

WEST OXFORDSHIRE DISTRICT COUNCIL

LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 25th July 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.

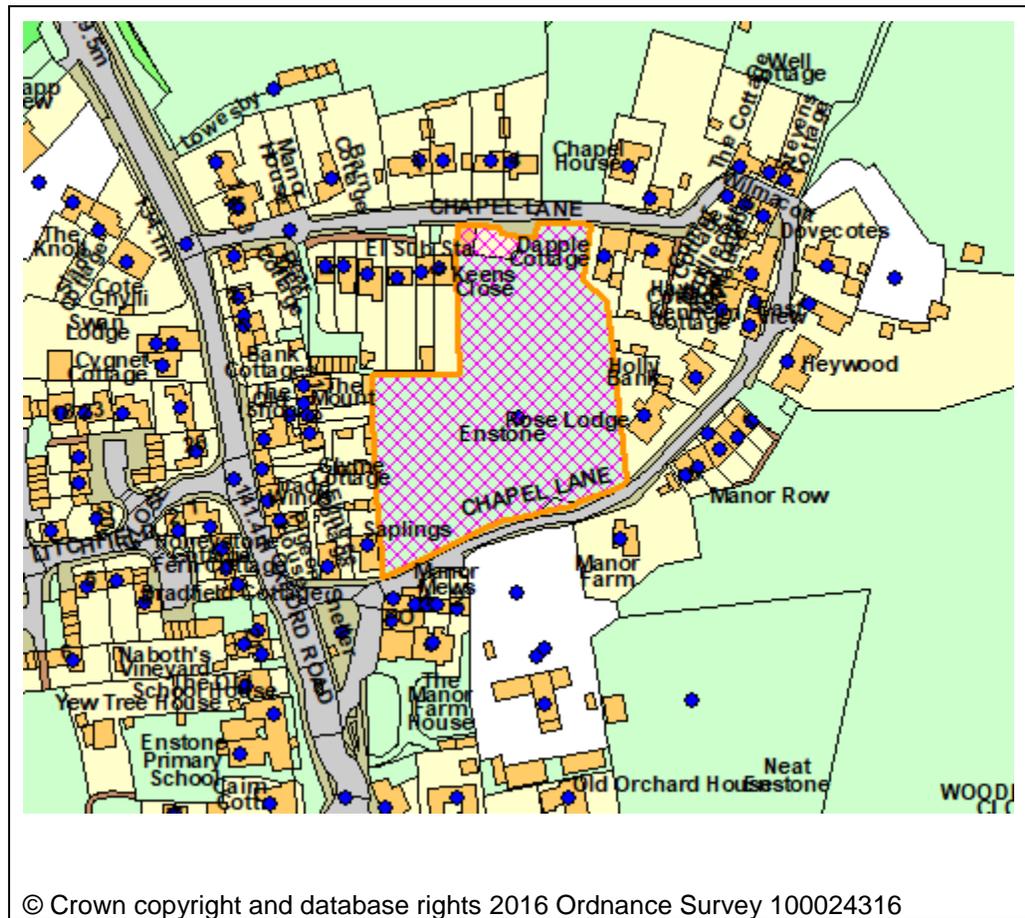
Please note that:

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

Item	Application Number	Address	Officer
9 - 25	22/00838/OUT	Land At Chapel Lane	Stephanie Eldridge
26 - 32	22/01061/FUL	The Manor House Gallery West Street	Stephanie Eldridge

Application Number	22/00838/OUT
Site Address	Land At Chapel Lane Enstone Oxfordshire
Date	12th July 2022
Officer	Stephanie Eldridge
Officer Recommendations	Provisional Approval
Parish	Enstone Parish Council
Grid Reference	437725 E 224364 N
Committee Date	25th July 2022

Location Map



Application Details:

Outline planning permission for residential development (up to 8 dwellings), access, parking, public open space, landscaping and associated development infrastructure. (some matters reserved)

Applicant Details:

Messrs N J and P N Melrose

I CONSULTATIONS

Parish Council

Following a public meeting on 23rd May 2022, attended by 39 parishioners and 6 parish councillors, the following observations have been made which has lead to Enstone Parish council voting to object to the planning application:

Highways:

1. Chapel Lane is a narrow single track road and the Parish Council feels it unsuitable for accommodating such a development, due to the increased traffic from residents and delivery trucks, especially during the proposed build.
2. There would be insufficient room for trucks containing building materials to negotiate the narrow lane and turn into the field, especially trucks carrying roof trusses. Access to the south side of the site from the A44 is difficult by the village green, and there is insufficient room for trucks to rejoin the A44 outside the village shop when leaving site. A one way system needs to be formally adopted by the village green and shop.
3. At the north side of the site there are also access issues as parked cars limit the width of vehicle that can pass along the lane and these will also limit any space needed to turn into the site.
4. The proposed barrier separating the two ends of the site will also increase delivery vans trucks needing to negotiate the entire length of Chapel Lane.

