer	Sustainability Standards Assessment undertaken which can be viewed on the website.
WODC Housing Enabler	The site falls within a high value affordable housing zone as defined in the Local Plan 2031 adopted in September 2018 and triggers a requirement under Policy H3 - Affordable Housing, to provide for 45% affordable housing provision. I am therefore not supportive of this application.
WODC Landscape And Forestry Officer	No Comment Received.
Natural England	No comment
TV Police-Crime Prevention Design Advisor	<p>Whilst I do not wish to object to this outline application in terms of site access, I have some concerns with the design and layout illustrated within this application. Any forthcoming RM applications should meet the requirements of the NPPF and PPG on Design.</p> <p>In addition, I feel that the Design and Access Statement (DAS) does not adequately address crime and disorder. I recommend that the applicants provide an addendum to the DAS that comprehensively addresses crime and disorder, incorporating the principles of Crime Prevention through Environmental Design (CPTED) prior to any outline approval.</p>
Wychwood Project	No Comment Received.
Adjacent Parish Council	<p>Hanborough Parish Council wish to oppose this Application.</p> <p>The establishment of a large retirement community of 160 extra care units together with associated communal facilities and open space in Wroslyn Road, Freeland, near the junction of Pigeon House Lane, will create a considerable traffic impact on Church Hanborough, at the other end of Pigeon House Lane.</p> <p>Since the retirement community is in a rural setting, and one not well provided by public transport, the number of vehicles using Pigeon House Lane will increase dramatically.</p> <p>Not only are the residents of the 160 units likely to have cars in order to reach local facilities or those in neighbouring towns and cities, but there will be the addition of service and delivery vehicles to the 160 units as well as to the site management providers.</p>

Pigeon House Lane is already an established 'rat-run' for traffic passing between Freeland and Church Hanborough:

1. to avoid congestion on the A4095 in Long Hanborough, by travelling from the A4095/Lower Road junction and turning up into Church Hanborough; or by driving from Long Hanborough to Church Hanborough on Church Road;
2. to avoid the congested section of the A40 between Cuckoo Lane and the Eynsham Roundabout, by choosing a fast route along Lower Road, and up into Church Hanborough.

Pigeon House Lane, which is derestricted outside the short boundaries of Freeland and Church Hanborough, is a very narrow winding lane, without pavements, and much used by pedestrians, cyclists and horse-riders. For cars to pass, all three, for their safety, are forced up onto verges. HGVs, although signs advise them not to use the road, nevertheless risk it and may get stuck because of the Lane's width.

This road is not suitable for traffic movement above 20mph, but even this speed, because of problems of visibility, presents hazards to pedestrians, cyclists and horse-riders.

Hanborough Parish Council believes the inevitable generation of so many vehicle movements resulting from the development will impact on Long Hanborough and Church Hanborough. This, together with the danger that so much extra traffic will bring to a road already unsuitable for heavy traffic, are themselves sufficient grounds for refusing the Application.

Further, the Council is extremely concerned that this large development will further exacerbate the number of sewage storm discharges and spills at the Church Hanborough Thames Water Sewage Treatment Works, where a high level of discharges have been recorded recently. Last year, in 2020, there were 81 discharges accounting for 899 hours. This resulted in untreated sewage ending up in and contaminating local rivers and streams, including the Evenlode and causing environmental damage and potentially serious health consequences. It is not acceptable that a proposed development in a neighbouring parish could have an impact on the health and environment of an adjacent parish and community.

Finally, the site was excluded from development in the 2011-31 Local Plan, and the Application is a challenge to the integrity of the Local Plan, which must be upheld.

Hanborough Parish Council kindly request that this Application is rejected.

Parish Council	No Comment Received.
District Ecologist	<p>The only outstanding information to be submitted with the application (before a positive determination) is a copy of the Nature Space report or certificate to enable the applicant to use the council's district licence for great crested newts. Without this, the required planning conditions cannot be attached and they would have to obtain a licence from Natural England (and potentially, carry out full surveys).</p> <p>I have recommended ecology conditions, but these do not include the required great crested newt district licensing planning conditions - once the Nature Space report or certificate have been received, please ensure that the specified conditions and informatives are attached to the decision notice.</p>
WODC Planning Policy Manager	No Comment Received.
WODC Housing Enabler	Following the applicants response to my initial consultation I have attached additional comments on schemes I consider to be contributing extra care provision in the district.
WODC Landscape And Forestry Officer	No Comment Received.
Sustainability Checklist Officer	No Comment Received.

## 2 REPRESENTATIONS

2.1 253 Letters have been received objecting to the application. A summary of the objections raised are detailed below. Full copies of all representations received can be viewed on the website.

- Contrary to Policy
- Erosion of special rural character.
- No evidenced need.
- Freeland is unsuitable for major development
- Freeland is a dark skies area - proposal would have a lighting pollution impact.
- Unclear how development would increase net gain for biodiversity: there is no biodiversity metric / no detailed assessment of species.
- Increased traffic during construction and post completion: cumulative negative impact on Freeland.
- Highway safety concerns.
- Infrastructure capacity concerns including foul drainage/health facilities

- Development is not sustainable and would compromise the quality of life enjoyed by those living in Freeland
- Wrong location
- Approval would set a damaging precedent for the development of other green spaces in the village that are not within the local plan.
- Freeland is already a demographically aged village; this addition would result in Freeland having twice the national average of over 65s and half the 20-40 year olds. This will put further strain on local volunteer and NHS services - to our existing residents' disadvantage - and reduce the future viability of the village school.
- Harmful to local biodiversity and environment.
- Would bring no benefit to the Village. It provides no affordable units and therefore conflicts with Policy H3 of the local plan.
- This is a very rural and sensitive location which would be harmed by such a large scale development at the approach to the Village.
- Flooding concerns

3 letters of support:

- Will have minimal visual impact on the village due to the site layout and screening by existing and new trees
- Concerns about significant increased traffic are unfounded given the demographic of the residents and the fact that most journeys will probably exit the village to the south.-
- There is an excellent opportunity to integrate the new residents into Freeland village life, especially as local amenities such as the church, village hall, pub and garden centre are so close.
- The proposed amenities would also be an asset to local people as long as the prices were kept to a reasonable level and eligibility not too restricted.
- Local people would benefit from being able to access the new village and its southern biodiversity area and gardens
- Our ageing population does need dedicated accommodation and such developments help to free up other housing. They should be in pleasant areas such as this, and while Freeland may not have many amenities, bespoke transport laid on for residents to nearby Witney, Oxford and Woodstock would add to the prosperity of these local places.
- They have kept the local vets which is a big bonus
- It could also provide an increase in custom for the other local businesses like the pub, local farmers market and garden centre as well as opening up jobs for locals as well.

Woodlands Trust - Objection - The Trust objects to this planning application unless the applicant is able to provide the veteran trees located on site with appropriate root protection areas and ensure that the proposed works will not have a detrimental impact on the longevity of the veteran tree population on site.

CPRE - Object to this development on the following grounds:

Policy and Landscape - This is speculative development outside the adopted Local Plan which would erode the special rural character of the village of Freeland in particular the approach from Eynsham. The fact that Salt Cross village and development West of Eynsham will dramatically increase the available accommodation of all types of housing should immediately stop any further over-development of this area. Freeland was identified as being unsuitable for major development in WODC's SHEELA with 10-25 capacity for housing up to 2031. The site lies on the edge of the Estate Farmland Character Area and any major development would diminish the rural character of this area. Safety and security

considerations would mean the development would likely have to have considerable lighting which would further add to the urbanising of this peaceful village with considerable dark skies especially important with the amount of light pollution that will be generated by the developments at Salt Cross and Eynsham. It will negatively impact both on nocturnal animals and the tranquillity of the area.

Sustainability - It is unclear how the development would increase net gain for biodiversity when the full calculations of the biodiversity metric have not been produced as well as more detailed assessment on individual species. There are no shops nearby and so the elderly population of the new estate would be likely to use cars, particularly in winter when there are fewer daylight hours and inclement weather. This would increase traffic after the development was built and the traffic during the build would be unbearable for residents used to such a peaceful setting.

There is no viable plan to increase capacity to NHS Services which are already at capacity and there is also already a shortage of staff for several industries within West Oxfordshire. The argument that this would create employment opportunities seems implausible when there are currently over 400 jobs being advertised in the care industry alone within a 15 mile radius of Witney.

Thames Water has already stated that there is no wastewater/sewerage infrastructure for this site and there would need to be a more thorough phased infrastructure plan to make this site viable. There is already a problem in providing adequate sewerage facilities in this area as highlighted by the Windrush Against Sewage Pollution group and CPRE Oxfordshire, and the recent inspector's findings also highlight that not enough has been done to address infrastructure issues for 2,500 homes at the proposed Salt Cross site 2 miles away.

In summary the Local Plan (1.2) states that West Oxfordshire is a special place which is highly valued by the people who live here and which must not be eroded by incremental decisions to accommodate inappropriate future development or other change. It is our assessment that this development is not sustainable and would compromise the quality of life and the environment enjoyed by those living in Freeland and should be refused.

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

- 3.1 Various documents have been submitted in support of the application including appeal decisions. The submitted Planning Statement concludes:
- 3.2 The application seeks planning permission for outline planning application for the erection of a retirement community of up to 160 extra care units (C2 use class) with associated communal facilities and open space, with access from Wroslyn Road (all matters reserved except access), and retention of veterinary practice in the coach house (Sui Generis use).
- 3.3 The report prepared above has provided detail in relation to the site, its history the planning policy context and outlined the nature of the proposed development. The report has also outlined the pre-application discussions undertaken and the Council's responses to those enquiries.
- 3.4 Section 8 of this report sets out that the District Council cannot currently demonstrate a five year housing land supply due to over reliance on delivery associated with the strategic development areas (SDA) allocated in the Local Plan. It notes therefore, that the policies for the delivery of residential development should be considered out of date in line with the NPPF.

3.5 Section 9 of the report outlines the overwhelming need for older person's accommodation in the District. It sets out that the proportion of older people is rising and that the need for care amongst these groups will increase. It highlights that the Council has failed to address the current under provision through the policies of the local plan and notes that future delivery will be hampered by the delayed delivery of the SDA's. This section also notes the Council's over reliance of nursing and care home places which account for the majority of older person's accommodation. It concludes by noting that the provision of extra care proposals for sale are significantly underprovided for despite this being the largest tenure sector in the older population groups.

3.6 Section 10 of the report provides an assessment of the development in relation to the key considerations. It highlights that the proposed development would be considered to comply with the requirements of the locational policies for development in the Local Plan (should they not be considered out-of-date due to the lack of five year housing land supply). It also concludes that in all other regards there are no significant impacts which would render the scheme unacceptable in relation to Local Plan Policy or in relation to the NPPF when considered as a whole. As such, the proposal should be considered to be in general compliance with the policies outlined in the Local Plan.

3.7 Section 11 of the report provide a summary table of the conclusions of the above assessment and attributes weight to be attached to the impacts of the development. This section concludes that the benefits of the scheme significantly and demonstrably outweigh the harms associated with the proposal and would, not only constitute sustainable development, but would also add to the sustainability of the settlement through the provision of a wider range of services accessible by the local community.

3.8 Overall it is concluded that the proposed development, which constitutes sustainable development, should be supported given the Council's lack of a five year housing land supply and the fact that the adverse impacts would not significantly and demonstrably outweigh the benefits of the proposal. Even if the Council conclude that it can continue to demonstrate a five year housing land supply, it is considered that the proposed development accords with the policies for the principle of development given the overwhelming need for this form of development and given that the strong benefits associated with the proposal would outweigh the limited harms.