Ecology:

1. The Parish council feels that the ecology report does not represent the reality of the risk to the ecology on the site. The report claims that the site is suitable for establishing a wild flower meadow on the east side, but this is questioned as it has

been used for grazing cattle and sheep for many years, so is very fertile, as represented by diverse range of flora supporting an ecosystem for wildlife including, but not limited to, the following red list species: starlings, swallows, house sparrows, swifts, thrushes and hedgehogs.

2. It has also been highlighted that the report mentioned urban birds, but there was no mention of any of these red list species.

3. The proposed site acts as a wildlife corridor for species that are passing to the river Glyme and are channeled by existing urban developments and the A44.

4. The report states that there is no record of badgers within 1km of the site which contradicts advice given to WODC for a previous nearby planning application, 21/00087/FUL. Planning application 21/00087/FUL includes an email to WODC advising that there are records of badgers and other protected species around that site. The site for application 21/00087/FUL sits NNE of the Chapel Lane site and is less than 1km away.

5. It was noted that the ecological survey was undertaken when the field had just been cut, so does this allow a true reflection of the ecology to be gained?

6. The Parish Council feel that this demonstrates that the ecology report has not given full consideration of the impact of the proposed development to the ecology.

7. There is no mention of the drystone wall surrounding the site which is a habitat for many species.

8. The planning consultant has not adequately explained how the proposed development would produce a net gain to diversity.

9. Who would be responsible for maintaining the drystone walls if the application was successful?

Design & Layout:

The design and layout for the proposed development does not allow spaces for sufficient parking. Parking is already hugely limited in and around Chapel Lane and it is felt that the planning consultants have failed to properly address this issue despite several consultation meetings where this was repeatedly

highlighted.

Landscape:

1. This piece of land is an important part of Enstone and especially for the residents of Chapel Lane. It is an oasis of wildlife a short distance from the busy A44 that gives character to this part of Enstone. As such, the planning consultants have failed to reveal any benefits to the village caused by the loss of this open green space.

2. The loss of the open view will have a considerable impact on the residents in an around Chapel Lane.

3. It has also been noted that Mr. Tait claimed to not know of previous planning applications that have been refused for the same site over the last 30 years. Why did these applications not succeed in offering benefits to the community and what makes this one offer benefits now?

Increase danger of flooding:

The Parish council are still concerned about he risk of flooding caused by such development as there was insufficient detail to explain how water would not run down the slope from the hard surfaces of the developed site onto the north side of Chapel Lane. Has consideration been taken regarding the drainage and sewage and what will be done to deal with storm water?

Other:

1. The Parish Council are concerned about the proposed development process, whereby some properties will be constructed by a developer and others would be sold as self-build plots. This could lead to a prolonged construction period as self-builders may find that completion of construction can only be done in phases as finances allow, which would be further disruption to the surrounding residents.

2. The Parish Council are also concerned that this development process could see self-builders buying a plot and then seeking to amend the planning permission from one property to two, putting further pressure on the surrounding residents and further adding to parking challenges.

Results of vote at public meeting:

Parishioners: 39 against; 0 in favour
Parish Council: 6 against; 0 in favour

In summary, Enstone Parish Council strongly object to this planning application. The Parish Council would ask that another ecology report is undertaken and that WODC visit the site to assess the access and parking challenges. If, however, the application succeeds, the Parish Council request that one way system should be established by the village shop and green and that further consideration is given to parking spaces.

Conservation Officer

No Comment Received.

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:

- G11 access specification inc vision splays
- Prior to first occupation the widening of Chapel lane carriageway together with the proposed parking bays , as shown on P20046 001D, in accordance with a scheme to be submitted and approved.

INFORMATIVE:

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

WODC Env Health -
Uplands

No objection.

Thames Water

No Comment Received.

District Ecologist No Comment Received.