3.9 On this basis it is respectfully requested that planning permission be granted.

#### **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

OS5NEW Supporting infrastructure

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T1NEW Sustainable transport  
T2NEW Highway improvement schemes  
T3NEW Public transport, walking and cycling  
EH2 Landscape character  
EH3 Biodiversity and Geodiversity  
EH4 Public realm and green infrastructure  
EH8 Environmental protection  
EH9 Historic environment  
EH13 Historic landscape character  
EH14 Registered historic parks and gardens  
EH16 Non designated heritage assets  
EW10 Eynsham- Woodstock sub area  
NPPF 2021  
NATDES National Design Guide  
E5NEW Local services and community facilities  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 This is an outline planning application for the erection of a retirement community of up to 160 extra care units (C2 use class) with associated communal facilities and open space, with access from Wroslyn Road, (all matters reserved except access) and retention of veterinary practice in the coach house. The application is accompanied by a number of supporting documents, including a Design and Access Statement and a Planning Statement. These are available to view on the Council's website.
- 5.2 The application site area extends to approximately 4.33ha and comprises a parcel of land located to the west of Wroslyn Road. The land is currently divided and used as small pony paddocks and includes a cluster of buildings in the north-west corner of the site. The buildings are of agricultural or equestrian form. Part of the site also includes a two story building which is currently occupied by a vets practice. To the south of the site lies open land with Freeland Nursing Home to the west and Wroslyn Road to the east. To the north of the site lies Freeland Nurseries.
- 5.3 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

Principle  
Layout, Design and Scale  
Landscape Impact/Trees  
Heritage Issues  
Highways  
Ecology  
Drainage and flood risk  
Residential amenity  
Affordable Housing  
Infrastructure/Developer Contributions

## Principle

- 5.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.
- 5.5 Freeland is classified in the Local Plan as a Village. It is one of the smaller villages in West Oxfordshire, with limited services and facilities. While the village does have a pub, church and village hall, there is not a shop or post office and the bus service is restricted. This is reflected in the Council's Settlement Sustainability Report (2016) which ranks Freeland 29th (out of 41 settlements) on an 'unweighted' basis and 28th (out of 41 settlements) on a 'weighted' basis due to a notable absence of key local facilities.
- 5.6 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 villages such as Freeland identified as being suitable only for limited development which respects village character and local distinctiveness and helps maintain the vitality of the local community. Proposals for residential development will be considered in accordance with Policy H2 of this Local Plan. Policy H2 states that new dwellings will be allowed in certain circumstances including *'On undeveloped land adjoining the built-up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.'*
- 5.7 Policy OS1 and Policy OS2 refer to the presumption in favour of sustainable development and the latter includes a series of general principles which all development is expected to accord with. Of particular relevance for consideration of this specific proposal are the following general principles. Development should:
- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
  - Form a logical complement to the existing scale and pattern of development and/or the character of the area;
  - As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
  - Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
  - Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
  - Conserve and enhance the natural, historic and built environment; and

- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.8 Given the scale and nature of this development evidence would need to be presented to demonstrate that it is necessary to meet identified housing needs. The evidence on housing need is considered in more detail below. An assessment against the general principles of OS2 is also undertaken in the relevant sections below.

#### *General Housing Need case*

5.9 Lack of 5 year housing land supply - The applicant has submitted a critique of the District Council's Housing Land Supply Position Statement (2020 - 2025) which generally endorses the Council's approach in terms of the methodology used and also agrees with many of the anticipated supply assumptions including existing large and small commitments and windfall. Where there is divergence is in relation to the assumed supply from Local Plan allocated sites which Lichfields consider should be 600 units lower than the Council has assumed. This has the effect of reducing the Council's 5-year housing land supply from 5.3 years to 4.75 years.

5.10 Notably however, since the critique was prepared, the District Council has resolved to grant planning permission for 200 units at Milestone Road in Carterton and whilst that resolution remains subject to a legal agreement, given the relatively modest scale of development, it is considered reasonable to include all 200 units in the assumed supply as has been done in the Council's position statement.

5.11 In terms of the Council's land supply position. The Council has recently undertaken a review of the current situation (December 2021) and concludes it has a 5.3 year supply. Footnote 8 and Paragraph 11 of the NPPF are not therefore triggered; the local plan policies which are most important for determining the application are not out-of-date and can be afforded full weight. Furthermore, the Housing Delivery Test (updated 14 January 2022) found from 2018-2021 West Oxfordshire required 1420 homes and delivered 2767. A Housing Delivery Test 2021 measurement of 195%. On this basis, it is not accepted that the Council does not have an adequate supply of deliverable housing sites.

#### *Older Persons Housing Need case*

5.12 The applicant is arguing that there is a demonstrable need for older persons housing in West Oxfordshire - in particular for market sale to meet the needs of older homeowners who may wish or need to move into specialist accommodation with care.

5.13 The Local Plan was informed by the Oxfordshire Strategic Housing Market Assessment (2014) which considered the housing needs of specific groups including older people. The SHMA confirmed a substantial expected increase in the older person population, with the total number of people in Oxfordshire aged 55 and over expected to increase by 49% over just 20-years with a particular increase in the oldest age groups of 85 and over which is expected to increase by 127%.

5.14 In terms of the available supply of specialist housing for older people, the SHMA identified a total of 614 units in West Oxfordshire which is equivalent to 66 units per 1,000 population aged 75+. This is well below the Oxfordshire average of 133 units per 1,000

population aged 75+ and significantly below the national average of 170 units. On this basis, the SHMA identified a net need for 1,891 additional units to bring the District up to the county average of 133 units and an additional 2,588 units to bring it up to the national average of 170 units. These figures are recognised in the Local Plan supporting text (paragraph 5.87).

- 5.15 The ICENI - Housing Strategy Advice for Salt Cross Garden Village (July 2019) commissioned to inform the AAP considered the specific needs of certain groups including older people. The report confirms the expected increase in older persons across the County with a 44 increase in those aged over 65 between 2016 and 2031 and 55% growth in those aged over 85 (+9,400 persons). In West Oxfordshire, the report identifies a potential increase of 1,900 persons aged over 85. The report also identifies that there will be an increase in the number of people with health problems (dementia and mobility) in the Eynsham area in the period 2019 - 2031. It identifies that given the projected changes in the number of older people living in Eynsham, there is likely to be a requirement for specialist housing options moving forward. Having regard to projected population increases associated with strategic growth of 3,200 homes at Eynsham, the report identifies that the number of people aged 65 and over is projected to more than double over the 12-year period (increasing by 121%) whilst the proportion aged 75 and over is projected to increase by 134%.
- 5.16 Overall, the analysis identifies a total need for around 175 units of specialist accommodation, mainly within the affordable sector. The analysis points to a need for 'housing with support' development of c. 147 units to 2031, of which 64% is for leasehold accommodation. A need is shown for up to 42 housing with care units. The report states that the scale of need would be sufficient to support a housing with support scheme but would not necessarily be sufficient to support a housing with care/ extra care housing development. However, taking into account other considerations including the fact that the provision of specialist housing could also stimulate demand, the report concludes that the analysis would support a retirement and/or extra-care facility in the area with a viable extra-care scheme typically being between 60 - 150 units. The report identifies that any such provision should be located to be well integrated within a development scheme, close to local facilities, amenities and public transport and suggests that the District Council should consider making specific provision at the garden village or West Eynsham.
- 5.17 Extensive discussions have been on-going relating the needs case for extra care provision and the applicant has submitted further supporting documents including a briefing note on the Adult Social Care Reform White Paper: "People at the Heart of Care" in relation to the provision of appropriate accommodation and care; further appeal decisions and an updated Contract Consulting Social Needs Report. The updated Contract Consulting report concludes that there is a growing need for older person's accommodation which is not being met and which the Local Plan does not make specific provision for, nor are the policies within that plan delivering. In response to this additional information, it is accepted that it is important to consider all forms of older persons housing and that there is a need to consider different tenure requirements. However, it is the case that despite the applicant's claim that provision since 2011 has been derisory, there has in fact been a significant overall increase across different tenures since 2014 alone including a proportion of leasehold extra-care housing for sale.

- 5.18 In terms of alternative sites for such provision, the applicant has advised that a number of sites were considered however, often landowner aspirations for value and the offer of market house builders resulted in the applicant being unable to compete for sites. Of the 11 other sites considered in higher category settlements, none proceeded or had other issues which deemed them unsuitable such as a location in the AONB or being sited adjacent to potentially unneighbourly uses. A note has also been prepared by their Viability Consultant which explains why developers of extra care proposals struggle to compete in the land market. The Note also refers to a number of appeal decisions where Inspectors have acknowledged this to be the case.
- 5.19 In summary, it is accepted that the analysis undertaken demonstrates a potential shortfall in the levels of provision of certain tenures including extra-care housing for sale. The high level of potential demand for leasehold sale appears to be a consequence of the high level of home ownership in West Oxfordshire amongst older age groups. The level of future potential demand which has been identified, together with the difficulties in competing for alternative sites will need to be considered as part of the overall planning balance, as detailed below.
- 5.20 Notwithstanding the issue of need, it is also necessary to consider locational requirements. One of the Local Plan objectives is to plan for a mix of new housing accommodation to include homes to meet the needs of older people (policy H4). The accompanying text to Policy H4 makes clear that, whilst supporting specialist housing for older people and seeking to increase the supply of such housing, such provision is expected to be located in sustainable locations, including as part of the overall mix of development on larger developments. Such an approach is also advised in the Government's PPG on housing for older and disabled people and OCC's Market Position Statement 2019 - 2022 and associated supplement. It is the case that Freeland is one of the District's smaller villages and has a limited range of services and facilities. It is acknowledged that the development will provide a number of facilities including a restaurant, café/bar, library, craft room and a wellness centre including a swimming pool, fitness studio, gym and treatment rooms. The supporting documents advise that these facilities will be available to the public, except for the wellbeing centre, which will be through age restricted membership, with the details to be secured via the S106 agreement. Where trips off-site are necessary, the applicant offers transport services to its site-users with the potential to also extend to qualifying local residents. The transport service could be secured in the S106 agreement. In terms of transport sustainability, OCC Transport has commented that the nearest bus stop is more than 1.5km away, significantly more than the recommended walking distance and that cycle infrastructure linking the site to national cycling routes is poor. In the absence of public transport, Freeland is served by a very limited number of community transport services on certain days of the week. Whilst OCC note the applicant's statement that local residents could make use of the transport services offered by the proposed retirement village, OCC do not generally favour applicants providing their own transport services. This is because there is no guarantee of public benefit and a danger of proliferation should too many applications be granted on this basis. OCC also note that private shuttle buses do not have a right to use bus stops and as such, use would be in contravention of the relevant clearway order. OCC has recommended instead that such provision should be through the launch of a community bus service and/or a suitable local alternative. Notwithstanding the provision of these facilities and potential community bus service, the

scheme is still not sustainably located to minimise the need for travel and as such conflicts with Policies H1, H2, T1, T3 and OS2 of the adopted Local Plan.

- 5.21 As identified above, planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. It is thus necessary to consider whether there are other material considerations, including benefits deriving from the proposed development, which would justify the grant of planning permission in this case.

### **Layout, Design and Scale**

- 5.22 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing. The design of places and buildings is influenced by how these components are put together.
- 5.23 The application seeks outline planning permission with all matters except access reserved for consideration at a later date and as such, the design proposals are not for consideration as part of this proposal. Nevertheless, the application is supported with illustrative drawing including illustrative masterplan, block plan, height parameter plan and Design and Access Statement (DAS) including indicative street scene elevations.
- 5.24 The scheme comprises a central, main building (the Village Centre) that contains the wellbeing, care, recreational and leisure facilities and a number of residential apartments. The remainder of the specialist residential units are set within the grounds, and are arranged in two and three storey apartment blocks and smaller individual cottages organised around shared landscaped spaces. The illustrative masterplan has undergone a number of iterations and now proposes development in the north western area of the site to be limited to a centrally located single apartment block (3 storey) and two smaller two storey cottages. It is also proposed to convert the stables next to the veterinary practice into a series of smaller single storey units. This part of the development will be accessed from a new access road to the rear drive. The northern most element of the development consists of a series of two storey individual 2 bed cottages arranged in parallel to the avenue with an associated parking area. The village centre is located centrally on the site and would be 3 storey (ranging from 11.5 - 13m in height). The village centre would provide services such as library, café, shop and restaurant alongside the village wellbeing centre facilities with pool, gym, studio and treatment rooms. Shared meeting spaces are also provided for resident and community use alike. Around the village centre will be apartment blocks with the majority of the apartments being accessed from the main central core. Two large two storey blocks (8.5-10m height) are indicated along the roadside with three storey blocks to the west of the visitor centre. To the

south of the visitor centre the buildings would comprise 1.5 storey (7.1- 8.1m height) cottages. The southern element of the site will be retained as parkland. The DAS indicates that the architectural and material use of the development will draw heavily from both the local vernacular and Thames Vale area highlighted in the Design Guide. Roofs will be stone conservation roof tiles or slate roof tiles and three main walling materials will be used including stone, brickwork and render.