WODC Drainage Engineers No objection subject to all comments above being taken on board and the proposed pre-commencement surface water condition being adhered to in full.

Newt Officer No Comment Received.

2 REPRESENTATIONS

2.1 16 letters of support have been submitted in respect of this application. The comments mainly relate to:

- Provision of affordable housing for younger people and/or first time buyers;
- Net gain in biodiversity;
- Area of open space for public to use;
- Design in-keeping with the area;
- No adverse flood risk;
- Would deliver improvements to highways;
- Good use of an unused site.

163 letters of objection have been received. The comments mainly relate to:

- Adverse impact on biodiversity;
- Loss of open space which contributes to visual amenity, landscape character and public well-being;
- Increased parking pressure;
- Increased use of dangerous road and junction;
- Adverse impact on neighbours;
- Increased flood risk;
- Not truly affordable housing;
- Chapel Lane unsuitable for construction traffic.

3 APPLICANT'S CASE

3.1 The Planning Statement is concluded as follows:

The proposed development is of a modest scale and in such a regard, sensitively addresses site specific development issues including such matters as site access and traffic, neighbouring residential amenity, minimising impacts on the local environment and eliminating any flood risk with suitable sustainable drainage. The number of houses

proposed, as well as the nature, scale and location of the proposed housing on the site has been carefully considered relative to this outline planning stage.

The development can duly mitigate any impacts and be accommodated without putting any undue pressure on existing services or facilities.

The development brings with it a range of local benefits including;

- A mixed range of homes including affordable homes
- New parking for the village shops
- Safe accessibility with priority for pedestrians
- Public open space for all to use, making a significant proportion of the site open and available for public access for the first time
- Protection of key views across the site
- New pedestrian connections through and across the site, enhancing local pedestrian safety by removing the need for villager to walk on Chapel Lane which doesn't have footways and improves connectivity north and south from each end of Chapel Lane, providing convenient access to the shops and school
- New enhanced tree and other landscape planting
- A net gain of 10% in biodiversity with opportunities for sustainable drainage and areas managed for ecology interest
- A high quality development which will make a positive contribution to the character of the village.
- The proposals are in line with the Development Plan and the National Planning Policy Framework, and represent sustainable development. In such circumstances planning permission should be granted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H6NEW Existing housing

EH2 Landscape character

EH3 Biodiversity and Geodiversity

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

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

5 PLANNING ASSESSMENT

- 5.1 The application seeks outline planning permission for the erection of up to eight dwellings with the associated access, landscaping and public open space with all other matters reserved (appearance, layout and scale).
- 5.2 The application site is situated off Chapel Lane, consisting of undeveloped land within the built up area of Enstone Village. The site covers 0.65 hectares and is made up of gently sloping agricultural paddock land, surrounded on all four sides by existing built form, primarily of a residential nature.
- 5.3 Chapel Lane provides a loop with both ends providing access onto Oxford Road; the main A44 through the village. To the north and south, the boundaries are formed by existing dry stone walls running along Chapel Lane. To the east and west, the boundaries are formed by the rear gardens of residential properties within the village.
- 5.4 The site does not fall within any special designated areas of control.
- 5.5 The application is before Members of the Uplands Planning sub-committee for consideration as Enstone Parish Council raised objections to the scheme.

Principle

- 5.6 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 this case, the Development Plan is the 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.
- 5.7 Enstone is classified in the Local Plan 2031 as a village, which is suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of the community (policy OS2). Housing Policy H2 states that new dwellings will be permitted on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles set out in Policy OS2.
- 5.8 Policy OS2 states that villages such as Enstone are suitable for limited development, which respects the village character and local distinctiveness and would help maintain the vitality of these communities. The general principles set out in OS2 state, inter alia, that development should form a logical complement to the existing scale and pattern of development and/or character of the area; be of a proportionate and appropriate scale to its context; not involve the loss of an area of open space or other features that makes an

important contribution to the character and appearance of the area and conserve and enhance the natural, historic and built environment.