- 5.25 The layout, scale and massing of the proposed development would be out of keeping with traditional development in the area. The character of this part of Freeland is very different to that of the main village to the north which has developed in depth. Here the built-form is one of limited linear development along Wroslyn Road, comprising a mix of mainly detached properties ranging from single storey to two storey houses. The layout and form of the proposed development would be out of keeping with the more rural and dispersed character of this part of the village. Along Wroslyn Road the illustrative masterplan indicates two large scale two storey blocks which will be visually intrusive and at odds with the existing much smaller domestic scale development along the roadside and in the surrounding area. As such the application conflicts with a number of the criteria, set out in Policy OS2; in particular that the scale of proposed development is not proportionate or appropriate; would not protect or enhance the local landscape and setting of the village and that development would not form a logical complement to the existing scale and pattern of development and/or character of the area. The proposed development would therefore be of poor design quality in conflict with Policy OS4 of the Local Plan and both national and local design guidance.
- 5.26 The Thames Valley Crime Prevention Design Advisor has made reference to the need to ensure that schemes aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. In this respect particular concerns are raised in respect of elements of the illustrative masterplan including the village centre (security issues), parking provision, lighting and surveillance. These matters could be addressed in subsequent reserved matters applications should planning permission be granted.

### **Impact on the Landscape/Trees**

- 5.27 The site lies within the Eynsham Vale Landscape Character Area and has an estate farmland landscape which is identified as having a distinctly well-treed character, with estate features or buildings. Such areas are generally of high scenic quality and sensitive to development. The site also lies within the Wychwood project Area. Policy EH2 of the Local Plan seeks to conserve and enhance the quality, character and distinctiveness of West Oxfordshire's natural landscape and gives special attention and protection to the landscape and biodiversity of the Wychwood Project Area.
- 5.28 The site is characterised as a subdivided pastoral field that is currently in equestrian use. Historic mapping shows a connection between Freeland Lodge to the west and the site. A large number of mature trees are present within and around the site. Many have been identified as veteran and ancient trees. The proposals will result in the removal of some trees to the north west of the site which form part of a larger woodland block as well as some U category trees (trees unsuitable for retention) to Wroslyn Road and the main drive. In addition, small areas of the woodland blocks within the site will need to be partially removed to facilitate the development. Within the north west of the site is the

coach house that served Freeland Lodge, this is currently utilised as a veterinary clinic and stable yard.

- 5.29 Part of the application site was considered as part of the SHELAA, published in 2016 (site 382) which concluded that development in this location would not be suitable due to the sensitive nature of the site both in terms of its immediate landscape setting (particularly the trees within and nearby) and its wider contribution to the soft/rural approach to Freeland. The character of this part of Freeland is very different to that of the main village to the north which has developed in depth. Here the built-form is one of limited linear development along Wroslyn Road, all very much part of a rural landscape setting, with views to the countryside and country-estate to the east and west
- 5.30 The submitted Landscape and Visual Impact Assessment (LVIA) concludes that at a local level, the site is well contained and physically and visually separated from the wider landscape context of Freeland, and also from the local context. There is some Land to the west of Wroslyn Road, Freeland limited intervisibility with locations immediately adjacent to the site and this will extend into the village slightly in relation to the proposals and built form. However, any views will be limited, glimpsed and seen in the context of other existing built elements that define the settlement and fringe of the settlement. Consequently, these will not be a dominant feature in the local landscape context nor substantially altering the character and appearance of the settlement. This limited change is due to mitigation inherent in the proposals, which include retention and enhancement of much of the existing vegetation structure on the site, particularly on the eastern boundary of the site where this limits visibility of the proposals. This will be augmented through inclusion of a landscape buffer and additional planting to the point whereby any impacts at a local level are very much site specific, and the change on site will not translate to impacts on local landscape character as a whole. This restricted influence of the proposals is reflected through the consideration of views and potential visual impacts. In these instances, it is clear from the appraisal of visual receptors that there will be no, or very limited, views of the proposals from surrounding countryside. Views of the proposals will be limited to a series of transient locations along Wroslyn Road, with only glimpsed and intermitted views of different parts of the proposals, not the proposals as a whole. As such any impacts will be limited in terms of scale and extent. Adjacent residential receptors will have some more direct views into the site but these are limited and mitigation incorporated into the proposal in the form of more 'open' aspects of the proposals (car parking and open space) will minimise potential visual effects.. The scale and form of the proposals development is likely to result in change at a site level, with only limited perception in the immediate landscape and in the context of the settlement and settlement fringe. Overall potential landscape and visual effects are not likely to be significant. Furthermore, the proposals for retention and enhancement of green infrastructure, along with placement of open space and high quality design for the parkland areas in the south of the site will deliver mitigation in terms of the physical landscape and landscape character.
- 5.31 The Council's Landscape Consultant has commented that in terms of the impact on Public Visual Amenity, views that are achieved are generally filtered by vegetation. The most complete public views are achieved from Wroslyn Road to the east of the site. Visual change within the site would be represented by the introduction of built form across the site. The scale of the proposed built form is beyond that of the existing built form along Wroslyn Road so will be a prominent addition to the view. Development of the site would also mean there would no longer be a visual gap between the dwellings at The Green and

Freeland. The visual change will most keenly be felt by neighbouring residents and the aforementioned road users. In terms of impact on the character of the landscape, the introduction of the proposed development and its associated infrastructure would materially affect key landscape characteristics, identified for this area. This would be to the detriment of the local landscape through:

- The introduction of built form to the open and undeveloped areas of the site which would remove the open character of the pastoral field and introduce development that would erode the characteristically dispersed settlement pattern of the village
- The area is characteristically well-treed with numerous examples of veteran trees in the area. As highlighted by the Woodland trust a number of valued trees are liable to be lost due to the proposal. The removal of these characteristic trees would be to the detriment of the local landscape. Additionally field trees would lose their context as either forming a historic marker of former field boundaries or as being focal points in historical designed parkland landscapes
- The scale of the proposed development is out of keeping with traditional development in the area. The road side location makes large blocks of development highly prominent in the local landscape and at odds with the existing generally 2 storey detached and semi-detached development
- Although not part of the PRoW network the pavement alongside Wroslyn Road provides an important link through the settlement to the wider footpath network in the area. Pedestrians on this pavement are therefore considered to be highly sensitive
- The north of the site is currently being used by the neighbouring nursery and is partially bound by a red brick wall that forms part of the walled garden character. This character feature of a country house and grounds would lose its meaning after implementation of the proposals due to the proximity of the proposed dwellings within the north of the site
- Additional light spill from the settlement in this location is also a concern. CPRE mapping of 'England's Light Pollution and Dark Skies' places the site in one of the darkest night sky locations.

5.32 In summary, the Landscape Consultant concludes that, the proposals represent a wholesale change of landscape character within the site that would cause landscape and visual implications beyond the boundary. The development would encroach unacceptably into open land and would fail to relate satisfactorily to the village or the existing rural environment. Given the scale of the proposed development blocks, it would not be easily assimilated into its surroundings, resulting in the loss of an important area of open space that makes a positive contribution to the character of the area. The proposal would represent major development that would not conserve landscape and scenic beauty.

5.33 A response to the Landscape Consultant's comments have been received disputing his findings and commenting that the landscape objection fails to recognise the influence of mitigation that is incorporated into the proposed development and consequently the objection overstates the level of impact. The response goes onto say that whilst it is accepted that the scale and form of the proposals development is likely to result in change at a site level, these changes will not be perceptible from the wider landscape and consequently there will be only a limited influence on the site and its very immediate context.

5.34 Nevertheless, the conclusions of the Landscape Consultant remain unaltered and it is considered that the proposed development would result in significant harm to the landscape character and visual amenity of the area.

## Heritage Issues

- 5.35 The site is not located within a designated landscape and is not within or adjacent to a Conservation Area. The site does not include any listed buildings within it or immediately adjoining it. The closest listed buildings are located approximately 80-90 metres to the north of the site. There is also a listed building approximately 175 metres to the south. Freeland House, which is located to the west of the site is a non-designated heritage asset, primarily of interest due to its architectural interest as a late nineteenth century residence. The site does not lie in any area of known archaeological interest.
- 5.36 Policy EH16 relates to non-designated heritage assets and notes that proposals should seek to avoid loss or harm to non-designated assets. Section 16 of the NPPF relates to conserving and enhancing the historic environment. Paragraph 197 identifies that the effect of proposals on non-designated heritage assets should be taken into account when determining planning applications and that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
- 5.37 The application includes the conversion of a range of former stable buildings to residential as part of the proposals. Whilst historically there was a function relationship between these buildings and Freeland House, this relationship has been severed for a number of years particularly since the use of Freeland House as a private residence ceased. The buildings are of some merit and retain some original features however, are generally in a poor state of repair. The primary significance of these structures relates to the architectural form as a courtyard. The proposed development would maintain this form and would return the buildings to a good state of repair which would secure their long terms future. The submitted Heritage Statement concludes that Freeland House has historically sat amongst an area of woodland which encompasses the building with its ornamental gardens sitting to the south. The character of the building has been significantly compromised by a number of later additions which have been required to enable the use of the building as a care home. The later significant contemporary building within the grounds has also had an impact upon the setting of the building. The proposed development will maintain the separation from Freeland House with the retention of the woodland setting associated with the grounds. The maintenance of this woodland setting will continue to protect the character and interest of the building and will not compromise its architectural interest. It is therefore considered that the level of harm associated with the development of the site will not be such that the significance of the non-designated heritage assets is harmed. The development of the site is therefore considered to conserve the significance of the non-designated heritage assets in accordance with Policy EH16 of the Local Plan and the general principle to enhance the historic and built environment.
- 5.38 The Conservation Officer considers that the setting - and particularly the approach from Wroslyn Road - will be compromised. Currently, there is mostly open grassy ground

between Freeland House and the road, and it is well separated from the existing buildings to the north and to the east. With this scheme, there will be a large mass of new building, with the three storey monolithic blocks in relatively close proximity. In this case, however, the benefits of the proposal, as identified below, are considered to outweigh this harm.

### **Highway safety**

- 5.39 Vehicular and pedestrian/cycle access to the site will be taken from an existing point of access off Wroslyn Road. This point of access leads onto a tree-lined main driveway which serves Freeland House, a veterinary clinic and two private dwellings. In addition, a second point of access will be provided for a pedestrian / cycle / emergency access, which will be located parallel to the access road, within the southern development parcel.
- 5.40 The application has been accompanied with a Transport Statement which concludes that safe and suitable access to the site is achievable and that the proposed development would not result in a severe impact on the operation or safety of the local road network.
- 5.41 Following the submission of updated speed survey information, OCC Transport has commented that the proposed realignment of the existing access and visibility splays of are considered acceptable. In terms of traffic impact, the proposals will result in an increase in traffic to and from the site. Due to the nature of the site - elderly residents, shift workers, visitor, etc, the increase in trips during the AM and PM peaks is expected to be minimal. As such, OCC Transport raise no objection to the application subject to a S106 Contribution towards developing the community bus service and/or a suitable local alternative and appropriate highway conditions.

### **Ecology**

- 5.42 The application site is not the subject of any national or local ecological designations. A Preliminary Ecological Appraisal and Preliminary Bat Roost Appraisal have been undertaken which have highlighted the potential of the site to support great crested newts, reptiles and roosting bats. Great crested newt surveys have confirmed a moderate population within 500m of the site. Survey work has been carried out to understand the actual presence of reptiles within the site, as well as clarify which specific buildings and trees have bat roosts. The species specific survey and reports are included as part of this application. The report acknowledges that there will be adverse impacts of development upon the local populations of protected species however, mitigation measures are proposed which would ameliorate this impact.
- 5.43 Following the submission of further information on biodiversity net gain (BNG), the Council's Biodiversity Officer has commented that the only outstanding information to be submitted with the application (before a positive determination) is a copy of the Nature Space report or certificate to enable the applicant to use the council's district licence for great crested newts. Without this, the required planning conditions cannot be attached and the applicant would have to obtain a licence from Natural England (and potentially, carry out full surveys). The Biodiversity Officer has also recommended conditions and informatives.

## **Drainage and flood risk**

- 5.44 The site is located within Flood Zone 1 and therefore at low risk of flooding.
- 5.45 A Flood Risk Assessment (FRA) has been submitted with the planning application which concludes that, in compliance with the requirements of the NPPF, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site.
- 5.46 A Sustainable Drainage Statement (SDS) has also been submitted which demonstrates that the drainage design for the proposed development will comply with the relevant local and national standards, specifically the hierarchy of discharge, runoff rate and volume criterion.
- 5.47 The Local Lead Flood Authority has raised no objection to the application subject to surface water drainage conditions.
- 5.48 Thames Water has identified an inability of the existing foul water infrastructure to accommodate the needs of this application. They therefore request the imposition of a foul water drainage condition.

## **Residential amenity**

- 5.49 The illustrative masterplan shows how the proposed development could be accommodated on the site without causing impacts on privacy, light or general amenity to neighbouring property. The detailed arrangement of buildings would be addressed at the reserved matters stage in any event.
- 5.50 Freeland House Nursing Home is set within a woodland setting to the west and Freeland Nurseries adjoin the site to the north. There are several residential properties along Wroslyn Road that back onto the site. Taunton House will back onto the proposed new parkland area with the other 3 houses backing onto parkland or a parking courtyard area. The indicative layout plan indicates 5m landscape buffer behind these properties.

## **Affordable Housing**

- 5.51 The site falls within a high value affordable housing zone as defined in the Local Plan 2031 and triggers a requirement under Policy H3 (Affordable Housing) to provide for 45% affordable housing provision. The applicant is arguing that the provision of a retirement community requires significant upfront investment as all of the supporting facilities are needed from first occupation. A Financial Viability Assessment (FVA) submitted with the application concludes that the delivery of affordable housing on the site would result in a development which is unviable. The FVA has been reviewed by independent consultants

commissioned by the District Council, with agreement reached on a number of key variables including the assumed gross development value (GDV) sales and construction timings, professional fees and finance costs. There remains some disagreement over the assumed Benchmark Land Value (BLV) (i.e. the return to the landowner) with the applicant contending that the return should be much higher than has been assumed by the District Council's consultant in their independent appraisal. There also remains disagreement in relation to assumed build costs, with the applicant contending that they should be much higher than average due to the high specification/luxury nature of the scheme. To support this, the applicant has submitted further evidence of the construction costs incurred on other similar schemes elsewhere. Whilst the District Council could commission a further analysis of the assumed build costs involving a full QS cost review, the Council's viability consultant considers that it would still be unlikely to generate sufficient savings to result in a surplus for affordable housing.

### **Infrastructure/Developer Contributions**

- 5.52 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles.
- 5.53 The Oxfordshire Clinical Commissioning Group has requested a contribution of £86,400 towards mitigating the impact on health and social care workforce locally.
- 5.54 OCC Transport has requested a contribution of £168,160 towards public transport services by developing the community bus service and/or a suitable local alternative.
- 5.55 A S106 would also be required to control the nature of the development including ground rents and its occupation including the provision of care to residents and the provision of communal facilities for both residents and the local community.
- 5.56 The applicant has not entered into a legal agreement to secure the above contributions and the proposal therefore conflicts with West Oxfordshire Local Plan 2031 Policies OS5 and T3.

### **Other Matters**

- 5.57 The applicant has submitted a considerable number of appeals in support of the application. Whilst many of the material planning considerations are similar in respect of the need for extra care housing and the recognised planning benefits, the appeal decisions relate to totally different sites in other parts of the country. It is clear that all applications should be considered on their individual merits and as such limited weight can be given to these appeal decisions.
- 5.58 Objections have been raised by the Parish Council and Woodland Trust in respect of proposed construction works within the Root Protection Areas (RPAs) of trees identified as 'Veteran' during an arboricultural assessment in August 2020. An arboricultural design note has been submitted which includes recommendations for specific construction methods to minimise potential impacts upon the long-term health of the trees. Such

working methodologies could be formally agreed, and detailed within an Arboricultural Method Statement (AMS) for the development. As such, this matter could be addressed through an appropriate planning condition.

## **Conclusion and Planning Balance**

- 5.59 The Council has recently undertaken a review (December 2021) and concludes it has a 5.3 year supply. Footnote 8 and Paragraph 11 of the NPPF are not therefore engaged; and the local plan policies which are most important for determining the application are not out-of-date and can be afforded full weight.
- 5.60 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations determine otherwise. Policy H2 permits new dwellings on undeveloped land adjoining the built up area where 'convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.
- 5.61 It is accepted that the analysis undertaken demonstrates a shortfall in the levels of provision of certain tenures including extra-care housing for sale. The high level of potential demand for leasehold sale appears to be a consequence of the high level of home ownership in West Oxfordshire amongst older age groups. The level of future potential demand which has been identified, together with the difficulties in competing for alternative sites is recognised. The proposal will also help free up under occupied housing and release surplus bedrooms. These benefits including the provision of extra care leasehold housing is given significant weight. Nevertheless, the benefit of providing extra care housing is tempered by the lack of provision of any affordable housing, due to the high costs of such a scheme.
- 5.62 The facilities to be provided in association with the extra care facility would be of benefit to the local community and the Inspired Villages Model aims to be inclusive and to form part of the local community. These health and well-being benefits are recognised. There is also evidence that the secure community environment and sense of independence can reduce social isolation and encourage greater fitness and healthy lifestyles. It is reasonable to surmise that these factors are likely to result in a lower number of visits to the GP, reduced hospital admissions and overall savings to the National Health Service. The proposal would also result in wider economic benefits through construction jobs and local investment during construction, expenditure in the local economy following occupation, and employment at the facility. These economic and social benefits are given significant weight.
- 5.63 The development would harm the wider setting of Freeland House, a non-designated heritage asset but the benefits of the proposal, are considered to outweigh this harm. There are no other technical objections to the application. The submission of further information to enable the use of the Council's district licence or obtaining a licence from Natural England would address the issue relating to great crested newts.

5.64 With regard to the general principles in Policy OS2, the proposal is not limited development in an accessible location which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale or layout to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Freeland and would involve the loss of an important area of open space that makes a positive contribution to the character of the area. This is a clear conflict with strategic housing policies H2 and OS2 and therefore carries substantial weight. Furthermore, the scheme would conflict with Policies OS4 and EH2, which, amongst other things, requires that development be of high quality design which contributes to local distinctiveness and conserves the quality, character and distinctiveness of the natural environment. In addition, the applicant has not entered into a legal agreement.

5.65 In conclusion, it is Officer's opinion that the benefits of the scheme outlined do not overcome the clear conflict when assessed against the Local Plan as a whole. The application is therefore recommended for refusal.

## **6 REASONS FOR REFUSAL**

- 1 The proposed development is not limited development in an accessible location which respects the village character and local distinctiveness. It is not of a proportionate and appropriate scale or layout to its context; would not form a logical complement to the existing scale and pattern of development or the character of the area; would not protect the local landscape or setting of Freeland and would involve the loss of an important area of open space that makes a positive contribution to the character of the area. While the development would provide for extra care accommodation for sale and would have some social and economic benefits, these benefits are insufficient to outweigh the clear conflict with the Development Plan as a whole. As such, the proposed development is contrary to policies H1, H2, OS2, OS4, T1, T3 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the National Planning Policy Framework 2021.
- 2 The applicant has not entered into a legal agreement to provide the required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5 and T3 and the relevant paragraphs of the NPPF.

**Contact Officer:** Joan Desmond

**Telephone Number:** 01993 861655

**Date:** 18th May 2022



**Application Details:**

Erection of a replacement two storey dwelling with detached outbuilding along with the formation of a new access and associated landscaping works to include the replacement of existing front stone boundary wall.

**Applicant Details:**

Mr And Mrs C Davies  
Bakers Green  
Frogmore Lane  
Long Crendon  
HP18 9DZ

**I CONSULTATIONS**

Parish Council

Stonesfield Parish Council **OBJECTS** to the below planning application - it is overbearing against the other bungalows along the same side of the road and is out of keeping in appearance.

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

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:

- G28 parking as plan
- G13 close ex access

**INFORMATIVE**

Please note If 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 condition.

ERS Env. Consultation Sites

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.

Conservation Officer

No objection to amended plans.

## 2 Third Party Representations

2.1 A total of four representations have been received, two in objection, one in support and one neutral. The comments cover the following points:

### 2.2 Objection Comments

- Concern over relocating access to opposite Woodland Rise.
- Original proposed location of garage/workshop and impact on setting of Churchyard.

*The proposed building has been re-sited to address this concern.*

### 2.3 Support Comments

- Design a significant improvement on existing dwelling.

### 2.4 Neutral Comment

"As a nightshift worker, 6pm to 6am weekdays and your neighbour. I am requesting a noise level consideration, having a peaceful rest everyday is vital for health and work."

### **3 Applicant's Case**

#### **3.1 Planning Statement**

- 3.1.1 The applicant has submitted a Design and Access Statement to support the application. The key points are summarised below, the full document is available to view on the Council's website.
- 3.1.2 "This Statement has been written in support of a planning application seeking to demolish the existing dwelling-house and detached garage/outbuilding at St James' Close, Church Fields, Stonesfield and replace with a new dwelling-house, garage/car port outbuilding, modified access along with associated landscaping works.
- 3.1.3 It has been established that the principle of a replacement dwelling-house in this location is acceptable.
- 3.1.4 The scheme, whilst larger than the existing dwelling, would not be of an unreasonable scale given the potential benefits of the scheme.
- 3.1.5 The proposal will provide an upgraded dwelling to meet the needs of the applicants, which will also have a positive impact on the character of the area.
- 3.1.6 The architectural forms are appropriate for the site context and wider landscape and respect the historical architectural character of the area.
- 3.1.7 Landscaping works will be undertaken to enhance the visual amenity and landscape character of the area.
- 3.1.8 Appropriate parking space can be accommodated within the site area.
- 3.1.9 The traditional design of the proposed development represents an enhancement to the character and appearance of the Conservation Area and, accordingly, would not have harmful impacts on the setting of the Grade II\* listed church.
- 3.1.10 Overall the proposed development would be appropriate for the site in its context. The proposal would accord with the Development Plan in all respects. In light of this, the presumption should be in favour of the proposal being permitted without delay."

### **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

H6NEW Existing housing

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision  
EH1 Cotswolds AONB  
EH3 Biodiversity and Geodiversity  
EH7 Flood risk  
EH9 Historic environment  
EH10 Conservation Areas  
EH11 Listed Buildings  
EH13 Historic landscape character  
NPPF 2021  
DESGUI West Oxfordshire Design Guide  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

### **5.1 Introduction**

5.1.1 This application seeks consent for the erection of a replacement two storey dwelling with detached outbuilding along with the formation of a new access and associated landscaping works to include the replacement of existing front stone boundary wall. The application site is St James Close, Churchfields, Stonesfield and lies within the Stonesfield Conservation Area and the Cotswolds AONB.

5.1.2 The existing site comprises a modern bungalow constructed of brick under a concrete tiled roof. The dwelling occupies a relatively large footprint and sits in a large plot. To the east of the dwelling lies adjacent to the Grade II\* Listed St James the Great Church (The Church) (approx. 50m north east), and its churchyard.

### **5.2 Relevant Planning History**

5.2.1 There is no directly relevant planning history on this site.

### **5.3 Relevant Planning Considerations**

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

- The Principle of Development;
- Siting, Design, Massing and Form;
- Visual and Heritage Impact;
- Residential Amenity;
- Highways;
- Ecology; and
- Drainage

## 5.4 Principle of Development

5.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. 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. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.4.2 West Oxfordshire Local Plan Policy OS2 provides the starting point for locating new development. The site sites within the built up area of Stonesfield, identified as a village under the settlement hierarchy. The Policy details that:

*"The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities."*

5.4.3 All proposed development must also demonstrate accordance with the general principles of OS2. Those with particular relevance to this application are that the scheme should:

- *Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*
- *Form a logical complement to the existing scale and pattern of development and/or the character of the area;*
- *Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;*
- *Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;*
- *Conserve and enhance the natural, historic and built environment; and*
- *In the AONB, give great weight to conserving landscape and scenic beauty.*

5.4.4 In terms of replacement dwellings specifically, Policy H2 provides broad support for the principle of replacement dwellings on a one-for-one basis. This is expanded upon in Policy H6, which outlines dwellings of no historic or architectural value may be replaced provided:

*"The character and appearance of the surrounding area is not eroded, there would be no harmful impact on ecology or protected species and the replacement dwelling is of a reasonable scale relative to the original building."*

5.4.5 Officers consider that the existing building is not of any particular historic or architectural value and therefore, the principle of development to replace the existing house is acceptable subject to a forthcoming application demonstrating accordance with the specified criteria of H6, general principles of OS2 and the development plan when read as a whole.