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

Layout, Appearance and Scale

- 5.9 This application seeks outline planning permission with most matters reserved other than the access and landscaping (including the area of public open space). Therefore, matters of layout, appearance and scale would be dealt with at the reserved matters staged if members are minded to approve the outline application.
- 5.10 Illustrative plans have been submitted showing the provision of two accesses on the northern and southern boundaries of the site on to Chapel Lane with eight dwellings (four detached houses and two sets of semi-detached pairs) located in the western half of the site. The plans also show a footpath running through the site connecting the two sides of Chapel Lane with a significant area of public open space with landscaping to the east. It is indicated on the plans that the Cotswold dry stone walling would be proposed within the site alongside wildflower meadow planting, native trees and shrubs and potentially a pond to encourage biodiversity.
- 5.11 Illustrative views within the Design and Access Statement show two storey dwellings and it is indicated that the traditional vernacular styles and material palettes taken from existing built form in Enstone will guide the final design treatments within the development. This includes weathered stone, slate roofs, chimneys and traditional pitched dormer windows.
- 5.12 Your officers acknowledge that the existing parcel of land, while not public space, does provide a historic area of open space which makes an important contribution to the character and appearance of the Chapel Lane; a key feature being the view east from the existing farm gate in the south western corner of the site.
- 5.13 While the plans are only illustrative at this stage, your officers are of the opinion that the drawings indicate that eight dwellings, in a range of sizes and types, can be comfortably accommodated within the site with adequate parking and amenity space, alongside a significant parcel of public open space and landscaping which would retain the spacious nature of the site and open views from one end of Chapel Lane through to the other. Further, your officers note that the existing site is private agricultural land and the proposed scheme would open up this plot to provide a significant area of public open space for use by the community. The provision of a footpath through the site would also improve connectivity between the two sides of Chapel Lane providing a new route away from the single track lane.
- 5.14 In light of the above, the application is considered to be acceptable in these terms subject to a legal agreement to secure the public open space and details of its management.

Access

- 5.15 Two access are proposed off Chapel Lane- one along the Northern boundary and one to the South. Four parking spaces for use by the village are proposed along the Southern boundary with Chapel Lane. It is proposed that these spaces are set back to allow enough carriageway width to enable cars to manoeuvre in and out of spaces. Localised widening of Chapel Lane along part of the Southern boundary is also proposed from the western boundary up to the new access.
- 5.16 Your officers note the concerns raised by locals about increased traffic along Chapel Lane and a more intensive use of the junctions with the A44. However, the Local Highway Authority has raised no objections to the application stating that the development, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network and recommends conditions relating to the access, widening of the Chapel Lane carriageway and village parking bays. The widening of Chapel Lane would be secured via a S278 legal agreement.

Residential Amenity Impact

- 5.17 Adopted Local Plan Policy OS2 states that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. Concerns have been raised in respect of potential overlooking and loss of privacy. This is an outline application with detailed matters such as layout and appearance reserved for later consideration. It is considered that the siting and detailed design of the dwellings could ensure that there are no amenity issues resulting from the development.

Biodiversity

- 5.18 One of the key concerns raised by locals in the objections received relates to the loss of biodiversity on the site. Policy EH3 of the West Oxfordshire Local Plan 2031 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by minor applications demonstrating a net gain in biodiversity where possible. All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.
- 5.19 An ecological appraisal of the site has been submitted, and while landscaping is a reserved matter, the indicative plans show a significant area of the site retained as public open space with a wildflower meadow, native planting, and the potential for an ecology pond. Using the DEFRA 3.0 Biodiversity Impact Assessment calculation tool the submitted report suggests that the proposed development would result in a 10.01% overall net gain for biodiversity (including habitat retention, creation and enhancements).
- 5.20 The Council's Ecologist has raised no objections to the proposal subject to a number of conditions including the submission of a Construction Environmental Method Statement

and a Landscape and Ecological Management Plan to secure the delivery of the ecological mitigation measures and enhancements to achieve the net gain in biodiversity on the site.

Flood Risk

5.21 Concerns have been raised in respect of drainage and potential flooding. The site lies within Flood Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officer has raised no objection to the application subject to the imposition of a surface water drainage condition. Foul drainage matters would be dealt with by Thames Water.

Other Matters

5.22 While, in accordance with Policy H3 of the Local Plan, based on the information provided there is no requirement for affordable housing as only eight dwellings are proposed (the trigger is 11 or more units or which have a max combined floor space of more than 1000m²), your officers note that it is specified that two of the proposed dwellings are offered as affordable housing which could be delivered by adopting the Government's First Homes Initiative where a 30% discount to open market value would be preserved on these two properties in perpetuity. This is welcomed by your officers and will be secured via a legal agreement if Members were minded to approve the application.

Conclusion

5.23 Taking into account the above matters, the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, H2, H6, EH2, EH3, T1, T2, and T3 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016, subject to the relevant legal agreements.