## **5.5 Siting, Design, Massing and Form**

5.5.1 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.5.2 In terms of siting, the proposed replacement occupies broadly the same location with the plot as the existing dwelling with a single storey, dual pitched outbuilding forward of the principle elevation. Dwellings along the northern side of Churchfields exhibit varied frontages meaning this feature will not appear incongruous. The siting is therefore considered to respect and accord with the established pattern of development in the locality.

5.5.3 Turning to the issues of design, scale and massing, the scheme has undergone revision following concerns raised by officers, predominantly regarding the scale and massing of the proposed dwelling. The amended dwelling takes a dual pitched design set over one and a half storeys and reaching 7.6m in height. The design uses varied form and materials with set down rear and side elements and a front facing gable. Whilst the resulting mass of built form would be an increase compared to the current arrangement, the reduction in massing achieved through the one and half storey form ensures that the dwelling would read as comparable to the existing dwelling in terms of scale. The reduced rear wing has been set down from the dominant ridge, thereby ensuring a suitable degree of subservience to the main block and further minimising the perceived massing. The replacement dwelling is therefore considered to be of reasonable scale to the existing building. The wider impact of the design will be addressed in the following section of the report.

## **5.6 Visual and Heritage Impact**

5.6.1 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. The provisions of paragraph 176 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB.

5.6.2 Residential development along the northern side of Churchfields adjacent to the site is largely comprised of modern single and one and a half storey dwellings set in large plots. The proposed dwelling would reflect this established character through its design and massing. In this context, the proposed dwelling would appear in keeping with the established character of the vicinity and therefore conserve the character and appearance of this part of the conservation area. Given the wholly residential context of the site, the development would result in no material impact upon landscape and scenic beauty in the AONB.

- 5.6.3 The site sits immediately south west of the Grade II\* Listed St James the Great Church and therefore exhibits the potential to impact its setting. As such, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that when considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. The direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and Local Plan Policies EH9, EH11 and EH13.
- 5.6.4 When viewed from Churchfields, the Church sits in a verdant and open setting created largely by the spacious churchyard and established vegetation surrounding it. The existing dwelling is considered of no particular individual merit however, its siting in the plot and low-lying form ensure that, like its neighbours, it is not overly prominent in the street scene or when viewed from Churchfields or the adjacent churchyard and therefore has little impact upon the setting of the Church.
- 5.6.5 Following the submission of amended plans, the reduced massing of the proposed would ensure that the low-lying and unobtrusive character of the existing dwelling is retained whilst demonstrating a more locally characteristic design. The resultant dwelling would sit comfortably in context avoiding a significant impact upon the established open and verdant setting for the Church. The proposal is therefore considered to result in no material harm to the setting of the Church and would preserve its special interest. The application is therefore acceptable in visual and historic impact terms.

## **5.7 Neighbourly Amenity**

- 5.7.1 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.
- 5.7.2 The proposed replacement dwelling would be set away from shared boundaries and the low-lying forms employed would not result in any overbearing or loss of light impacts upon neighbours. The garage building would be sited against a shared residential boundary however, given its dual pitched form and low eaves height (2.3m) is considered to result in no significant overbearing or loss of light impact.
- 5.7.3 In terms of overlooking, the north-west elevation is the only elevation that exhibits the potential to directly overlook residential properties. In this elevation, first floor openings are restricted to high level roof-lights to serve an en-suite and a secondary window to the master bedroom. Two roof-lights are also proposed in the north-west elevation of the garage building. As they do not face on to any habitable rooms in the adjoining property or private amenity space, this is considered acceptable. As such, the scheme is not considered harmful in terms of overlooking, overbearing or loss of light and is therefore acceptable in neighbourliness terms.

## **5.8 Highways Impacts**

5.8.1 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The Local Highways Authority have been consulted on the application and stated that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network subject to the suggested conditions. Therefore, officers consider that the scheme would be acceptable in this regard.

## **5.9 Ecology Impacts**

5.9 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. The application has been furnished with a protected species report with additional justification in relation to its findings. Subject to conditions, the Council's Ecologist has raised no objection to the scheme and therefore, the proposed development is considered acceptable in ecological terms.

## **5.10 Drainage Impact**

5.10.1 The application site lies within Flood Zone 1 and has been deemed acceptable subject to condition by the LPAs drainage engineers. Therefore, the application is considered acceptable in this regard.

## **5.11 Recommendation**

5.11.1 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan 2031 Policies OS1, OS2, OS3, OS4, H2, H6, T1, T3, T4, EH1, EH3, EH7, EH9, EH10, EH11 and EH13, the West Oxfordshire Design Guide 2016 and NPPF 2021. The application is therefore 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. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 07.03.2022.

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

3. 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.

4. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

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

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

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

7. Before above ground work commences, the proposed access shown on the approved plans shall be formed and the existing access closed by the erection of a natural stone wall the match the adjacent walling.

REASON: To ensure a safe and adequate access.

8. The garage/workshop building hereby permitted shall be used for purposes ancillary to the host dwelling on the site and shall not be occupied as a separate dwelling.

REASON: It has not been demonstrated to the LPA that the site is capable of accommodating two dwellings.

9. The development shall be completed in accordance with the recommendations in Section 6 of the Preliminary Ecological Appraisal & Bat Survey, dated 28th July 2021 prepared by Windrush Ecology, as submitted with the planning application. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that the species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

10. Before the erection of any external walls, details of the provision of integrated bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and integrated nesting opportunities for birds (e.g. house sparrow terrace, starling box, 3 no. swift bricks or house martin nest cup on the north or eastfacing elevations) within the walls of the new buildings, as well as

hedgehog gaps within any new fences and/or walls, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling hereby approved is first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and to ensure continued permeability for hedgehogs as biodiversity enhancements in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Before the erection of any external walls, details of external lighting shall be submitted to and approved in writing by the local planning authority. The details shall show how and where external lighting will be installed (including the type of lighting), so that light spillage into wildlife corridors will be minimised as much as possible.

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

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. The dwelling hereby approved shall not be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

13. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before

works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

### Notes to applicant

- 1 Please note If 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
- 2 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

- 3 The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice
  - Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood

and Water Management Act 2010.

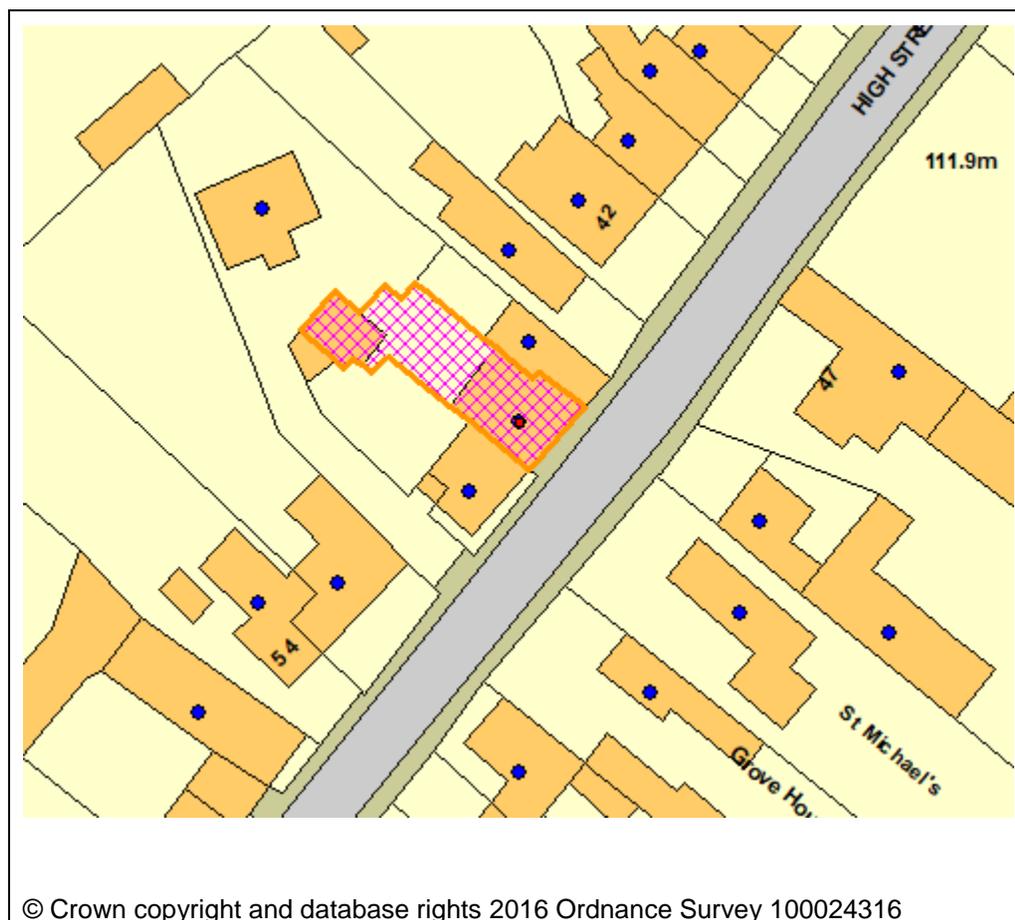
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 18th May 2022

Application Number	22/00524/HHD
Site Address	High Ridge 46 High Street Milton Under Wychwood Chipping Norton Oxfordshire OX7 6LE
Date	18th May 2022
Officer	Alex Clarke
Officer Recommendations	Approve
Parish	Milton Under Wychwood Parish Council
Grid Reference	426316 E 218131 N
Committee Date	30th May 2022

### Location Map



## **Application Details:**

Repair and rebuild of outbuilding to provide a home working and recreational space (amended plans)

## **Applicant Details:**

Mr and Mrs Duncan Earley  
24 Stanbridge Road  
Putney  
London  
SW15 1DX  
England

## **1 CONSULTATIONS**

Parish Council

**OBJECTION** - This application is similar to the application for an additional bedroom /garden room and is now called a home working and recreational space. The height is still the same/ As the property is a holiday let it is questionable why a home working space would be necessary.

OCC Highways

No comments received.

## **2 REPRESENTATIONS**

Several representations have been made raising strong objections to the proposed scheme. These objections are summarised as follows:

- There is little need for direct access from the rear for an ancillary outbuilding at No.46.
- The installation of a bathroom in the building creates a feel more similar to a separate self-contained dwelling, rather than a home working space.
- The inclusion of a new garden shed increases the overall size and footprint of the building.
- Due to the properties use as an Airbnb, there are significant parking issues arising on the high street, an issue compounded by other holiday lets in the area.
- There are concerns that an additional building would lead to overdevelopment and increase the noise and disturbance for neighbouring residents.
- The proposed scheme includes windows which will overlook neighbouring properties and lead to a loss of privacy.
- There are concerns about the ownership of the land in which the building is situated, with the outbuilding sitting between and on several different deeds. It is a separate title and is not part of the original deed of No.46.
- The property is used as a holiday let and there are concerns that the proposal will increase the impact on neighbouring residents. This puts into question the use described in the application as a home-working space.

- Comparative to previous applications the proposal may represent a relative reduction to the scheme but does not address previous concerns that have been raised. Neighbours have concerns that due to the separate title and this lack of fundamental change in the proposal compared to a scheme for a renovated garden shed, for example, means it could still be used as suggested as separate self-contained property.
- There are several issues and inaccuracies with the submission of the application itself, involving the ownership as well as the conflation of the applicant and agent and a failure to acknowledge parking increases.

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

A Design and Access Statement formed part of the application submitted. It raised several points which are summarised as follows:

The existing building is in poor structural condition and in need of significant repair to prevent further dilapidation. The proposal would maintain much of the existing structure. The previous appeal referred to a replacement building as opposed to this application. This deals with many of the comments raised by the inspector in their report.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

EHI Cotswolds AONB

NATDES National Design Guide

DESGUI West Oxfordshire Design Guide

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

### **5 5 PLANNING ASSESSMENT**

- 5.1 This application seeks planning permission for the renovation of an existing outbuilding to provide ancillary home working and recreational space at High Ridge, 46 High Street in Milton under Wychwood. The proposal is not within a Conservation Area but is located within the Cotswold Area of Outstanding Natural Beauty.
- 5.2 Amended plans have been submitted removing a number of windows from the proposal following your officers concerns about overlooking arising from the original scheme.

### **Relevant Planning History**

- 5.3 20/01116/HHD: This application was for the replacement of the existing outbuilding with a single-storey garden room. It would have involved the demolition of the building and the addition of a structure with metal cladding at a greater height and massing than the existing one. It was recommended for approval by your Officers but overturned and refused by Members of this committee.

5.4 An appeal was lodged against this decision and the Planning Inspectorate dismissed the appeal. The key points raised in the appeal decision are as follows:

- Lengthy submissions have been made by the Council with regards to the use of the property and, in particular, questioning whether a change of use has occurred. However, the purpose of this appeal is to consider the application as refused by the Council, which in this instance was solely for the removal of the existing workshop and its replacement with a garden room. I have therefore determined the appeal on this basis.
- The proposals would result in a development that would be of a greater scale, bulk and height than the existing building. The changes would be especially harmful to the residents of No 50, whose main entrance and front patio face directly towards the appeal site, along with the residents of No 48, where part of the appeal site lies at the end of their garden. As a result of its relationship with neighbouring properties, the proposed development would therefore represent a visually intrusive, overbearing and overshadowing form of development.
- Whilst the proposal would be likely to increase the level of activity within the garden, I do not consider that this would increase to such a level that it would generate significant additional noise or disturbance to nearby residents, to justify withholding planning permission on this ground alone.
- Whilst the proposal would create additional residential accommodation in the form of a garden room, it would not increase the overall number of bedrooms at the property and therefore would not generate the need for any additional parking spaces. Furthermore, the existing parking space on site would be retained. As a result, the proposal would not lead to an unacceptable impact on highway safety.'

5.6 Your officer's note that a number of the concerns raised relate to the alleged use of the property as a holiday let. This is the subject of a separate enforcement investigation and cannot form part of the decision making process in relation to this application. The Planning Inspector took the same view when considering the previous application stating that a decision should be made based on the proposal as submitted within the application. In this case, the application is seeking consent for the repair and alterations to an existing outbuilding to provide a home working and recreational space to serve the host dwelling (Use Class C3).

### **Principle**

5.7 The principle of providing additional ancillary accommodation within an already established residential property is considered acceptable subject to consideration against the provisions of the adopted West Oxfordshire Local Plan 2031, the National Planning Policy Framework and other relevant material considerations such as design amenity and highways safety.

### **Siting, Design and Scale**

- 5.8 The outbuilding, the subject of this application, is located at the rear of the garden of High Ridge. The present building is subservient and secondary in its relationship with the primary building, however, it is evidently in a poor condition and a state of disrepair.
- 5.9 The proposals seek to retain the existing structure with repair works and the addition of a modest lean-to extension which will replace an existing shed. It has a width of 6m, a maximum height of 3m and a length of 9.5m when including the proposed cedar cladded lean-to extension which will form a wood store and new entrance from the rear garden. This additional cedar addition is slightly bigger than the existing shed. Given that the scale, massing and form of the outbuilding will remain unchanged, other than the new lean-to addition, which is only 2m x 1.5m in footprint, your officers consider that the development will retain a similar relationship as existing appearing an appropriate, secondary outbuilding serving the main dwelling.
- 5.10 There are a number of roof lights and windows proposed to be introduced on the outbuilding but these are considered to be appropriate in design terms and will ensure that the secondary character of the outbuilding is retained.
- 5.11 Indeed, your officers consider these proposals would respect the character and appearance of the existing site and would repair and improve the existing structure which is currently dilapidated and fails to positively contribute to the visual amenity of the area.

### **Visual Amenity**

- 5.12 The proposal is located to the rear of High Ridge, 46 High Street. The site sits between several other residential properties, most notably number 50, but also numbers 44 and 48. All of these properties have a clear view of the current building but it will not be visible from the main High Street.
- 5.13 In light of its siting to the rear, and given that the development will not be significantly different to that which already exists, other than the addition of the small lean-to within the rear garden of the site and some fenestration, your officers are of the opinion that the development will respect the character and appearance of the area and will not detrimentally impact the visual amenity of the wider street scene, in accordance with policies OS2 and OS4 of the West Oxfordshire Local Plan 2031 and the West Oxfordshire Design Guide.

### **AONB Impact**

- 5.14 The proposal falls within the Cotswold AONB, a nationally designated location due to its Landscape character. For sites located within the AONB, great weight should be given to conserving and enhancing the landscape and scenic beauty per the provisions of paragraph 176 of the NPPF, which is duly reflected in Policy EHI of the Local Plan.
- 5.15 In this case, given its siting within the built up residential area in Milton under Wychwood, the development would not have any visual impact beyond its immediate setting and will therefore not result in any harm to the landscape and scenic beauty of the Cotswold AONB. The Planning Inspector came to the same conclusion when considering the previously refused application on this site. As such, the application is considered to be acceptable in these terms.

## Residential Amenity

- 5.16 Your officers are of the opinion that the impact on residential amenities is one of the key considerations of this case. Several objections have been raised with regard to the overlooking that would arise from the proposal, especially to neighbouring properties at 44, 48, 50 and 50a.
- 5.17 Your officers note that the Planning Inspector raised concerns about the impact on neighbours in the consideration of the previous scheme. However, these issues mainly related to the increase in height and massing and the overbearing impact this would have and potential for windows overlooking into the neighbour's gardens.
- 5.18 In this case, given that the proposed development will not result in any increase in the height of the building, and the only additional massing is the proposed lean-to extension, which replaces an existing shed, has a modest footprint and is single storey, your officers do not consider that the development will be overbearing, nor will it result in any undue loss of light to the detriment of neighbours over and above that which already exists.
- 5.19 Further, following a meeting on site with some of the neighbours, your officers secured the submission of amended plans which has removed one of the side windows which would have resulted in direct overlooking into some of the adjacent rear gardens. The proposed North Eastern elevation is now proposed to just retain one existing high level window so there will be no additional opportunity for overlooking over and above that which already exists. The windows in the front and rear elevations are proposed to be fitted with obscure glazing apart from a single, high level section at the top of them. Your officers consider that this will enable light into the outbuilding but will ensure there is no direct overlooking into the neighbours gardens or homes. Further, the Velux roof lights proposed would not in themselves lead to any additional overlooking due to their nature and position in the roof.
- 5.20 Overall, in light of the above assessment, your officers are satisfied that this development meets the requirements laid out in policies OS2 and H6 of the Local Plan and will not result in any adverse impacts on the amenity of neighbouring residents.

## Noise and Disturbance

- 5.21 There have been several objections to this application, many focused on the noise that the development would generate and the impact that this would have on neighbouring residents. Officers note the conclusion made by the Planning Inspector in the consideration of application 20/01116/HHD which states:
- "Whilst the proposal would be likely to increase the level of activity within the garden, I do not consider that this would increase to such a level that it would generate significant additional noise or disturbance to nearby residents, to justify withholding planning permissions on this ground alone".
- 5.22 Given that a similar ancillary use is proposed in this application, and that the building already exists and can be used for ancillary purposes without the need for planning permission, officers agree with the Planning Inspector and are of the opinion that the provision of ancillary accommodation within an existing residential garden, within a built up

residential area, will not result in any adverse levels of noise and disturbance to the detriment of neighbours.

5.23 As such, the application is considered to be acceptable in these terms in accordance with policies OS2 and H6 of the West Oxfordshire Local Plan 2031.

### **Highways Impacts**

5.24 Residents have raised a number of concerns about parking in relation to this proposal. No comments have been received from the Local Highway Authority. However, similar to the previous scheme, the proposal does not increase the number of bedrooms on the property and would not result in the need for any additional parking. Indeed, the Planning Inspector found the previous proposal acceptable in these terms. Therefore these proposals meet the requirements of policy T4 of the Local Plan.

5.25 Your officer's note the concerns regarding parking provision mainly relate to the use of the property as a holiday let. As advised above, the alleged unauthorised use of the property as a holiday is being investigated separately.

### **Other Matters**

5.26 Another matter raised by local residents relates to the ownership of the outbuilding and the potential for a separate title to be sold independently. Matters of land ownership and rights of access are considered to be a civil matter and are not material planning considerations. In this application, the outbuilding is considered to form one planning unit alongside the primary dwelling, and this has been represented as part of the conditions of the development which ensure that outbuilding is only used as accommodation ancillary to the occupation of High Ridge.

### **Conclusion**

5.27 Taking into account the above matters, the proposal is considered acceptable on its merits and complies with the West Oxfordshire Local Plan policies OS2, OS4, EH1, H6 & T4, The West Oxfordshire Design Guide 2014, the relevant provisions of the NPPF and other relevant material considerations. Therefore, it is recommended for approval subject to the conditions listed below.

## **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 outbuilding hereby permitted shall be used as accommodation ancillary to the existing dwelling on the site and shall not be occupied as a separate dwelling.

REASON: A separate dwelling in this location would be unacceptable in principle and on visual, amenity and highways safety grounds failing to comply with policies OS2, OS4, H2, H6 and T4 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF.

### Notes to applicant

- 1 Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

- 2 Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
  - Wall, ceiling, roof, and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy and water efficient appliances and fittings
  - Water recycling measures
  - Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning->

application/sustainability-standards-checklist/  
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

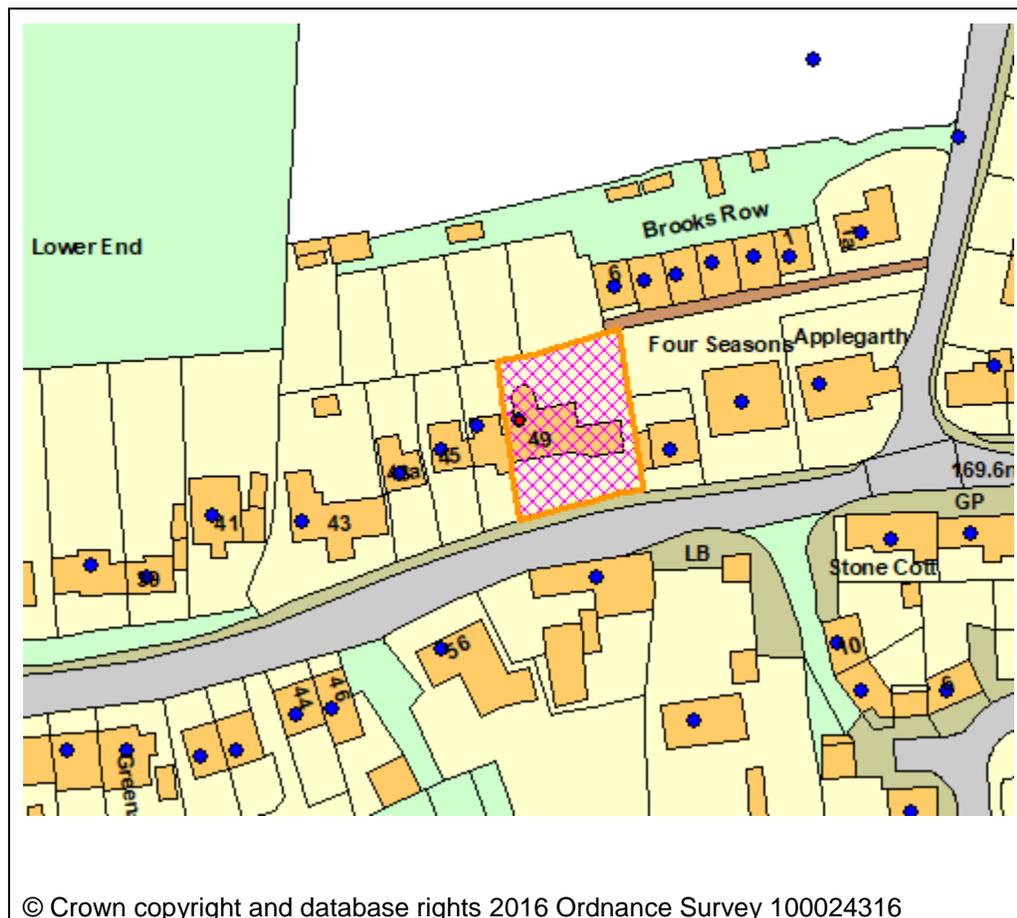
**Contact Officer:** Alex Clarke

**Telephone Number:** alex.clarke@westoxon.gov.uk

**Date:** 18th May 2022

Application Number	22/00571/FUL
Site Address	49 Lower End Leaffield Witney Oxfordshire OX29 9QH
Date	18th May 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Leaffield Parish Council
Grid Reference	432150 E 215489 N
Committee Date	30th May 2022

### Location Map



## Application Details:

Alterations to existing property to include erection of single storey front extension and two storey and first floor rear extensions. Construction of a new dwelling together with associated works and provision of new vehicular accesses to serve existing and new house.