6 CONDITIONS/REASONS FOR REFUSAL

- I (a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;
and
- (b) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 Details of the Appearance, Landscaping, Layout and Scale, (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

REASON: The application is not accompanied by such details.

- 3 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.

- 4 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.

- 5 That, prior to the commencement of development, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site, to demonstrate the infiltration rate. Three 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.

- 6 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.

- 7 Prior to the commencement of development, a Construction Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority in accordance with the principles and recommendations set out in the Ecological Assessment. These shall include details of precautionary methods of working to protect badger, nesting birds, hedgehog and other species from harm during works, measures for

storage and disposal of waste (including vegetation and soils containing Schedule 9 invasive plant species), measures to ensure no Schedule 9 species can spread to the adjacent wildlife site. The Plan shall include full details of compensation and enhancement measures for species including the provision of bird and bat boxes and habitat connectivity measures for hedgehogs. Works shall be implemented in strict accordance with the approved methodology including timescales, unless otherwise agreed in writing.

REASON: To ensure the protection of species and habitats in accordance with The Conservation of Habitats and Species 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.

- 8 Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority in accordance with the principles and recommendations set out in the Ecological Assessment. The Plan shall cover a period as appropriate for the delivery of biodiversity net gain. The Plan shall include measures for establishment, enhancement and management of habitats and open spaces within the site. It shall include details of planting including schedules to provide linkages and connectivity to the wider landscape. This shall include a timetable for management activities as well as a monitoring schedule and shall be fully implemented.

REASON: To enhance biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031, the Environment Act 2021 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006

INFORMATIVES :-

Notes to applicant

- I 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/>

- 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.

- Non-statutory technical standards for sustainable drainage systems (March 2015).

- 4 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.

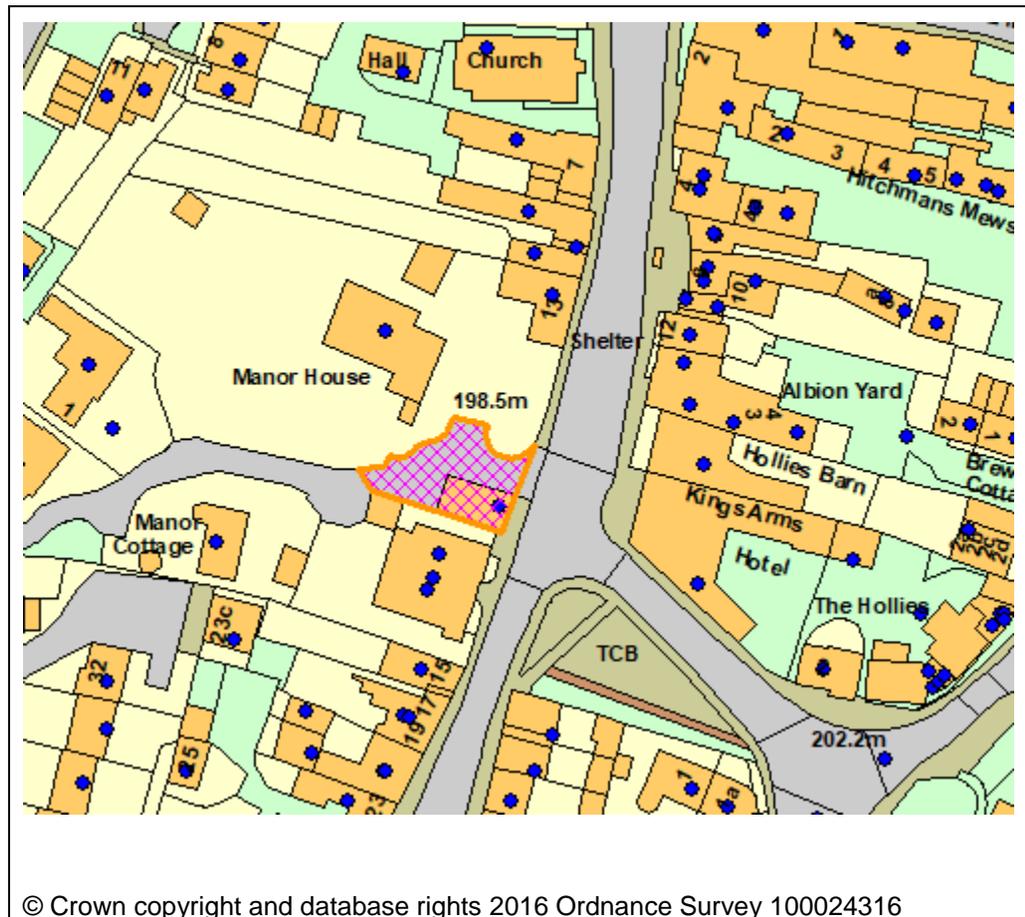
Contact Officer: Stephanie Eldridge

Telephone Number:

Date: 12th July 2022

Application Number	22/01061/FUL
Site Address	The Manor House Gallery West Street Chipping Norton Oxfordshire OX7 5LH
Date	12th July 2022
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Chipping Norton Parish Council
Grid Reference	431288 E 226930 N
Committee Date	25th July 2022

Location Map



Application Details:

Alterations to install rear fire escape to serve existing shop and construction of two flats above together with associated works including provision of car parking.

Applicant Details:

Mr Anthony G Hill
The Manor House
West Street
Chipping Norton
Oxfordshire
OX7 5LH

I CONSULTATIONS

Parish Council	Chipping Norton Town Council objects to this Planning Application as Councillors believe that the proposed development is not in keeping with the historic nature of the conservation area and with the historic nature of the building. Councillors would also like to express agreement with the objections from residents at Manor Gardens who state that there are issues with emergency access and provision of bin storage. Additionally, Councillors would like to state that a visit from a planner is necessary to determine the site situation and to gain a full understanding of the site.
OCC Highways	No Comment Received.
WODC Env Health - Uplands	No objection.
Conservation Officer	No Comment Received.

2 REPRESENTATIONS

2.1 Four letters of objection have been received in respect of this application. The key points raised are as follows:

- The development would make manoeuvring the access to Manor Gardens almost impossible;
- The provision of parking to the rear would block access for emergency vehicles;
- Plans are inaccurate and do not show true scale of the development;
- No space for appropriate bin storage on the site.

3 APPLICANT'S CASE

3.1 In response to the objections raised the applicants agent has submitted the following statement:

- *Access/Emergency Services. Vehicular access to the 5no. properties below has been retained and protected within the application;*
- *The width of the access has been retained and protected throughout, as existing;*
- *Whilst ownership of the lane was retained when the houses were built, the 5no. dwellings have benefit, of a full right of way, including 3no. informal spaces throughout its length. We have always considered and protected the interests of all adjoining properties (details from deed transfer documents);*
- *A 150mm fire hydrant was included for the protection of these properties, and the Manor House, located adjacent to the shop originally;*
- *The plans are subject to survey of existing drive and parking spaces, which already exist;*
- *Even though the proposed flats have designated parking, the proposals are 'sustainable' by way of pedestrian access to shops and facilities, adjacent to bus stops, with links to Banbury, Oxford and Kingham station and London connections;*
- *New Street public car park is immediately below the site with 150 spaces approx;*
- *The design of the additional flats above the existing shop, we believe is a considerable improvement on the original 'corner shop' single storey concept, needs of the original application, Mr and Mrs Richards in 1983;*
- *I believe the increase in height, with the addition of 'indented' corner windows, roof lights, and 2no. metal (black painted/gold knobs) planter balconies, will be a substantial improvement to the street scene. It particularly respects, and complements the 1930's scale and detailing of the former Post Office, now V.CC Headquarters adjacent.*
- *I have included an additional street scheme perspective from the Town Hall (North) direction, to emphasise the point.*
- *We believe that all other Local Plan policies have been complied with, and this proposal will provide a valuable addition to much needed Town Centre housing needs. We trust that you will agree with the foregoing and support this application.*

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H6NEW Existing housing

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

- 5.1 This application seeks consent for alterations to install a rear fire escape to serve the existing shop and the construction of two additional storeys to provide two flats above together with associated works including provision of car parking at the Manor House Gallery in Chipping Norton. The site is located adjacent to the roundabout serving the B4450, A361 and West Street and is within the Chipping Norton Conservation Area. There are also a number of listed buildings situated in close proximity to the site including the main Manor House to the rear.
- 5.2 Your officers made the decision to bring this application before Members of the Uplands Planning sub-committee for consideration due to local interest in the proposal.
- 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

- 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 this case, the Development Plan is the 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 Chipping Norton is identified as a main service centre within the district and policy H2 of the Local Plan states that new dwellings will be permitted in main service centres on previously developed land within 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.
- 5.6 In this case, the commercial use on the ground floor will be retained so the development will not result in the direct loss of any existing use.
- 5.7 The general principles set out in OS2 state, inter alia, that development should form a logical complement to the existing scale and pattern of development and/or character of the area; be of a proportionate and appropriate scale to its context; not involve the loss of an area of open space or other features that makes an important contribution to the character and appearance of the area and conserve and enhance the natural, historic and built environment.