## Applicant Details:

Mr David Law  
49 Lower End  
Leafield  
Witney  
Oxfordshire  
OX29 9QH

## I CONSULTATIONS

WODC Env Health - Uplands	I have no objection in principle.
ERS Env. Consultation Sites	<p>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 objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.</p>
OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>Recommendation:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to the following conditions:</p> <ul style="list-style-type: none"><li>• G28 parking as plan</li><li>• G11 access specification</li></ul>
Conservation Officer	No Comment Received.
WODC Drainage Engineers	No objection subject to condition.

Parish Council

Leaffield Parish Council objects to this planning application.

In addition, the Council believes that this application is not in keeping with Policy EH 10 (Conservation Areas) of the West Oxfordshire Local Plan 2031 in that:

- the proposal is not "sympathetic to the original curtilage and pattern of development and to important green spaces, such as paddocks, greens and gardens, and other gaps or spaces between buildings and the historic street pattern which make a positive contribution to the character in the Conservation Area".

## **2 Third Party Representations**

2.1 A total of four third party representations have been received, all four in opposition to the scheme. Each matter raised is summarised as follows:-

- Inadequate levels of parking provided leading to on-street parking and highways issues;
- The proposed scheme would result in the site being overdeveloped;
- The proposed new rear extension to Number 49 is too large;
- The extra dwelling in my opinion would still have insufficient vehicle turning space, reversing onto the highway would be dangerous;
- The sunlight that the garden of Number 51 receives would be blocked during significant parts of the day;
- Loss of gap in street-scene results in harm to the character and appearance of the Conservation Area;
- Loss of vegetation;
- Increased risk of flooding due to the installation of hard standing; and
- The noise and disruption during any building works will have a major impact on local residents

## **3 Applicant's Case**

### **3.1 Design and Access Statement**

3.1.1 The applicant has submitted a Design and Access Statement to support the application. Officers recognise that the document is largely inadequate as it has not been fully updated when compared to the previous application for two proposed new dwellings. This notwithstanding, the full document is available to view on the Council's website.

## **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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH10 Conservation Areas

BC1NEW Burford-Charlbury sub-area

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

## 4 **5 PLANNING ASSESSMENT**

### 5.1 Introduction

5.1.1 This application relates to 49 Lower End, Leaffield and seeks consent for the following development:

*"Alterations to existing property to include erection of single storey front extension and two storey and first floor rear extensions. Construction of a new dwelling together with associated works and provision of new vehicular accesses to serve existing and new house."*

5.1.2 The host dwelling is a modest end of terrace property constructed of natural stone under a slate roof. The site lies wholly within the Leaffield Conservation Area and Cotswolds Area of Outstanding Natural Beauty (AONB). The application is brought before Members following an objection raised by the Leaffield Parish Council.

### 5.2 Relevant Planning History

W93/1397- Erection of car port to side of dwelling (approved).

21/03942/FUL- Alterations to existing property to include erection of single storey front and two storey and first floor rear extensions. Construction of two further attached new dwellings together with associated works and provision of new vehicular accesses to serve existing and new houses (withdrawn).

### 5.3 Relevant Planning Considerations

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

- The Principle of Development;
- Siting, Design and Form;

- Impact on Conservation Area;
- Impact on AONB;
- Highways;
- Residential Amenity; and
- Other Matters

## 5.4 Principle of Development

5.4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. 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. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031.

5.4.2 This application can be broadly split into two parts when assessing the principle of development. The first is the extensions to the existing dwelling which given the established use of the planning unit is considered acceptable subject to consideration of the matters in the following sections.

5.4.3 The second element of the scheme is the construction of a new dwelling within the existing curtilage of 49 Lower End. As the dwelling would replace an existing garage, the site is considered previously developed for the purposes of this assessment. The application site sits within Leaffield, which is identified as a village under West Oxfordshire Local Plan Policy OS2. In the villages, 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.*

5.4.4 Policy H2 states that new dwellings will be permitted:

*"On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan.*

5.4.5 The general principles of OS2 that have particular relevance to this application are that development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty

5.4.6 The provisions of Policy BCI are also relevant to this application. The Burford-Charlbury Sub-Area Strategy outlines that despite the relative constraints placed on development by the Cotswolds AONB designation, delivery of homes should reach 774 by the end of the plan period in accordance with H1. Whilst Burford and Charlbury (as rural service centres) will be the focus for modest levels of new development, elsewhere development should be steered to the larger villages in the sub-area, such as Leafield.

5.4.7 As such, the principle of provision of a new dwelling in this location is acceptable subject to consideration of the siting, design and form, impact upon the conservation area and AONB, neighbourly amenity, highways and other matters being assessed against the adopted Local Plan.

## 5.5 Siting, Design and Form

5.5.1 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.5.2 The proposal seeks to subdivide the unit and create a single detached dwelling of similar design and form to the existing dwelling in place of an existing garage sited in the eastern half of the plot. Given the size of the plot and sprawling nature of the existing garage and extension, the site is considered capable of accommodating the subdivision without leading to overdevelopment of the plot. The proposed dwelling will echo the existing in terms of ridge (6.5m) and eaves height (4.3m), form, massing and materials. The simple

design responds positively to its immediate context through its use of siting, design and form.

- 5.5.3 A two-storey rear extension to the rear of the existing dwelling is also proposed as well as a front porch. The rear extension is composed of two projecting gables to replace an existing single storey rear element. The increase in footprint would be modest and the rear extension is set down in terms of ridge height from the main body of the dwelling and therefore reads as subservient. The use of form and roof pitch is considered appropriate in context as the shallow dual pitches employed match the host dwelling. The siting, design and form of the front and rear extensions are therefore considered acceptable.

## **5.6 Impact on Conservation Area**

- 5.6.1 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.
- 5.6.2 The built development along this portion of Lower End is characterised predominantly by modest terraced cottages of traditional designs and external finishes and more modern 1-2 storey dwellings lining either side of the street. The dwellings are interspaced with intermittent small gaps offering glimpses of the open countryside beyond. The site itself has a more spacious character than immediate neighbours owing to the diminutive height of the existing garage but does not offer any long views when viewed from the street. Therefore, the gap between the existing dwelling and those to the east contributes a limited amount to the character of the wider conservation area.
- 5.6.3 The proposed dwelling would be well set back from the road and retain a 4.5m gap to the main body of the dwelling to the east. Therefore, the proposed would not appear cramped or contrived or result in a significant loss of openness. Further, its design and massing would echo the existing dwelling (49) so as to sit comfortably in the street scene. In this context, the proposed new dwelling is considered to preserve the character and appearance of this part of the conservation area.
- 5.6.4 Due to the appropriate siting, design and form of the extensions proposed, this aspect of the scheme would also result in no material harm to the conservation area.

## **5.7 Impact on AONB**

- 5.7.1 The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. The provisions of paragraph 176 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB.
- 5.7.2 The proposed development would be sited well within the existing settlement and therefore have a very limited landscape impact. The attractive rural feel of the locality is

largely contributed to by the use of vernacular materials typical of Cotswold villages and therefore officers consider it appropriate that such materials are employed. The application is therefore considered acceptable in terms of AONB impact.

## **5.8 Highways**

5.8.1 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. Concerns have been raised by neighbours regarding parking space on the street and access/turning. The proposed development would involve the creation of a new access and provide two on-site parking spaces. The application has been subject to consultation with the Local Highways Authority who have raised no objection subject to the imposition of conditions. The application is therefore acceptable in highways terms.

## **5.9 Residential Amenity**

5.9.1 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.9.2 The proposed extensions would be orientated so that they would result in no loss of light, overbearing or overlooking impacts to neighbours.

5.9.3 Objection has been raised on the grounds that the proposed new dwelling would block light to the rear garden of 51 Lower End. The proposed dwelling would not contravene the 45 degree rule with regard to loss of light to habitable rooms. It would partially block evening sunlight to the rear garden of number 51 however, officers do not consider that the impact is sufficient to warrant refusal of the application given it would only block light to a garden area rather than habitable rooms. The proposed dwelling is not considered to be overbearing or result in significant overlooking impacts.

## **5.10 Other Matters**

5.10.1 In terms of flooding, the site is in Flood Zone 1 and a modest increase of impermeable area is proposed. As such, officers are satisfied that drainage matters can be controlled by condition.

5.10.2 A protected species survey was not submitted to support the application. However, the garage is open sided so is exposed to the elements and is unlikely to support bats. On a site visit, the case officer did not see any nesting birds in the garage. The garden is composed of short grass and hardstanding and the proposal does not affect trees or hedges. As such, it is unlikely that the proposed works affect the habitats of protected species.

5.10.3 Officers do not consider that this minor development would result in significant noise or disturbance during construction given the scale of the scheme.

## 5.11 Recommendation

5.11.1 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, H1, H2, H4, H6, T1, T3, T4, EH1, EH3, EH7, EH10 and BCI, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore 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 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. 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 and B shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to protect the character and appearance of the area and to prevent overdevelopment of the plots.

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

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

6. The proposed window serving the first floor en-suite on plot 2 (east side elevation) shall be fitted with obscured glazing prior to first occupation of the dwelling and thereafter retained in that condition.

REASON: In the interests of privacy.

7. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

8. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

9. 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.

10. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

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

11. That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three test results should be submitted for each soakage pit as per BRE 365, with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.

## Notes to applicant

1. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
  - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
  - Code for sustainable homes - A step-change in sustainable home building practice- Oxfordshire County Council's Local standards and guidance for surface water drainage on major development in Oxfordshire (V1.2 December 2021)
  - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
  - CIRIA C753 SuDS Manual 2015
  - The National Flood and Coastal Erosion Risk Management Strategy for England, produced by the Environment Agency in July 2020, pursuant to paragraph 9 of Section 7 of the Flood and Water Management Act 2010.
2. 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
3. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
  - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
  - Wall, ceiling, roof, and floor insulation, and ventilation
  - High performing triple glazed windows and airtight frames
  - Energy and water efficient appliances and fittings
  - Water recycling measures
  - Sustainably and locally sourced materials