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

Siting, Design and Form and Heritage Impact

5.9 The existing site comprises a simple single storey detached shop which is constructed from natural stone under a Welsh slate hipped roof. The application proposes to retain the ground floor shop and construct an additional two storeys above the shop to provide two new flats; one on the first floor and one within the roof space. The new storeys would be finished in cream render under a slate hipped roof to match the existing. There are three balconies proposed at first floor level on the front, side and rear elevations and a Juliet balcony proposed at second floor level on the front elevation, and fifteen roof lights in total.

5.10 As this site is located within a Conservation Area, the Local Planning Authority are required to consider 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, due to its proximity to nearby listed buildings, including the main Manor House which sits adjacent to the site to the rear, your officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects a listed building, the LPA 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. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

5.11 In this case, your officers are of the opinion that the addition of two storeys, while retaining the same roof form and sitting lower than adjacent properties, would have a significant transformative impact on the simple and low key host building and wider street scene. The development, due to its height and massing, would appear overly dominant in an already very prominent position located on the roundabout to the detriment of the character and appearance of the street scene. Your officers consider that this is further exacerbated by the excessive use of balconies, roof lights and Juliet balconies which appear overly fussy and contrived.

5.12 In light of the above, your officers consider that the development would fail to preserve the character and appearance of the Conservation Area and the setting of nearby listed buildings.

5.13 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing

its optimum viable use. In this case, there are no discernible public benefits of the scheme that would outweigh the harm identified to the heritage assets.

Residential Amenities

- 5.14 Adopted Local Plan Policy OS2 states that all development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.15 The Old Post Office is located adjacent to the site to the South and is set over three floors. The building is presently used as office accommodation and ancillary storage space for the Vintage Sports and Car Club, with two flats at first floor level.
- 5.16 The proposed additional storeys would increase the eaves height of the existing building at street level from approx. 2.6m to 6m which is sited only 2.5m from the side elevation of the adjacent flat.
- 5.17 Your officers note that there are a number of windows in the existing North facing elevation of the Old Post Office. There are also a number of first floor side windows proposed to serve a kitchen and bedroom in the proposed first floor flat which would face directly into the windows of the adjacent flat with a separation distance of only 2.5m. Your officers consider that this would result in a direct loss of privacy to the detriment of the occupants of the existing residential accommodation.
- 5.18 Further, the increase in the height and massing of the building would result in a development which is overbearing and would directly reduce the amount of light available to the side windows in the existing neighbouring flat.
- 5.19 As such, the application is considered to be unacceptable in residential amenity terms.

Highways

- 5.20 The application proposed to utilise the existing access off of the roundabout and provide two car parking spaces at the rear of the shop to serve the flats.
- 5.21 Your officers note a number of concerns have been raised by local residents about the provision of these two spaces due to concerns that emergency vehicles would not be able to access 1-4 Manor Gardens.
- 5.22 The Local Highway Authority consultation response remains outstanding so your officers anticipate that an update on this matter will be provided to members either within the additional representations report or verbally at the meeting.

Conclusion

- 5.23 In light of the above assessment, the application is considered to be unacceptable on its planning merits and fails to comply with policies OS2, OS4, H2, H6, EH9, EH10 and EH11

of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF; in particular paragraph 202.

6 CONDITIONS/REASONS FOR REFUSAL

- I The development, by reason of its prominent siting, scale, massing and design, will appear overly dominant, fussy and contrived in the streetscene failing to preserve the character and appearance of the Conservation Area and setting of the nearby listed buildings, in particular the Manor House. There are no discernible public benefits which would outweigh the harm identified. Further, due to its siting, height and form, the development would result in a direct and harmful loss of privacy and will have an adverse overbearing impact on the occupants of the adjacent flats at The Old Post Office. As such, the development fails to comply with policies OS2, OS4, H2, H6, EH9, EH10 and EH11 of the West Oxfordshire Local Plan 2036, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF; in particular paragraph 202.

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Date: 12th July 2022