For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

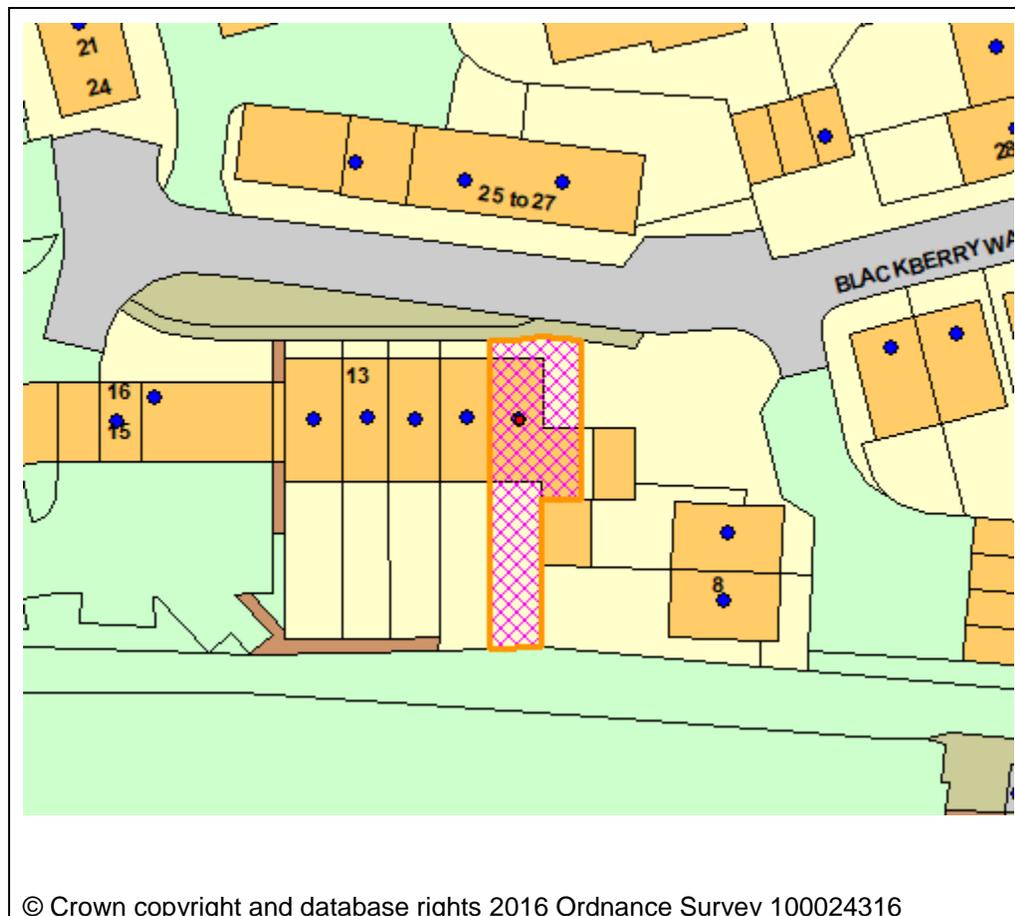
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 18th May 2022

Application Number	22/00722/HHD
Site Address	10 Blackberry Way Woodstock Oxfordshire OX20 1FQ
Date	18th May 2022
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Woodstock Parish Council
Grid Reference	445601 E 217048 N
Committee Date	30th May 2022

### Location Map



### Application Details:

Erection of a first floor side extension above existing garage and parking space and single storey rear extension.

## **Applicant Details:**

Mr Robert Gosling  
10 Blackberry Way  
Woodstock  
Oxfordshire  
OX20 1FQ

## **I CONSULTATIONS**

Parish Council

Objection due to loss of light to neighbouring property, overdevelopment of the site, overbearing nature of the development. Council also recommends that WODC Planning Committee undertakes a site visit and reports the notification of absence of neighbour consultation be investigated by WODC.

## **4 2 REPRESENTATIONS**

2.1 Two objection comments have been received from the neighbouring property, No 9 Blackberry way, as follows:

### **VISUAL IMPACT**

The visual impact of the proposed structure: firstly the garage extension, most particularly from the rear of our property, will be completely overbearing and intrusive. The significant size and height of the additional storey to the garage from our rear windows and especially in our small garden will substantially, and in our view, completely dominate. It will be noticeably prominent with a solid red brick wall to the full height of the house. It will be less than 5 meters from the rear wall of our house. Our property is very small at approx 80 sq.m. with 3 adults and fully grown teenager, making our outside space all the more important to us all. The side and rear walls of the existing garage are completely within our small garden space. The front of the building will be on our immediate boundary, adjoining our driveway in its entire length. It will immediately stand out and impose at the front of property facing the road and the properties opposite.

The surrounding dwellings are high density, with small spaces between and around buildings. They are very tight plots with very small gardens/outside space. These extensions would be out of scale and proportion to that of adjacent buildings and properties. The design and layout of the garage extension will look noticeably different to everything surrounding it.

In addition I would like it taken into account that No 8 Blackberry Way has had a significant rear extension passed by WODC - 21/0010/HHD - which is now constructed. Due to its height it has had a negative visual impact on our small garden space and reduced natural daylight and sunlight in our living room and garden. This is in complete contradiction to the government drive, and indeed globally, to achieve a reduction in the need for artificial lighting. We now get less sunlight in the garden to help dry clothes outside and increased energy usage, along with the associated costs! The right to light does ruling does NOT account for this. This extension is also overbearing in its nature, being immediately on our boundary to the height of the first floor windows. This could and should have been given much more consideration when the planning application was

submitted. Architects are well practiced in all manner of strategies to get plans approved. We have had that point highlighted to us on hindsight.

## OTHER

The addition of actual photographs from all angles, including neighbouring properties, should be a prerequisite to planning applications. This would assist planners immensely in understanding the impact a building is likely to have on its surroundings and neighbours. Three weeks to object, comment is not sufficient time, it is common knowledge this is often abused to get applications through. The impact/value of outlook and space ought to be taken into consideration for people's mental health, particularly in the current climate and working from home. The system should consider those people, who for a number of reasons, are not able to respond to applications as quickly or ably and as a result are railroaded into living with the end result. People move out and on - buildings don't.

I am not against new development or extensions to existing properties where it is appropriate and not detrimental in any way.

## AMENITY VALUE

There is a risk of creating a precedent with this type of garage extension for the entire estate which would completely alter the look and feel of the area. This is important when considering all applications.

## POLICY /PRINCIPLE

We have not received any official communication from WODC Planning Dept of this or the original planning application (21/02469/HHD). Nor of the planning application 21/0010/HHD to No 8 Blackberry Way. As a direct neighbour to No 8 (semi-detached) and No 10 Blackberry Way with adjoining immediate boundaries WODC Planning Dept has a legal obligation to notify us directly in writing. We were not provided with this notice either in writing or email. It did not give us adequate notice, highlight the urgency or opportunity to object to any of the applications.

## NEIGHBOURLINESS

There is no mention within the planning applications of the need for extensive access to our property in order to facilitate the proposed construction. This should be an additional consideration. Access to the front, side and rear of the property for building these proposed works will be on our land/garden. It will be hugely intrusive, especially in such a small garden such as ours. There is no other access. This needs to be taken into account when decisions are made. It would help prevent bad feelings amongst neighbours and breakdown of the smaller community relations.

1. invite you to visit our property to fully understand the issues and implications. I would like to include photographs which will help illustrate our serious concerns and objections. As I am unable to do so here I will email these under separate cover to WODC Planning Dept and Woodstock Town Council.
2. It is my opinion that the proposed build at number 10 would be obtrusive and overbearing. We have recently seen an extension built to the rear of number 8 that has had an effect on the amount of sunshine that we receive and the view that we used to enjoy. Our property is relatively small and our outdoor space is important to me as i suffer with depression and i feel that the proposed size of the new build will just add to the feeling of being hemmed in. It has

been brought to my attention that when the original plans were submitted that there was no mention of requiring access to our property and i would find this extremely intrusive. I am also lead to believe that we have received no official communication from WODC Planning Dept regarding this application. My partner vanessa Phillipson has submitted a more detailed complaint, but I endorse everything that Vanessa has stated.

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

No applicant case has been submitted.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

The application seeks consent for erection of a first floor side extension above existing garage and parking space and single storey rear extension.

The site is located in a residential area of Woodstock and it not in an area of special designated control. The property semi-detached dwelling and is constructed of reconstituted stone under a tile roof with a red brick garage to the side (east) of the dwelling. The dwelling is orientated facing north with the properties to the east facing east meaning that the side elevation of the host dwelling is widely visible within the streetscene. General Permitted development rights allowing extensions, windows and roof lights have been removed for the whole estate.

The application is before Planning Sub-Committee for consideration as Councillor Cooper called the application in making reference to policy H6 of the Local Plan.

Officers would like to note at this point the comment made by the Town Council and an objector that the application was possibly not publicised correctly. Applications are advertised by a yellow site notice which has to remain available for viewing by the public for 21 days as dictated within the regulations. Officers completed a site visit on the 7th April and it was noted on that date that the yellow site notice was visible and at no point was the Council made aware that the notice had been removed before the end of the consultation period. Officers have therefore concluded that the application was publicised in a correct and proper manner.

#### **Planning History**

21/02469/HHD - Approved - Erection of a first floor side extension above existing garage and parking space.

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, neighbourly amenity and highways impacts.

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

As noted above the site has an extant permission for the erection of a side extension which is broadly the same as detailed within this application. The main differences between the extant permission and this application is the addition of a single storey rear extension and the rear wall of the first floor addition is inline with the main dwelling rather than the garage. Whilst officers acknowledge that the principle of a side extension remains acceptable, the application has still been fully assessed in a holistic manner.

In regards to the siting, the property would retain a 12m garden to the rear and the garage and parking space to the side remain as existing. Both elements of the proposal are not considered to negatively impact on the street-scene given that they remain within the outline of the host dwelling and to the rear of the property which is not visible within the street-scene. Due to the orientation and distances between the properties, the neighbouring property is not significantly impacted by the proposal and officers do not consider the proposals would result in overdevelopment of the site as a whole. Neighbouring properties in close proximity have also extended to the rear or have garden rooms in the rear amenity spaces. Whilst these do not set a precedent, as each site is considered on its own merits, rear development is considered to form part of the character of the area.

In regards to the design, the first floor extension of the existing garage is traditional in design with a dual pitched roof and dormer window on the front elevation. The pitch of the roof is consistent with the existing garage of the host dwelling and that of the neighbouring property and the outline of the additions lies within the outline of the existing gable end of the property. The ridge line is approx. 1m lower than the host dwelling and the front wall is stepped back approx. 1.5m with a brick pier to the front left corner allowing the ground floor parking space to be open-sided. The proposed materials are reconstituted Cotswold Stone, red brick and roof tiles to match the host dwelling. Officers consider the proposed design and materials are in keeping with the host dwelling and the wider character of the area. The proposed rear lean-to style extension extends beyond the rear wall 1.7m, bringing it out in line with the rear build line of the existing garage and is proposed to be red brick and roof tiles to match that of the existing garage.

Officers conclude that the lower ridge and stepped front build line and modest 1.7m extension to the rear is overall, considered to be in keeping with the existing character and appearance of the property and represents a subordinate addition to the property. This is therefore considered to be compliant with local plan policies OS2, OS4 and H6 of the West Oxfordshire Local Plan and Chapter 14 of the West Oxfordshire Design guide.

### **Highways**

County Highways were not consulted as part of this application given that the off street parking availability of the site remains unchanged (with the garage and parking space remaining). The proposal is therefore considered acceptable in this regard.

## **Residential Amenities**

Officers have had regard to the two objection comments received from No 9 Blackberry Way. Some of the information within the comments is factually incorrect, not related to this site and application, and/or is a civil matter and therefore does not form part of the planning assessment, however careful consideration has been given to the remainder of the comments.

Firstly considering the first floor side extension. This is set within the outline of the existing house and maintains the rear build line of the property. This is broadly in line with the side elevation of the neighbouring property to the East (No 9 Blackberry Way) and also the garage serving this property. At the closest point (the corner of No 9) there is approx 7.5m between the proposed development of the closest dwelling (corner to corner).

Whilst the development will be visible from the rear windows of the property, given that the proposed remains within the outline of the existing dwelling and the existing development (Garage and Garden Room serving No 9), officers do not consider that the development will negatively impact on the neighbouring property (No 9) by way of loss of light or overbearing impact. The proposed Juliette balcony faces out on the street and would not allow views into the neighbouring properties windows or rear amenity space and therefore will not give rise to any loss of privacy or overlooking. Given the orientation of the properties there is not considered to be any overshadowing to the rear amenity space of No 9.

Considering the rear extension, the single storey lean-to design extends only 1.7m to the rear and is infill development from the rear wall of the existing garage to the boundary with the adjoining neighbour (no 11). Officers do not consider the proposed would negatively impact amenity on either of the neighbouring properties (No 9 and No 11) given the single storey nature, lean-to design and position of the existing garage.

Officers are therefore satisfied that the proposed does not give rise to any negative neighbouring amenity impacts and is acceptable in this regard.

## **Conclusion**

The overall appearance, design and form of the extensions are considered to be in-keeping with the existing character and appearance of the property and represent a subordinate addition, with the design and materials complementing the existing. The proposed is not considered to negatively impact on the streetscene or that of the amenity of neighbouring properties.

In light of this assessment, taking in consideration the design, neighbouring amenity and highways implications, this proposal is acceptable in accordance with policies OS2, OS4, H6 and T4 of the adopted Local Plan 2031, relevant sections from the NPPF and West Oxfordshire Design Guide 2016.

## **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.

**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 18th May 2022